

STATE OF MINNESOTA

SEVENTIETH SESSION - 1977

FIFTY-NINTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 20, 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	Jensen	Murphy	Sieben, H.
Adams	Corbid	Johnson	Neisen	Sieben, M.
Albrecht	Cummiskey	Jude	Nelsen, B.	Simoneau
Anderson, B.	Dahl	Kahn	Nelsen, M.	Skoglund
Anderson, D.	Dean	Kaley	Nelson	Smogard
Anderson, G.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, I.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, R.	Eken	Kelly, W.	Novak	Stoa
Arlandson	Enebo	Kempe, A.	Osthoff	Suss
Battaglia	Erickson	Kempe, R.	Patton	Swanson
Beauchamp	Esau	King	Pehler	Tomlinson
Begich	Evans	Knickerbocker	Peterson	Vanasek
Berg	Ewald	Kostohryz	Petrafeso	Voss
Berglin	Faricy	Kroening	Pleasant	Waldorf
Berkelman	Fjoslien	Kvam	Prahl	Welch
Biersdorf	Forsythe	Laidig	Reding	Wenstrom
Birnstihl	Friedrich	Langseth	Rice	Wenzel
Brandl	Fudro	Lehto	Rose	White
Braun	Fugina	Lemke	St. Onge	Wieser
Brinkman	George	Mangan	Samuelson	Wigley
Byrne	Gunter	Mann	Sarna	Williamson
Carlson, A.	Hanson	McCarron	Savelkoul	Wynia
Carlson, D.	Haugerud	McDonald	Scheid	Zubay
Carlson, L.	Heinitz	McEachern	Schulz	Speaker Sabo
Casserly	Hokanson	Metzen	Searle	
Clark	Jacobs	Moe	Searles	
Clawson	Jaros	Munger	Sherwood	

A quorum was present.

Ellingson was excused until 2:00 p.m. McCollar was excused until 2:30 p.m.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 85, 739, 1236, 26, 59, 516, 784, 210 and 1 and S. F. Nos. 90, 655, 783, 124, 448, 1334, 1361, 514, 1395 and 202 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

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. 103, An act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists.

H. F. No. 621, An act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; prohibiting brokerage sales of new motor vehicles by motor vehicle brokers; preempting local bonding requirements.

H. F. No. 685, An act relating to the city of Hibbing; authorizing an increase in the service pensions of certain retired firemen.

H. F. No. 777, An act relating to agriculture; the family farm security program; eliminating first mortgage requirements for seller-sponsored loans; authorizing retention of land by sellers in lieu of payment of loan guarantees; authorizing sharing of excess proceeds from default sale; allowing payment adjustments for certain loans with unequal annual payments.

H. F. No. 1099, An act relating to retirement; proportionate vesting of volunteer firemen's relief association service pensions.

Sincerely,

RUDY PERPICH
Governor

59th Day]

FRIDAY, MAY 20, 1977

3135

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 File:

H. F. No. 1364, An act relating to the attorney general; changing appointments; removing restrictions on assignment of deputy and assistant attorneys general.

Sincerely,

RUDY PERPICH
Governor

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

May 19, 1977

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

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
32		90	May 18	May 18
51		91	May 18	May 18
845		92	May 18	May 18
	42	93	May 18	May 18

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	54	94	May 18	May 18
	75	95	May 18	May 18
	300	96	May 18	May 18
	307	97	May 18	May 18
	308	98	May 18	May 18
	337	99	May 18	May 18
	414	100	May 18	May 18
	502	101	May 18	May 18
	521	102	May 18	May 18
	531	103	May 18	May 18
	787	104	May 18	May 18
	882	105	May 18	May 18
	888	106	May 18	May 18
	903	107	May 18	May 18
	1003	108	May 18	May 18

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

May 19, 1977

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

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office

of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	139	109	May 19	May 19
	188	110	May 19	May 19
	229	111	May 19	May 19
	326	112	May 19	May 19
	334	113	May 19	May 19
	439	114	May 19	May 19
	525	115	May 19	May 19
	563	116	May 19	May 19
	598	117	May 19	May 19
	707	118	May 19	May 19
	805	119	May 19	May 19
	1005	120	May 19	May 19
	1006	121	May 19	May 19
	1130	122	May 19	May 19
	1248	123	May 19	May 19
	1469	124	May 19	May 19
13		125	May 19	May 19
69		126	May 19	May 19
78		127	May 19	May 19
99		128	May 19	May 19
166		129	May 19	May 19
188		130	May 19	May 19

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
213		131	May 19	May 19
319		132	May 19	May 19
335		133	May 19	May 19
465		134	May 19	May 19
498		135	May 19	May 19
499		136	May 19	May 19
616		137	May 19	May 19
667		138	May 19	May 19
721		139	May 19	May 19
737		140	May 19	May 19
769		141	May 19	May 19
827		142	May 19	May 19
831		143	May 19	May 19
833		144	May 19	May 19
880		145	May 19	May 19
903		146	May 19	May 19
905		147	May 19	May 19
914		148	May 19	May 19
916		149	May 19	May 19
919		150	May 19	May 19
930		151	May 19	May 19
963		152	May 19	May 19
967		153	May 19	May 19
969		154	May 19	May 19

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
970		155	May 19	May 19
972		156	May 19	May 19
973		157	May 19	May 19
1103		158	May 19	May 19
1138		159	May 19	May 19
1140		160	May 19	May 19
1164		161	May 19	May 19
1166		162	May 19	May 19
1234		163	May 19	May 19
1369		164	May 19	May 19
1382		165	May 19	May 19
1423		166	May 19	May 19

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 3, A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the departments of employment services and vocational rehabilitation; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15A.081, Subdivision 1; 15.0411, Subdivision 2; 43.09, Subdivision 2a; 62E.52, Subdivision 7; 129A.01; 144.656; 144A.611, Subdivision 3; 144A.10, Subdivision 8; 145.895; 245.75; 245.76; 245.765, Subdivision 1; 245.77; 256.01, Subdivision 2; 256.011; 256.045; 256.462, Subdivision 3; 256.482, Subdivision 1; 256.73, Subdivision 2; 256.736, Subdivisions 2, 3, 4, 5 and 7; 256.75; 256.863; 256.871, Subdivision 7; 256.88; 256.89; 256.90; 256.91; 256.92; 256.965; 256.978; 256B.02, Subdivision 5; 256B.041, Subdivision 6; 256B.064, Subdivision 2; 256B.26; 256B.27; 256B.30; 256B.35,

Subdivision 2; 256D.01, Subdivisions 1 and 2; 256D.02, Subdivisions 2, 3, 4 and 11; 256D.11, Subdivisions 1, 2, 6, 7 and 9; 256D.22; 256D.35, Subdivisions 1, 5 and 6; 256D.39; 256D.41; 261.003; 261.232; 261.25; 268.04, Subdivision 8; and Laws 1976, Chapter 332, Section 9, Subdivisions 1, 7 and 8; repealing Minnesota Statutes 1976, Sections 129A.02, Subdivision 1; 256.01, Subdivisions 3 and 4; 256.12, Subdivisions 10, 14 and 15; and 256.73, Subdivision 5.

Reported the same back with the following amendments:

Page 3, delete lines 6 to 11 and renumber the remaining subdivision.

Pages 7 to 10, delete section 6 and insert:

"Sec. 6. Minnesota Statutes 1976, Section 15A.081, Subdivision 1, as amended by Laws 1977, Chapter 35, Section 1, is amended to read:

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

	Base Salary or Range
Administration, department of commissioner	\$41,000
Agriculture, department of commissioner	36,000
Attorney general, office of deputy attorney general	23,000 - 42,000
Commerce, department of commissioner of banks	32,000
commissioner of insurance	32,000
commissioner of securities	32,000
executive secretary, commerce commission	27,000
Community college system chancellor	41,000
Corrections, department of commissioner	36,000
ombudsman	32,000

Crime prevention and control, governor's commission on executive director	\$32,000
Economic development, department of commissioner	32,000
<i>Economic security, department of commissioner</i>	<i>41,000</i>
Education, department of commissioner	41,000
(EMPLOYMENT SERVICES, DEPARTMENT OF COMMISSIONER	32,000)
Energy agency director	36,000
Finance, department of commissioner	45,000
Health, department of commissioner	41,000
Hearing examiners office chief hearing examiner	36,000
Higher education coordinating board executive director	36,000
Housing finance agency executive director	36,000
Human rights, department of commissioner	29,000
Indian affairs board executive director	25,000
Investment, board of executive secretary	41,000
Iron range resources and rehabilitation board commissioner	29,000
Labor and industry, department of commissioner	36,000
judge of the workers compensation court of appeals	36,000
director, mediation services	29,000

Natural resources, department of commissioner	\$41,000
Personnel, department of commissioner	41,000
Planning agency director	41,000
Pollution control agency director	36,000
Public safety, department of commissioner	36,000
Public service, department of commissioner, public service commission	32,000
director	32,000
Public welfare, department of commissioner	41,000
Revenue, department of commissioner	41,000
State university system chancellor	41,000
Transportation, department of commissioner	41,000
Veterans affairs, department of commissioner	29,000
(VOCATIONAL REHABILITATION, DEPARTMENT OF COMMISSIONER	32,000)".

Page 12, delete section 9.

Pages 14 to 23, delete sections 14 to 22.

Page 23, line 24, delete "*Subdivision 1.*".

Page 23, delete lines 31 and 32.

Page 24, delete lines 1 to 32.

Page 25, delete lines 1 to 32.

Page 26, delete lines 1 to 17.

Pages 26 to 34, delete sections 24 to 27.

Pages 35 to 37, delete section 29.

Page 37, lines 18 and 19, reinstate the stricken "for certification to the commissioner of".

Page 37, line 19, after the stricken "services" insert "*economic security*".

Page 37, line 20, delete the new language and reinstate the stricken language.

Page 39, lines 1 and 3, delete the new language and reinstate the stricken language.

Page 39, line 7, reinstate the stricken language.

Page 39, line 8, reinstate "and employment established by the commissioner of".

Page 39, line 9, after the stricken "services" insert "*economic security*".

Page 39, line 9, reinstate "for persons certified hereunder;".

Page 39, line 10, reinstate the stricken language and delete the new language.

Page 39, line 16, reinstate the stricken language and delete the new language.

Page 39, line 17, reinstate "commissioner of" and after the stricken "services" insert "*economic security*".

Page 39, line 17, reinstate ", certification to be".

Page 39, line 18, reinstate the stricken language.

Page 39, line 20, reinstate "to the commissioner of".

Page 39, line 20, after the stricken "services" insert "*economic security*".

Page 40, lines 24 and 25, reinstate the stricken "public welfare shall cooperate with the commissioner of".

Page 40, line 26, delete "*shall*" and insert "*to*".

Pages 40 to 53, delete sections 34 to 57.

Page 53, line 27, after "*commissioner*" insert "*of economic security*".

Page 54, line 15, after the stricken language insert "*of economic security*".

Page 55, line 2, after the stricken language insert "*of economic security*".

Page 55, line 12, reinstate the stricken language.

Page 55, lines 12 and 13, strike "employment services" and insert "*economic security*".

Page 55 to 59, delete sections 63 to 71.

Page 59, delete lines 20 to 24.

Page 59, line 25, delete "*Sections*" and insert "*Section*".

Page 59, line 26, delete everything after "1".

Page 59, delete line 27, and insert "*is*".

Renumber the sections.

Further amend the title as follows:

Line 7, after "Subdivision 1" insert "as amended by Laws 1977, Chapter 35, Section 1".

Line 9, delete everything except "129A.01;".

Delete lines 10 and 11 and 12.

Line 13, delete "Subdivision 3;".

Line 13, delete "256.73,".

Line 14, delete "Subdivision 2;".

Line 14, after "4," insert "and".

Delete lines 15 to 20.

Line 21, delete "4 and 11".

Delete lines 22 and 23.

Line 26, delete "*Sections*" and insert "*Section*".

Line 27, delete everything after "Subdivision 1".

Delete line 28.

Line 29, delete "Subdivision 5".

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. 958, A bill for an act relating to agriculture; establishing a swine disease research center; appropriating money.

Reported the same back with the following amendments:

Page 1, line 8, delete "center, staffed with sufficient" and insert "program."

Page 1, line 8, after "personnel" insert "associated with this program are directed".

Page 1, line 17, delete "\$300,000" and insert "\$175,000".

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. 411, A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Chapter 626, is amended by adding a section to read:

[626.84] [DEFINITIONS.] *For the purposes of section 1 and sections 626.841 to 626.853, the following terms shall have the meanings given them:*

(a) *"Board" means the Minnesota board of peace officer standards and training;*

(b) *"Director" means the executive director of the board;*

(c) *"Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.*

Sec. 2. Minnesota Statutes 1976, Section 626.841, is amended to read:

626.841 [ESTABLISHMENT OF BOARD; MEMBERS.] (THERE IS HEREBY CREATED IN THE OFFICE OF THE ATTORNEY GENERAL THE MINNESOTA PEACE OFFICER TRAINING BOARD, HEREINAFTER REFERRED TO AS THE "BOARD.") *The board of peace officer standards and training shall be composed of the following:*

(a) *Two members to be appointed by the governor from among the county sheriffs in Minnesota;*

(b) (TWO) *Four members to be appointed by the governor from among (THE CHIEFS OF POLICE OF MINNESOTA MUNICIPALITIES) peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;*

((C) TWO MEMBERS TO BE APPOINTED BY THE GOVERNOR FROM AMONG PEACE OFFICERS IN MINNESOTA MUNICIPALITIES OTHER THAN CHIEFS OF POLICE OR COUNTY SHERIFFS;)

((D) TWO MEMBERS TO BE APPOINTED BY THE GOVERNOR FROM AMONG THE COUNTY ATTORNEYS OR THEIR ASSISTANTS IN MINNESOTA, ONE OF WHOM SHALL BE FROM A COUNTY CONTAINING A CITY OF THE FIRST CLASS;)

((E) THE CHIEFS OF POLICE OF EACH CITY OF THE FIRST CLASS;)

((F)) (c) *The superintendent of the Minnesota bureau of criminal apprehension or his designee;*

(d) Two members appointed by the governor experienced in law enforcement at a local, state or federal level who are not currently employed as peace officers;

((G) THE CHIEF OF THE MINNESOTA HIGHWAY PATROL OR HIS DESIGNEE;)

((H) THE SPECIAL AGENT IN CHARGE OF A FIELD OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION IN THIS STATE OR HIS DESIGNEE;)

((I) THE ATTORNEY GENERAL OR HIS DESIGNEE, AND)

((J)) (e) Two members to be appointed by the governor from among the general public; and

(f) A chairman, to be appointed by the governor from among the members.

Sec. 3. Minnesota Statutes 1976, Section 626.842, is amended to read:

626.842 [TERMS; MEETINGS; COMPENSATION; REMOVAL; VACANCIES.] Subdivision 1. (IF ANY INCUMBENT SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY SO APPOINTED CEASES TO BE A SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY PRIOR TO THE EXPIRATION OF HIS TERM AS A MEMBER OF THE BOARD, THE GOVERNOR SHALL BE NOTIFIED BY THE EXECUTIVE DIRECTOR OF THE BOARD THAT A VACANCY EXISTS OR IS ABOUT TO EXIST, AND THE GOVERNOR SHALL FORTHWITH APPOINT SOME OTHER INCUMBENT SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY TO COMPLETE HIS TERM. SIMILAR NOTIFICATION SHALL BE MADE BY THE EXECUTIVE DIRECTOR OF A VACANCY EXISTING OR ABOUT TO EXIST AS TO A MEMBER APPOINTED PURSUANT TO CLAUSE (J) AND THE GOVERNOR SHALL MAKE A SIMILAR APPOINTMENT.)

Meetings shall be called at the request of the (EXECUTIVE DIRECTOR, THE ATTORNEY GENERAL,) chairman or upon the written request of a majority of the members of the board. (ALL RECOMMENDATIONS BY THE BOARD TO THE ATTORNEY GENERAL SHALL REQUIRE THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD.)

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required

to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of his appointment to the board, nor shall he forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary.

Subd. 2. The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, clauses (a), (b), ((C)), (d) and ((J)) (e) on the board (SHALL BE AS PROVIDED IN SECTION 15.0575); *the provision of staff, administrative services and office space; the review and processing of complaints; and other matters relating to board operations shall be as provided in chapter 214.*

Sec. 4. Minnesota Statutes 1976, Section 626.843, Subdivision 1, is amended to read:

626.843 [RULES AND REGULATIONS, RECOMMENDATIONS; EXECUTIVE DIRECTOR.] Subdivision 1. The (MINNESOTA PEACE OFFICER TRAINING) board (MAY RECOMMEND TO THE ATTORNEY GENERAL) *shall adopt rules (AND REGULATIONS) with respect to:*

(a) The (APPROVAL OR DISAPPROVAL THEREOF,) *certification* of peace officer training schools, *programs*, or courses including training schools for the Minnesota highway patrol. Such schools, *programs and courses* shall include (SCHOOLS) *those* administered by the state, county, school district, municipality, or joint or contractual combinations thereof, (AND SUCH COURSES SHALL INCLUDE POLICE TRAINING COURSES TAUGHT AT VOCATIONAL SCHOOLS AND TRADE SCHOOLS) *and shall include preparatory instruction in law enforcement and minimum basic training courses;*

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each (APPROVED) *certified* peace officers training school located within the state;

(c) Minimum qualifications for instructors at (APPROVED) *certified* peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment of nonelective peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

These standards shall be established and published on or before January 1, 1979.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum basic training which peace officers not appointed for temporary or probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent employment, and the time within which such basic training must be completed following such appointment on a nonpermanent basis;

(h) (CATEGORIES OR CLASSIFICATIONS OF ADVANCED IN-SERVICE TRAINING PROGRAMS AND MINIMUM COURSES OF STUDY AND ATTENDANCE REQUIREMENTS WITH RESPECT TO SUCH CATEGORIES AND CLASSIFICATIONS) *Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement provided the student obtains employment as a peace officer within one year of completion;*

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; and

(j) *Such other matters as may be necessary consistent with sections 626.841 to 626.853, and section 1. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.841 to 626.853, and section 1.*

Sec. 5. Minnesota Statutes 1976, Section 626.843, Subdivision 2, is amended to read:

Subd. 2. An executive director shall be appointed by and serve in the unclassified service at the pleasure of the (GOVERNOR) board. (HE SHALL BE IN THE UNCLASSIFIED SERVICE AND RECEIVE COMPENSATION, AS FIXED BY THE COMMISSIONER OF PERSONNEL, AND REIMBURSEMENT FOR THE EXPENSES WITHIN THE ACCOUNTS AVAILABLE BY APPROPRIATION) *The executive*

director shall perform such duties, on behalf of the board, as the board shall prescribe. The board (MAY) shall appoint such employees, agents and consultants as (THEY MAY DEEM) deemed necessary, prescribe their duties, and provide for reimbursement of their expenses. Such employees shall be in the classified service (AND SUBJECT TO SECTIONS 43.09 TO 43.17).

Sec. 6. Minnesota Statutes 1976, Section 626.843, Subdivision 3, is amended to read:

Subd. 3. The board may, in addition:

(a) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 626.841 to (626.854) *626.853*;

(b) Visit and inspect any peace officer training school approved by the executive director or for which application for such approval has been made;

(c) Make recommendations, from time to time, to the executive director, attorney general, governor, and the legislature regarding the carrying out of the objectives and purposes of sections 626.841 to (626.854.) *626.853*;

(d) Perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board as set forth in sections 626.841 to 626.849;

(e) *Cooperate with and receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of the purposes of this act.*

Sec. 7. Minnesota Statutes 1976, Section 626.845, is amended to read:

626.845 [POWERS AND DUTIES.] The (EXECUTIVE DIRECTOR, ON BEHALF OF THE) board(.) shall have the following powers and duties(, TO BE EXERCISED WITH THE APPROVAL OF THE BOARD AND TO BE EXECUTED ONLY IN FULL ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE ATTORNEY GENERAL PURSUANT TO SECTION 626.844;):

(a) To (APPROVE) *certify* peace officers' training schools or programs administered by state, county and municipalities located within this state *in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or pro-*

gram was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates (OF APPROVAL) to (SUCH APPROVED) schools, and to revoke such certification (OF APPROVAL) when necessary to maintain the objectives and purposes of sections 626.841 to (626.854) *626.853*;

(c) To certify, as qualified, instructors at (APPROVED) peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To certify peace officers who have satisfactorily completed basic training programs, (AND TO ISSUE APPROPRIATE CERTIFICATES TO SUCH PEACE OFFICERS) *and passed examinations as required by the board*;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of (ADVANCED) in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer *standards and training*;

(i) To perform such other acts as may be necessary and appropriate to carry out (HIS) *the* powers and duties as set forth in the provisions of sections 626.841 to (626.854) *626.853*;

(j) (TO REPORT TO THE BOARD, FROM TIME TO TIME, AT THE REGULAR MEETINGS OF THE BOARD AND AT SUCH OTHER TIMES AS MAY BE REQUIRED BY THE BOARD) *To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs.*

Sec. 8. Minnesota Statutes 1976, Section 626.847, is amended to read:

626.847 [COMPULSORY PROGRAM; EXEMPTIONS.]
Nothing contained in sections 626.841 to (626.854) *626.853*, ex-

cept the population limits in sections 626.846 and 626.853, shall be construed to exempt any peace officer (CHARGED WITH THE ENFORCEMENT OF THE GENERAL CRIMINAL LAWS OF THE STATE) from the provisions of sections 626.841 to (626.854) 626.853, or to exempt a peace officer having received his last permanent appointment as a peace officer prior to July 1, 1967. (THE PEACE OFFICERS TRAINING BOARD MAY RECOMMEND BY A TWO-THIRDS VOTE RULES AND REGULATIONS FOR MINIMUM BASIC TRAINING FOR ALL PEACE OFFICERS WHO RECEIVED AN APPOINTMENT PRIOR TO JULY 1, 1967. UPON THE ADOPTION OF SUCH RULES AND REGULATIONS BY THE ATTORNEY GENERAL ALL SUCH PEACE OFFICERS SHALL COMPLY WITH SUCH RULES AND REGULATIONS.)

Sec. 9. Minnesota Statutes 1976, Section 626.848, is amended to read:

626.848 [TRAINING COURSES, LOCATIONS.] *Subject to board rules*, the superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

Sec. 10. Minnesota Statutes 1976, Section 626.85, Subdivision 1, is amended to read:

626.85 [INSTRUCTORS; DONATIONS, CONTRIBUTIONS.] Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part time instructors as he deems proper and necessary to furnish the best possible instruction in police sciences, *subject to board rules and* to the limitation of funds as appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to such part time employees.

Sec. 11. Minnesota Statutes 1976, Section 626.851, Subdivision 2, is amended to read:

Subd. 2. Any student successfully completing (1000 HOURS) *a program* of law enforcement instruction in a post secondary educational (LAW ENFORCEMENT PROGRAM WHICH IS) *institution, which program has been certified by the board, and which institution has been approved by the Minnesota state department of education or an accredited institution of higher learning shall be eligible (, UPON COMPLIANCE WITH THE REQUIREMENTS PRESCRIBED BY RULES OF THE ATTORNEY GENERAL FOR THE MINNESOTA PEACE OFFICER TRAINING BOARD,) to (RECEIVE THE MINIMUM*

BASIC POLICE TRAINING AS ESTABLISHED UNDER SECTION 626.843 CONDUCTED BY THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION IN FACILITIES PROVIDED BY THE INSTITUTE. UPON SATISFACTORY COMPLETION OF THE TRAINING COURSE CONDUCTED BY THE BUREAU THE CERTIFICATE SHALL BE AWARDED TO THE INDIVIDUAL) *attend a skills oriented basic training course as established under section 626.843. Nothing contained in section 1 and sections 626.841 to 626.853 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board.*

Sec. 12. Minnesota Statutes 1976, Section 626.853, is amended to read:

626.853 [PARTICIPATION, POPULATION LIMIT.] Notwithstanding other provisions of sections 626.841 to (626.854) 626.853 to the contrary, peace officers elected or appointed in any governmental unit or combination of governmental units with a total population of more than 500 but less than 1,000 according to the last federal census shall comply with the provisions of sections 626.846 and 626.847 when:

(a) The county board of the county in which such municipality or combination of municipalities is located provides by resolution for reimbursement to such municipality or combination of municipalities for the ordinary and necessary expenses, not including salary, of such officers' attendance at a peace officers training course as set forth in section 626.852 and

(b) The sheriff of such county consents to furnish temporary substitute local protection for such municipality or combination of municipalities, the expenses of which, except for salary, his office shall be similarly reimbursed by the county board.

Sec. 13. [APPROPRIATION.] *Subdivision 1. [TRANSFER OF EXISTING APPROPRIATIONS.] The unencumbered and unexpended balance of all funds appropriated to the Minnesota peace officer training board are transferred and reappropriated to the Minnesota board of peace officer standards and training.*

Subd. 2. There is appropriated to the Minnesota board of peace officer standards and training for the purposes specified in this act the sum of \$10,000 for the biennium ending June 30, 1979. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Subd. 3. There is appropriated to the bureau of criminal apprehension the sum of \$115,000 for the training purposes specified in this act for the biennium ending June 30, 1979. Any un-

encumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Sec. 14. *Minnesota Statutes 1976, Sections 626.844 and 626.854 are repealed.*

Sec. 15. *The effective date of this act is July 1, 1977.*

Sec. 16. [TRANSITION PROVISIONS.] *The Minnesota board of peace officer standards and training, created pursuant to section 1, supersedes and replaces the Minnesota peace officer training board. The Minnesota peace officer training board shall cease to exist on and after June 30, 1977."*

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

"A bill for an act relating to peace officers; providing for training and licensing; renaming the peace officer training board and giving the board additional responsibilities; appropriating money; amending Minnesota Statutes 1976, Sections 626.841; 626.842; 626.843, Subdivisions 1, 2 and 3; 626.845; 626.847; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.853; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.844 and 626.854."

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. 1015, A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; increasing surcharges on certain building permits; requiring certain units of government to establish dilapidated building removal accounts; authorizing the commissioner of transportation to remove certain dilapidated buildings; appropriating money; amending Minnesota Statutes 1976, Section 16.866.

Reported the same back with the following amendments:

Page 6, line 20, after "*surrendered*" insert "*or are obtained pursuant to section 463.19*".

Page 11, line 17, delete "\$35,000" and insert "\$40,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3 and 958 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 411 and 1015 were read for the second time.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bill as a Special Order to be acted upon immediately before the Special Orders for today, Friday, May 20, 1977: S. F. No. 321.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Kroening, Jaros, Casserly, Simoneau and Carlson, L., introduced:

H. F. No. 1658, A bill for an act relating to the legislature; interim studies; directing a study of certain costs related to real estate transfers.

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

Osthoff introduced:

H. F. No. 1659, A bill for an act relating to intoxicating liquors; removing prohibition against sale of liquor on election days; amending Minnesota Statutes 1976, Sections 340.034, Subdivision 1; and 340.14, Subdivision 1.

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

Johnson, Metzen, Jensen and Nelson introduced:

H. F. No. 1660, A bill for an act relating to education; requiring licensed chief school business officers in school districts of a certain size; appropriating money; amending Minnesota Statutes 1976, Section 121.11, Subdivision 13.

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

Battaglia, Johnson, Munger, Begich and Carlson, D., introduced:

H. F. No. 1661, A bill for an act relating to pollution control; providing for publication in the state register of certain behind schedule and substandard wastewater treatment projects.

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

Stoa, Kostohryz and Cummiskey introduced:

H. F. No. 1662, A bill for an act relating to newspapers; providing qualifications for legal newspapers; amending Minnesota Statutes 1976, Section 331.02, Subdivision 1.

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

Brandl introduced:

H. F. No. 1663, A bill for an act relating to retirement; authorizing a combined service annuity and the purchase of prior service credit for certain university employees.

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

Esau; Nelsen, M.; McDonald and Wigley introduced:

H. F. No. 1664, A bill for an act relating to state government; providing for termination of state programs unless affirmatively reenacted.

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

Kaley, Berg, Arlandson, Murphy and Savelkoul introduced:

H. F. No. 1665, A bill for an act relating to law libraries; amending Minnesota Statutes 1976, Sections 140.41, Subdivision 1; 140.42, Subdivision 1; and 140.43, Subdivision 1.

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

Williamson and Swanson introduced:

H. F. No. 1666, A bill for an act relating to domestic relations; marriage; application for license; requiring certain tests before issuance of license; appropriating money; amending Minnesota Statutes 1976, Section 517.08, Subdivision 1.

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

Esau, Battaglia, Erickson, Jaros and Den Ouden introduced:

H. F. No. 1667, A bill for an act relating to occupational safety and health; providing that no penalty be assessed if a violation is corrected within ten days of receipt of notice of the violation; amending Minnesota Statutes 1976, Section 182.661, Subdivision 1.

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

Cassery, Simoneau and Nelson introduced:

H. F. No. 1668, A bill for an act relating to metropolitan government; exempting the metropolitan airports commission, metropolitan transit commission, and the metropolitan waste control commission from certain recording fees; providing for the filing of notices of claims against performance bonds on contracts let by the commissions; providing for shared use of local sewers by local government units; authorizing the waste control commission to establish a special contingency fund; amending Minnesota Statutes 1976, Sections 386.77; 473.515, by adding a subdivision; 473.517, Subdivision 1; and 574.31.

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

Cohen, Kelly, R., and Waldorf introduced:

H. F. No. 1669, A bill for an act relating to taxation; exempting all residential property from taxation; amending Minnesota Statutes 1976, Section 272.02, by adding a subdivision.

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

Wenzel, Swanson, Wenstrom, Smogard and Langseth introduced:

H. F. No. 1670, A bill for an act relating to highway traffic regulations; requiring motorcycle helmets; amending Minnesota Statutes 1976, Section 169.974, Subdivisions 2, as amended and 4, as amended; repealing Laws 1977, Chapter 17, Sections 3 and 5.

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

Fudro introduced:

H. F. No. 1671, A bill for an act relating to transportation; imposing an excise tax on the gross receipts from the sale at wholesale of gasoline and special fuels used in propelling motor vehicles on public highways; authorizing the issuance and sale of state bonds pursuant to Minnesota Statutes, Section 174.51 and Article XI of the Constitution for the design, construction and reconstruction of bridges and bridge approaches; establishing a special account in the Minnesota state transportation fund; appropriating money; amending Minnesota Statutes 1976, Chapter 296, by adding a section.

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

HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Anderson, B.; Berg; Johnson; Cohen and Welch introduced:

H. A. No. 45, A proposal to study and recommend guidelines for community education spending.

The advisory was referred to the Committee on Education.

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:

H. F. No. 917, A bill for an act relating to public welfare; appropriating money for the Vinland National Center.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1252, A bill for an act relating to the Minnesota state water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

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

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. 585, A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disre-

gard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate wishes to recall for the purpose of further consideration House File No. 585:

H. F. No. 585, A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

Casserly moved that the House accede to the request of the Senate and return H. F. No. 585 to the Senate for further consideration. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

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.

The Senate has appointed as such committee Messrs. Anderson, Willet and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1054, A bill for an act relating to welfare; aid to families with dependent children; changing certain eligibility qualifications; amending Minnesota Statutes 1976, Sections 256.73, Subdivisions 1, 2, 4, and by adding subdivisions; and 256.79.

The Senate has appointed as such committee Messrs. Tennesen, Perpich and Renneke.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 562, A bill for an act relating to motor vehicles; requiring informational labels on new pickup trucks; providing penalties.

The Senate has appointed as such committee Messrs. Lessard, Laufenburger and Frederick.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

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.

The Senate has appointed as such committee Messrs. Penny, Moe and Sillers.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

The Senate has appointed as such committee Messrs. Anderson, Bernhagen and Mrs. Staples.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

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.

The Senate has appointed as such committee Messrs. Spear, Keefe, J., and Laufenburger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 73, A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Nichols, Setzepfandt, Renneke, Strand and Hanson 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

Stanton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 73. 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. 613, A bill for an act relating to the operation of state government; establishing an office of volunteer services

within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clark moved that the House refuse to concur in the Senate amendments to H. F. No. 613, 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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Berglin moved that the House refuse to concur in the Senate amendments to H. F. No. 1051, 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 Senate File, herewith transmitted:

S. F. No. 514.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1334.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 1361.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 1395.

PATRICK E. FLAHAVEN, Secretary of the Senate

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

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

Be It Resolved, by the Committee on Rules and Legislative Administration, that that portion of Joint Rule 2.03 as it appears in the Journal of the House for the 26th day, providing that conference committees on the major appropriation bills specified in Joint Rule 2.02 have their reports on members' desks by Thursday, May 19, 1977, is hereby suspended for the duration of the legislative session in 1977.

The motion prevailed and the report was adopted.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 613 :

Clark, McCarron and Samuelson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1051 :

Berglin, Samuelson and Rice.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 73 :

Stanton ; Mann ; Anderson, G. ; Erickson and Suss.

FIRST READING OF SENATE BILLS

S. F. No. 514, A bill for an act relating to victims of crime; directing the commissioner of corrections to establish crime victim crisis centers; appropriating money.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Moe moved that the rule therein be suspended and an urgency be declared so that S. F. No. 514 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Moe moved that the rules of the House be so far suspended that S. F. No. 514 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 514 was read for the second time.

S. F. No. 514, A bill for an act relating to victims of crime; directing the commissioner of corrections to establish crime victim crisis centers; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Vanasek	Welch	White	Williamson	Speaker Sabo
Voss	Wenstrom	Wieser	Wynia	
Waldorf	Wenzel	Wigley	Zubay	

The bill was passed and its title agreed to.

FIRST READING OF SENATE BILLS, Continued

S. F. No. 1334, A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Sections 246.51; and 252.27, Subdivisions 1 and 2.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Samuelson moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1334 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Samuelson moved that the rules of the House be so far suspended that S. F. No. 1334 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1334 was read for the second time.

Samuelson moved to amend S. F. No. 1334, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 246.51, is amended to read:

246.51 [PAYMENT FOR CARE AND TREATMENT; DETERMINATION.] The commissioner shall make (SUCH) investigation as (HE DEEMS) necessary (AND) to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If (THE COMMISSIONER FINDS THAT) the patient is unable to pay the full cost of care (HE) *the commissioner* shall make a determination as to the ability of the relatives to pay (PROVIDED,). However, (THAT) in no case shall the relatives, unless they reside outside the state, be ordered to pay more (FOR EACH PATIENT) than ten percent of the cost of care *for each patient* (BUT) not to exceed (\$60) *\$125 per month* (BUT). Voluntary payments in excess (THEREOF) *of \$125 per month* may be accepted by the commissioner. (IN THE CASE OF NONRESIDENT

PARENTS OF CHILDREN RECEIVING CARE IN STATE HOSPITALS IN MINNESOTA,) The commissioner may require payment of the full per capita cost of (CARING) *care in state hospitals* for (SUCH PATIENTS) *children whose parents or guardians do not reside in Minnesota*. No parent shall be liable for the cost of care given a patient at a state hospital after (SUCH) *the patient has reached the age of 18 years*. (SUCH) *The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as (HEREINAFTER) provided in section 246.55*. All money received shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept (THEREOF) of it. Responsibility under this section shall not apply to those relatives (EARNING) *having gross earnings of less than (\$4,000) \$11,000 per year*.

Sec. 2. Minnesota Statutes 1976, Section 252.27, Subdivision 1, is amended to read:

252.27 [COST OF BOARDING CARE OUTSIDE OF HOME OR INSTITUTION.] Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is (CARED FOR) *in 24 hour care outside the home and outside the (SEVERAL) state institutions, in a facility (APPROVED) licensed by the commissioner of public welfare, the cost of (SUCH) care shall be paid by the county (IN WHICH SUCH CHILD HAS SETTLEMENT FOR POOR RELIEF PURPOSES;) of financial responsibility determined pursuant to section 256D.18*. If the (CHILD DOES) *child's parents or guardians do not (HAVE A SETTLEMENT) reside in this state, (SUCH) the cost shall be paid by the county in which (HE) the child is found*. The county paying the costs of (SUCH) care and treatment shall, subject to (UNIFORM REGULATIONS ESTABLISHED) *rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of (SUCH) the costs from funds made available for this purpose by the legislature (, PROVIDED, HOWEVER, THAT SUCH)*. Reimbursement shall cease (UPON) *when the mentally retarded, epileptic or emotionally handicapped child (REACHING) reaches age 18*. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other *emotional* disorder which substantially impairs his mental health and who (IS IN NEED OF) *requires 24 hour treatment or supervision*.

Sec. 3. Minnesota Statutes 1976, Section 252.27, Subdivision 2, is amended to read:

Subd. 2. *The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for*

the cost of care shall be up to a maximum of \$125. Reimbursement by the parents and child (PARENTS) shall be (RESPONSIBLE) made to (REIMBURSE) the county making (SUCH) any payments(, ON THE SAME BASIS AS IF THE CHILD WERE IN A STATE INSTITUTION FOR THE MENTALLY RETARDED, EPILEPTIC OR EMOTIONALLY HANDICAPPED, AS PROVIDED IN SECTIONS 246.51 TO 246.52 EXCEPT THAT THIS PROVISION IS NOT APPLICABLE TO MENTALLY RETARDED, EPILEPTIC, OR EMOTIONALLY HANDICAPPED CHILDREN 18 YEARS OF AGE AND OLDER) for care and treatment. The commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 246.55.

Sec. 4. *The commissioner is authorized to promulgate an emergency rule to implement sections 1 to 3.*

Sec. 5. *This act is effective July 1, 1977."*

The motion prevailed and the amendment was adopted.

S. F. No. 1834, A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Sections 246.51; and 252.27, Subdivisions 1 and 2.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

FIRST READING OF SENATE BILLS, Continued

S. F. No. 1361, A bill for an act relating to health; providing state grants to finance health related research activities; directing the state health coordinating council to establish a health research subcommittee; providing for its powers and duties; appropriating money.

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

S. F. No. 1395, A bill for an act relating to education; public television and radio; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Beauchamp moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1395 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Beauchamp moved that the rules of the House be so far suspended that S. F. No. 1395 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1395 was read for the second time.

Beauchamp moved to amend S. F. No. 1395, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 139.18, Subdivision 1, is amended to read:

139.18 [GRANTS.] Subdivision 1. The board of the arts shall distribute the funds provided by sections 139.16 to 139.18.

Twice annually the board of the arts shall make grants to public stations for the acquisition and production of materials and broadcast transmission costs (TO EDUCATIONAL STATIONS TO THE EXTENT AND IN THE AMOUNT THE EDUCATIONAL STATION MATCHES MINNESOTA BASED CONTRIBUTIONS, ON A DOLLAR FOR DOLLAR BASIS). The board of the arts shall allocate funds appropriated for the purposes of sections 139.16 to 139.18 in such a manner that each eligible public station receives an equal amount, except that no station's grant in any fiscal year shall exceed the amount of Minnesota based contributions received by that station in the previous fiscal year.

Sec. 2. Minnesota Statutes 1976, Section 139.18, Subdivision 2, is amended to read:

Subd. 2. In calculating the amount of contributions (THAT MUST BE MATCHED) received by a public station pursuant to subdivision 1, there shall be excluded: contributions, whether monetary or in kind, from the corporation for public broadcasting (, FROM); tax generated dollars, including payments by public or private elementary and secondary schools(.); foundation and corporation donations; contributions from any source if made for the purpose of capital expenditures; and contributions from all sources based outside the state (SHALL BE EXCLUDED). (THE BOARD OF THE ARTS SHALL MAKE PAYMENTS IN SUCH A MANNER THAT ELIGIBLE PUBLIC STATIONS RECEIVE AS EQUAL AN AMOUNT AS CONSISTENT WITH THIS SECTION.) No payments shall be made to a public station located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

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.

Sec. 4. [APPROPRIATION.] There is appropriated from the general fund to the board of the arts the sum of \$275,000 for the biennium ending June 30, 1979, for the purposes of this act. 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."

Further amend by striking the title and inserting:

"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."

The motion prevailed and the amendment was adopted.

S. F. No. 1395, A bill for an act relating to education; public television and radio; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kvam Pleasant

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. No. 1236 and S. F. No. 1236.

H. F. No. 1236 was reported to the House.

Anderson, D., moved to amend H. F. No. 1236, as follows:

Page 12, line 9, delete "*positions*" insert "*persons*".

The motion prevailed and the amendment was adopted.

Fjoslien moved to amend H. F. No. 1236, as follows:

Page 5, line 15, delete "*shall*" insert "*may*".

The motion prevailed and the amendment was adopted.

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.

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 120 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Stoa	Tomlinson	Welch	White	Wynia
Suss	Vanasek	Wenstrom	Wieser	Zubay
Swanson	Waldorf	Wenzel	Williamson	Speaker Sabo

Those who voted in the negative were:

Anderson, R.	Fjoslien	Savelkoul	Voss	Wigley
Eckstein	Peterson			

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

S. F. No. 1236, A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kvam	Niehaus	Pleasant
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The bill was passed and its title agreed to.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

S. F. No. 202, A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the department of employment services and the governor's manpower office; providing for a legislative study of the transfer of certain other functions; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15.0411, Subdivision 2; 15A.081, Subdivision 1, as amended; 43.09, Subdivision 2a; 256.482, Subdivision 1; 256.736, Subdivisions 2, 3, 4, and 5; 256D.11, Subdivisions 1, 2, 6, 7, and 9; and 268.04, Subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 311, A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; providing for the compensation of certain judges upon compliance with certain provisions of the law; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by add-

ing a section; 484, by adding a section; 487, by adding a section; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; 490.124, Subdivision 7; and Chapters 530; 531; 532; and 633.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Tennessen, Dieterich and Davies 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

Voss 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. 311. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1052, A bill for an act relating to human services; providing grants to plan and organize human services programs; requiring notification of affected state agencies; requiring certain membership on advisory councils; promulgating rules; providing for auditing of funds; giving additional powers to the state planning officer; appropriating money; amending Minnesota Statutes 1976, Sections 402.01, by adding a subdivision; 402.02, Subdivisions 1 and 2; 402.03; 402.04, Subdivision 1; 402.05; and 402.06; repealing Minnesota Statutes 1976, Sections 402.08 and 402.09.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 818, A bill for an act relating to highway traffic regulations; implements of husbandry; restricting the speed of certain implements of husbandry on the highways; providing a

penalty; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 351, A bill for an act relating to historic sites; providing for the administration and control of additional sites by the Minnesota historical society; amending Minnesota Statutes 1976, Section 138.025, by adding subdivisions.

H. F. No. 456, A bill for an act relating to the operation of state government; providing for the purchase of certain motor vehicles for use by investigative and undercover agents of the department of public safety; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

H. F. No. 1457, A bill for an act relating to state lands; authorizing the conveyance of certain lands in Aitkin county.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 105, A bill for an act relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota.

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. 800, A bill for an act relating to crimes; regulating the transfer of pistols; requiring a waiting period for pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; providing for transferee permits; prescribing penalties; providing for statewide validity of permits to carry; amending Minnesota Statutes 1976, Sections 609.11, Subdivision 1, and by adding a subdivision;

609.135, Subdivision 1; 624.712, Subdivisions 2 and 4, and by adding a subdivision; 624.714, Subdivision 9, and by adding a subdivision; and Chapter 624, by adding sections; repealing Minnesota Statutes 1976, Section 609.11, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CALL OF THE HOUSE

On the motion of Berg and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Berg moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

CONCURRENCE AND REPASSAGE

Berg moved that the House concur in the Senate amendments to H. F. No. 800 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

Begich moved that the House refuse to concur in the Senate amendments to H. F. No. 800, that the Speaker appoint a Conference Committee of 5 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 Begich and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Albrecht	Carlson, D.	Fugina	McEachern	Samuelson
Anderson, B.	Corbid	Gunter	Murphy	Sarna
Anderson, D.	Dahl	Heinitz	Nelsen, B.	Savelkoul
Anderson, I.	Den Ouden	Jacobs	Nelsen, M.	Schulz
Anderson, R.	Eckstein	Jensen	Niehaus	Searle
Battaglia	Eken	Johnson	Peterson	Sherwood
Begich	Erickson	Kaley	Pleasant	Spanish
Berkelman	Esau	Kalis	Prahl	Waldorf
Biersdorf	Evans	Kvam	Reding	Wenzel
Birnstihl	Fjoslien	Lemke	Rice	Wieser
Braun	Forsythe	Mann	Rose	Wigley
Brinkman	Friedrich	McDonald	St. Onge	Zubay

Those who voted in the negative were:

Abeln	Cummiskey	Kempe, R.	Norton	Suss
Adams	Dean	King	Novak	Swanson
Anderson, G.	Enebo	Knickerbocker	Osthoff	Tomlinson
Arlandson	Ewald	Kostohryz	Patton	Vanasek
Beauchamp	Faricy	Kroening	Pehler	Voss
Berg	Fudro	Laidig	Petrafeso	Welch
Berglin	George	Lehto	Scheid	Wenstrom
Brandl	Hanson	Mangan	Searles	White
Byrne	Hokanson	McCarron	Sieben, H.	Williamson
Carlson, A.	Jaros	McCollar	Sieben, M.	Wynia
Carlson, L.	Jude	Metzen	Simoneau	Speaker Sabo
Casserly	Kahn	Moe	Skoglund	
Clark	Kelly, R.	Munger	Smogard	
Clawson	Kelly, W.	Neisen	Stanton	
Cohen	Kempe, A.	Nelson	Stoa	

The motion did not prevail.

The question recurred on the motion by Berg that the House concur in the Senate amendments to H. F. No. 800 and the roll was called. There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Munger	Skoglund
Adams	Cummiskey	Kahn	Nelson	Stanton
Arlandson	Dean	Kelly, R.	Norton	Stoa
Beauchamp	Ellingson	Kempe, A.	Novak	Suss
Berg	Enebo	Kempe, R.	Osthoff	Swanson
Berglin	Faricy	King	Patton	Tomlinson
Berkelman	Forsythe	Knickerbocker	Petrafeso	Vanasek
Brandl	George	Kostohryz	Sarna	Voss
Byrne	Hanson	Laidig	Savelkoul	Welch
Carlson, A.	Haugerud	Lehto	Scheid	White
Carlson, L.	Hokanson	McCarron	Searles	Williamson
Casserly	Jacobs	McCollar	Sieben, H.	Wynia
Clark	Jaros	Metzen	Sieben, M.	Speaker Sabo
Clawson	Jensen	Moe	Simoneau	

Those who voted in the negative were:

Albrecht	Corbid	Heinitz	Nelsen, B.	Searle
Anderson, B.	Dahl	Johnson	Nelsen, M.	Sherwood
Anderson, D.	Den Ouden	Kaley	Niehaus	Smogard
Anderson, G.	Eckstein	Kalis	Pehler	Spanish
Anderson, I.	Eken	Kvam	Peterson	Waldorf
Anderson, R.	Erickson	Langseth	Pleasant	Wenstrom
Battaglia	Esau	Lemke	Prahl	Wenzel
Begich	Evans	Mangan	Reding	Wieser
Biersdorf	Fjoslien	Mann	Rice	Wigley
Birnstihl	Friedrich	McDonald	Rose	Zubay
Braun	Fudro	McEachern	St. Onge	
Brinkman	Fugina	Murphy	Samuelson	
Carlson, D.	Gunter	Neisen	Schulz	

The motion prevailed.

H. F. No. 800, A bill for an act relating to crimes; clarifying the requirements for carrying a pistol in public; regulating the transfer of pistols; requiring a waiting period for certain pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; prescribing penalties; amending Minnesota Statutes 1976, Sections 609.135, Subdivision 1; 624.712, by adding a subdivision; 624.714, Subdivision 9; and Chapter 624, by adding sections.

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 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Metzen	Simoneau
Adams	Cummiskey	Jude	Moe	Skoglund
Arlandson	Dean	Kahn	Munger	Stanton
Beauchamp	Ellingson	Kelly, R.	Nelson	Stoa
Berg	Enebo	Kempe, A.	Norton	Suss
Berglin	Ewald	Kempe, R.	Novak	Swanson
Berkelman	Faricy	King	Osthoff	Tomlinson
Brandl	Forsythe	Knickerbocker	Patton	Vanasek
Byrne	George	Kostohryz	Petrateso	Voss
Carlson, A.	Hanson	Kroening	Sarna	Welch
Carlson, L.	Haugerud	Laidig	Scheid	White
Cassery	Hokanson	Lehto	Searles	Williamson
Clark	Jacobs	McCarron	Sieben, H.	Wynia
Clawson	Jaros	McCollar	Sieben, M.	Speaker Sabo

Those who voted in the negative were:

Albrecht	Begich	Dahl	Fjoslien	Kaley
Anderson, B.	Biersdorf	Den Ouden	Friedrich	Kalis
Anderson, D.	Birnstihl	Eckstein	Fudro	Kvam
Anderson, G.	Braun	Eken	Fugina	Langseth
Anderson, I.	Brinkman	Erickson	Gunter	Lemke
Anderson, R.	Carlson, D.	Esau	Heinitz	Mangan
Battaglia	Corbid	Evans	Johnson	Mann

McDonald
McEachern
Murphy
Neisen
Nelsen, B.
Nelsen, M.

Niehaus
Pehler
Peterson
Pleasant
Prah
Reding

Rice
Rose
St. Onge
Samuelson
Savelkoul
Schulz

Searle
Sherwood
Smogard
Spanish
Waldorf
Wenstrom

Wenzel
Wieser
Wigley
Zubay

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

FIRST READING OF SENATE BILLS

S. F. No. 202, A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the department of employment services and the governor's manpower office; providing for a legislative study of the transfer of certain other functions; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15.0411, Subdivision 2; 15A.081, Subdivision 1, as amended; 43.09, Subdivision 2a; 256.482, Subdivision 1; 256.736, Subdivisions 2, 3, 4 and 5; 256D.11, Subdivisions 1, 2, 6, 7, and 9; and 268.04, Subdivision 8.

The bill was read for the first time.

Sieben, H., moved that S. F. No. 202 and H. F. No. 3, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

George moved that the call of the House be dispensed with. The motion did not prevail.

Corbid was excused between the hours of 3:30 p.m. and 4:30 p.m.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 65 and H. F. Nos. 85, 516 and 1547.

S. F. No. 65 was reported to the House.

Faricy moved to amend S. F. No. 65, the unofficial engrossment, as follows:

Page 2, line 18, delete "six" and insert "*not less than three nor more than 12*".

Page 2, line 26, delete "two" and insert "*not less than one year and one day nor more than four*".

Page 2, line 33, before "one" insert "*not less than*".

Page 2, line 33, after "day" insert "*nor more than two years*".

Page 3, line 14, delete "*two*" and insert "*not less than one year and one day nor more than two years*".

Page 3, line 19, before "*one*" insert "*not less than*".

Page 3, line 19, after "day" insert "*nor more than two years*".

Page 3, line 23, before "*one*" insert "*not less than*".

Page 3, line 23, after "day" insert "*nor more than two years*".

Page 6, line 5, after "9" insert ",".

Page 6, line 6, after "10" insert "*and 12*".

Page 9, line 13, after "him" insert "*as reduced by good time earned*".

Page 9, line 15, after "sentence" insert "*as reduced by good time earned*".

Page 10, line 1, delete "*his*" and insert "*the commissioner's*".

Page 10, line 24, after "." insert "*Notwithstanding the provisions of any other law to the contrary,*".

Page 10, line 26, delete "*the act*" and insert "*sections 9, 10 and 12*".

Page 14, line 5, delete the first ",".

Page 14, line 7, before "*The*" insert "*(6)*".

Page 14, line 8, delete "*appointed*".

Page 14, line 13, delete "*such*" and insert "*the*".

Page 14, line 13, delete "*as are*".

Page 14, line 14, delete "*for*" and insert "*to*".

Page 16, line 2, delete "*such*" and insert "*the*".

Page 16, line 2, delete "*as*".

Page 16, line 3, delete "*such*" and insert "*the*".

Page 16, line 3, delete "*help*" and insert "*assistance*".

Page 16, line 24, delete "*at least three times each year*" and insert "*as necessary*".

Page 16, line 31, delete "*appellate*".

Page 17, line 1, delete "*section*" and insert "*subdivision*".

Page 17, line 11, delete ".".

Page 17, line 12, delete "*Unreasonable*" and insert "*unreasonable*".

Page 17, line 26, delete "*Notwithstanding the sentence provided by*".

Page 17, line 27, delete "*statute,*".

Page 17, line 28, reinsert the stricken language and delete "*the*".

Page 17, line 29, delete "*increase or decrease the statutory*".

Page 17, line 30, reinsert "*the defendant*" and delete ",".

Page 17, line 31, delete "*with due consideration to the sentencing guidelines,*".

Page 18, reinsert the stricken language on lines 1, 2, 3, 7, 8, and 9 and renumber the clauses in order.

Page 18, delete lines 10 to 32 and insert:

"Subd. 2. For the purposes of this subdivision, a life term shall be a sentence to a definite number of years in excess of the minimum number of years of imprisonment available for the crime."

Page 19, delete lines 1 to 5.

Page 19, line 6, delete "2" and insert "3".

Page 19, after line 14, insert Section 21 of the bill and renumber it as Section 20.

Page 19, renumber Section 20 of the bill as Section 22.

Page 19, after new Section 20 of the bill, insert Section 22 and renumber it as 21.

Page 20, line 11, strike "*sentence is to life imprisonment*".

Page 20, line 14, strike "of".

Page 20, line 16, reinsert the stricken language.

Page 21, line 20, after "prescribe" insert "*, including restitution when practicable*".

Page 21, delete lines 28 to 30 and insert the following: "*The imposition or execution of sentence may not be stayed in any of the following cases:*

(a) *upon a conviction for a violation of section 30, or sections 609.185, 609.19 or 609.342; or*

(b) *upon a conviction of one of the crimes specified under section 609.11, subdivision 1 if during the commission of that crime, the person had in his possession a firearm or used a dangerous weapon. Provided, however, that the imposition or execution of sentences under this clause may be stayed if a condition of probation is that the convicted person serve at least six months in a local workhouse, workfarm or jail.*"

Page 22, lines 1 to 4, reinsert the stricken language.

Page 22, line 4, delete "*If the court places on probation a*".

Page 22, delete lines 5 to 13.

Page 23, strike lines 6 and 7 and insert "(2) *Upon the granting of extraordinary release; or*".

Page 24, line 13, strike "that" and insert "a".

Page 24, line 25, delete "*50 years*" and insert "*not less than 25 years nor more than life*".

Page 25, line 11, delete "a" and insert "*not less than 20 years nor more than life*".

Page 25, delete line 12.

Page 25, line 26, delete "*16*" and insert "*not less than eight nor more than 32*".

Page 26, line 1, delete "*ten*" and insert "*not less than five nor more than 20*".

Page 26, line 15, delete "*six*" and insert "*not less than three nor more than 12*".

Page 27, line 5, delete *"three"* and insert *"not less than one and one-half nor more than six"*.

Page 27, line 28, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 28, line 3, delete *"six"* and insert *"not less than three nor more than 12"*.

Page 28, line 8, delete *"three"* and insert *"not less than one and one-half nor more than six"*.

Page 28, line 15, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 28, line 20, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 28, line 30, delete *"two"* and insert *"not less than one year and one day and not more than four"*.

Page 29, line 9, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 29, line 17, delete *"eight"* and insert *"not less than four nor more than sixteen"*.

Page 29, line 25, delete *"eight"* and insert *"not less than four nor more than 16"*.

Page 29, line 28, delete *"16"* and insert *"not less than eight nor more than 32"*.

Page 30, line 6, before *"one"* insert *"not less than"*.

Page 30, line 6, after *"day"* insert *"nor more than two years"*.

Page 30, line 14, before *"one"* insert *"not less than"*.

Page 30, line 14, after *"day"* insert *"nor more than two years"*.

Page 30, line 27, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 30, line 31, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 31, line 10, before *"one"* insert *"not less than"*.

Page 31, line 10, after *"day"* insert *"nor more than two years"*.

Page 31, line 24, delete "four" and insert "not less than two nor more than eight".

Page 32, line 1, delete "two" and insert "not less than one year and one day nor more than four".

Page 33, line 6, delete "eight" and insert "not less than four nor more than sixteen".

Page 34, line 19, delete "six" and insert "not less than three nor more than 12".

Page 35, line 32, delete "four" and insert "not less than two nor more than eight".

Page 36, line 16, delete "two" and insert "not less than one year and one day and not more than four".

Page 36, line 28, delete "two" and insert "not less than one year and one day nor more than four".

Page 37, line 23, strike "three" and insert "one and one-half".

Page 38, line 9, delete "two" and insert "not less than one year and one day nor more than four".

Page 38, line 27, delete "four" and insert "not less than two nor more than eight".

Page 39, line 2, delete "two" and insert "not less than one year and one day nor more than four".

Page 39, line 13, delete "two" and insert "not less than one year and one day nor more than four".

Page 39, line 20, delete "eight" and insert "not less than four nor more than sixteen".

Page 40, line 1, delete "two" and insert "not less than one year and one day nor more than four".

Page 40, line 18, delete "four" and insert "not less than two nor more than eight".

Page 41, line 23, delete "two" and insert "not less than one year and one day nor more than four".

Page 42, line 1, before "one" insert "not less than".

Page 42, line 2, after "day" insert "nor more than two years".

Page 42, line 12, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 43, line 22, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 43, line 25, before *"one"* insert *"not less than"*.

Page 43, line 25, after *"day"* insert *"nor more than two years"*.

Page 44, line 1, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 44, line 32, before *"one"* insert *"not less than"*.

Page 45, line 1, after *"day"* insert *"nor more than two years"*.

Page 45, line 13, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 49, line 5, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 49, line 9, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 49, line 13, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 49, line 31, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 50, line 24, before *"one"* insert *"not less than"*.

Page 50, line 25, after *"day"* insert *"nor more than two years"*.

Page 51, line 13, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 51, line 30, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 52, line 2, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 52, line 9, before *"one"* insert *"not less than"*.

Page 52, line 10, after *"day"* insert *"nor more than two years"*.

Page 52, line 23, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 52, line 28, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 53, line 14, delete *"eight"* and insert *"not less than four nor more than sixteen"*.

Page 53, line 20, delete *"eight"* and insert *"not less than four nor more than sixteen"*.

Page 54, line 2, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 54, line 11, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 54, line 28, before *"one"* insert *"not less than"*.

Page 54, line 28, after *"day"* insert *"nor more than two years"*.

Page 55, line 13, after *"for"* insert *"not less than"*.

Page 55, line 14, after *"day"* insert *"nor more than two years"*.

Page 55, line 26, delete *"eight"* and insert *"not less than four nor more than 16"*.

Page 56, line 8, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 56, line 13, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 56, line 25, before *"one"* insert *"not less than"*.

Page 56, line 26, after *"day"* insert *"nor more than two years"*.

Page 57, line 2, delete *"two"* and insert *"not less than one year and one day nor more than four years"*.

Page 57, line 19, delete *"two"* and insert *"not less than one year and one day nor more than four years"*.

Page 58, line 10, before *"one"* insert *"not less than"*.

Page 58, line 10, after *"day"* insert *"nor more than two years"*.

Page 58, line 14, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 58, line 32, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 59, line 7, before *"one"* insert *"not less than"*.

Page 59, line 8, after *"day"* insert *"nor more than two years"*.

Page 59, line 26, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 60, line 27, before *"one"* insert *"not less than"*.

Page 60, line 27, after *"day"* insert *"nor more than two years"*.

Page 61, line 30, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 62, line 1, before *"one"* insert *"not less than"*.

Page 62, line 1, after *"day"* insert *"nor more than two years"*.

Page 62, line 18, before *"one"* insert *"not less than"*.

Page 62, line 19, after *"day"* insert *"nor more than two years"*.

Page 62, line 26, before *"one"* insert *"not less than"*.

Page 62, line 26, after *"day"* insert *"nor more than two years"*.

Page 63, line 13, before *"one"* insert *"not less than"*.

Page 63, line 14, after *"day"* insert *"nor more than two years"*.

Page 63, line 24, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 64, line 4, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 64, line 15, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 64, line 22, before *"one"* insert *"not less than"*.

Page 64, line 22, after *"day"* insert *"nor more than two years"*.

Page 65, line 3, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 65, line 28, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 66, line 16, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 67, line 1, before *"The"* insert *"Subdivision 1"*.

Page 67, line 8, before *"There"* insert *"Subd. 2"*.

Page 67, line 12, delete *"98"* and insert *"103"*.

Page 67, line 11, before *"Sections"* insert *"Except as otherwise provided in this section"*.

Page 67, line 17, delete *"Section"* and insert *"Sections"*.

Page 67, line 17, after *"Section"* insert *"4, Subdivision 8; 18, Subdivisions 1 to 11; 19, 22 and"*.

Page 67, after line 18, insert:

"Subd. 4. Section 105 is effective July 1, 1977."

Further, amend the title as follows:

Page 1, line 2, after *";"* insert *"creating the judicial guidelines commission;"*.

Page 1, line 3, strike *"supreme court"* and insert *"judicial guidelines commission"*.

Page 1, line 5, after *"transferring"* insert *"some of"*.

Page 1, line 7, strike *"abolishing the"*.

Page 1, line 8, strike *"Minnesota corrections board;"*.

Page 1, line 13, after *"609.10;"* insert *", and by adding a subdivision"*.

Page 1, line 16, after *"2"* insert *", and by adding a subdivision"*.

The motion prevailed and the amendment was adopted.

Savelkoul, Sieben, M., and Wenzel moved to amend S. F. No. 65, the unofficial engrossment, as follows:

Page 8, line 15, after *"section."* insert *"No person serving a mandatory minimum sentence shall begin earning good time until he has served half of the mandatory minimum term required by statute."*

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

Page 21, delete lines 28 through 30 and insert:

"The execution of imposition of sentence may not be stayed:

(a) upon a conviction for a violation of section 30 or sections 609.185, 609.19, 609.342; or

(b) upon the conviction of a defendant of a second or subsequent offense under sections 609.342 to 609.345; or

(c) upon the conviction of the defendant of at least his third felony violation within a ten year period, if the violations arose out of at least three separate courses of conduct, and if

(1) at least one of the felony violations was a crime against the person, as defined in section 4, subdivision 5; or

(2) in the commission of at least one of the felonies the defendant had on his person a firearm or used another dangerous weapon.

For the purposes of clause (b), an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the defendant has been at any time before or after the effective date of this section convicted under sections 609.342 to 609.345 or under any similar statute of the United States, or this or any other state.

The provisions of clause (c) shall apply if the prior convictions occurred before or after the effective date of this section and occurred in this state or were for similar crimes prosecuted in another state or in federal court."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 79 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Adams	Begich	Den Ouden	Fudro	Kalis
Albrecht	Biersdorf	Eken	Fugina	Kelly, R.
Anderson, B.	Birnstihl	Erickson	Heinitz	Kempe, A.
Anderson, D.	Carlson, A.	Evans	Hokanson	Kempe, R.
Anderson, G.	Carlson, D.	Ewald	Jensen	Knickerbocker
Anderson, R.	Carlson, L.	Fjoslien	Johnson	Kostohryz
Battaglia	Clawson	Forsythe	Jude	Kroening
Beauchamp	Dahl	Friedrich	Kaley	Kvam

Laidig	Metzen	Pleasant	Searles	Waldorf
Langseth	Neisen	Reding	Sherwood	Welch
Lehto	Nelsen, B.	Rose	Smogard	Wenstrom
Lemke	Niehaus	Sarna	Stoa	Wenzel
Mann	Osthoff	Savelkoul	Suss	Wieser
McCollar	Patton	Scheid	Swanson	Wigley
McDonald	Pehler	Schulz	Tomlinson	Zubay
McEachern	Peterson	Searle	Vanasek	

Those who voted in the negative were:

Abeln	Cassery	Hanson	Norton	Simoneau
Anderson, I.	Cohen	Jacobs	Novak	Stanton
Arlandson	Cummiskey	Kahn	Petraleso	Wynia
Berg	Eckstein	Mangan	Prahl	Speaker Sabo
Berglin	Ellingson	McCarron	St. Onge	
Brandl	Enebo	Moe	Samuelson	
Braun	Faricy	Munger	Sieben, H.	
Byrne	Gunter	Nelson	Sieben, M.	

The motion prevailed and the amendment was adopted.

Pehler and Beauchamp were excused between the hours of 4:00 p.m. and 6:15 p.m.

Wenzel moved to amend S. F. No. 65, the unofficial engrossment as amended, as follows:

Page 14, line 7, delete "." and insert "; and".

Page 14, after line 7, insert "(7) *The chairman of the Minnesota corrections board or his designee.*".

The motion prevailed and the amendment was adopted.

Wenzel, Knickerbocker, Scheid, Begich and Osthoff moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

Page 25, line 17, strike "criminal sexual conduct in the first" and insert "*a felony*".

Page 25, line 18, strike "or second degree".

Page 26, line 2, delete "(1)".

Page 26, strike lines 4 to 8.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 65 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Kaley	Niehaus	Sieben, H.
Anderson, B.	Den Ouden	Kelly, R.	Osthoff	Smogard
Anderson, I.	Eckstein	Knickerbocker	Patton	Stoa
Battaglia	Evans	Kvam	Peterson	Swanson
Begich	Ewald	Laidig	Pleasant	Vanasek
Berkelman	Fjoslien	Langseth	Prahl	Waldorf
Biersdorf	Forsythe	Lemke	Rose	Wenstrom
Birnstihl	Friedrich	McDonald	St. Onge	Wenzel
Braun	Fudro	McEachern	Samuelson	White
Brinkman	Gunter	Metzen	Scheid	Wieser
Carlson, A.	Heinitz	Murphy	Schulz	Wigley
Carlson, D.	Jensen	Neisen	Searles	Williamson
Carlson, L.	Jude	Nelsen, M.	Sherwood	Zubay

Those who voted in the negative were:

Abeln	Cummiskey	Johnson	McCollar	Searle
Anderson, G.	Dahl	Kahn	Moe	Sieben, M.
Anderson, R.	Dean	Kalis	Munger	Skoglund
Arlandson	Ellingson	Kempe, A.	Nelsen, B.	Stanton
Berg	Enebo	Kempe, R.	Nelson	Tomlinson
Brandl	Faricy	Kostohryz	Norton	Welch
Byrne	Fugina	Kroening	Novak	Wynia
Casserly	George	Lehto	Petrafaso	Speaker Sabo
Clark	Jacobs	Mangan	Rice	
Cohen	Jaros	McCarron	Savelkoul	

The motion prevailed and the amendment was adopted.

Haugerud was excused between the hours of 4:20 p.m. and 9:30 p.m.

Wenzel, Knickerbocker and Wenstrom moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

Page 21, line 30, after "609.19," insert "609.195,".

A roll call was requested and properly seconded.

Voss was excused between the hours of 4:30 p.m. and 7:30 p.m.

The question was taken on the adoption of the amendment and the roll was called. There were 23 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abeln	Fjoslien	McDonald	Scheid	Wenzel
Adams	Fudro	Osthoff	Schulz	Wieser
Begich	Kaley	Patton	Spanish	Wigley
Biersdorf	Kempe, R.	Prahl	Swanson	
Ewald	Knickerbocker	Rose	Wenstrom	

Those who voted in the negative were:

Albrecht	Anderson, B.	Anderson, G.	Anderson, I.	Anderson, R.
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Arlandson	Dean	Johnson	Moe	Sherwood
Battaglia	Den Ouden	Jude	Munger	Sieben, H.
Berg	Eckstein	Kahn	Murphy	Sieben, M.
Berkelman	Eken	Kalis	Neisen	Skoglund
Birnstihl	Ellingson	Kelly, R.	Nelson	Smogard
Brandl	Enebo	Kempe, A.	Niehaus	Stanton
Braun	Esau	Kostohryz	Norton	Stoa
Byrne	Evans	Kroening	Novak	Tomlinson
Carlson, A.	Faricy	Kvam	Petrafeso	Waldorf
Carlson, L.	Forsythe	Laidig	Pleasant	White
Casserly	Friedrich	Langseth	Reding	Williamson
Clark	Fugina	Lehto	Rice	Wynia
Clawson	George	Lemke	St. Onge	Zubay
Cohen	Gunter	Mangan	Samuelson	Speaker Sabo
Corbid	Hanson	McCarron	Sarna	
Cummiskey	Jaros	McEachern	Savelkoul	
Dahl	Jensen	Metzen	Searles	

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

Kempe, A., moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For purposes of sections 1 to 9, the following terms shall have the meanings given them.

Subd. 2. "Inmate" means any person convicted of a felony and confined in a state correctional institution or released from a state correctional institution pursuant to sections 6 or 7.

Subd. 3. "Commissioner" means the commissioner of corrections or his designee.

Subd. 4. "Correctional institution" means any state institution under the operational authority of the commissioner of corrections.

Subd. 5. "Board" means the Minnesota corrections board created by section 241.045.

Subd. 6. "Ombudsman" means the ombudsman for the department of corrections or his designee.

Subd. 7. "Good time" means the period of time by which an inmate's sentence is reduced pursuant to section 5.

Sec. 2. [DETERMINATE SENTENCING.] After a person has been convicted of a felony and sentenced to the commissioner of corrections for imprisonment that person shall serve the sentence imposed by the court for the crime of his conviction and he shall not be paroled or otherwise released from the correc-

tional institution wherein he is confined until that sentence expires, except as is provided in sections 6 and 7, and except as his sentence is reduced by any good time earned.

Sec. 3. [MUTUAL AGREEMENT PROGRAMS.] *Subdivision 1. Within seven days after the commissioner assumes custody of an inmate, he shall inform the inmate of the availability and scope of mutual agreement programs and of the fact that participation by the inmate is optional and has no effect on the length of his sentence. If on his own motion the inmate expresses a desire to enter into a mutual agreement program, the commissioner shall draft one for the inmate within 90 days after receiving a request to do so from the inmate. The mutual agreement program shall be drafted after a post-conviction investigation of the inmate has been made by the commissioner. In drafting a mutual agreement program, the commissioner shall also refer to any presentence investigation which has been made of the inmate. The agreement shall provide the following:*

(a) A program of vocational or educational training with specific chronological and achievement objectives, including completion of specified educational and vocational programs;

(b) Frequent and regular evaluation of the inmate by the commissioner; and

(c) A consideration of any educational qualifications or skills of the inmate when specifying certain types of work expectations.

In addition, the agreement may specify participation of the inmate in noninstitutional or extra-institutional programs pursuant to the provisions of section 6. The participation of inmates in the mutual agreement program shall be limited by the appropriations made for that purpose.

Subd. 2. The inmate may decline to enter into the agreement drafted by the commissioner. Failure to enter into an agreement shall not affect the earning of good time by an inmate pursuant to section 5, nor shall violation of the terms of the agreement by an inmate constitute a disciplinary offense which may result in the loss of good time. Whether or not an inmate consents to participate in a mutual agreement program, he shall serve the sentence imposed by the sentencing court, reduced by good time earned. Failure of an inmate to enter a mutual agreement program shall not effect the board's determination as to whether an inmate should be placed on conditional release.

Subd. 3. The inmate shall have the right to appeal to the ombudsman if he believes the terms of his agreement have been or are being violated. The ombudsman shall promptly investigate any appeal filed under this subdivision and shall recommend that the commissioner take appropriate action if the ombudsman de-

termines the terms of the mutual agreement program have been or are being violated.

Subd. 4. The inmate and his counsel shall be informed of the existence of and have the right to inspect all records and evaluations of the inmate's participation in the mutual agreement program.

Sec. 4. [VOLUNTARY PROGRAMS.] The commissioner shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates who desire to voluntarily participate in such programs. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed on him by the funds appropriated for such programs.

No action challenging the level of expenditures for programs authorized under this subdivision, nor any action challenging the selection, design or implementation of those programs, may be maintained by an inmate in any court in this state.

Sec. 5. [GOOD TIME.] Subdivision 1. Each sentence imposed by a court for a felony offense shall be reduced in duration by one day for each day during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner pursuant to subdivision 2 of this section.

If an inmate violates a disciplinary offense rule promulgated pursuant to subdivision 2, good time earned prior to the violation may be taken away or the inmate may be required to serve an appropriate portion of his sentence after the violation without earning good time.

Subd. 2. By December 31, 1978, the commissioner shall promulgate, pursuant to Minnesota Statutes, Chapter 15, rules specifying disciplinary offenses which may result in the loss of good time and the amount of good time which may be lost as a result of each disciplinary offense. In no case shall an individual disciplinary offense result in the loss of more than 90 days of good time. The loss of good time shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for loss of good time and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

Sec. 6. [CONDITIONAL RELEASE.] Subdivision 1. If an inmate's agreement program requires participation in noninstitutional or extra-institutional programs, or the Minnesota corrections board determines that an inmate should participate in noninstitutional or extra-institutional programs with reintegration, educational or vocational objectives, and the inmate con-

sents to participate in these programs, the Minnesota corrections board may conditionally release the participating inmate. An inmate may be conditionally released as follows: if the inmate is sentenced to less than ten years of imprisonment, he may be released during the last two years of the sentence imposed upon him; if the inmate is sentenced to ten or more years of imprisonment, he may be released during the last three years of his sentence.

Subd. 2. When consistent with the public interest, the Minnesota corrections board may grant one or more furloughs not to exceed ten days in length each to an inmate who has been conditionally released pursuant to subdivision 1 of this section.

Subd. 3. The commissioner shall promulgate rules for the placement and supervision of inmates who are conditionally released. The rules shall include, but not be limited to, provisions relating to the use of local detention facilities, the distribution of inmate wages or other earnings during the period of conditional release, the payment of room and board by inmates, and procedures for the revocation of conditional releases. Procedures for the revocation of conditional releases shall provide due process of law for the inmate.

Sec. 7. [FURLOUGHS.] If consistent with the public interest, the Minnesota corrections board may, under rules prescribed by the commissioner furlough any inmate in his custody to any point within the state for up to five days. A furlough may be granted to assist the inmate with family needs, personal health needs, or his reintegration into society. No inmate may receive more than three furloughs under this section within any 12 month period.

Sec. 8. [POST-RELEASE PROGRAM.] Upon the completion of the term to which an inmate has been sentenced, as reduced by any good time earned, the commissioner shall offer to the inmate a voluntary program not to exceed six months in length and designed to facilitate reintegration of the inmate into society. The program may include assistance such as aid in finding employment and housing. The program shall be available only to the extent made feasible by appropriations made for that purpose.

Sec. 9. [241.046] [LIMITATION OF POWERS AND DUTIES OF MINNESOTA CORRECTIONS BOARD.] Subdivision 1. Except as provided in this section, the provisions of sections 1 to 23 shall not apply to persons convicted of a felony committed on or before December 31, 1978.

Subd. 2. The Minnesota corrections board shall retain all powers and duties vested in and imposed upon it with relation to persons sentenced for crimes committed on or before Decem-

ber 31, 1978. After December 31, 1978, the board shall have only those powers and duties imposed upon it by the act for persons sentenced after December 31, 1978.

Subd. 3. The provisions of sections 1 to 23 shall apply to all persons convicted of a felony committed after December 31, 1978.

Subd. 4. Nothing in sections 1 to 23 shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections 1 to 23, in which case those powers and duties shall be superseded by the provisions of sections 1 to 23.

Subd. 6. The Minnesota corrections board shall take into consideration, but in no way be bound by the sentence terms provided in sections 1 to 23, and the penal philosophy therein embodied in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before December 31, 1978. Inmates convicted of crimes committed on or before December 31, 1978 for which a minimum sentence is prescribed by the law in effect at the time of the commission of the crime shall serve at least that minimum sentence.

Subd. 7. The board may give extraordinary release to an inmate for reasons of serious health problems or senility. The commissioner shall promulgate rules specifying the circumstances under which extraordinary release shall be granted and the appropriate procedures for granting the same.

Sec. 10. Minnesota Statutes 1976, Section 609.095, is amended to read:

609.095 [LIMITS OF SENTENCES.] No other different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law. All dispositions made and sentences imposed shall be with due consideration to the sentencing guidelines approved by the supreme court. The disposition made or sentence imposed shall not be unjustifiably disparate.

Sec. 11. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.096] [MINNESOTA GUIDELINE COMMISSION ESTABLISHED.] *Subdivision 1. There is hereby established the Minnesota judicial guideline commission which shall be comprised of 18 members.*

Subd. 2. [MEMBERSHIP.] The judicial guideline commission shall consist of the following:

- (1) *Ten district judges representing the ten judicial districts appointed by the chief justice;*
- (2) *Two members of the supreme court appointed by the chief justice;*
- (3) *The chief justice of the supreme court;*
- (4) *Two public defenders; appointed by the governor;*
- (5) *Two county attorneys appointed by the governor;*

The commissioner of corrections or his designee.

Subd. 3. [TERM OF OFFICE.] *Each appointed member shall be appointed for four years. Each member shall continue in office until his successor is duly appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term. The members of the commission shall elect a chairman and such officers as are necessary for the efficient discharge of their duties.*

Subd. 4. [COMPENSATION; EXPENSES.] *Each member of the commission shall be reimbursed for all reasonable expenses actually paid or incurred by him in the performance of his official duties in the same manner as other employees of the state.*

Subd. 5. [DUTIES.] *The judicial commission shall, on or before October 15, 1978, promulgate sentencing guidelines for the district court. Guidelines promulgated herein shall establish for the district court a narrow range within which the imposition of a felony sentence is proper. These guidelines shall be established on the basis of a combination of reasonable offense and offender characteristics which are in consideration of current sentencing practices. The judicial commission shall also study and report to the legislature and the governor on or before December 15, 1978, on the continued need and role of the Minnesota corrections board after implementation of this act.*

Subd. 6. [RESEARCH.] *The commission, in addition to establishing sentencing guidelines, shall serve as a clearing house and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices, and shall conduct ongoing research regarding sentencing guidelines, use of imprisonment and alternatives to imprisonment and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the criminal code, criminal procedure and other aspects of sentencing.*

Subd. 7. [COOPERATION WITH OTHER AGENCIES.] *To accomplish the purposes of this act the commission may utilize with their consent, the services, equipment, personnel, information and resources of other state agencies, accept voluntary and uncompensated services, contract with individuals, public and private agencies, and request information, reports and data from any agency of the state, or any of its political subdivisions to the extent authorized by law.*

Subd. 8. [GRANTS.] *When any person, corporation, the United States government, or any other entity offers funds to the judicial commission by way of gift, grant or loans, for the purpose of assisting the commission to carry out its purpose and duties, the commission may accept the offer by majority vote and upon acceptance the chairman shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.*

Subd. 9. [RESEARCH DIRECTION; EMPLOYEES.] *The commission may select and employ a research director who shall perform such duties as the commission directs including the hiring of such clerical help and other employees as the commission shall approve. The research director and other staff shall be in the unclassified service of the state and their salary shall be established by the commission. They shall be reimbursed the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.*

Subd. 10. [APPROVAL BY SUPREME COURT.] *The guidelines promulgated by the judicial commission and any subsequent amendments thereto shall be the sentencing guidelines for the district courts upon their adoption and approval by the supreme court.*

Subd. 11. [ROLE OF GUIDELINE.] *Guidelines promulgated herein shall be advisory to the district court in the imposition of felony sentences. However, the district court shall set forth particularized written reasons specifying the basis for departure from the sentencing guidelines in each case wherein the court imposes a sentence that is not within the range of the sentencing guidelines applicable to the instant case.*

Subd. 12. [REVIEW.] *The judicial commission shall meet at least three times each year for the purpose of modifying and improving the sentencing guidelines.*

Sec. 12. [APPELLATE REVIEW OF SENTENCE.] *Subdivision 1. An appeal to the supreme court may be taken by the defendant or by the state from any sentence imposed or stayed by the district court. An appeal from the district court to the supreme court under this subdivision shall be made ac-*

cording to the rules of criminal procedure for the district court of Minnesota. A dismissal of an appeal brought under this section shall not prejudice an appeal brought under any other section or rule.

When an appeal taken under this subdivision is filed, the clerk of the district court shall certify to the supreme court the transcript of the proceedings and any files or records relating to the defendant, the offense, and the sentence imposed or stayed, that the supreme court by rule or order may require.

On an appeal pursuant to this subdivision, the supreme court may review the sentence imposed to determine whether the sentence is inconsistent with statutory requirements. Unreasonable, inappropriate, excessive, or unjustifiably disparate. This review shall be in addition to all other powers of review presently existing. The supreme court may dismiss or affirm the appeal, vacate or set aside the sentence imposed and direct entry of an appropriate sentence or order further proceedings to be had as the supreme court may direct.

Subd. 2. [RELEASE PENDING APPEAL.] This section shall not be construed to confer or enlarge any right of a defendant to be released pending an appeal under this subdivision.

Sec. 13. Minnesota Statutes 1976, Section 609.10, is amended to read:

609.10 [SENTENCES AVAILABLE.] Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

- (1) To life imprisonment; or
- (2) To imprisonment for a maximum term of years fixed by the court; or
- (3) TO AN INDETERMINATE TERM OF IMPRISONMENT WHICH SHALL BE DEEMED TO BE FOR THE MAXIMUM TERM AUTHORIZED BY LAW; OR)
- ((4)) (3) To both imprisonment and payment of a fine; or
- ((5)) (4) To payment of a fine without imprisonment or to imprisonment if the fine is not paid.

Sec. 14. Minnesota Statutes 1976, Section 609.115, Subdivision 1, is amended to read:

609.115 [PRESENTENCE INVESTIGATION.] Subdivision 1. When a defendant has been convicted of a felony (, AND A SENTENCE OF LIFE IMPRISONMENT IS NOT REQUIRED BY LAW,) the court (MAY) *shall*, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community. If the court so directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Sec. 15. Minnesota Statutes 1976, Section 609.11, Subdivision 1, is amended to read:

609.11 [MINIMUM TERMS OF IMPRISONMENT.] Subdivision 1. All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law (AND EXCEPT THAT ANY COMMITMENT FOLLOWING). Upon the defendant's first conviction of an offense wherein he had possession of a firearm or used a dangerous weapon at the time of the offense, *he shall be incarcerated for a term of not less than one year (PLUS ONE DAY) nor more than the maximum sentence (PROVIDED BY LAW) imposed for the offense for which convicted (, AND EXCEPT THAT ANY COMMITMENTS FOLLOWING). Upon the defendant's second or subsequent conviction of an offense wherein he had in his possession a firearm or used a dangerous weapon at the time of the offense he shall be imprisoned for a term not less than three years, nor more than the maximum sentence (PROVIDED BY LAW) imposed for the offense for which convicted, and (SUCH) that person shall not be eligible for (PAROLE) conditional release until he shall have served the full minimum sentence herein provided, notwithstanding the provisions of sections 242.19, 243.05, and 609.12 (AND 609.135). The offenses for which mandatory minimum sentences shall be served (AS HEREIN) provided pursuant to this section and section 609.135 are: aggravated assault, burglary, kidnapping, manslaughter in the first degree, murder in the (SECOND OR) third degree, (RAPE) criminal sexual conduct in the second degree, aggravated robbery, (SODOMY,) escape while under charge or conviction of a felony or illegal discharge of an explosive or incendiary device.*

Sec. 16. Minnesota Statutes 1976, Section 609.11, is amended by adding a subdivision to read:

Subd. 2a. If during the commission of any of the crimes set forth in subdivision 1, the defendant possessed a firearm or used a dangerous weapon, the prosecution shall allege that matter in the complaint or indictment.

Sec. 17. Minnesota Statutes 1976, Section 609.135, Subdivision 1, is amended to read:

609.135 [STAY OF IMPOSITION OR EXECUTION OF SENTENCE.] Subdivision 1. Except when a sentence of life imprisonment is required by law, *or when a person is convicted of one of the crimes specified under section 609.11, subdivision 1, and during the commission of that crime he had in his possession a firearm or used another dangerous weapon, or upon a conviction for violation of sections 609.19, 609.25, subdivision 2, clause (2) or 609.342,* any court (, INCLUDING A JUSTICE OF THE PEACE TO THE EXTENT OTHERWISE AUTHORIZED BY LAW,) may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe, *including restitution when practicable.* The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

Sec. 18. Minnesota Statutes 1976, Section 609.145, Subdivision 1, is amended to read:

609.145 [CREDIT FOR PRIOR IMPRISONMENT.] Subdivision 1. When a person has been imprisoned pursuant to a conviction which is set aside and is thereafter convicted of a crime growing out of the same act or omission, the (MAXIMUM) period of imprisonment to which he (MAY BE) is sentenced is reduced by the period of the prior imprisonment and the time earned thereby in diminution of sentence. (IF SENTENCE IS FOR LESS THAN THIS MAXIMUM, THE PRIOR IMPRISONMENT AND TIME EARNED IN DIMINUTION OF SENTENCE SHALL BE CREDITED TOWARD THE SENTENCE UNLESS THE COURT OTHERWISE DIRECTS.)

Sec. 19. Minnesota Statutes 1976, Section 609.165, Subdivision 2, is amended to read:

Subd. 2. The discharge may be:

(1) By order of the court following stay of sentence or stay of execution of sentence; or

(2) By order of the corrections board prior to expiration of sentence; or

(3) Upon expiration of sentence *as reduced by good time earned, if any.*

Sec. 20. Minnesota Statutes 1976, Section 609.19, is amended to read:

609.19 [MURDER IN THE SECOND DEGREE.] Whoever causes the death of a human being with intent to effect the death of such person or another, but without premeditation, is guilty of murder in the second degree and (MAY) *shall* be sentenced to imprisonment for not *less than ten years, nor* more than 40 years.

Sec. 21. Minnesota Statutes 1976, Section 609.195, is amended to read:

609.195 [MURDER IN THE THIRD DEGREE.] Whoever, without intent to effect the death of any person, causes the death of another by either of the following means, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years:

(1) Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or

(2) Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except (RAPE OR SODOMY) *criminal sexual conduct in the first or second degree* with force or violence within the meaning of section 609.185.

Sec. 22. Minnesota Statutes 1976, Section 609.25, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) If the victim is released in a safe place without great bodily harm, to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both; or

(2) Otherwise to imprisonment for not *less than ten years, nor* more than 40 years (OR TO PAYMENT OF A FINE OF NOT MORE THAN \$40,000, OR BOTH).

Sec. 23. Minnesota Statutes 1976, Section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.] A person is guilty of criminal sexual conduct in the

first degree and (MAY) *shall* be sentenced to imprisonment for not *less than six years, nor* more than 20 years, if he engages in sexual penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 24. *In the next and subsequent editions of the Minnesota Statutes the revisor of statutes shall make such changes in*

terminology as may be necessary to record the functions, powers and duties of the commissioner of corrections as established by this act.

Sec. 25. [REPEALER.] *Minnesota Statutes 1976, Sections 243.06; 243.14; 243.18; and 609.11, Subdivision 2, are repealed.*

Sec. 26. [APPROPRIATION.] *The sums set forth in this section are appropriated from the general fund to the supreme court for increased costs of general operation and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.*

1978	1979
\$37,500	\$37,500

There is also hereby appropriated from the general fund to the supreme court to pay the expenses incurred by the judicial guideline commission the sum of \$250,000.

Sec. 27. [EFFECTIVE DATE.] *Subdivision 1. Sections 1 to 10, 12, and 15 to 23 are effective as to crimes committed on or after December 31, 1978, except as specifically provided in section 9. Sections 11, 13, and 14 are effective the day after final enactment.*

Subd. 2. Section 25 is effective January 1, 1979."

Further amend the title as follows:

Strike the title in its entirety and insert the following:

"A bill for an act relating to crimes and corrections; providing for comprehensive determinate sentencing through sentencing guidelines; providing mandatory minimum terms of imprisonment for certain felonies; diminution of sentence; an advisory council on Minnesota corrections board; appropriating money; amending Minnesota Statutes 1976, Sections 609.095; 609.10; 609.115, Subdivision 1; 609.11, Subdivision 1, and by adding a subdivision; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.19; 609.195; 609.25, Subdivision 2; 609.342; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 243.06; 243.14; 243.18; and 609.11, Subdivision 2."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 101 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Jensen	Metzen	Sherwood
Albrecht	Clawson	Johnson	Moe	Simoneau
Anderson, B.	Cohen	Jude	Munger	Skoglund
Anderson, D.	Corbid	Kahn	Murphy	Smogard
Anderson, I.	Cummiskey	Kalis	Neisen	Spanish
Anderson, R.	Den Ouden	Kelly, R.	Nelsen, B.	Stanton
Arlandson	Eckstein	Kempe, A.	Nelsen, M.	Tomlinson
Battaglia	Eken	Kempe, R.	Nelson	Vanasek
Begich	Ellingson	King	Niehaus	Waldorf
Berg	Enebo	Knickerbocker	Norton	Welch
Berglin	Esau	Kostohryz	Osthoff	Wenstrom
Berkelman	Evans	Kroening	Peterson	Wenzel
Biersdorf	Ewald	Kvam	Petraseso	Wieser
Birnstihl	Fjoslien	Langseth	Reding	Wigley
Brandl	Fudro	Lehto	Rice	Wynia
Brinkman	Fugina	Lemke	Samuelson	Zubay
Byrne	George	Mangan	Sarna	Speaker Sabo
Carlson, A.	Gunter	McCarron	Savelkoul	
Carlson, D.	Heinitz	McCollar	Scheid	
Carlson, L.	Jacobs	McDonald	Schulz	
Casserly	Jaros	McEachern	Searles	

Those who voted in the negative were:

Abeln	Friedrich	Prahl	Sieben, H.	White
Braun	Hanson	Rose	Sieben, M.	
Faricy	Kaley	St. Onge	Stoa	
Forsythe	Laidig	Searle	Swanson	

The motion prevailed and the amendment was adopted.

Kempe, A., moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

In the Kempe, A., amendment, page 14, after line 29, add a new section to read:

"Sec. 18. Minnesota Statutes 1976, Section 609.135, is amended by adding a subdivision to read:

Subd. 4. If a stay of imposition or execution of sentence for a felony is not within the sentencing guidelines, particularized reasons therefor shall be stated in the record by the court."

Renumber remaining sections.

Further, amend the title:

Page 19, line 3, after the first "subdivision 1" insert ", and by adding a subdivision".

The motion prevailed and the amendment was adopted.

Kempe, A., moved to amend S. F. No. 65, the unofficial engrossment, as amended by the Kempe, A., amendment, as follows:

Page 1, after line 20, insert a subdivision to read:

"Subd. 8. "Commission" means the Minnesota judicial guideline commission established pursuant to section 11."

Page 3, line 10, after the comma insert *"or the availability for conditional release under section 6,"*.

Page 5, line 14, after *"him"* insert *"as reduced by good time earned"*.

Page 5, line 16, after *"sentence"* insert *"as reduced by good time earned"*.

Page 6, after line 16, insert a new section to read:

"Sec. 9. [LIFE SENTENCE.] For the purposes of sections 5 and 6 of this act a life sentence shall be treated as a sentence of 40 years."

Renumber the remaining sections in sequence.

Page 8, line 10, after *"justice"* insert *"of the supreme court"*.

Page 8, line 12, after *"justice"* insert *"of the supreme court"*.

Page 8, line 29, delete *"judicial"*.

Page 8, line 31, delete *"herein"* and insert *"by the commission"*.

Page 9, line 5, delete *"judicial"*.

Page 10, line 25, delete *"herein"* and insert *"by the commission"*.

Page 10, line 32, delete *"judicial"*.

Page 11, line 30, delete *"under this"*.

Page 11, line 31, delete *"subdivision"*.

The motion prevailed and the amendment was adopted.

Wenzel moved to amend S. F. No. 65, the unofficial engrossment, as amended by the first Kempe, A., amendment, as follows:

Page 15, after line 18, insert a new section to read:

"Section 20. Minnesota Statutes 1976, Section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.] Whoever does (EITHER) *any* of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; or

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting such person or another; or

(3) *Commits or attempt to commit a felony upon or affecting the person whose death was caused or another, except rape or sodomy with force or violence within the meaning of Section 609.185."*

Page 16, line 2, strike "(1)".

Page 16, strike lines 4 to 8.

A roll call was requested and properly seconded.

POINT OF ORDER

Cummiskey raised a point of order pursuant to rule 3.10 that the Wenzel amendment was out of order. Sieben, H., as Speaker Pro Tempore, ruled the point of order not well taken and the amendment in order.

The question recurred on the adoption of the Wenzel amendment and the roll was called. There were 87 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Hanson	Laidig	Osthoff
Adams	Cohen	Heinitz	Langseth	Patton
Anderson, B.	Corbid	Jensen	Lehto	Pehler
Anderson, D.	Dean	Jude	Lemke	Peterson
Anderson, G.	Den Ouden	Kaley	Mann	Pleasant
Anderson, I.	Erickson	Kalis	McCollar	Prahl
Anderson, R.	Evans	Kelly, R.	McDonald	Reding
Battaglia	Ewald	Kelly, W.	McEachern	Rose
Begich	Faricy	Kempe, A.	Metzen	Samuelson
Biersdorf	Fjoslien	Kempe, R.	Neisen	Sarna
Birnstihl	Forsythe	King	Nelsen, B.	Savelkoul
Brinkman	Friedrich	Knickerbocker	Nelsen, M.	Scheid
Carlson, A.	Fudro	Kroening	Niehaus	Schulz
Carlson, D.	Gunter	Kvam	Novak	Searles

Sherwood	Spanish	Vanasek	Wenzel	Wigley
Sieben, H.	Stoa	Waldorf	White	Zubay
Sieben, M.	Suss	Welch	Wieser	
Smogard	Swanson	Wenstrom		

Those who voted in the negative were:

Albrecht	Clawson	Jaros	Nelson	Tomlinson
Arlandson	Cummiskey	Kahn	Norton	Williamson
Berg	Eckstein	Kostohryz	Petrafeso	Wynia
Berglin	Ellingson	Mangan	Rice	Speaker Sabo
Brandl	Enebo	McCarron	Searle	
Byrne	Fugina	Moe	Simoneau	
Casserly	George	Munger	Skoglund	
Clark	Jacobs	Murphy	Stanton	

The motion prevailed and the amendment was adopted.

S. F. No. 65, A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Corbid	Fugina	Laidig	Rice
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The bill was passed, as amended, and its title agreed to.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

H. F. No. 516 was reported to the House.

Moe moved that H. F. No. 516 be returned to its author. The motion prevailed.

H. F. No. 1547 was reported to the House.

Samuelson moved that H. F. No. 1547 be returned to its author. The motion prevailed.

CALL OF THE HOUSE LIFTED

Anderson, I., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 830.

S. F. No. 830 was reported to the House.

Carlson, A., moved to amend S. F. No. 830, the unofficial engrossment, as follows:

Page 2, after line 9, add a new subdivision to read:

"Subd. 3. The city council shall prepare a report for the legislature by January, 1979, on the future of the Spirit Mountain project containing directions relative to future funding and the feasibility of contracting part or all portions of the project to private interests."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 66 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, G.	Birnstihl	Carlson, L.	Evans
Albrecht	Anderson, R.	Brandl	Den Ouden	Ewald
Anderson, B.	Berkelman	Carlson, A.	Erickson	Faricy
Anderson, D.	Biersdorf	Carlson, D.	Esau	Fjoslien

Forsythe	Kempe, A.	McDonald	Savelkoul	Wenzel
Friedrich	Kempe, R.	McEachern	Schulz	White
Fudro	King	Nelsen, B.	Searle	Wieser
Gunter	Knickerbocker	Niehaus	Searles	Wigley
Hanson	Kostohryz	Patton	Sherwood	Williamson
Heinitz	Kvam	Peterson	Smogard	Zubay
Jude	Laidig	Pleasant	Stoa	
Kaley	Langseth	Prahl	Swanson	
Kelly, R.	Lemke	Rose	Welch	
Kelly, W.	Mangan	Sarna	Wenstrom	

Those who voted in the negative were:

Abeln	Clawson	Johnson	Nelsen, M.	Sieben, M.
Anderson, I.	Cummiskey	Kahn	Nelson	Simoneau
Battaglia	Dahl	Kroening	Norton	Skoglund
Begich	Eckstein	Lehto	Novak	Stanton
Berg	Ellingson	Mann	Osthoff	Suss
Berglin	Enebo	McCarron	Petrafeso	Waldorf
Braun	Fugina	Metzen	Reding	Wynia
Brinkman	George	Moe	St. Onge	Speaker Sabo
Byrne	Jacobs	Munger	Samuelson	
Casserly	Jaros	Murphy	Scheid	
Clark	Jensen	Neisen	Sieben, H.	

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 830, the unofficial engrossment, as follows:

Page 2, line 3, delete "not".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 41 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Adams	Evans	Kaley	Peterson	Spanish
Albrecht	Ewald	Kempe, R.	Pleasant	Wieser
Anderson, D.	Faricy	Knickerbocker	Rose	Wigley
Anderson, R.	Fjoslien	Kvam	Sarna	Williamson
Biersdorf	Forsythe	McDonald	Savelkoul	Zubay
Corbid	Friedrich	McEachern	Schulz	
Den Ouden	Hanson	Nelsen, B.	Searle	
Erickson	Heinitz	Niehaus	Searles	
Esau	Jude	Osthoff	Sherwood	

Those who voted in the negative were:

Anderson, B.	Brandl	Cummiskey	Hokanson	Kempe, A.
Anderson, I.	Brinkman	Dahl	Jacobs	King
Arlandson	Byrne	Eken	Jaros	Kroening
Battaglia	Carlson, A.	Ellingson	Jensen	Laidig
Begich	Carlson, L.	Enebo	Johnson	Langseth
Berg	Casserly	Fugina	Kahn	Lehto
Berkelman	Clark	George	Kelly, R.	Mangan
Birnstihl	Clawson	Gunter	Kelly, W.	Mann

McCarron	Norton	Samuelson	Stanton	White
McCollar	Novak	Scheid	Stoa	Wynia
Metzen	Pehler	Sieben, H.	Suss	Speaker Sabo
Munger	Petrafeso	Sieben, M.	Tomlinson	
Murphy	Prahl	Simoneau	Waldorf	
Neisen	Reding	Skoglund	Wenstrom	
Nelsen, M.	St. Onge	Smogard	Wenzel	

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

S. F. No. 830, A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abeln	Casslerly	Johnson	Munger	Scheid
Anderson, I.	Clark	Kahn	Murphy	Simoneau
Arlandson	Clawson	Kalis	Neisen	Skoglund
Battaglia	Corbid	Kelly, W.	Nelsen, M.	Smogard
Begich	Cummiskey	Kempe, A.	Norton	Stanton
Berglin	Dahl	King	Novak	Tomlinson
Berkelman	Ellingson	Kroening	Osthoff	Vanasek
Birnstihl	Enebo	Laidig	Patton	Welch
Brandl	Fudro	Langseth	Pehler	Wenstrom
Braun	Fugina	Lehto	Reding	White
Brinkman	George	Mann	Rice	Wynia
Byrne	Jacobs	McCarron	St. Onge	Speaker Sabo
Carlson, A.	Jaros	McCollar	Samuelson	
Carlson, L.	Jensen	McEachern	Sarna	

Those who voted in the negative were:

Adams	Erickson	Kaley	Peterson	Stoa
Albrecht	Esau	Kelly, R.	Petrafeso	Suss
Anderson, B.	Evans	Kempe, R.	Prahl	Swanson
Anderson, D.	Ewald	Knickerbocker	Rose	Waldorf
Anderson, G.	Faricy	Kostohryz	Savelkoul	Wenzel
Anderson, R.	Fjoslien	Kvam	Schulz	Wieser
Berg	Forsythe	Lemke	Searle	Wigley
Biersdorf	Friedrich	Mangan	Searles	Zubay
Carlson, D.	Gunter	McDonald	Sherwood	
Den Ouden	Hanson	Moe	Sieben, H.	
Eckstein	Heinitz	Nelsen, B.	Sieben, M.	
Eken	Jude	Niehaus	Spanish	

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

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

MESSAGES FROM THE SENATE

The following message was 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. 1631, A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House refuse to concur in the Senate amendments to H. F. No. 1631, that the Speaker appoint a Conference Committee of 5 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.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. Nos. 124, 448 and 472, H. F. No. 1, S. F. Nos. 266, 90 and 655 and H. F. No. 739.

S. F. No. 124 was reported to the House.

McDonald moved to amend S. F. No. 124, the unofficial engrossment, as follows:

Page 1, line 16, delete "*woman*" after the word "*Battered*" and before the word "*who*" and insert "*person*" in each instance.

Page 1, line 17, delete "*her*" and insert "*a*" and delete "*male relative*" and insert "*related person*".

Page 1, line 18, delete "*male*" and insert "*person*" and after the word "*whom*" insert "*he/*".

Page 1, line 21, delete "*women*" and insert "*persons*".

Page 1, line 22, delete "*women*" and insert "*persons*".

Page 2, line 7, delete "*women*" and insert "*persons*".

Page 2, line 17, delete "*women*" and insert "*persons*".

Page 2, line 21, delete "*women*" and insert "*persons*".

Page 3, line 3, delete "*women*" and insert "*persons*".

Page 3, line 11, delete "*women*" and insert "*persons*".

Page 4, line 1, delete "*women*" and insert "*persons*".

Page 5, line 18, delete "*women*" and insert "*persons*".

Page 5, line 20, delete "*women*" and insert "*persons*".

Page 5, line 29, delete "*women*" and insert "*persons*".

Page 6, line 9, delete "*women*" and insert "*persons*".

Page 6, line 10, delete "*male*" further delete "*males*" insert "*persons*".

Page 6, line 10, delete "*males*" and insert "*persons*".

Further, amend the title as follows:

Line 2, delete "*women*" and insert "*persons*".

Line 5, delete "*women*" and insert "*persons*".

Line 8, delete "*women*" and insert "*persons*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 51 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Adams	Evans	Laidig	Niehaus	Searle
Albrecht	Ewald	Langseth	Osthoff	Spanish
Anderson, D.	Fjoslien	Lemke	Patton	Suss
Anderson, G.	Friedrich	Mangan	Peterson	Vanasek
Anderson, R.	Fudro	Mann	Pleasant	Wenzel
Begich	Heinitz	McCollar	Rose	Wieser
Biersdorf	Johnson	McDonald	St. Onge	Wigley
Brinkman	Kalis	McEachern	Samuelson	
Carlson, A.	Kempe, R.	Metzen	Sarna	
Den Ouden	Knickerbocker	Neisen	Savelkoul	
Eckstein	Kvam	Nelsen, B.	Schulz	

Those who voted in the negative were:

Abein	Anderson, B.	Anderson, I.	Arlandson	Battaglia
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Berg	Dahl	Kahn	Novak	Stoa
Berglin	Ellingson	Kaley	Pehler	Swanson
Berkelman	Enebo	Kelly, R.	Petrafeso	Tomlinson
Birnstihl	Esau	Kelly, W.	Prahl	Waldorf
Brandl	Faricy	Kempe, A.	Reding	Welch
Braun	Forsythe	King	Rice	Wenstrom
Byrne	Fugina	Kostohryz	Scheid	White
Carlson, L.	George	Kroening	Sherwood	Williamson
Casserly	Gunter	Lehto	Sieben, H.	Wynia
Clark	Hanson	McCarron	Sieben, M.	Zubay
Clawson	Jacobs	Moe	Simoneau	Speaker Sabo
Cohen	Jaros	Murphy	Skoglund	
Corbid	Jensen	Nelson	Smogard	
Cummiskey	Jude	Norton	Stanton	

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

S. F. No. 124 was given its third reading.

UNANIMOUS CONSENT

Kahn requested unanimous consent to offer an amendment. The request was granted.

Kahn moved to amend S. F. No. 124, the unofficial engrossment, as follows:

Page 3, line 7, delete "*four*" insert "*three*".

Page 3, line 21, delete "*four*" insert "*three*".

The motion prevailed and the amendment was adopted.

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.

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

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

Those who voted in the affirmative were:

Abeln	Anderson, G.	Battaglia	Berkelman	Braun
Adams	Anderson, I.	Begich	Biersdorf	Brinkman
Anderson, B.	Anderson, R.	Berg	Birnstihl	Byrne
Anderson, D.	Arlandson	Berglin	Brandl	Carlson, A.

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

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

S. F. No. 448 was reported to the House.

Hanson moved to amend S. F. No. 448, the unofficial engrossment, as follows:

Page 7, line 5, after "LEGISLATURE.]" insert "Subdivision 1."

Page 7, line 8, after the period insert "There is also created a commission to study and consider alternates for continuing financing of the statewide 911 telephone emergency system.

Subd. 2. The commission shall consist of two members of the house of representatives appointed by the Speaker, two members of the senate appointed by the subcommittee on committees and three persons appointed by the governor. Any vacancy shall be filled by the appointing power.

Subd. 3. The commission may act from the time its members are appointed until the commencement of the 1978 session of the legislature. It shall report its findings and recommendations to the legislature not later than November 15, 1977, but may supplement them until January 15, 1978."

The motion prevailed and the amendment was adopted.

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.

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 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht Niehaus Prahl

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

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, Sections 354.42, Subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Brandl	Carlson, L.
Adams	Anderson, R.	Berglin	Braun	Casserly
Anderson, B.	Arlandson	Berkelman	Brinkman	Clark
Anderson, D.	Battaglia	Biersdorf	Byrne	Clawson
Anderson, G.	Begich	Birnstihl	Carlson, A.	Cohen

Dahl	Heinitz	Lehto	Petrafeso	Stanton
Den Ouden	Hokanson	Lemke	Prahl	Stoa
Eckstein	Jacobs	Mangan	Reding	Suss
Eken	Jaros	McCarron	Rice	Swanson
Ellingson	Jensen	McDonald	Rose	Tomlinson
Enebo	Johnson	McEachern	St. Onge	Vanasek
Erickson	Jude	Metzen	Samuelson	Voss
Esau	Kahn	Moe	Sarna	Waldorf
Evans	Kaley	Munger	Savelkoul	Welch
Ewald	Kalis	Murphy	Scheid	Wenstrom
Faricy	Kelly, R.	Neisen	Schulz	Wenzel
Fjoslien	Kelly, W.	Nelsen, B.	Searle	White
Friedrich	Kempe, A.	Nelson	Searles	Wieser
Fudro	Kempe, R.	Norton	Sieben, H.	Williamson
Fugina	King	Novak	Sieben, M.	Zubay
George	Knickerbocker	Osthoff	Simoneau	Speaker Sabo
Gunter	Kostohryz	Patton	Skoglund	
Hanson	Kroening	Pehler	Smogard	
Haugerud	Langseth	Peterson	Spanish	

Those who voted in the negative were:

Albrecht Kvam Niehaus Pleasant Wigley

The bill was passed and its title agreed to.

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; 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.

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 95 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, W.	Novak	Smogard
Adams	Ellingson	Kempe, A.	Osthoff	Stanton
Anderson, G.	Evans	Kempe, R.	Patton	Stoa
Anderson, R.	Ewald	King	Pehler	Suss
Arlandson	Faricy	Knickerbocker	Peterson	Swanson
Berg	Fjoslien	Kostohryz	Petraseso	Tomlinson
Birnstihl	Forsythe	Kroening	Prahl	Vanasek
Braun	Friedrich	Laidig	Reding	Waldorf
Byrne	Fudro	Lemke	Rose	Wenstrom
Carlson, A.	George	Mann	Samuelson	Wenzel
Carlson, L.	Haugerud	McCarron	Sarna	White
Casserly	Heinitz	McCollar	Savelkoul	Wieser
Clark	Hokanson	McDonald	Scheid	Williamson
Clawson	Jacobs	McEachern	Schulz	Zubay
Cohen	Jensen	Moe	Searles	Speaker Sabo
Cummiskey	Johnson	Neisen	Sherwood	
Dahl	Jude	Nelsen, B.	Sieben, H.	
Dean	Kaley	Nelsen, M.	Sieben, M.	
Den Ouden	Kalis	Nelson	Simoneau	
Eckstein	Kelly, R.	Norton	Skoglund	

Those who voted in the negative were:

Albrecht	Begich	Fugina	Metzen	St. Onge
Anderson, B.	Berglin	Gunter	Munger	Searle
Anderson, D.	Berkelman	Jaros	Murphy	Spanish
Anderson, I.	Brinkman	Kahn	Niehaus	Welch
Battaglia	Erickson	Kvam	Pleasant	

The bill was passed and its title agreed to.

S. F. No. 266 was reported to the House.

Lehto moved to amend S. F. No. 266, as follows:

Strike everything after the enacting clause and insert:

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

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

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

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

Subd. 6. [ELECTION JUDGES TRAINING.] The secretary of state may formulate a training program for election judges, and for the conduct of their duties as prescribed by law, throughout the state.

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

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

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

[204A.175] [TRAINING FOR ELECTION JUDGES; DUTIES OF THE COUNTY AUDITOR.] *The county auditor of each county shall train all election judges who are appointed to serve at any election to be held in the county. The county auditor may delegate to a municipal election official the duties to train election judges for any municipality."*

Further amend by striking the title and inserting:

"A bill for an act relating to elections; providing for training of all election officials; prescribing certain duties for the secretary of state; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; and Chapter 204A, by adding a section."

The motion prevailed and the amendment was adopted.

Lehto moved to amend S. F. No. 266, as amended, as follows:

Page 3, after line 4, insert:

"Sec. 5. Minnesota Statutes 1976, Section 204A.34, Subdivision 2, as amended by Laws 1977,⁺ Chapter 88, Section 2, is amended to read:

Subd. 2. [DISABLED VOTER, ASSISTANCE.] Any person who is unable to enter a polling place *which uses paper ballots* may register and vote without leaving his vehicle. Two judges, who are not members of the same political party, shall assist a voter who is unable to enter the polling place to register and to complete a voter's certificate, and shall provide him with the necessary ballots. The voter may request additional assistance in marking his ballots as provided in subdivision 1. *In other polling places, two judges, who are not members of the same political party, shall assist a disabled voter who is at the entry of the polling place.* A person who is intoxicated may not vote."

Amend the title, as amended, as follows:

Line 4, after "state;" insert "providing for assistance to disabled voters;".

Line 7, after "1;" insert "204A.34, Subdivision 2, as amended;".

The motion prevailed and the amendment was adopted.

S. F. No. 266, A bill for an act relating to elections; providing for training of all election officials; requiring training prior to service as an election judge; imposing certain duties on the secretary of state and county auditors; providing for assistance to disabled voters; appropriating money; amending Minnesota Statutes 1976, Section 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.18, by adding a subdivision; 204A.20; 204A.34, Subdivision 2, as amended and Chapter 204A, by adding a section.

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

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

Those who voted in the affirmative were:

Abeln	Anderson, D.	Arlandson	Berglin	Brandl
Adams	Anderson, G.	Battaglia	Berkelman	Braun
Albrecht	Anderson, I.	Begich	Biersdorf	Brinkman
Anderson, B.	Anderson, R.	Berg	Birnstihl	Byrne

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

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

S. F. No. 90 was reported to the House.

Clawson moved to amend S. F. No. 90, the unofficial engrossment, as follows:

Page 12, line 17, restore the stricken "and".

Page 19, strike lines 15 through 32.

Page 20, strike lines 1 through 13.

Renumber subsequent sections.

Further, amend the title as follows: Page 1, line 15 delete the second "and" and line 16 delete "106.673;".

The motion prevailed and the amendment was adopted.

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.

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

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

Those who voted in the affirmative were:

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

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

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.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Anderson, G.	Faricy	Hanson	Pleasant	Wigley
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The bill was passed and its title agreed to.

H. F. No. 739 was reported to the House.

Beauchamp moved that H. F. No. 739 be returned to its author. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1631:

Dahl, Dean, McCarron, Arlandson and Welch.

MESSAGES FROM THE SENATE, Continued

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:

H. F. No. 45, A bill for an act relating to environmental protection; prohibiting retail sale of milk in nonreturnable, nonrefillable plastic containers; prescribing penalties.

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. 1582, A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

PATRICK E. FLAHAVEN, Secretary of the Senate

Novak moved that the House refuse to concur in the Senate amendments to H. F. No. 1582, 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. 937, A bill for an act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

PATRICK E. FLAHAVEN, Secretary of the Senate

Cohen moved that the House refuse to concur in the Senate amendments to H. F. No. 937, 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. 1582:

Novak, Kahn and Moe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 937:

Cohen, Kostohryz and Hanson.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 783.

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.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

SPECIAL ORDERS

S. F. No. 321, A bill for an act relating to health; permitting certain nursing homes to require and accept certain payments

from residents; amending Minnesota Statutes 1976, Section 256B.48, 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 129 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	Kaley	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Smogard
Anderson, I.	Eken	Kempe, A.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, R.	Novak	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Begich	Esau	Kostohryz	Pehler	Swanson
Berg	Evans	Kroening	Peterson	Tomlinson
Berglin	Ewald	Kvam	Petrafeso	Vanasek
Berkelman	Faricy	Laidig	Pleasant	Voss
Biersdorf	Fjoslien	Langseth	Prahl	Waldorf
Birnstihl	Forsythe	Lehto	Reding	Welch
Brandl	Friedrich	Lemke	Rice	Wenstrom
Braun	Fudro	Mangan	Rose	Wenzel
Brinkman	Fugina	Mann	St. Onge	White
Byrne	George	McCarron	Samuelson	Wieser
Carlson, A.	Gunter	McCollar	Sarna	Wigley
Carlson, D.	Hanson	McDonald	Savelkoul	Williamson
Carlson, L.	Heinitz	McEachern	Scheid	Wynia
Casserly	Hokanson	Metzen	Schulz	Zubay
Clark	Jacobs	Moe	Searle	Speaker Sabo
Clawson	Jaros	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 1165 was reported to the House.

Munger moved to amend S. F. No. 1165, the second unofficial engrossment, as follows:

Page 2, delete lines 20 to 32 and insert the following:

"Subd. 3. [VARIANCES.] The commissioner, after consultation with the legislative commission on Minnesota resources, may grant variances from the compatible use standards upon such procedures and conditions as may be prescribed by rule in order to avoid undue hardship and promote the effective and reasonable enforcement of these standards.

Subd. 4. [SALE.] (a) No landowner other than the United States, who owns land within the boundaries of state parks, and

no such landowner's estate shall transfer or sell any ownership interest in such land to any person other than the commissioner, except as provided in this subdivision. Nothing herein shall prevent an owner, having title as of January 1, 1977, or any subsequent owner under this subdivision, of any generation, from transferring, by sale, bequest or other means, the undivided ownership of a parcel of land within a state park, to a relative of that owner within the third degree of kinship by blood, marriage or adoption. If the landowner is a family farm corporation, pursuant to section 500.24, the corporation shall sell the land to the commissioner in the event the majority of stock of such corporation is not owned by family members who are shareholders on the date of enactment of this act or their relatives, of any subsequent generation, within the third degree of kinship by blood, marriage or adoption, to whom the stock is subsequently sold, bequeathed or otherwise transferred. Except for a family farm corporation, if the landowner is not a natural person or persons, the owner shall sell the land to the commissioner no later than 25 years after the date of enactment of this act. (b) Upon sale or transfer to the commissioner, the commissioner shall pay to the landowner the fair market value of the property on the date of acquisition, less the fair market value on such date of any right retained by the landowner. "Fair market value" is the value of the land at its highest and best economic use, including the value of any structures thereon, undiminished by the existence of use restrictions under this section or the fact it is inside the park boundary or must be sold to the commissioner. In the event the commissioner and landowner or estate cannot agree as to the fair market value acquisition price, such price shall be determined by a condemnation proceeding pursuant to Minnesota Statutes, Chapter 117. The commissioner shall commence the Chapter 117 proceeding within twenty days of the rejection by the landowner of the highest offer authorized by law or upon the written request of the landowner. Upon notification by any landowner or landowner's estate that a parcel of land within a state park boundary is subject to acquisition by the commissioner under this section, the commissioner shall notify the owner or estate within 60 days in writing of the intention to acquire the parcel, or this subdivision shall not apply to the sale or other transfer of that parcel. "Landowner or owner" for purposes of this section means either a fee owner or a person purchasing on a contract for deed pursuant to which fee title will be transferred to the purchaser. The transfer of fee title pursuant to a contract for deed shall not constitute a "sale or transfer of an ownership interest" under this section, provided the contract has been filed with the county recorder within fifteen days of execution or by January 1, 1978, for contracts executed prior to the date of enactment of this act.

Subd. 5. Owners of private lands located within state parks on the effective date of this act shall be compensated by the commissioner of natural resources for any lost earnings resulting from regulations imposed by this section if the subject lands are later removed from within state park boundaries.

Sec. 2. Minnesota Statutes 1976, Section 84.0272, is amended to read:

84.0272 [PROCEDURES IN ACQUIRING LANDS.] When the commissioner of administration is authorized to acquire lands or interests in lands for the commissioner of natural resources, the procedure set forth in this section shall apply. The commissioner of natural resources shall first submit a written request to the commissioner of administration showing the lands to be acquired, the legal authority for their acquisition, the qualities of the land that make it a desirable acquisition and a maximum purchase price. The commissioner of administration shall not purchase land for greater than the maximum purchase price without further consultation and written authorization and justification from the commissioner of natural resources. The commissioner of administration shall cause the lands to be appraised. An appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of administration shall not agree to pay more than ten percent above the appraised value, *except that the commissioner may pay 20 percent above the appraised value for land within state parks*. New appraisals may be made but not until at least six months after completion of an earlier series of appraisals.”.

Page 3, delete lines 1 to 11.

Renumber subsequent sections.

A roll call was requested and properly seconded.

Sieben, M., moved to amend the Munger amendment as follows:

Page 3, after line 3, add a new section to read as follows:

“The commissioner of the Department of Natural Resources shall conduct a study of the boundaries of all state parks and report to the Legislature on December 31, 1978 as to his recommendations for modifications of said boundaries.”.

Renumber following sections accordingly.

Eckstein moved that S. F. No. 1165 be re-referred to the Committee on Environment and Natural Resources.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Eckstein and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question was taken on the motion by Eckstein to re-refer S. F. No. 1165 to the Committee on Environment and Natural Resources and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion did not prevail.

Faricy moved that Kelly, W., be excused from voting. The motion did not prevail.

Clawson moved that King be excused from voting. The motion did not prevail.

There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Adams	Battaglia	Carlson, D.	Evans	Gunter
Albrecht	Begich	Corbid	Ewald	Heinitz
Anderson, B.	Biersdorf	Den Ouden	Fjoslien	Johnson
Anderson, D.	Birnstihl	Eckstein	Forsythe	Jude
Anderson, G.	Braun	Eken	Friedrich	Kaley
Anderson, I.	Brinkman	Erickson	Fudro	Kalis
Anderson, R.	Carlson, A.	Esau	Fugina	Kempe, R.

Knickerbocker	McEachern	Niehaus	Schulz	Swanson
Kvam	Metzen	Peterson	Searles	Welch
Lemke	Murphy	Prahl	Smogard	Wenzel
Mangan	Neisen	Rice	Spanish	Wieser
Mann	Nelsen, B.	St. Onge	Stanton	Wigley
McCarron	Nelsen, M.	Savelkoul	Suss	Zubay

Those who voted in the negative were:

Abeln	Dahl	Kempe, A.	Osthoff	Simoneau
Arlandson	Dean	King	Patton	Skoglund
Beauchamp	Ellingson	Kostohryz	Pehler	Stoa
Berg	Enebo	Kroening	Petrafeso	Tomlinson
Berglin	Faricy	Laidig	Pleasant	Vanasek
Berkelman	George	Langseth	Reding	Voss
Brandl	Hanson	Lehto	Rose	Waldorf
Byrne	Hokanson	McCollar	Samuelson	Wenstrom
Carlson, L.	Jacobs	McDonald	Sarna	White
Casserly	Jaros	Moe	Scheid	Williamson
Clark	Jensen	Munger	Searle	Wynia
Clawson	Kahn	Nelson	Sherwood	Speaker Sabo
Cohen	Kelly, R.	Norton	Sieben, H.	
Cummiskey	Kelly, W.	Novak	Sieben, M.	

The motion did not prevail.

The question recurred on the Sieben, M., amendment to the Munger amendment. The motion prevailed and the amendment to the amendment was adopted.

Wieser moved that the call of the House be dispensed with. The motion did not prevail.

The question recurred on the adoption of the Munger amendment as amended by the Sieben, M., amendment and the roll was called. There were 54 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kahn	Norton	Simoneau
Beauchamp	Dahl	Kelly, R.	Novak	Skoglund
Berglin	Dean	Kempe, A.	Osthoff	Stoa
Berkelman	Ellingson	Kostohryz	Pehler	Tomlinson
Brandl	Faricy	Langseth	Petrafeso	Vanasek
Braun	George	Lehto	Reding	Voss
Byrne	Hanson	McCarron	Sarna	Waldorf
Carlson, L.	Hokanson	McCollar	Scheid	Wenstrom
Casserly	Jacobs	Moe	Searle	Williamson
Clark	Jaros	Munger	Sherwood	Wynia
Cohen	Jensen	Nelson	Sieben, M.	

Those who voted in the negative were:

Adams	Anderson, R.	Carlson, A.	Eken	Fjoslien
Albrecht	Battaglia	Carlson, D.	Enebo	Forsythe
Anderson, B.	Begich	Clawson	Erickson	Friedrich
Anderson, D.	Biersdorf	Corbid	Esau	Fudro
Anderson, G.	Birnstihl	Den Ouden	Evans	Fugina
Anderson, I.	Brinkman	Eckstein	Ewald	Gunter

Heinitz	Kvam	Neisen	Rose	Stanton
Johnson	Laidig	Nelsen, B.	St. Onge	Suss
Jude	Lemke	Nelsen, M.	Samuelson	Swanson
Kaley	Mangan	Niehaus	Savelkoul	Wenzel
Kalis	Mann	Patton	Schulz	Wieser
Kelly, W.	McDonald	Peterson	Searles	Wigley
Kempe, R.	McEachern	Pleasant	Sieben, H.	Zubay
Knickerbocker	Metzen	Prahl	Smogard	Speaker Sabo
Kroening	Murphy	Rice	Spanish	

The motion did not prevail and the amendment, as amended, was not adopted.

S. F. No. 1165, A bill for an act relating to natural resources; state parks; requiring compatible uses of private lands within state parks; providing the commissioner of natural resources with authority to enforce compatible use standards; providing for the acquisition of private land within parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kelly, R.	Norton	Skoglund
Adams	Dahl	Kelly, W.	Novak	Stanton
Beauchamp	Dean	Kempe, A.	Osthoff	Stoa
Berg	Ellingson	Knickerbocker	Pehler	Swanson
Berglin	Enebo	Kostohryz	Petrafeso	Tomlinson
Berkelman	Faricy	Kroening	Rice	Vanasek
Brandl	George	Langseth	Rose	Voss
Braun	Hanson	Lehto	Samuelson	Waldorf
Byrne	Heinitz	McCarron	Sarna	Wenstrom
Carlson, A.	Jacobs	McCollar	Scheid	Williamson
Carlson, L.	Jaros	McDonald	Searle	Wynia
Casserly	Jensen	Moe	Sherwood	Speaker Sabo
Clark	Jude	Munger	Sieben, M.	
Cohen	Kahn	Nelson	Simoneau	

Those who voted in the negative were:

Albrecht	Corbid	Fugina	Metzen	Searles
Anderson, B.	Den Ouden	Gunter	Murphy	Sieben, H.
Anderson, D.	Eckstein	Johnson	Neisen	Smogard
Anderson, G.	Eken	Kaley	Nelsen, B.	Spanish
Anderson, I.	Erickson	Kalis	Nelsen, M.	Suss
Anderson, R.	Esau	Kempe, R.	Niehaus	Wenzel
Battaglia	Evans	Kvam	Peterson	Wieser
Begich	Ewald	Laidig	Pleasant	Wigley
Biersdorf	Fjoslien	Lemke	Prahl	Zubay
Birnsthil	Forsythe	Mangan	Reding	
Brinkman	Friedrich	Mann	St. Onge	
Carlson, D.	Fudro	McEachern	Schulz	

The bill was passed and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 311:

Voss, Sieben, H., and Beauchamp.

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

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 16

A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

May 19, 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. 16 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 16 be amended as follows:

Page 1, line 18, delete the second "or".

Page 1, line 19, delete "certificate".

Page 1, line 19, after "state" insert "*or to a beneficiary under a policy insuring a person resident in this state at the time of death*".

Page 2, line 13, delete the second "or".

Page 2, line 14, delete "certificate".

Page 2, line 14, after "state" insert "*or to a beneficiary under a policy insuring a person resident in this state at the time of death*".

Page 2, line 30, delete "or".

Page 2, line 32, after "indebtedness" insert "; or (c) the beneficiary resides in a jurisdiction which has a law requiring the payment of interest to beneficiaries residing in that jurisdiction".

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

House Conferees: RAY KEMPE, WALTER R. HANSON and HENRY J. SVELKOUK.

Senate Conferees: BILL MCCUTCHEON, JACK DAVIES and CARL A. JENSEN.

Kempe, R., moved that the report of the Conference Committee on H. F. No. 16 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 16, A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 82

A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; increasing the penal fine of misdemeanors; directing a court to require as a condition of a stay of imposition or execution of sentence restitution for property damage or loss or compensation for personal injuries; amending Minnesota Statutes 1976, Sections 412.231; 609.02, Subdivision 3; 609.03; 609.031; 609.032; 609.135, Subdivision 1; 609.27, Subdivision 2; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; 609.615; and 609.785.

May 16, 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. 82 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

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

House Conferees: RUSSELL STANTON, ARNOLD KEMPE and ARNE CARLSON.

Senate Conferees: JIM NICHOLS, JOHN B. KEEFE and ALLAN H. SPEAR.

Stanton moved that the report of the Conference Committee on H. F. No. 82 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 82, A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; increasing the penal fine of misdemeanors; directing a court to require as a condition of a stay of imposition or execution of sentence restitution for property damage or loss or compensation for personal injuries; amending Minnesota Statutes 1976, Sections 412.231; 609.02, Subdivision 3; 609.03; 609.031; 609.032; 609.135, Subdivision 1; 609.27, Subdivision 2; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; 609.615; and 609.785.

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 113 yeas and 13 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Erickson	Heinitz	Langseth	Searle
Corbid	Evans	Kaley	Niehaus	
Eken	Fjoslien	Kvam	Pehler	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 129

A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

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. 129 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 129 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 136A.04, is amended to read:

136A.04 [DUTIES.] The higher education coordinating board shall:

(a) Continuously study and analyze all phases and aspects of higher education, both public and private, and develop necessary plans and programs to meet present and future needs of the people of the state in respect thereto;

(b) Continuously engage in long range planning of the needs of higher education and, if necessary, cooperatively engage in such planning with neighboring states and agencies of the federal government;

(c) Act as successor to any committee or commission heretofore authorized to engage in exercising any of the powers and duties prescribed by sections 136A.01 to 136A.07;

(d) Review, make recommendations and identify priorities with respect to all plans and proposals for new or additional programs of instruction or substantial changes in existing programs to be established in or offered by, the University of Minnesota, the state universities, the community colleges, and public area vocational-technical institutes, and private collegiate and non-collegiate institutions offering post-secondary education, and periodically review existing programs offered in or by the above institutions and recommend discontinuing or modifying any existing program, the continuation of which is judged by the board as being unnecessary or a needless duplication of existing programs;

(e) Develop in cooperation with the post-secondary systems, committee on appropriations of the house of representatives, committee on finance of the senate, and the departments of administration and finance a compatible budgetary reporting format designed to provide data of a nature to facilitate systematic review of the budget submissions of the University of Minnesota, the state university system, the state community college system and the public vocational technical schools; and which includes the relating of dollars to program output;

(f) Review budget requests, including plans for construction or acquisition of facilities, of the University of Minnesota, the state colleges, the state community colleges, and public vocational-technical schools for the purpose of relating present resources and higher educational programs to the state's present

and long range needs; and conduct a continuous analysis of the financing of post-secondary institutions and systems, including the assessments as to the extent to which the expenditures and accomplishments are consistent with legislative intent;

(g) Obtain from private post-secondary institutions receiving state funds a report on their use of those funds;

(h) *Continuously monitor and study the transferability between Minnesota post-secondary and higher education institutions of credits earned for equal and relevant work at those institutions, the degree to which credits earned at one institution are accepted at full value by the other institutions, and the policies of these institutions concerning the placement of these transferred credits on transcripts.*

Sec. 2. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.042] [CREDIT TRANSFERABILITY.] *The higher education coordinating board shall recommend to the various post-secondary and higher education systems and to the legislature measures which will increase transferability of credits between the institutions, which will improve student awareness of the credit transfer policies of each system or institution, and which will cause student transcripts to reflect credits earned at other post-secondary and higher education institutions. The higher education coordinating board is directed to encourage communications among faculty, staff and students at the various institutions in order to accomplish the purposes of this section.*

Sec. 3. *Prior to January 1, 1978 and January 1, 1979, the higher education coordinating board shall make reports to the appropriate committees of the legislature on its progress in accomplishing the purposes of sections 1 and 2 of this act and on its recommendations for further accomplishing these purposes.*

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

Further, strike the title and insert:

"A bill for an act relating to education; directing the higher education coordinating board to monitor and study credit transferability, the acceptance of credits at full value, and the placing of certain credits on transcripts; amending Minnesota Statutes 1976, Section 136A.04; and Chapter 136A, by adding a section."

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

House Conferees: JAMES PEHLER, CARL KROENING and DARREL PETERSON.

Senate Conferees: TIMOTHY J. PENNY, JIM NICHOLS and DOUGLAS H. SILLERS.

Pehler moved that the report of the Conference Committee on H. F. No. 129 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 129, A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

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 124 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, D.	Forsythe	Niehaus	Sherwood	Wynia
Brandl				

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 848

A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, by adding sections.

May 19, 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. 848 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

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

House Conferees: AL W. PATTON, DONALD M. MOE and LEO J. REDING.

Senate Conferees: EUGENE E. STOKOWSKI, EARL W. RENNEKE and ROGER E. STRAND.

Patton moved that the report of the Conference Committee on H. F. No. 848 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 848, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 856

A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

May 19, 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. 856 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. 856 be amended as follows:

Page 1, line 10, delete "statewide".

Page 1, line 17, delete "promulgate" and insert "adopt".

Page 2, line 2, delete "(3)" and insert "(2)".

Page 2, line 4, delete "act" and insert "section".

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

House Conferees: JOHN CLAWSON, HOWARD NEISEN and RICHARD WIGLEY.

Senate Conferees: GEORGE F. PERPICH, TOM NELSON and WILLIAM G. KIRCHNER.

Clawson moved that the report of the Conference Committee on H. F. No. 856 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 856, A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 980

A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

May 19, 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. 980 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. 980 be amended as follows:

Page 4, line 29, after the period insert "*The provisions of this clause shall expire 30 days after the conclusion of any fiscal year in which the federal government pays for less than 45 percent of the cost of regulating clinical laboratories.*".

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

House Conferees: LINDA SCHEID, LYNDON CARLSON and O. J. HEINITZ.

Senate Conferees: CONRAD VEGA, GEORGE PERPICH and NANCY BRATAAS.

Scheid moved that the report of the Conference Committee on H. F. No. 980 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 980, A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1102

A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Chapter 16, by adding a section; Sections 15.047, Subdivision 1; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

May 19, 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. 1102 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 1102 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 15.047, is amended to read:

15.047 [MANUAL OF STATE AGENCY RULES, PUBLICATION.] Subdivision 1. The commissioner of administration shall publish a manual of state agency rules, which shall include all agency rules currently in effect. The manual shall be so designed as to allow for economic publication and distribution and efficient use. *The commissioner shall require each agency which has adopted and published rules in the state register to pay its proportionate cost of publishing those rules in the manual in excess of the fees received pursuant to subdivision 2.*

Subd. 2. Rules (AND REGULATIONS) published pursuant to this section may be sold by the commissioner of administration (IN THE MANNER PROVIDED BY SECTIONS 648.42 TO 648.44) *for a reasonable fee.*

Sec. 2. [REGIONAL SERVICE CENTER FOR ECONOMIC DEVELOPMENT REGION THREE.] *Subdivision 1. The commissioner of administration shall establish a regional service center in economic development region number three. The state planning agency shall cooperate with the commissioner in establishing the need and location of the service center. The commissioner shall determine which state agencies shall be included in the service center. The commissioner may determine equitable methods of sharing space, personnel and equipment for the agencies he selects to participate in the service center. The service center shall be established only after determination by the commissioner that total costs to the state shall not increase.*

Subd. 2. The commissioner may enter into a rental lease for a base term of five years with a five year leasehold renewal option for the purpose of acquiring suitable space for the service center.

Subd. 3. Nothing contained in this section shall be considered as granting authority to the commissioner of administration to purchase property or construct buildings for the regional service center.

Sec. 3. Minnesota Statutes 1976, Section 16.02, Subdivision 2, is amended to read:

Subd. 2. To purchase, rent, or otherwise provide for the furnishing of all supplies, materials, equipment, printing, and utility services, prescribe standard specifications therefor, to

provide for inspecting and testing the same, and otherwise to enforce compliance with such specifications; to prescribe and designate classes of state printing. *The commissioner may also lease, rent or sell equipment, supplies and services to any state department or agency.*

Sec. 4. Minnesota Statutes 1976, Section 16.02, is amended by adding a subdivision to read:

Subd. 6b. To establish rental rates for all living accommodations provided by the state for its employees. All moneys collected as rent by state agencies pursuant to this subdivision shall be deposited in the state treasury and credited to the general fund.

Sec. 5. Minnesota Statutes 1976, Section 16.02, Subdivision 13, is amended to read:

Subd. 13. To provide for the printing and distribution of (THE CAPITOL GUIDE BOOK,) official reports (,) and other publications of all kinds, and to supervise and control the form of such reports and publications so as to coordinate them, avoid duplications, and make them useful and informative to the public.

Sec. 6. Minnesota Statutes 1976, Section 16.02, Subdivision 16, is amended to read:

Subd. 16. To maintain and operate for state departments and agencies a central mailing service, and a duplicating *and printing* division in which all duplication *and printing* shall be done; to require that all equipment now or hereafter owned by the state be turned into the central duplicating *and printing* division for use therein with the following exceptions:

(a) duplicating machines may be used by any department, institution, or state agency not located in St. Paul or Minneapolis, or by the state division of emergency services, or by the attorney general, or by the bureau of criminal apprehension in the administration of police training;

((B) THE MOTOR VEHICLE DEPARTMENT MAY CONTINUE TO FILL THE NECESSARY DATA ON MOTOR VEHICLE LICENSE REGISTRATION CARDS ON DUPLICATING MACHINES OR BY DUPLICATING PROCESS;)

((C)) (b) the department of personnel may continue to produce work of confidential nature on their own duplicating machines;

((D)) (c) the department of public service may utilize a duplicating machine for the purpose of issuing its orders and other work which is confidential until the time of its release;

((E)) (d) the board of investment may lease or purchase a duplicating machine.

The duplicating *and printing* work to be done by the duplicating *and printing* division shall be restricted to producing any form, booklet or pamphlet to the extent deemed appropriate by the commissioner of administration.

The (TERM) *terms* "duplicating *and printing*" as used in this subdivision means that material produced by use of stencils, masters and plates (WHICH ARE TO BE USED ON DUPLICATING EQUIPMENT NOT LARGER THAN 11 BY 17 INCHES OR 28 BY 43 CENTIMETERS).

Sec. 7. Minnesota Statutes 1976, Section 16.02, Subdivision 19, is amended to read:

Subd. 19. To purchase from the state penal institutions, *university of Minnesota printing department* and other state institutions all articles manufactured by them which are usable by the state.

Sec. 8. Minnesota Statutes 1976, Section 16.07, is amended by adding a subdivision to read:

Subd. 16. The commissioner may purchase, sell, repurchase or otherwise undertake the acquisition, rental or disposal of electronic data processing equipment as best serves the interests of the state, provided, however, the commissioner shall adhere to the competitive bidding requirements of chapter 16.

Sec. 9. Minnesota Statutes 1976, Section 16.72, Subdivision 2, is amended to read:

Subd. 2. [RULES.] The commissioner of administration may adopt and enforce rules (AND REGULATIONS) governing the parking of motor vehicles upon any such parking lot or facility so owned and operated by the state. Such rules (AND REGULATIONS) shall be enacted in conformity with law and copies thereof shall be (POSTED AT EVERY PARKING LOT AND FACILITY THE OPERATION AND USE OF WHICH IS GOVERNED BY SUCH RULES AND REGULATIONS) *provided to all persons who first become contract parkers after July 1, 1977, and shall also be provided upon request to any other contract parker. Each parking lot or facility shall be posted with notice of who is entitled to park there.*

Sec. 10. Minnesota Statutes 1976, Section 16.75, Subdivision 7, is amended to read:

Subd. 7. The commissioner of administration shall establish all rules (AND REGULATIONS) necessary for the efficient and economical operation, maintenance, repair, and replacement

of state-owned motor vehicles in the central motor pool or any branch thereof. The (REGULATIONS) *rules* shall include the requirements for keeping records and reports and all schedules used as a basis for charging departments and agencies for the services furnished. They shall also provide for periodic reimbursements by the department or agency using the motor pool services. The commissioner of administration by rule (OR REGULATION) shall provide for the uniform marking (AND COLORING) of all such motor vehicles. *The coloring for the motor vehicles shall be selected from the regular color chart provided by the manufacturer each year.* The commissioner may further provide by rule for the (ACQUISITION) *use* of motor vehicles without uniform coloring (FOR ASSIGNMENT TO) *or marking* by the division of criminal apprehension in the department of public safety and the office of the attorney general. The provisions of the administrative procedure act shall not apply to rules promulgated pursuant to this subdivision.

Sec. 11. Minnesota Statutes 1976, Section 327.51, Subdivision 1, is amended to read:

327.51 [DEFINITIONS.] Subdivision 1. As used in sections 327.51 to (327.54) 327.55, the terms defined in this section have the meanings given them.

Sec. 12. Minnesota Statutes 1976, Section 327.51, is amended by adding a subdivision to read:

Subd. 2a. "Commissioner" means the commissioner of administration.

Sec. 13. Minnesota Statutes 1976, Section 327.51, Subdivision 3, is amended to read:

Subd. 3. "Dealer" means a person, partnership, association, or corporation licensed as a mobile home dealer under section (168.27) 327.55.

Sec. 14. Minnesota Statutes 1976, Section 238.04, Subdivision 2, is amended to read:

Subd. 2. Each member shall be appointed by the governor, by and with the advice and consent of the senate. No more than four members shall be from the same political party.

Sec. 15. [EFFECTIVE DATE.] *This act is effective July 1, 1977."*

Further, strike the title and insert:

"A bill for an act relating to state agencies; revising procedures relating to the purchasing and furnishing of goods and

services; amending Minnesota Statutes 1976, Sections 15.047; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.”.

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

House Conferees: LEO REDING, DAVID BEAUCHAMP and KEN ZUBAY.

Senate Conferees: DAVID D. SCHAAF, JEROME O. GUNDERSON and JAMES ULLAND.

Reding moved that the report of the Conference Committee on H. F. No. 1102 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1102, A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Chapter 16, by adding a section; Sections 15.047, Subdivision 1; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

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

Smogard
Spanish
Stanton
Stoa

Suss
Swanson
Tomlinson
Vanasek

Voss
Waldorf
Welch
Wenstrom

Wenzel
White
Wieser
Wigley

Williamson
Wynia
Zubay
Speaker Sabo

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

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 Senate has appointed as such committee Messrs. Keefe, S., Moe and Coleman.

House File No. 1051 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 613, A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

The Senate has appointed as such committee Messrs. Hughes, Mrs. Staples and Mrs. Brataas.

House File No. 613 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 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, Sections 238.09, Subdivision 1, and by adding a subdivision; 609.52, Subdivision 2; and Chapter 609, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith transmitted 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. 769, A bill for an act relating to cities; exempting transit systems owned by the cities of Mankato and North Mankato from gasoline and special fuels tax.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Cummiskey moved that the House concur in the Senate amendments to H. F. No. 769 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 769, A bill for an act relating to taxation; providing an exemption from the gasoline and special fuels tax for certain municipal transit systems; amending Minnesota Statutes 1976, Sections 296.02 and 296.025, by adding subdivisions.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Schulz

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. 789, A bill for an act relating to elections; establishing voter registration in all counties; changing required voter registration information; providing for reports of changes; amending Minnesota Statutes 1976, Sections 201.061, Subdivisions 3 and 6; 201.071; 201.091, by adding a subdivision; 201.14; 201.15; 201.27; 204A.37, Subdivision 1; 204A.46, Subdivision 2; and Chapter 201, by adding a section; repealing Minnesota Statutes 1976, Section 201.061, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Cummiskey moved that the House concur in the Senate amendments to H. F. No. 789 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 789, A bill for an act relating to elections; establishing voter registration in all counties; changing required voter registration information; providing for reports of changes; delaying the availability of registration lists; requiring proof of residence; permitting applications for absentee ballots; providing for delivery and return of election ballots; appropriating money; amending Minnesota Statutes 1976, Sections 201.061, Subdivisions 3 and 6; 201.071; 201.091, Subdivisions 2 and 6 and by adding a subdivision; 201.14; 204A.37, Subdivision 1; 207.03; 207.05, Subdivision 1; 207.10; 207.101; Chapter 201, by adding a section; and Chapter 207, by adding a section.

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 109 yeas and 20 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Erickson	Forsythe	Kvam	Pleasant
Anderson, D.	Esau	Heinitz	Nelsen, B.	Savelkoul
Anderson, R.	Ewald	Kaley	Niehaus	Searle
Den Ouden	Fjoslien	Knickerbocker	Peterson	Wigley

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. 331, A bill for an act relating to motor vehicles; requiring information as to all owners in applications for registration or certificate of title; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Osthoff moved that the House concur in the Senate amendments to H. F. No. 331 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 331, A bill for an act relating to motor vehicles; requiring information as to all owners in applications for registration or certificate of title; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, 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	Corbid	Jensen	Murphy	Sieben, H.
Adams	Cummiskey	Johnson	Neisen	Sieben, M.
Albrecht	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Kaley	Nelson	Smogard
Anderson, G.	Eckstein	Kalis	Niehaus	Spanish
Anderson, I.	Eken	Kelly, R.	Norton	Stanton
Anderson, R.	Ellingson	Kelly, W.	Novak	Stoa
Arlandson	Enebo	Kempe, A.	Osthoff	Suss
Battaglia	Erickson	Kempe, R.	Patton	Swanson
Beauchamp	Esau	King	Pehler	Tomlinson
Begich	Evans	Knickerbocker	Peterson	Vanasek
Berg	Ewald	Kostohryz	Petrafeo	Voss
Berglin	Faricy	Kroening	Pleasant	Waldorf
Berkelman	Fjoslien	Kvam	Prahl	Welch
Biersdorf	Forsythe	Langseth	Reding	Wenstrom
Birnstihl	Friedrich	Lehto	Rice	Wenzel
Brandl	Fudro	Lemke	Rose	White
Braun	Fugina	Mangan	St. Onge	Wieser
Byrne	George	Mann	Samuelson	Wigley
Carlson, A.	Gunter	McCarron	Sarna	Williamson
Carlson, D.	Hanson	McCollar	Savelkoul	Wynia
Carlson, L.	Haugerud	McDonald	Scheid	Zubay
Casserly	Heinitz	McEachern	Schulz	Speaker Sabo
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	
Cohen	Jaros	Munger	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. 157, A bill for an act relating to public utilities; providing for refund of overcharges if certain rates become effective before approval by the public service commission; removing construction in progress from rate bases; prohibiting approval of rates which make allowances for certain advertising expenses; delaying implementation of certain rate schedules; restricting approval of rates which make allowances for charitable contributions; regulating telephone company rates; amending Minnesota Statutes 1976, Section 216B.16, Subdivisions 1, 2, and 6, and by adding subdivisions; and Chapter 237, by adding a section; repealing Minnesota Statutes 1976, Section 237.08.

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. 157 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 157, A bill for an act relating to public utilities; providing for refund of overcharges if certain rates become effective before approval by the public service commission; regulation inclusion of construction work in progress in rate bases; prohibiting approval of rates which makes allowances for certain advertising expenses; delaying implementation of certain rate schedules; restricting approval of rates which make allowances for charitable contributions; regulating telephone company rates; amending Minnesota Statutes 1976, Section 216B.16, Subdivisions 1, 2, and 6, and by adding subdivisions; and Chapter 237, by adding a section; repealing Minnesota Statutes 1976, Section 237.08.

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 128 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln

Adams

Albrecht

Anderson, B. Anderson, D.

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

Those who voted in the negative were:

Hanson Kroening Rice White

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. 381.

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. 381

A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivi-

sion 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

May 19, 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. 381 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 381, be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 97.56, is amended to read:

97.56 [REMOVAL OF BEAVER FROM STATE-OWNED LANDS.] In any county in the state where the board of county commissioners shall (HAVE UNANIMOUSLY REQUESTED) *by resolution request* him to do so, the commissioner of natural resources (SHALL) *may* take necessary steps to remove beaver, at state expense, from state owned lands located in that county.

Sec. 2. Minnesota Statutes 1976, Section 98.46, Subdivision 2, is amended to read:

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

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

(7) To take bear only, \$7.50;

(8) *To take turkeys, \$10, in addition to a small game license.*

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 2a, is amended to read:

Subd. 2a. The commissioner of natural resources (MAY) shall issue Minnesota sportsman licenses *by March 1, 1978*. The licenses shall be issued to residents only. The fee for licenses shall be (\$17) \$9 if the angling license is for one person and (\$19) \$12 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482.

The license shall authorize the licensee to:

(1) Take small game;

(2) Take fish by angling (;).

((3) TAKE DEER OR BEAR WITH FIREARMS DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER; OR TAKE DEER OR BEAR WITH BOW AND ARROW DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER) *The game and fish subcommittee of the house of representatives and the fish and wildlife subcommittee of the senate shall study the feasibility of other combinations for sportsman's licenses prior to January 1, 1978.*

Sec. 4. Minnesota Statutes 1976, Section 98.46, Subdivision 14, is amended to read:

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

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

(2) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, \$60;

(3) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, \$25;

(4) To take bear, \$25.25;

(5) *To take turkeys, \$30, in addition to a small game license.*

Sec. 5. Minnesota Statutes 1976, Section 98.46, Subdivision 21, is amended to read:

Subd. 21. The commissioner may by order require every licensee to tag at the place where trapped, beaver *fisher* or otter. The tag will be of a type prescribed by the commissioner and bearing the license number of the owner and the year of its issue. Tags will be issued with the license at no additional cost. *During the calendar years 1977 and 1978 the commissioner shall require the tagging of fisher in the manner designated in this subdivision.*

Sec. 6. Minnesota Statutes 1976, Section 98.50, Subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of 75 cents for the license to take deer *and for the sportsman license authorized in section 98.46, subdivision 2a*, and 50 cents for all other licenses. In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor, are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Sec. 7. Minnesota Statutes 1976, Chapter 98, is amended by adding a section to read:

[98.501] [AGENTS FEE.] *The basic license fee for each license referred to in section 98.50, subdivision 1, shall be increased by the amount of the seller's fee permitted by section 98.50, subdivision 5, for that particular license. The seller shall collect his fee by retaining the permitted fee from the purchase price of a license. Each license shall contain an explanation of the amount of the license fee which is retained by the seller of the license as his fee.*

Sec. 8. Minnesota Statutes 1976, Section 100.26, Subdivision 1, is amended to read:

100.26 [UNPROTECTED ANIMALS.] Subdivision 1. Weasel, (BOBCAT,) coyote (brush wolf), (FOX,) gopher, porcupine, badger, and all other quadrupeds for which no closed season or other protection is accorded by chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, except in the manner authorized by (SECTIONS 18.021 TO 18.035) *section 18.022*. It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals. (THE TAKING OF ANY SPECIES OF BEAR MAY BE PERMITTED BY ORDER OF THE COMMISSIONER WITHOUT A LICENSE THEREFOR IN SUCH AREAS OF THE STATE AND DURING SUCH PERIODS AS HE MAY DEEM NECESSARY, UPON A DETERMINATION THAT THE PREDATION OF BEAR REPRESENTS A THREAT TO LIVESTOCK OR OTHER PROPERTY. NO FOX MAY BE REMOVED FROM A DEN OR TRAPPED WITHIN 300 FEET OF A FOX DEN DURING THE PERIOD BEGINNING APRIL 1 AND ENDING AUGUST 31 OF EACH YEAR. NO PERSON MAY SELL LIVE FOX WITHOUT A PERMIT FROM THE COMMISSIONER AUTHORIZING THE SALE OF FOX.)

Sec. 9. Minnesota Statutes 1976, Section 100.27, Subdivision 1, is amended to read:

100.27 [SEASONS.] Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, (FISHER,) or wolverine(, OR WILD TURKEYS).

Sec. 10. Minnesota Statutes 1976, Section 100.27, Subdivision 3, is amended to read:

Subd. 3. *The commissioner shall prescribe by order the areas within the state and any other restrictions under which the fol-*

lowing animals may be taken and possessed, subject to all other provisions of chapters 97 to 102, between the dates, *if any*, set opposite the species:

(1) Grey and fox squirrels, October 15 and December 31 statewide; and during (SUCH) *any* other times, within (SUCH) *any* areas, and subject to (SUCH) *any* other restrictions as the commissioner by order may prescribe;

(2) Jack rabbits, cottontail rabbits and varying hare or snowshoe rabbits, September 16 and March 1;

(3) Raccoon (MAY BE TAKEN AND POSSESSED, SUBJECT TO THE PROVISIONS OF CHAPTERS 97 TO 102 AND THE RESTRICTIONS IMPOSED BY ORDER OF THE COMMISSIONER BETWEEN), October 15 and December 31 statewide. Notwithstanding the restrictions imposed by this subdivision, raccoon may be treed without being taken by the use of dogs at any time during the year, *except for those restrictions found in section 100.29, subdivision 20*;

(4) Lynx, or bobcat with the length of the season, if any, *for either species* determined by the commissioner based upon population estimates of (LYNX) *either species* within the state(.);

(5) Fox, *provided that no fox may be removed from a den or trapped within 300 feet of a fox den during the period from April 1 and ending August 31 of each year*;

(6) Fisher.

Sec. 11. Minnesota Statutes 1976, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. Muskrats may be taken for a period not exceeding 60 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in (SUCH) *the* areas of the state (AND), during (SUCH) *the* times *between November 1st and April 30th of the following year* and subject to (SUCH REGULATIONS AS) *any other restrictions which* the commissioner shall prescribe, (BETWEEN NOVEMBER 1 AND APRIL 30 FOLLOWING, AND). Beaver may be taken, by trapping only, (FOR A PERIOD, OR PERIODS, NOT EXCEEDING A TOTAL OF 45 DAYS,) in (SUCH) *the* areas of the state (AND), during (SUCH) *the* times *between December 1st and April 30th of the following year* and subject to (SUCH REGULATIONS AS) *any other restrictions which* the commissioner shall prescribe (, BETWEEN NOVEMBER 1 AND MAY 31 FOLLOWING, PROVIDED THAT DURING THE CALENDAR YEAR 1975 THERE SHALL BE NO SEASON OPEN FOR THE TAKING OF BEAVER IN THAT PORTION OF THE STATE LYING

NORTHERLY AND EASTERLY OF A LINE COMMENCING AT THE INTERSECTION OF STATE TRUNK HIGHWAY NUMBERED 71 AND THE CANADIAN BORDER AND RUNNING SOUTHERLY ALONG STATE TRUNK HIGHWAY NUMBERED 71 TO ITS INTERSECTION WITH STATE TRUNK HIGHWAY NUMBERED 6, THENCE SOUTHERLY ALONG STATE TRUNK HIGHWAY NUMBERED 6 TO ITS INTERSECTION WITH STATE TRUNK HIGHWAY NUMBERED 18, THENCE EASTERLY ALONG STATE TRUNK HIGHWAY NUMBERED 18 TO ITS INTERSECTION WITH STATE HIGHWAY NUMBERED 23, THENCE NORTHEASTERLY ALONG STATE TRUNK HIGHWAY NUMBERED 23 TO DULUTH EXCEPT PINE COUNTY; PROVIDED FURTHER THAT IN THE PORTION OF THE STATE LYING NORTHERLY AND EASTERLY OF THE LINE PREVIOUSLY DESCRIBED THAT BEAVER MAY BE TAKEN IN THE CALENDAR YEAR 1976 AND FOLLOWING, IN THE MANNER AND SUBJECT TO REGULATIONS DESCRIBED ABOVE, BUT ONLY FOR A PERIOD, OR PERIODS, NOT EXCEEDING A TOTAL OF 45 DAYS BETWEEN NOVEMBER 1 AND MAY 31 FOLLOWING).

Sec. 12. Minnesota Statutes 1976, Section 100.27, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise expressly provided, quail, partridges or ruffed grouse, Canada spruce grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge (OR), chukar partridge, or turkeys (*meleagris gallopavo*) may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in (SUCH) the areas of the state and during (SUCH) the times between September 16 and December 31, (AS) which the commissioner shall prescribe. *The commissioner may by order prescribe an additional period for the taking of turkeys in the spring.*

Sec. 13. Minnesota Statutes 1976, Section 100.27, Subdivision 7, is amended to read:

Subd. 7. (BADGER,) Mink, squirrels, rabbits, hares, raccoon, lynx, bobcat, fox, or beaver may be taken in any manner, except by poison, or artificial lights in closed season, by the actual occupant or owner of any land whereon the animals so killed are causing any damage or injury. Upon so killing any such animal, other than squirrels, rabbits, and hares, the entire carcass, including the hide, shall be turned over and surrendered to the nearest conservation officer or employee of the division within 24 hours of the time (SUCH) the animal was killed.

Sec. 14. Minnesota Statutes 1976, Section 100.28, Subdivision 1, is amended to read:

100.28 [LIMITS.] Subdivision 1. Not more than one deer (OR TEN BEAVER) shall be taken by any licensee during any one year.

Sec. 15. Minnesota Statutes 1976, Section 100.29, Subdivision 1, is amended to read:

100.29 [RESTRICTIONS AND PROHIBITIONS.] Subdivision 1. It shall be unlawful to take protected wild animals, except raccoon, with the use of a gun or bow and arrows between sunset and one-half hour before sunrise. *It shall be unlawful to take pheasants between sunset and 9 a.m.*

Sec. 16. Minnesota Statutes 1976, Section 101.42, Subdivision 8, is amended to read:

Subd. 8. Except as otherwise specifically permitted, it shall be unlawful to take trout, except lake trout, (ON THE OPENING DAY OF THE SEASON PRIOR TO THE HOUR OF 10:00 A.M., CENTRAL STANDARD TIME, OR) on any (OTHER) day of the open season (,) between (11:00 P.M., CENTRAL STANDARD TIME,) 11 p.m. and one hour before sunrise.

Sec. 17. Laws 1961, Chapter 66, Section 1, as amended by Laws 1971, Chapter 867, Section 1, is amended to read:

Section 1. [GAME AND FISH; SMALL GAME HUNTING LICENSES; WILDLIFE DEVELOPMENT, EXTENSION OF PROGRAM.] The provisions of Laws 1957, Chapter 644, Sections 1 to 4 appearing in Minnesota Statutes (1969) 1976 as Sections 97.481 to 97.484 inclusive, shall continue in effect until (DECEMBER 31, 1978) *February 28, 1985*, notwithstanding any provision of Laws 1957, Chapter 644, Section 5, to the contrary.

Sec. 18. *Minnesota Statutes 1976, Section 348.071, is repealed.*

Sec. 19. *Sections 1 and 16 are effective the day following final enactment. Section 7 is effective March 1, 1978."*

Further delete the title and insert:

"A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the tagging of fisher; including the agent's fees within certain license fees; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; prohibiting the taking of pheasants between sunset and 9 a.m.; extending the surcharge on small game licenses; amending Minnesota Statutes

1976, Sections 97.56; 98.46, Subdivisions 2, 2a, 14, and 21; 98.50, Subdivision 5; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 100.29, Subdivision 1; 101.42, Subdivision 8; Chapter 98, by adding a section; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071."

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

Senate Conferees: COLLIN C. PETERSON, JIM NICHOLS and JOHN BERNHAGEN.

House Conferees: LEO REDING, JOSEPH BEGICH and GLEN ANDERSON.

Reding moved that the report of the Conference Committee on S. F. No. 381 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 381, A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

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 77 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Adams	Casslerly	Kaley	Osthoff	Suss
Anderson, B.	Clark	Kempe, A.	Patton	Swanson
Anderson, G.	Cohen	Kempe, R.	Petraseso	Tomlinson
Anderson, I.	Cummiskey	King	Reding	Voss
Anderson, R.	Dahl	Kostohryz	Rose	Waldorf
Arlandson	Dean	Lehto	St. Onge	Welch
Beauchamp	Ellingson	Lemke	Sarna	Wenstrom
Begich	Fudro	McCollar	Scheid	Wenzel
Berg	George	McEachern	Schulz	White
Berglin	Gunter	Metzen	Sherwood	Wieser
Berkelman	Hokanson	Moe	Sieben, H.	Williamson
Biersdorf	Jacobs	Munger	Sieben, M.	Wynia
Birnstihl	Jaros	Neisen	Simoneau	Speaker Sabo
Brandl	Jensen	Nelson	Smogard	
Byrne	Jude	Norton	Spanish	
Carlson, L.	Kahn	Novak	Stoa	

Those who voted in the negative were:

Abeln	Den Ouden	Hanson	Mangan	Pleasant
Albrecht	Eckstein	Heinitz	Mann	Prahl
Anderson, D.	Eken	Johnson	McDonald	Rice
Battaglia	Erickson	Kalis	Murphy	Savelkoul
Braun	Evans	Kelly, W.	Nelsen, B.	Searle
Carlson, A.	Ewald	Knickerbocker	Nelsen, M.	Searles
Carlson, D.	Faricy	Kroening	Niehaus	Vanasek
Clawson	Friedrich	Kvam	Pehler	Wigley
Corbid	Fugina	Langseth	Peterson	

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. 583

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. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 583

A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

May 19, 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. 583 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. 583 be amended as follows:

Page 3, after line 22, insert a new section to read:

"Sec. 2. Subdivision 1. On or before March 15 of each year each insurer providing product liability insurance or excess insurance above self-insured retention to one or more manufacturers, sellers or distributors in this state, shall file with the

commissioner of insurance a report of the product liability claims made against its insureds, resident or located in Minnesota, which have been closed during the one year period ending December 31 of the previous year, provided, however, that this subdivision shall not require reporting of any information regarding claims closed prior to June 30, 1977. This report shall contain, but need not be limited to, the following information: the total number of product liability claims, broken down by the type or category of claims, and the total amount paid in settlement or discharge of the claims for each type or category of claims.

Subd. 2. On or before March 15 of each year each insurer providing product liability insurance or excess insurance above self-insured retention to one or more manufacturers, sellers or distributors in this state shall file with the commissioner of insurance a report containing the following information for the one year period ending December 31 of the previous year, provided, however, that information for the period preceding June 30, 1977 need not be reported:

(a) The total amount of premiums received from insured persons, resident or located in Minnesota, which are attributable to product liability insurance;

(b) The total number of persons, resident or located in Minnesota, for which the insurer provided products liability insurance; and

(c) The total number of persons, resident or located in Minnesota, whose product liability insurance coverage the insurer cancelled or refused to renew and the reasons therefor.

Any manufacturer, seller or distributor which is self insured shall be considered to be an insurer for the purposes of this section and shall comply with the reporting requirements of this section, and any data reported by a self-insured person pursuant to this section may be reported by the commissioner only in the form of summary data, as defined in Minnesota Statutes, Section 15.162, Subdivision 9.

Subd. 3. This section expires April 1, 1979."

Renumber the remaining sections.

Further amend the title as follows:

Page 1, line 4, after the semicolon insert "providing for the reporting of certain claims and other information to the commissioner of insurance;"

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

Senate Conferees: SAM SOLON, ALLAN SPEAR and JACK DAVIES.

House Conferees: M. B. NELSEN, LYLE ABELN and O. J. HEINITZ.

Nelsen, M., moved that the report of the Conference Committee on S. F. No. 583 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 583, A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

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

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. 742.

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. 742

A bill for an act relating to waters; allowing counties to exercise certain functions; increasing membership on the governing body of the White Bear Lake conservation district; providing for selection of board officers; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1; Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

May 19, 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. 742 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendment, and that S. F. No. 742 be further amended as follows:

Page 3, line 13 of the unofficial engrossment, following "Sec. 4." insert "*Section 1 of this act shall be effective the day following final enactment.*".

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

Senate Conferees: JOHN MILTON and GEORGE S. PILLSBURY.

House Conferees: MAURICE D. MCCOLLAR, TAD JUDE and ROBERT L. SEARLES.

McCollar moved that the report of the Conference Committee on S. F. No. 742 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 742, A bill for an act relating to waters; allowing counties to exercise certain functions; increasing membership on the governing body of the White Bear Lake conservation district; providing for selection of board officers; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1; Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, 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 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Faricy

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. 181.

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. 181

A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

May 18, 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. 181 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. 181 be further amended as follows:

Delete everything after the enacting clause and insert:

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

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

be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving spouse shall be entitled to one-half of the amount of the allowance being paid to the legislator. Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.

Sec. 2. Minnesota Statutes 1976, Section 3A.04, Subdivision 2, is amended to read:

Subd. 2. [DEPENDENT CHILDREN.] Upon the death of a member of the legislature while serving as such member after June 30, 1973, or upon the death of a former member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), each dependent child of such member shall be paid a survivor benefit in the following amount: First dependent child, a monthly allowance which equals 25 percent of the monthly retirement allowance of the member of the legislature computed as though the member were at least age 60 on the date of his death and based upon his allowable service or eight years whichever is greater; for each additional dependent child, a monthly allowance which equals 12 1/2 percent of the monthly retirement allowance of the member computed as in the case of the first child; but the total amount paid to the surviving spouse and dependent children shall not exceed in any one month 100 percent of the monthly retirement allowance of the member computed as in the case of the first child. *The augmentation provided in section 3A.02, subdivision 4, if applicable, shall be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving dependent child shall be entitled to the applicable percentage of the amount of the allowance being paid to the former legislator. The payments for dependent children shall be made to the surviving spouse or the guardian of the estate of the dependent children, if there is one. A posthumous child qualifies as a dependent child for benefits provided herein from the date of its birth.*

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

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

Sec. 4. Minnesota Statutes 1976, Section 69.011, Subdivision 1, is amended to read:

69.011 [QUALIFYING FOR STATE AID.] Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indi-

cates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapter 424 have the meanings ascribed to them:

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

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

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

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

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

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

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

(h) "Police officer" means any person:

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

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

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

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

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

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

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

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

Sec. 5. Minnesota Statutes 1976, Section 69.011, Subdivision 2, is amended to read:

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

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

together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in section (69.021, SUBDIVISION 5) 69.011, subdivision 1, clause (h), shall certify the number of such police officers (WHO WERE EMPLOYED FOR A MINIMUM OF SIX MONTHS AS OF THE PRECEDING DECEMBER 31,) to the commissioner on forms prescribed by him. *For purposes of sections 69.011 to 69.051, employment of a police officer shall commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county.*

Sec. 6. Minnesota Statutes 1976, Section 69.021, Subdivision 5, is amended to read:

Subd. 5. [CALCULATION OF STATE AID.] The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and two percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to police state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The total amount for apportionment in respect to police state aid shall be distributed to the counties for apportionment to municipalities maintaining police departments and to the county on the basis of the number of active police officers, as certified pursuant to section 69.011, subdivision 2, clause (b) (, WHO ARE MEMBERS OF THE PUBLIC EMPLOYEES POLICE AND FIRE FUND OR OF A LOCAL RETIREMENT ASSOCIATION. FOR PURPOSES OF SECTIONS 69.011 TO 69.051, THE TERM "POLICE OFFICER" MEANS ANY PERSON PRIMARILY EMPLOYED BY A MUNICIPALITY OR A COUNTY AS A FULL TIME SALARIED LAW ENFORCEMENT OFFICER SWORN TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE, AUTHORIZED TO ARREST WITH A WARRANT, AND CERTIFIED OR MEETING THE REQUIREMENTS FOR CERTIFICATION BY THE MINNESOTA POLICE OFFICERS TRAINING BOARD, EXCEPT IN MUNICIPALITIES WITH A POPULATION OF LESS THAN 1,000). The commissioner shall calcu-

late the percentage of increase or decrease reflected in the apportionment over or under the previous (YEARS) *year's* available (PREMIUMS) *state aid* using the same premiums as a basis for comparison.

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

Subd. 6. [CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.] With respect to firemen, one-half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last official statewide federal census. The remaining one-half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments furnishing fire protection to cities, towns or townships in other counties as evidenced by valid fire service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire protection service. The amount of firemen's state aid apportioned to each county shall not be less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the county. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each county's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. Other necessary adjustments shall be made to subsequent apportionments. No county shall receive less than provided for under this subdivision.

The state aid available in respect to police officers shall not exceed the amount of tax collected and shall be distributed to the counties in proportion to the total number of active police officers, as defined in section (69.021, SUBDIVISION 5) *69.011, subdivision 1, clause (h)*, in each county who are employed either by municipalities maintaining police departments or by the county. Any necessary adjustments shall be made to subsequent apportionments.

Sec. 8. Minnesota Statutes 1976, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREMEN'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner in the same manner that

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

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

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

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

(2) The county auditor shall apportion the state *police* aid received by him (RELATIVE TO THE PREMIUMS REPORTED ON THE MINNESOTA AID TO POLICE PREMIUM

REPORTS FILED PURSUANT TO THIS CHAPTER) to each municipality *and to the county* in the following manner:

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

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

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

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

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

Sec. 9. Minnesota Statutes 1976, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firemen's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been re-

moved as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

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

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

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

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

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid

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

Sec. 10. Minnesota Statutes 1976, Section 352.03, Subdivision 1, is amended to read:

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

Sec. 11. Minnesota Statutes 1976, Section 352.03, Subdivision 2, is amended to read:

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

Sec. 12. Minnesota Statutes 1976, Section 352.03, is amended by adding a subdivision to read:

Subd. 4a. The board may consider, review and make recommendations regarding the financial and other needs of retired

employees and may disseminate appropriate retirement information to the retired employee.

Sec. 13. Minnesota Statutes 1976, Chapter 352, is amended by adding a section to read:

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

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

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

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

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

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

Sec. 14. Minnesota Statutes 1976, Section 352B.01, Subdivision 3, is amended to read:

Subd. 3. "Allowable service" means (a) for those members defined in subdivision 2, clause (a), service for which payments have been made to the highway patrolmen's retirement fund, and (b) for those members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the highway patrolmen's retirement fund, service for which payments were made to the state police officers retirement fund after June 30, 1961, and all prior service which was credited to such member for service on or before June 30, 1961; provided that, after a member identified in clause (b) of this subdivision reaches the age of 60, (EACH YEAR OF) allowable service thereafter shall not be computed in determining his normal annuity unless he was employed as a state police officer before July 1, 1961. If such member was so employed before July 1, 1961 and reaches 60 years of age and has more than 30 years' allowable service at such time, each year *and completed month* of allowable service acquired by such member shall be computed in determining his normal annuity until such member reaches the age of 60. If such member was so employed before July 1, 1961, and has less than 30 years of allowable service when (HE) *the member* reaches age 60, each year *and completed month* of allowable service acquired by such member shall be computed in determining (HIS) *the normal annuity* not to exceed 30 years of such allowable service. The *completed year* (SUCH MEMBER REACHES) *members reach* age 60 may be (COMPUTED) *counted* in full in determining allowable service.

Sec. 15. Minnesota Statutes 1976, Section 352B.08, Subdivision 2, is amended to read:

Subd. 2. The annuity shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied by two and one-half percent for each year *and pro rata for completed months* of service not exceeding 20 years and two percent for each year *and pro rata for completed months* of service in excess of 20 years. Effective June 1, 1973, "average monthly salary" shall mean the average of the monthly salaries for the five high years of service as a member. The monthly salary for the period prior to July 2, 1969 shall be deemed to be \$600. In lieu of the life annuity herein provided, the member or former member with (20) *ten* years or more of service may elect a joint and survivor annuity, payable to (HIS) *the* surviving spouse (DURING HER NATURAL) *for* life, adjusted to the actuarial equivalent value of such life annuity. The joint and survivor annuity elected by a member may also provide that the elected annuity be reinstated to the life annuity herein provided, if after drawing the elected joint and survivor annuity, the spouse dies

prior to the death of the member. This reinstatement shall not be retroactive but shall be in effect for the first full month subsequent to the death of the surviving spouse. This additional joint and survivor option with reinstatement clause shall be adjusted to the actuarial equivalent value of a regular life annuity. The member *or former member* with (20) *ten* years or more of allowable service (MAY ELECT) *credit is deemed to have elected a 100 percent joint and survivor annuity (AT ANY AGE BUT) payable only on or after (HIS) the member's 55th birth-date.*

Sec. 16. Minnesota Statutes 1976, Section 352B.10, is amended to read:

352B.10 [DISABILITY BENEFITS.] (1) Any member less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render (HIM) *the member* physically or mentally unable to perform his *or her* duties, shall receive disability benefits during the period of such disability. The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the (BENEFICIARY) *member* multiplied (a) by 50 percent and, (b) by an additional two percent for each year *and pro rata for completed months* of service in excess of 20 *years*.

(2) If a member is injured under circumstances which entitle him to receive benefits under the worker's compensation law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the worker's compensation law.

(3) Any member who after not less than five years of service, before reaching the age of 55, terminates (HIS) employment because of sickness or injury occurring while not on duty and not engaged in state work entitling (HIM) *the member* to membership (IN THE ASSOCIATION,) and the termination is necessary because the member is unable to perform his *or her* duties shall be entitled to receive a disability benefit. The benefit shall be in the same amount and (PAID) *computed* in the same manner as if the (ANNUITANT) *member* were 55 years of age at the date of (HIS) disability and the annuity were paid pursuant to section 352B.08. Should disability under this clause occur after five but in less than ten years service, the disability benefit shall be (THE SAME) *computed* as through the member had (AT LEAST) ten years service.

(4) No member shall receive any disability benefit payment when (THERE REMAINS TO HIS CREDIT) *the member has* unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been

no impairment of (HIS) salary (AND). Should such member or former member resume a gainful occupation and his or her earnings are less than (HIS) *the salary received* at the date of disability or the salary currently paid for similar positions, (THE ASSOCIATION SHALL CONTINUE) the disability benefit *shall be continued* in an amount which when added to (SUCH) earnings does not exceed (HIS) *the salary received* at the date of disability or the salary currently paid for similar positions, whichever is higher, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

(5) No disability benefit payment shall be made except upon adequate proof furnished to the (ASSOCIATION) *director* of the existence of such disability, and during the time when any such benefits are being paid, the (ASSOCIATION) *director* shall have the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

Sec. 17. Minnesota Statutes 1976, Section 352D.02, Subdivision 1, is amended to read:

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

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

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

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

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

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system, *and*

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

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

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

Sec. 18. Minnesota Statutes 1976, Section 353.03, Subdivision 1, is amended to read:

353.03 [BOARD OF TRUSTEES.] Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is hereby vested in a board of trustees consisting of (14) 15 members, who shall be known as the board of trustees. This board shall consist of three trustees, one of whom shall be designated by each of the following associations, Minnesota school boards association, League of Minnesota (MUNICIPALITIES) Cities, and Association of Minnesota Counties; nine *area* trustees, who shall be elected from the membership *employed in one of the areas de-*

scribed below by the members (OF THE RETIREMENT ASSOCIATION) employed in such area except members of the police and fire fund; one trustee who shall be a retired annuitant elected at large by other annuitants; and one trustee who is a member of the police and fire fund elected at large by the membership of the police and fire fund. The remaining trustee shall be elected prior to January 1 by the governing bodies of employee organizations, as defined in section 179.63, subdivision 5, representing association employees; provided that in making the election each employee organization shall have one vote for each association employee it represents. The respective governing bodies shall implement and administer a system for the election of this member and the filling of vacancies, and any dispute in the election process shall be resolved by the secretary of state. Elected trustees shall hold office for a term of four years. For seven days beginning December 1 of each year, (EXCEPT 1974 AND EVERY FOURTH YEAR THEREAFTER,) the association shall accept at its office filings in person or by mail of candidates for the board of trustees. (THE) An area candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund from the area of the candidate, a retired annuitant candidate, a nominating petition signed by 25 or more such annuitants, and a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No nominee may withdraw his name from nomination after December 15. (CANDIDATES SHALL FILE AT LARGE FOR ALL SEATS VACANT AT THE FORTHCOMING ELECTION.) By January 10 of each year in which elections are to be held the board shall distribute by mail to the members and annuitants ballots listing the candidates, (THE NUMBER OF POSITIONS TO BE FILLED AND BLANK LINES FOR WRITE-IN VOTES). No member may vote for more than one candidate but a blank line shall be provided for a write in vote. A ballot indicating a vote for more than one person shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. Except as provided in this section, all terms expire on January 31 of the fourth year, and the position shall remain vacant until the newly elected member is qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the nine area trustees, the state shall be divided into three areas as follows: Area one shall include Anoka, Hennepin, Ramsey and Washington counties. Area two shall include Big Stone, Swift, Kandiyohi, Meeker and Wright counties and all counties south thereof, except counties in area one. Area three shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. Each year for three years one area trustee shall be elected to a four-year term from each area by the members employed in the respective areas. In the fourth year one trustee shall be elected at large by the police

and fire fund membership and one trustee elected at large by the annuitants.

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

Sec. 19. Minnesota Statutes 1976, Section 353.01, Subdivision 2a, is amended to read:

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

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

(b) District court reporters.

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

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

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

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

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

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

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

Sec. 20. Minnesota Statutes 1976, Section 353.01, Subdivision 2b, is amended to read:

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

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

(b) Election officers.

(c) Independent contractors and their employees.

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

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

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. (IN THE EVENT SUCH EMPLOYEES RECEIVE COMPENSATION ON A MONTHLY SALARY BASIS, EACH CALENDAR MONTH FOR WHICH THEY ARE SO PAID SHALL CONSTITUTE 30 WORKING DAYS; HOWEVER,) Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of (\$150) \$250 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Parttime employees who receive monthly compensation not exceeding (\$150) \$250, and parttime employees and elected officials whose annual compensation is stipulated in advance to be not more than (\$1,800) \$3,000 per year, *except that members shall continue their membership until termination of public service.*

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

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

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has

specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person who belongs to the public employees retirement association from also belonging to or contributing to a volunteer firemen's relief association that does not determine its benefits or contributions on the basis of the salary or compensation of the fireman.

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

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

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

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

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

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

Sec. 21. Minnesota Statutes 1976, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district

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

Sec. 22. Minnesota Statutes 1976, Section 353.01, Subdivision 15, is amended to read:

Subd. 15. [DEPENDENT CHILD.] "Dependent child" means any natural or adopted child of a deceased member, provided such child is (a) under the age of 18, (b) age 18 through 21 and a full time student, and in either case unmarried and dependent for more than one-half of his support upon such member at the time of death and for not less than 90 days prior thereto; provided, that (EFFECTIVE RETROACTIVELY TO APRIL 30, 1970) the child of a deceased member, who at the time of his death was receiving total and permanent disability benefits pursuant to section 353.33, shall be deemed dependent if he was dependent upon the decedent for more than one-half of his support during the 90 days prior to the decedent's becoming totally and permanently disabled (, EXCEPT THAT NO PAYMENT IN BEHALF OF SUCH A DEPENDENT CHILD SHALL COMMENCE PRIOR TO JULY 1, 1971). It also includes any child of the member conceived during his lifetime and born after his death (IN ANY CASE WHERE A MEMBER DIED AFTER JULY 1, 1957). It also means any dependent child who is the subject of adoption proceedings filed by a member, and who within two years after death of the member, by judgment and decree duly entered, is adjudged to be the adopted child of the deceased member; subject, however, to the qualifying conditions of age and dependency aforesaid and the dependency of the child hereunder shall date from the decree of adoption.

Sec. 23. Minnesota Statutes 1976, Chapter 353, is amended by adding a section to read:

[353.022] [HENNEPIN AND SCOTT SOIL AND WATER CONSERVATION DISTRICTS EMPLOYEES.] *From and after July 1, 1977, employees of the Hennepin and the Scott soil and water conservation districts shall become coordinated members of the public employees retirement association, unless specifically excluded under section 353.01, subdivision 2b, and, notwithstanding section 353.01, subdivision 6, and the districts shall be deemed governmental subdivisions for purposes of this chapter.*

Sec. 24. Minnesota Statutes 1976, Section 353.27, Subdivision 4, is amended to read:

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

Sec. 25. Minnesota Statutes 1976, Section 353.29, Subdivision 4, is amended to read:

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

Sec. 26. Minnesota Statutes 1976, Section 353.29, Subdivision 8, is amended to read:

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

Sec. 27. Minnesota Statutes 1976, Section 353.31, Subdivision 8, is amended to read:

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

Sec. 28. Minnesota Statutes 1976, Section 353.32, Subdivision 7, is amended to read:

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

Sec. 29. Minnesota Statutes 1976, Section 353.33, Subdivision 1, is amended to read:

353.33 [TOTAL AND PERMANENT DISABILITY BENEFITS.] Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.] After June 30, 1973 any member who becomes totally and permanently disabled before age 65 and after

ten years of allowable service or after age 50 *but before age 65* with five years of allowable service, whichever is sooner, shall be entitled to a disability benefit in an amount provided in subdivision 3. If such disabled person's public service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. Any member whose average salary is less than \$75 per month shall not be entitled to a disability benefit.

Sec. 30. Minnesota Statutes 1976, Section 353.33, Subdivision 9, is amended to read:

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

Sec. 31. Minnesota Statutes 1976, Section 353.36, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS; INTEREST; MATCHING PAYMENT.] A person who has *at least one year of allowable service with the association and who has prior public service on which salary deductions were not taken for the retirement fund and who does not have the required minimum number of years of allowable service credit to qualify for an annuity*, may apply for such annuity if otherwise qualified, and within 90 days thereafter purchase whatever period of said public service is necessary to bring his total allowable service credit to said minimum, provided that last service shall be purchased first. Such person may gain such allowable service credit by paying six percent of the salary covered under the law in effect at the time that such public service was performed, with interest thereon at the rate of six percent per annum compounded annually from the date first payable to the date payment is made, plus a matching amount, unless the employer agrees to pay said matching amount pursuant to subdivision 2a. An annuity shall accrue as provided in section 353.29, subdivision 7, but no annuity shall be paid until the applicant's payment is made in full for the prior public service; if said payment is not made within such 90 days, the application for retirement shall be void.

Sec. 32. Minnesota Statutes 1976, Section 353.37, is amended to read:

353.37 [PUBLIC RE-EMPLOYMENT OF ANNUITANT.] Subdivision 1. [EFFECT ON ANNUITIES.] The annuity of a person otherwise eligible therefor under this chapter shall

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

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

Sec. 33. Minnesota Statutes 1976, Section 353.46, is amended by adding a subdivision to read:

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

Sec. 34. Minnesota Statutes 1976, Section 353.651, Subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The average salary as defined in subdivision 2, multiplied by two and one-half percent per year of allowable service for the first 20

years and two percent per year of allowable service thereafter, shall determine the amount of the "normal" retirement annuity(; PROVIDED, HOWEVER, IF THE ANNUITY CALCULATED HEREUNDER IS LESS THAN THE ANNUITY CALCULATED UNDER THE LAW IN EFFECT ON JUNE 30, 1973, THIS LATTER AMOUNT SHALL BE THE "NORMAL" ANNUITY). If the member has earned allowable service for performing services other than those of a police officer or fire fighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30.

Sec. 35. Minnesota Statutes 1976, Section 354.05, is amended by adding a subdivision to read:

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

Sec. 36. Minnesota Statutes 1976, Section 354.06, Subdivision 1, is amended to read:

354.06 [BOARD OF TRUSTEES; MEMBERSHIP; DUTIES.] Subdivision 1. The management of the fund shall be vested in a board of (SEVEN) *eight* trustees to be known as the board of trustees of the teachers retirement fund. It shall be composed of the following persons: the commissioner of education, the commissioner of finance, the commissioner of insurance, and four members of the fund who shall be elected by (MAIL BALLOT FOR TERMS OF FOUR YEARS BY) the members of the fund (IN A MANNER TO BE FIXED BY THE BOARD OF TRUSTEES OF THE FUND) *and one retiree who shall be elected by the retirees of the fund. The five elected members of the board of trustees shall be chosen by mail ballot in a manner to be fixed by the board of trustees of the fund.* In every odd numbered year there shall be elected two members of the fund to the board of trustees for terms of four years commencing on the first of July next succeeding their election. *Commencing in 1977 and every two years thereafter there shall be elected one retiree of the fund to the board of trustees for a term of two years commencing on the first of July next succeeding his election except that the first term served by a retiree shall be for a period of 20 months commencing on November 1, 1977.* Each election shall be completed by June (1ST) *first* of each succeeding odd numbered year *except that the first election of a retiree shall be completed by October 1, 1977.* In the case of elective members, vacancies shall be filled by appointment by the remainder of the board, the appointee to serve until the members *or retirees* of the fund at the next regular election have elected a trustee to serve for the unexpired term caused by such vacancy. No member *or retiree* shall be appointed by the board, or elected by the members of the fund as a trustee who is not a member *or retiree* of the fund in good standing at the time of such appointment or election. It shall be the duty of the board of trustees to

faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it and the teachers who are its beneficiaries.

Sec. 37. Minnesota Statutes 1976, Section 354.44, Subdivision 1a, as amended by Laws 1977, Chapter 67, Section 8, is amended to read:

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

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

[355.201] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 38 to 46 of this act, the terms defined in this section shall have the meaning ascribed to them.*

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

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

Subd. 4. "Teacher" means all employees of political subdivisions who hold positions covered by the St. Paul teachers retire-

ment fund association, established under the provisions of chapter 354A.

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

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

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

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

Sec. 41. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.204] [DIVISION OF THE ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION.] *In accordance with section 218 (d) (6) (C) of the social security act, the state agency shall divide into two divisions or parts the St. Paul teachers retirement fund association established under the provisions of Minnesota Statutes, Chapter 354A. One division or part of the retirement fund association shall be composed of positions of teachers who desire coverage under an agreement under section 218 (d) of the social security act. The other division or part of the retirement fund association shall be composed of positions of teachers who do not desire coverage under such an agreement. Each division or part shall be deemed to be a separate retirement system for the purposes of section 218 (d) of the social security act. There shall be included in the division or part composed of members desiring such coverage the positions of teachers who become members of the St. Paul teachers retirement fund association after such coverage is extended; provided, a teacher whose service in a position covered by the retirement fund association commences after the date on which such social security coverage is extended shall be deemed to become a member of the retirement fund association upon the commencement of such service for purposes of this section, notwithstanding the date of any employment contract.*

Sec. 42. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

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

Sec. 43. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

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

Sec. 44. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.207] [AGREEMENTS WITH FEDERAL AGENCY.] *Upon the governor's certification pursuant to section 43 of this act, the state agency, with the approval of the governor, shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.*

Sec. 45. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.208] [EMPLOYER CONTRIBUTIONS.] *Contributions required under the agreement or modification entered into pursuant to section 44 of this act to be made by political subdivisions employing teachers, and payments required by Minnesota Statutes, Section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the state.*

Sec. 46. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.209] [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.] *After the date the agreement or modification is entered into pursuant to section 44 of this act, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the state and each political subdivision in respect thereto. Failure to deduct such contribution shall not relieve the employee or the state or the political subdivision of liability therefor.*

Sec. 47. Minnesota Statutes 1976, Section 355.281, is amended to read:

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

Sec. 48. Minnesota Statutes 1976, Section 355.286, is amended to read:

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

Sec. 49. Minnesota Statutes 1976, Section 356.34, Subdivision 1, is amended to read:

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

Sec. 50. Minnesota Statutes 1976, Section 422A.02, is amended to read:

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

(1) Mayor;

(2) The city comptroller or corresponding official;

(3) (THE CHAIRMAN OF THE WAYS AND MEANS COMMITTEE OF THE CITY COUNCIL OR CORRESPONDING MEMBER OF THE CHIEF GOVERNING BODY OF THE CITY) *One member of the city council selected by the council;* and

(4) (TWO) *Four* legally qualified voters of the city, residents thereof for the preceding five years, to be chosen by the employees as defined in sections 422A.01 to 422A.25 who are contributors to the retirement fund created by sections 422A.01 to 422A.25. The employees may form an association for that purpose and the employing authorities are authorized to make payroll deductions for the payment of dues to said association. The persons selected shall serve for staggered terms of two years from the first of the next succeeding January after their election, and until their successors are duly elected. Such selection shall be made by the employees during the first week of December of each year. Vacancies occurring by death, resignation, or removal of such representatives shall be filled by representatives chosen by the employees.

Sec. 51. *The two additional members authorized by section 50, clause (4) shall be chosen on the effective date of section 50 in the manner prescribed for the filling of vacancies on the board, with one designated to serve until January 1, 1978 and one until January 1, 1979. Thereafter the additional members shall be selected for regular two year terms in the manner provided in section 50.*

Sec. 52. Minnesota Statutes 1976, Section 422A.03, Subdivision 1, is amended to read:

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

prevail, and the person most recently certified to such position shall be returned to the permanent civil service classification held by him prior to such certification.

Sec. 53. Laws 1975, Chapter 388, Section 1, is amended to read:

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

Subd. 2. A permanent employee of the legislature who prior to attaining such status provided professional services for the legislature prior to July 1, 1977 as an employee of a foundation or a nonprofit corporation pursuant to a contract with the legislative coordinating commission may obtain allowable service credit for the period of the professional services by paying to the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the periods of service for which he or she desires to obtain allowable service credit. Proof of the professional services and the duration thereof shall be established by the certification of the legislative coordinating commission.

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

unclassified program, the payment by the employee and employer shall be used to purchase shares in the Minnesota supplemental fund.

Sec. 54. Laws 1976, Chapter 238, Section 12, is amended to read:

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

Subd. 2. The articles of incorporation of the Minneapolis teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective July 1, (1977) 1978. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes, (1975 SUPPLEMENT.) Section 354A.12.

Sec. 55. Laws 1977, Chapter 35, Section 18, is amended to read:

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

Minnesota state retirement system in accord with section 490.106.

Sec. 56. An employee of the Hennepin county district court who has attained the age of 65 years or older and who has not less than seven years of allowable service as a member of the public employees retirement association following part-time service on an intermittent basis with the court, shall be entitled to a proportionate retirement annuity pursuant to Minnesota Statutes, Section 356.32, notwithstanding the fact that the employee was not required to terminate service at age 65 or earlier. Payment of an annuity pursuant to this section shall be made retroactive to August 1, 1976 or the employee's date of termination, whichever is later.

Sec. 57. [RAMSEY COUNTY; PUBLIC EMPLOYEES' RETIREMENT BENEFITS FOR SHERIFF'S PERSONNEL.]

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

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

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

Sec. 58. Any person who, prior to May 1, 1975, had

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

(b) completed at least four years but fewer than eight years of service as a constitutional officer or commissioner and made employee contributions for that entire period of service to the

elective state officers' retirement plan established pursuant to Minnesota Statutes, Chapter 352C;

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

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

Sec. 59. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.] *Subdivision 1. The following amendment to the articles of incorporation of the Minneapolis teachers retirement fund association is hereby approved in accordance with Minnesota Statutes, Section 354A.12.*

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

Sec. 60. [ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.] *Subdivision 1. There shall be established effective July 1, 1978, a coordinated retirement program within the St. Paul teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions*

and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation and the bylaws of the St. Paul teachers retirement fund association pertaining to eligibility for membership in the association and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.

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

Sec. 61. Notwithstanding anything to the contrary in Article IV, Section 3, Paragraph 3, of the bylaws of the St. Paul teachers retirement fund association, the annual amount of the pension payable to a member who retires on or after July 1, 1977 upon or after attaining the age of 60 years shall equal the product obtained by multiplying an amount equal to two percent of his average salary as defined in Article IX, Section 1, Paragraph 2 of the bylaws, by the number of years of his accredited service, subject to a maximum of 40 years. A pension payable prior to the member attaining the age of 60 years shall be reduced in accordance with the provisions of Article IV, Section 3, Paragraph 3 of the bylaws.

Sec. 62. [WINONA POLICE CHIEF; PENSION COVER-AGE.] Subdivision 1. Notwithstanding Minnesota Statutes, Section 353.64, Subdivision 1 or any other law to the contrary, the person employed by the city of Winona on the effective date of this section as chief of police shall be a member of the public employees police and fire fund established by sections 353.63 to 353.68 and not of the local policemen's relief association established pursuant to sections 423.801 to 423.815. An amount equal to the employer and employee contributions which would have been required pursuant to section 353.65, had the person been a member of the public employees police and fire fund from the commencement of his employment with the police department of the city of Winona, plus interest at the rate of six percent per annum compounded annually from the year the payment would otherwise have been made to the year the payment is made, shall be paid to the public employees police and fire fund, which shall credit the chief of police with service as a member for this period upon the receipt of the payments required under this section. An

amount equal to the employer contributions plus interest as herein specified shall be transferred from the Winona policemen's relief association to the public employees police and fire fund. An amount equal to the employee contributions plus interest as herein specified shall be paid by the chief of police to the public employees police and fire fund. The chief of police shall be entitled to receive, upon making written application, a refund of his accumulated contributions to the Winona policemen's relief association plus interest at the rate actually received by the relief association as determined by the board of trustees of the relief association.

Subd. 2. This section is effective upon approval by the Winona city council and upon compliance with Minnesota Statutes, Section 645.021.

Sec. 63. In the next or earliest practicable edition of Minnesota Statutes, the revisor of statutes shall change the terms "fireman" and "firemen" to "firefighter" and "firefighters" respectively, wherever the terms appear in respect to those persons engaged in fighting fires as distinguished from maintaining fires in boilers, or other machines or devices.

Sec. 64. Sections 4, 5, 6, 7, 8, and 9 shall be effective for the certification of police officers by municipalities and counties as of December 31, 1976 and for the apportionment and distribution of police state aid made subsequent to January 1, 1977.

Sec. 65. [REPEALER.] Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5, are repealed.

Sec. 66. [EFFECTIVE DATE.] Sections 1, 2, 3, 13, 14, 15, 16, 20, 27, 32, 33, 37, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59 are effective the day following final enactment. Sections 10, 11, 12, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 60, 61, 63, and 65 shall be effective July 1, 1977."

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

"A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement association and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; various technical amendments to the police state aid program; pension coverage for employees of state employee labor organizations;

inclusions in the unclassified employees retirement plan; employment of certain substitute teachers beyond the mandatory retirement age; establishment of a coordinated program and providing for an increased retirement formula for the St. Paul teachers retirement fund association; delaying the establishment of a coordinated program for the Minneapolis teachers retirement fund association; delaying implementation of a limitation on the average salary for retirement benefits; purchase of prior service for certain legislative employees; modifying waiver requirement for certain district court judges and supreme court judges; proportionate annuity for certain Hennepin county district court employees; purchase of prior service for certain Ramsey county sheriff's department employees; repayment of refund for certain former members of the elective state officers plan; pension coverage for the Winona police chief; amending Minnesota Statutes 1976, Sections 3A.04, Subdivisions 1 and 2, and by adding a subdivision; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5, 6 and 7; 69.031, Subdivision 5; 352.03, Subdivisions 1, 2, and by adding a subdivision; 352B.01, Subdivision 3; 352B.08, Subdivision 2; 352B.10; 352D.02, Subdivision 1; 353.01, Subdivisions 2a, 2b, 6, and 15; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1 and 9; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 354.44, Subdivision 1a, as amended; 355.281; 355.286; 356.34, Subdivision 1; 422A.02; 422A.03, Subdivision 1; Chapters 352, by adding a section; 353, by adding a section; and 355, by adding sections; Laws 1975, Chapter 388, Section 1; Laws 1976, Chapter 238, Section 12; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5."

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

Senate Conferees: EUGENE STOKOWSKI, HARMON OGDahl and ROGER STRAND.

House Conferees: AL PATTON, LEO REDING and JOHN BIERSDORF.

Patton moved that the report of the Conference Committee on S. F. No. 181 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 181, A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in

the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

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

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. 274.

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. 274

A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

May 18, 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. 274 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House committee amendment adopted May 6, 1977, and the first Wieser amendment adopted May 12, 1977 and the House recede from the other amendments it adopted May 12, 1977, and that S. F. No. 274 be further amended as follows:

Page 6, after line 14, of the House unofficial engrossment and before the first Wieser amendment insert:

"Subd. 7 [BIG STONE STATE PARK; DELETION.] The following area is deleted from Big Stone State Park: The Northeast Quarter of the Northwest Quarter of Section 20 in Township 123 North, Range 48 West and that part of Government Lot Two (2), Section Ten (10), Township One Hundred Twenty-Two (122), Range Forty-seven (47) lying south of Highway No. 7 and west of the following described line: Commencing at a point on the Westerly boundary line of Government Lot Two (2), Section Ten (10), Township One Hundred Twenty-two (122), Range Forty-seven (47) which is 189.75 feet due South of the intersection of the Westerly boundary line of said Government Lot 2 and the Southerly right of way line of Trunk Highway No. 7; thence due East 853.3 feet to an iron stake; thence deflect to the left at a delta angle of 71 degrees 41 minutes 371.9 feet to the intersection of said line with the Southerly right of way line of said Trunk Highway No. 7 which is the starting point of said line above referred to; thence in a South-

westerly direction back along said line just described for a distance of 1081.4 feet to the shores of Big Stone Lake."

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

Senate Conferees: GEORGE F. PERPICH, TOM A. NELSON and GERALD L. WILLET.

House Conferees: JOHN T. CLAWSON, RICHARD R. LEMKE and GLEN H. ANDERSON.

Clawson moved that the report of the Conference Committee on S. F. No. 274 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 274, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

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 116 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Begich	Fugina	Kvam	Spanish
Anderson, R.	Eckstein	Kalis	McDonald	Wigley

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. 109.

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. 109

A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

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. 109 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. 109 be amended as follows:

Delete everything after the enacting clause and insert:

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

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

Subd. 2. [TERM OF OFFICE; SUCCESSOR.] The term of a commissioner shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner vacates his office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent commissioner within 45 legislative days after the end of the term of a commissioner and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent commissioner when the senate notifies the appointing authority that it has consented to the appointment. A commissioner shall serve at the pleasure of the appointing authority. Effective on and after July 1, 1987, a commissioner may only be removed for cause after notice and hearing.

Subd. 3. [VACANCY; TEMPORARY COMMISSIONER.] The purpose of this subdivision is to provide a procedure to insure the immediate accession to office of a temporary commissioner in the event of a vacancy in the office of commissioner. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner pursuant to subdivision 4, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 7 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate an temporary commissioner.

Subd. 4. [END OF TERM; VACANCY; ACTING COMMISSIONER.] *The purpose of this subdivision is to provide alternative means whereby an appointing authority may designate a person other than a temporary commissioner to serve as acting commissioner until advice and consent of the senate is received in respect to a permanent appointee. These alternative means include the following:*

(1) *At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until his successor is appointed and qualifies.*

(2) *An appointing authority may appoint a person other than a deputy to serve as acting commissioner and to replace any other acting or temporary commissioner designated pursuant to subdivisions 3 or 4.*

(3) *Prior to the advice and consent of the senate, the appointing authority may designate the permanent appointee as commissioner.*

Subd. 5. [EFFECT OF DESIGNATION OF ACTING OR TEMPORARY COMMISSIONER.] *A person who is designated commissioner, acting commissioner or temporary commissioner pursuant to subdivisions 3 or 4 shall immediately have all the powers and emoluments and perform all the duties of the office. Upon the appointment of a commissioner or acting commissioner to succeed any other acting or temporary commissioner, the subsequent appointee shall immediately take the place of any other acting or temporary commissioner. No person shall serve as commissioner or acting commissioner after the senate has voted to refuse to consent to his appointment as permanent commissioner. Notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the state register.*

Subd. 6. [GENERAL POWERS OF COMMISSIONERS.] *Except as otherwise expressly provided by law, (THE) a commissioner (OR HEAD OF ANY STATE DEPARTMENT OR AGENCY) shall have the following powers:*

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

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

((3)) (2) To appoint all subordinate (OFFICERS AND) employees (IN HIS DEPARTMENT OR AGENCY) and to prescribe their duties (AND FIX THEIR COMPENSATION); provided, that all departments and agencies (HEREUNDER) shall be subject to the provisions of (ANY CIVIL SERVICE LAW NOW OR HEREAFTER ENACTED, SO FAR AS APPLICABLE) *chapter 43;*

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

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

Subd. 7. [DEPUTY COMMISSIONER.] *For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. He shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and he shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.*

Subd. 8. [NUMBER OF DEPUTY COMMISSIONERS.] *Unless specifically authorized by statute, other than section*

43.09, subdivision 2a, no department or agency specified in subdivision 1 shall have more than one deputy commissioner. Notwithstanding any other law to the contrary, none of the departments or agencies shall have more than two deputy commissioners.

Subd. 9. [PRIVATE EMPLOYMENT.] No former commissioner or deputy commissioner may, within one year after leaving the position of commissioner or deputy commissioner in a department or agency, appear or participate in proceedings of that department or agency representing the interests of private persons.

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

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

Subd. 3. [EXPIRATION DATE.] Unless an earlier date is specified by statute or by executive order, an executive order shall expire 90 days after the date that the governor who issued the order vacates his office.

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

15.051 [STATE REGISTER.] Subdivision 1. [PURPOSE.] The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective (UPON SUCH) 15 days after publication

except as provided in section 2, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as will provide economic publication and distribution and will offer easy access to information by any interested party.

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

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

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

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

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

The commissioner (OF ADMINISTRATION, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

Sec. 7. Minnesota Statutes 1976, Section 16.028, Subdivision 1, is amended to read:

16.028 [ADDITIONAL POWERS.] Subdivision 1. In addition to the other powers, duties and responsibilities of the commissioner of administration, he may appoint (TWO) *one* deputy (COMMISSIONERS) *commissioner*, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 8. Minnesota Statutes 1976, Section 16A.01, Subdivision 2, is amended to read:

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

Sec. 9. Minnesota Statutes 1976, Section 16A.01, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint (TWO DEPUTY COMMISSIONERS) *one deputy commissioner*, and a confidential secretary, each of whom shall serve at the pleasure of the

commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY. A DEPUTY MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 10. Minnesota Statutes 1976, Section 16.125, is amended to read:

16.125 [TRANSFER OF POWERS OR DUTIES.] *Subdivision 1. The (AUTHORITY OF THE) commissioner of administration (UNDER SECTIONS 16.13 AND 16.135, INCLUDES THE AUTHORITY TO TRANSFER FUNCTIONS), in order to improve efficiency or avoid duplication, may transfer powers or duties, and personnel necessary to perform the powers or duties, of a department (TO ANOTHER WITH THE APPROVAL OF THE GOVERNOR) or agency to another department or agency that has been in existence for at least one year prior to the date of transfer. A transfer must have received the prior approval of the governor. The commissioner of administration shall no later than January 15 of each year submit to the legislature a bill making all statutory changes required by reorganization orders issued by the commissioner during the preceding calendar year.*

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

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

ATE AND THE COMMITTEE ON APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES) *or agency.*

Sec. 11. Minnesota Statutes 1976, Section 16A.16, is amended to read:

16A.16 [DEPARTMENT HEAD EXPENSES.] Heads of departments in the executive branch who receive a fixed salary of, or whose range midpoint is, (\$23,000) *\$36,000* annually or more, and constitutional officers, are authorized to expend annually a sum not to exceed \$2,000; and the heads of all other state departments are authorized to expend a sum not to exceed \$1,000 annually from their supply and expense funds for expenses necessary for the normal performance of their duties for which no other reimbursement is provided. The expenditures are subject to the statutes and rules (AND REGULATIONS) of the state governing budgeting, allotment and encumbrance, preaudit, and post audit.

The commissioner of finance may promulgate rules (AND REGULATIONS) as necessary to assure the proper expenditure of these funds, and to provide for reimbursement.

Sec. 12. Minnesota Statutes 1976, Section 17.01, is amended to read:

17.01 [CREATION OF DEPARTMENT; COMMISSIONER; DEPUTY.] There is (HEREBY) created a department of agriculture, which shall be in the charge of a commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE, TO BE KNOWN AS THE COMMISSIONER) of agriculture, in this chapter called the commissioner (, WHO). *He* shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER OF AGRICULTURE SHALL EXPIRE. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.* Before entering upon the duties of his office, he shall take (AND SUBSCRIBE) the oath required of state officials (AND GIVE HIS BOND TO THE STATE OF MINNESOTA, TO BE APPROVED BY, AND FILED WITH, THE SECRETARY OF STATE, FOR THE SUM OF \$5,000, CONDITIONED FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES). He may appoint a deputy

(WHO SHALL BE IN THE UNCLASSIFIED SERVICE,) *commissioner* (AND SUCH OTHER ASSISTANTS, CLERKS, AND EMPLOYEES AS OCCASION MAY REQUIRE).

Sec. 13. Minnesota Statutes 1976, Section 43.001, Subdivision 2, is amended to read:

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

Sec. 14. Minnesota Statutes 1976, Section 43.001, Subdivision 3, is amended to read:

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

Sec. 15. Minnesota Statutes 1976, Section 45.02, is amended to read:

45.02 [COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES.] The governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE,) shall appoint the members of the commission *under the provisions of section 1*. (THE TERM OF EACH MEMBER SHALL BE SIX YEARS. IN CASE OF A VACANCY IT SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM.) Each member of the commission, before entering upon the discharge of his duties, shall take (, SUBSCRIBE,) and file with the secretary of state (,) the oath of office prescribed by the constitution (, AND SHALL GIVE BOND TO THE STATE, THE COMMISSIONER OF BANKS IN THE AMOUNT OF \$50,000, THE COMMIS-

SIONER OF INSURANCE IN THE AMOUNT OF \$25,000, AND THE COMMISSIONER OF SECURITIES IN THE AMOUNT OF \$10,000, CONDITIONED FOR THE FAITHFUL DISCHARGE OF HIS DUTIES DURING HIS CONTINUANCE IN OFFICE AND FOR THE PAYMENT WITHOUT DELAY TO THE OFFICER OR PERSON ENTITLED BY LAW THERETO OF ALL MONEYS WHICH SHALL COME INTO HIS HANDS BY VIRTUE THEREOF).

A majority of the commission shall constitute a quorum.

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

Sec. 16. Minnesota Statutes 1976, Section 45.15, is amended to read:

45.15 [ESTABLISHMENT OF CONSUMER SERVICES SECTION.] A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL A SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED FOR THE UNEXPIRED TERM) *under the provisions of section 1.*

Sec. 17. Minnesota Statutes 1976, Section 60A.03, Subdivision 1, is amended to read:

60A.03 [INSURANCE COMMISSIONER.] Subdivision 1. [COMMISSIONER; APPOINTMENT; TERM; VACANCY; BOND.] The commissioner of insurance shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, FOR THE TERM OF SIX YEARS, WHO SHALL HOLD OFFICE UNTIL HIS DULY APPOINTED SUCCESSOR SHALL HAVE QUALIFIED. IN CASE OF A VACANCY, IT SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. BEFORE ENTERING UPON THE DISCHARGE OF HIS DUTIES, HE SHALL TAKE, SUBSCRIBE, AND FILE WITH THE SECRETARY OF STATE THE OATH OF OFFICE PRESCRIBED BY THE CONSTITUTION, AND GIVE BOND TO THE STATE, WITH SURETIES TO BE APPROVED BY THE STATE TREASURER, IN THE AMOUNT OF \$25,000, CONDITIONED FOR THE FAITHFUL DISCHARGE OF HIS DUTIES DURING HIS CONTINUANCE IN OFFICE AND FOR THE PAYMENT WITHOUT DELAY TO THE OFFICER OR PERSON EN-

TITLED BY LAW THERETO OF ALL MONEYS WHICH SHALL COME INTO HIS HANDS BY VIRTUE THEREOF;) *under the provisions of section 1 and shall devote his entire time to the duties of his office.*

Sec. 18. Minnesota Statutes 1976, Section 84.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of natural resources is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE) commissioner.

Sec. 19. Minnesota Statutes 1976, Section 116.03, Subdivision 1, is amended to read:

116.03 [DIRECTOR.] Subdivision 1. (a) The office of director of the pollution control agency is created and is under the supervision and control of the director, who is appointed by the governor (BY AND WITH THE CONSENT OF THE SENATE FOR A FOUR YEAR TERM, WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR, AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. THE GOVERNOR MAY REMOVE THE DIRECTOR AT ANY TIME AT HIS PLEASURE. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE CONSENT OF THE SENATE, FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.*

((B) IN ORDER TO EXPEDITE THE ESTABLISHING AND FUNCTIONING OF THE POLLUTION CONTROL AGENCY, THE GOVERNOR SHALL FORTHWITH APPOINT AN ACTING DIRECTOR, WHO SHALL HAVE ALL THE POWERS AND DUTIES OF THE DIRECTOR AS PROVIDED IN SECTIONS 116.01 TO 116.08. THE ACTING DIRECTOR MAY BE A PERSON IN THE SERVICE OF THE STATE AT THE TIME OF HIS APPOINTMENT, AND WHO WHILE SERVING AS ACTING DIRECTOR IS ON LEAVE OF ABSENCE FROM HIS REGULAR OFFICE OR POSITION IN THE STATE SERVICE. THE ACTING DIRECTOR

SHALL SERVE AS SUCH UNTIL THE DIRECTOR IS APPOINTED AND QUALIFIES AS SUCH DIRECTOR. PENDING THE ABOLISHMENT OF THE WATER POLLUTION CONTROL COMMISSION AS SPECIFIED IN SECTION 116.02, SUBDIVISION 5, THE DIRECTOR OR ACTING DIRECTOR, AS THE CASE MAY BE, IS THE SECRETARY OF SUCH COMMISSION IN LIEU OF THE SECRETARY AND EXECUTIVE OFFICER OF THE STATE BOARD OF HEALTH.)

((C)) (b) The director may appoint a deputy director and an assistant director who shall be in the unclassified service. (THE DIRECTOR MAY DESIGNATE THE DEPUTY DIRECTOR TO THE AGENCY TO ACT IN HIS STEAD AS A MEMBER, WITH ALL HIS RIGHTS AND PRIVILEGES THEREIN, OF ANY AGENCY, BOARD, COMMITTEE, OR COMMISSION THAT THE DIRECTOR IS MADE A MEMBER OF BY LAW. THE DESIGNATION SHALL BE FILED WITH SECRETARY OF STATE. THE SALARY OF THE DEPUTY DIRECTOR AND OF THE ASSISTANT DIRECTOR SHALL BE PROVIDED BY LAW.)

Sec. 20. Minnesota Statutes 1976, Section 116H.03, Subdivision 2, is amended to read:

Subd. 2. The agency shall be under the supervision of the director who shall organize the agency (AND EMPLOY SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE FUNCTIONS OF THE AGENCY. DUTIES OF SUCH OFFICERS, AGENTS AND EMPLOYEES SHALL BE AS SPECIFIED BY THE DIRECTOR).

Sec. 21. Minnesota Statutes 1976, Section 116H.03, Subdivision 3, is amended to read:

Subd. 3. The director shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, TO A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* (IN APPOINTING THE DIRECTOR THE GOVERNOR SHOULD GIVE DUE CONSIDERATION TO THE LISTING OF NAMES SUBMITTED BY THE COMMISSION PURSUANT TO SECTION 116H.04. THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.)

(A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR AND THE NEW APPOINTEE SHALL IMMEDIATELY TAKE OFFICE AND CARRY OUT ALL DUTIES UNTIL THE NEXT SESSION OF THE LEGISLATURE WHEN HIS APPOINTMENT

SHALL BE SUBMITTED TO THE SENATE FOR CONFIRMATION.)

The director may appoint a deputy director and a personal secretary to serve at his pleasure. (THE SALARIES OF THE DIRECTOR AND THE DEPUTY SHALL BE FIXED BY THE GOVERNOR UNTIL OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY BE AUTHORIZED BY THE DIRECTOR TO PERFORM EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED ON THE DIRECTOR UNLESS EXPRESSLY FORBIDDEN BY LAW.) The director and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

Sec. 22. Minnesota Statutes 1976, Section 129A.02, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER.] The commissioner is the chief executive officer of the department and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation. The commissioner shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM WHICH WILL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIES. THE COMMISSIONER MAY BE REMOVED BY THE GOVERNOR FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF VACANCY, THE GOVERNOR SHALL APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *and serve under the provisions of section 1.* The commissioner shall be a person having substantial experience in the administration and financing of vocational rehabilitation programs.

Sec. 23. Minnesota Statutes 1976, Section 174.02, Subdivision 1, is amended to read:

174.02 [COMMISSIONER; POWERS; DUTIES.] Subdivision 1. [APPOINTMENT.] The department shall be supervised and controlled by the commissioner of transportation, who shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING UNLESS OTHERWISE PROVIDED FOR IN CHAPTER 15) *and serve under the provisions of section 1.*

Sec. 24. Minnesota Statutes 1976, Section 175.001, Subdivision 1, is amended to read:

175.001 [DEPARTMENT OF LABOR AND INDUSTRY.] Subdivision 1. [CREATION AND ORGANIZATION.] The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1. There shall be one deputy commissioner in the department.*

Sec. 25. Minnesota Statutes 1976, Section 179.02, is amended to read:

179.02 [BUREAU OF MEDIATION SERVICES.] *Subdivision 1.* There is (HEREBY) established (IN THE DEPARTMENT OF LABOR AND INDUSTRY) a bureau of mediation services (, BUT NOT IN ANY WAY SUBJECT TO THE CONTROL OF THE DEPARTMENT. THIS BUREAU SHALL BE) under the supervision and control of a director. (THE OFFICE OF DIRECTOR SHALL, AS OF THE EFFECTIVE DATE OF THIS ACT, BE FILLED BY THE PERSON THEN HOLDING THE OFFICE OF LABOR CONCILIATOR AND HIS TERM SHALL EXPIRE AS OF THE DATE HIS TERM AS LABOR CONCILIATOR WOULD HAVE EXPIRED. THEREAFTER) The director shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE. HE SHALL HOLD OFFICE FOR A TERM OF FOUR YEARS) *under the provisions of section 1.*

Subd. 2. The governor may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies who shall have the same power and authority as the director with respect to such dispute and such appointment shall be for the duration only of the particular dispute. Such special mediators shall be paid a per diem of \$75 per day while so engaged and their necessary expenses. The director shall prepare a roster of persons qualified to act as

such special mediators and keep the same revised at all times and available to the governor and the public.

(THE DIRECTOR MAY EMPLOY AND DISCHARGE MEDIATORS, CLERKS AND OTHER EMPLOYEES AS NEEDED, FIX THEIR COMPENSATION, AND ASSIGN THEM THEIR DUTIES. AS OF THE EFFECTIVE DATE OF THIS ACT THE DIVISION OF CONCILIATION, HERETOFORE ESTABLISHED, SHALL BE ABOLISHED, AND ALL OF ITS POWERS AND DUTIES TRANSFERRED TO THE BUREAU OF MEDIATION SERVICES. ANY MATTERS PENDING IN OR BY THE DIVISION OF CONCILIATION AS OF SUCH DATE SHALL THEN AND THEREAFTER BE CARRIED ON IN THE NAME OF THE BUREAU OF MEDIATION SERVICES.)

Sec. 26. Minnesota Statutes 1976, Section 196.02, Subdivision 1, is amended to read:

196.02 [COMMISSIONER OF VETERANS AFFAIRS.] Subdivision 1. [APPOINTMENT; QUALIFICATIONS.] The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. THE COMMISSIONER SHALL BE IN UNCLASSIFIED SERVICE) *under the provisions of section 1.* No person shall be eligible to receive appointment as commissioner unless he has the following qualifications:

(1) Residence in the state of Minnesota (FOR AT LEAST FIVE YEARS PRIOR TO HIS APPOINTMENT);

(2) Citizenship in the United States;

(3) Veteran of the armed forces of the United States as defined in section 197.447. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

Sec. 27. Minnesota Statutes 1976, Section 216A.06, Subdivision 1, is amended to read:

216A.06 [DIRECTOR.] Subdivision 1. [ESTABLISHMENT OF OFFICE, APPOINTMENT; TERM.] The office of director (OF THE ADMINISTRATIVE DIVISION) of the department of public service is hereby established. He shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM) *under the provisions of section 1.*

Sec. 28. Minnesota Statutes 1976, Section 241.01, Subdivision 1, is amended to read:

241.01 [CREATION OF DEPARTMENT.] Subdivision 1. [COMMISSIONER.] The department of corrections is (HEREBY) created under the control and supervision of the commissioner of corrections which office is (HEREBY) established. The commissioner of corrections (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1.*

Sec. 29. Minnesota Statutes 1976, Section 241.01, Subdivision 2, is amended to read:

Subd. 2. [DIVISIONS; DEPUTIES.] The commissioner of corrections may appoint and employ no more than (FOUR) *two* deputy commissioners (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE OF THE STATE CIVIL SERVICE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED TO SO DO BY THE COMMISSIONER. APPOINTMENTS TO EXERCISE DELEGATED POWER SHALL BE BY WRITTEN ORDER FILED WITH THE SECRETARY OF STATE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE

COMMISSIONER). The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified *civil* service (OF THE STATE, AND FIX THE SALARY OF SAID SECRETARY COMMENSURATE WITH SALARIES FOR SIMILAR SERVICES IN THE CLASSIFIED SERVICE).

Sec. 30. Minnesota Statutes 1976, Section 245.03, is amended to read:

245.03 [DEPARTMENT OF PUBLIC WELFARE ESTABLISHED; COMMISSIONER.] There is (HEREBY) created (AND ESTABLISHED) a department of public welfare. A commissioner of public welfare shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.* The commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in welfare and without regard to political affiliations. (SUBJECT TO THE PROVISIONS OF SECTIONS 245.03 TO 245.12 AND OTHER APPLICABLE LAWS, NOW OR HEREINAFTER ENACTED,) The commissioner shall (HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY, AND TO) appoint a deputy commissioner (IN UNCLASSIFIED SERVICE. HE SHALL ALSO APPOINT SUCH OTHER SUBORDINATE OFFICERS, EMPLOYEES AND AGENTS AS HE MAY DEEM NECESSARY TO DISCHARGE THE FUNCTIONS OF THE DEPARTMENT; AND DEFINE THE DUTIES OF SUCH OFFICERS, EMPLOYEES AND AGENTS AND TO DELEGATE TO THEM ANY OF HIS POWERS OR DUTIES SUBJECT TO HIS CONTROL AND UNDER SUCH CONDITIONS AS HE MAY PRESCRIBE. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE COMMISSIONER SHALL GIVE BOND IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE).

Sec. 31. Minnesota Statutes 1976, Section 268.12, Subdivision 1, is amended to read:

268.12 [CREATION.] Subdivision 1. [DEPARTMENT OF EMPLOYMENT SERVICES; COMMISSIONER.] ((1))

There is (HEREBY) created (AND ESTABLISHED) a department of employment (SECURITY WHICH SHALL BE THE SUCCESSOR TO THE DIVISION OF EMPLOYMENT AND SECURITY, WHICH SAID DIVISION IS HEREBY ABOLISHED AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY AS ESTABLISHED BY LAWS 1939, ARTICLE VII, SECTION 1.) *services under the control of*

((2)) a commissioner (OF EMPLOYMENT SECURITY) *who shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED, TO ADMINISTER THIS CHAPTER AS THE SAME MAY HEREAFTER FROM TIME TO TIME BE AMENDED. THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, MAY BE REMOVED BY THE GOVERNOR AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) under the provisions of section 1.* The commissioner shall be selected on the basis of ability and experience and without regard to political affiliations. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. SUBJECT TO THE PROVISIONS OF SECTIONS 268.03 TO 268.24 AND OTHER APPLICABLE LAWS NOW OR HEREAFTER ENACTED, THE COMMISSIONER SHALL HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE SALARY OF THE COMMISSIONER SHALL BE PRESCRIBED BY THE LEGISLATURE AND HE SHALL GIVE BOND IN THE SUM OF \$10,000.)

((3)) ALL PROCEEDINGS, COURT ACTIONS, PROSECUTIONS OR OTHER BUSINESS UNDERTAKEN OR COMMENCED PRIOR TO APRIL 21, 1953, BY THE DIVISION OF EMPLOYMENT AND SECURITY AND ANY OTHER MATTERS OF THE DIVISION OF EMPLOYMENT AND SECURITY PENDING AT THE TIME OF THE PASSAGE OF THIS ACT MAY BE CONDUCTED AND COMPLETED BY THE NEW DEPARTMENT OF EMPLOYMENT SECURITY IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS THOUGH IT WERE UNDERTAKEN, COMMENCED OR CONDUCTED OR COMPLETED BY SAID DIVISION OF EMPLOYMENT AND SECURITY PRIOR

TO SUCH CHANGE. ALL FUNCTIONS, POWERS AND DUTIES OF SUCH DIVISION OF EMPLOYMENT AND SECURITY ARE BY THIS ACT ASSIGNED AND TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY.)

((4) ALL THE POWERS AND DUTIES NOW VESTED IN OR IMPOSED UPON THE DIRECTOR OF THE DIVISION OF EMPLOYMENT AND SECURITY AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY ARE HEREBY VESTED IN AND IMPOSED UPON THE COMMISSIONER OF EMPLOYMENT SECURITY.)

(ALL OF THE EMPLOYEES OF SAID DIVISION OF EMPLOYMENT AND SECURITY ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY CREATED BY THIS SECTION, AND SAID COMMISSIONER SHALL TAKE CHARGE OF SAID EMPLOYEES AND SHALL EMPLOY THEM IN THE EXERCISE OF THE RESPECTIVE FUNCTIONS, POWERS AND DUTIES TRANSFERRED AS AFORESAID WITHOUT REDUCTION OF COMPENSATION OR CIVIL SERVICE STATUS ENJOYED BY SAID EMPLOYEES AT THE TIME OF SUCH TRANSFER, SUBJECT, HOWEVER, TO CHANGE OR TERMINATION OF EMPLOYMENT, COMPENSATION OR CIVIL SERVICE STATUS AS MAY BE OTHERWISE PROVIDED BY LAW.)

((5) ALL OTHER ACTS OR PARTS OF ACTS NOW IN EFFECT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION ARE HEREBY REPEALED, SUPERSEDED, MODIFIED OR AMENDED SO FAR AS NECESSARY TO CONFORM TO AND GIVE FULL FORCE AND EFFECT TO THE PROVISIONS OF THIS SECTION.)

((6) LAWS 1953, CHAPTER 603, SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE; PROVIDED, THAT NO TRANSFER OF FUNCTIONS, RIGHTS, POWERS, DUTIES, OR FUNDS MADE THEREBY SHALL TAKE EFFECT UNTIL THE COMMISSIONER OF THE DEPARTMENT TO WHOM THE SAME ARE TRANSFERRED SHALL HAVE BEEN APPOINTED; TAKEN HIS OATH OF OFFICE AND FILED OATH AND BOND IN THE OFFICE OF THE SECRETARY OF STATE; AND UNTIL THEN THE FORMER DIVISION OR AGENCY VESTED THEREWITH SHALL CONTINUE TO EXERCISE AND PERFORM SUCH FUNCTIONS, RIGHTS, POWERS, AND DUTIES, AND TO HAVE CHARGE OF SUCH FUNDS.)

Sec. 32. Minnesota Statutes 1976, Section 270.02, Subdivision 2, is amended to read:

Subd. 2. [TERMS.] The commissioner of revenue shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* The commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in the field of (TAXATION AND) tax administration and without regard to political affiliations. (THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE, AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT IS SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL GIVE BOND TO THE STATE IN THE SUM OF \$200,000. THE PERSON OCCUPYING THE POSITION OF COMMISSIONER OF TAXATION ON JULY 1, 1973, SHALL BE DESIGNATED AS COMMISSIONER OF REVENUE, AND HIS TERM OF OFFICE SHALL COINCIDE WITH THE TERM OF THE OFFICE OF GOVERNOR.)

Sec. 33. Minnesota Statutes 1976, Section 270.02, Subdivision 3, is amended to read:

Subd. 3. [POWERS, ORGANIZATION, ASSISTANTS.] Subject to the provisions of this chapter and other applicable laws the commissioner shall have power to organize the department with such divisions and other agencies as he deems necessary and to appoint (TWO) *one* deputy (COMMISSIONERS) *commissioner*, a department secretary, directors of divisions, and such other officers, employees, and agents as he may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents, and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Sec. 34. Minnesota Statutes 1976, Section 298.22, Subdivision 1, is amended to read:

298.22 [IRON RANGE RESOURCES AND REHABILITATION.] Subdivision 1. (ON AND AFTER JULY 1, 1969,) (1) There is (HEREBY) appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts paid and credited to said fund from the proceeds of taxes paid under the provisions of sections 298.01 to 298.21.

(2) The office of commissioner of iron range resources and rehabilitation is (HEREBY) created. The commissioner shall be appointed by the governor (, WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

(3) The salary of the commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner (WHO SHALL SERVE IN THE UNCLASSIFIED SERVICE AT THE PLEASURE OF THE COMMISSIONER). All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

(4) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 35. Minnesota Statutes 1976, Section 299A.01, Subdivision 1, is amended to read:

299A.01 [DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.] Subdivision 1. (IN ORDER THAT THE FUNCTIONS AND SERVICES OF THE STATE OF MINNESOTA RELATING TO THE SAFETY AND CONVENIENCE OF ITS CITIZENS MIGHT BE COORDINATED AND DIRECTED IN AN ACCESSIBLE, IDENTIFIABLE MANNER; AND TO PROMOTE AND INSURE THE EXISTING PUBLIC SAFETY OPERATIONS OF THAT GOVERNMENT,) The department of public safety is created under the supervision and control of the commissioner of public

safety, which office is established. The commissioner of public safety is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR FOUR YEAR TERM. THE GOVERNOR MAY REMOVE THE COMMISSIONER ONLY FOR CAUSE, AFTER A PUBLIC HEARING. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE) commissioner.

Sec. 36. Minnesota Statutes 1976, Section 299A.01, Subdivision 2, is amended to read:

Subd. 2. The duties of the (DEPUTY) *commissioner* shall include (, IN ADDITION TO SUCH OTHER FUNCTIONS AND RESPONSIBILITIES AS MAY BE DELEGATED OR ASSIGNED BY THE COMMISSIONER OR IMPOSED BY LAW,) the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Sec. 37. Minnesota Statutes 1976, Section 362.09, Subdivision 1, is amended to read:

362.09 [COMMISSIONER; ADVISORY COMMITTEE.] Subdivision 1. The department shall be under the supervision and control of a commissioner of economic development (, IN UNCLASSIFIED SERVICE,) who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM OF FOUR YEARS TO COINCIDE WITH THAT OF THE GOVERNOR AND UNTIL

HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) *under the provisions of section 1.* He shall be chosen with regard to his knowledge, training, experience, and ability in administering the functions of the department. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL THEREUPON IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL RECEIVE A SALARY AS PROVIDED BY LAW. HE SHALL GIVE A BOND TO THE STATE IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

The commissioner shall appoint a deputy (, FIX HIS SALARY UNLESS OTHERWISE PRESCRIBED BY LAW AND DEFINE HIS DUTIES. THE DEPUTY SHALL ENJOY A CONFIDENTIAL RELATIONSHIP WITH THE COMMISSIONER AND IS IN THE UNCLASSIFIED SERVICE OF THE STATE) *commissioner.*

Sec. 38. Minnesota Statutes 1976, Section 363.04, Subdivision 1, is amended to read:

363.04 [DEPARTMENT OF HUMAN RIGHTS.] Subdivision 1. [CREATION; COMMISSIONER.] There is (HEREBY) established (AT THE COST OF GOVERNMENT AN EXECUTIVE) a department (TO BE KNOWN AS THE DEPARTMENT) of human rights (. THERE SHALL BE AT THE HEAD OF THE DEPARTMENT) *under the direction and supervision of a commissioner (OF HUMAN RIGHTS,)* who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. THE DEPARTMENT SHALL BE ADMINISTERED UNDER THE SUPERVISION AND DIRECTION OF THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, AND SHALL RECEIVE COMPEN-

SATION AT THE RATE PRESCRIBED BY LAW) *under the provisions of section 1.*

Sec. 39. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.011] [DEPARTMENT OF HEALTH.] *Subdivision 1. [COMMISSIONER.] The department of health shall be under the control and supervision of the commissioner of health who shall be appointed by the governor under the provisions of section 1. The state board of health is abolished and all powers and duties of the board are transferred to the commissioner of health. The commissioner shall be selected without regard to political affiliation but with regard to ability and experience in matters of public health.*

Subd. 2. [STATE HEALTH ADVISORY COUNCIL.] The state health advisory council is hereby created to consist of 15 members appointed by the governor. Nine members of the council shall be broadly representative of the licensed health professions and six members shall be public members as defined by section 214.02. The council and its members shall be governed by the provisions of section 15.059. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council shall advise the commissioner of health on any matter relating to the functions of the department.

Sec. 40. Minnesota Statutes 1976, Section 121.09, is amended to read:

121.09 [ADMINISTRATION; EXCEPTIONS.] *The (STATE BOARD) commissioner shall administer all laws and rules promulgated by the board relating to (THE COMMISSIONER,) libraries (,) and other public educational institutions, except such laws as may relate to the university of Minnesota and to the state universities and community colleges.*

Sec. 41. Minnesota Statutes 1976, Section 121.16, Subdivision 1, is amended to read:

121.16 [COMMISSIONER OF EDUCATION.] *Subdivision 1. (THE STATE BOARD SHALL ELECT A) The department shall be under the administrative control of the commissioner (WHO) of education which office is established. The commissioner shall be the (EXECUTIVE OFFICER AND) secretary of the state board (AND WHOSE TERM OF OFFICE SHALL BE FOUR YEARS). He shall be appointed by the state board with the approval of the governor under the provisions of section 1. For purposes of section 1, the board shall be the appointing authority.*

(HE) *The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. The commissioner shall (HAVE AUTHORITY TO NOMINATE, FOR APPROVAL BY THE STATE BOARD, SUCH OFFICIALS AND) appoint employees as may be necessary (TO PERFECT AND TO MAINTAIN) for the organization of the department (AS RECOMMENDED BY HIM AND AS ADOPTED BY THE STATE BOARD). He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of (THE VARIOUS OFFICES AND DIVISION IN) the (ORGANIZATION OF THE) department. He shall (BE REQUIRED TO) make recommendations to the (STATE BOARD WHICH SHALL FACILITATE ALL OF THE WORK OF THE STATE) board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out (THE PROVISIONS OF THIS CODE) its duties.*

Sec. 42. Minnesota Statutes 1976, Section 462A.04, Subdivision 8, is amended to read:

Subd. 8. The agency shall (EMPLOY AN EXECUTIVE DIRECTOR, LEGAL AND TECHNICAL EXPERTS AND SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES, PERMANENT AND TEMPORARY, AS IT MAY REQUIRE, AND SHALL DETERMINE THEIR QUALIFICATIONS, DUTIES AND COMPENSATION) *be under the administrative control of an executive director which office is established. He shall be appointed by the governor under the provisions of section 1.*

The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as he deems necessary subject to the approval of the commissioner of personnel. (THE AGENCY MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES SUCH POWERS OR DUTIES AS IT MIGHT DEEM PROPER.) All permanent employees of the agency, except the executive director, deputy director, and five additional positions reporting directly to the director are in the classified civil service (OF THE STATE). The five additional unclassified positions permitted by this subdivision shall only be filled in the manner and pursuant to the procedures and conditions specified in section 43.09, subdivision 2a; provided, that no additional deputy commissioner positions may be created.

Sec. 43. Minnesota Statutes 1976, Section 473.141, Subdivision 7, as amended by Laws 1977, Chapter 35, Section 7, is amended to read:

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

Sec. 44. [TEMPORARY PROVISIONS.] *The term of any department head or commissioner dealt with in this act shall expire the first Monday in January 1979, unless Minnesota Statutes provide for an earlier expiration date. In this event, the new appointment shall be made so as to expire the first Monday of January 1979.*

Any department head or commissioner dealt with in this act and serving on the effective date of this act is deemed to have been appointed in compliance with the provisions of this act.

If any position which currently bears the title of deputy loses this title pursuant to section 1, subdivision 7, or any other provision of this act, the commissioner of personnel shall assign a new title. If the position is currently in the unclassified civil service, it shall remain in the unclassified civil service, and a person who loses the title of deputy commissioner shall receive, beginning with the first day of the first payroll period after July 1, 1977, the salary he would be entitled to on that date, if his title were to remain deputy commissioner. In the event that authorized, unclassified deputy positions are not filled, the department head or commissioner may fill these positions but only as permitted by applicable personnel complement limitations. Persons who are deputy commissioners and are in the classified service in departments or agencies affected by this act shall be entitled to the benefits and protections available to persons whose positions are declassified pursuant to section 43.09, subdivision 2a.

Sec. 45. [INSTRUCTION TO REVISOR.] *The revisor of statutes shall eliminate from the statutes any reference to the "secretary" or "executive officer" of the board of health or any similar title with this meaning, and shall substitute "commissioner" or "commissioner of health" as appropriate.*

The revisor shall eliminate from the statutes any reference to "board of health" and shall insert in lieu thereof as appropriate "commissioner of health" or "commissioner".

The revisor shall eliminate from the statutes, except as may be provided in this act, any reference to "deputy commissioner" in the department of labor and industry and shall insert in lieu thereof as appropriate "commissioner of labor and industry" or "commissioner".

Sec. 46. [REPEALER.] *Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2, are repealed.*

Sec. 47. [EFFECTIVE DATE.] *This act shall be effective the day following its final enactment."*

Amend the title as follows:

Page 1, line 18, after the first semicolon insert "adjusting expense reimbursement for department heads;"

Page 1, line 20, after "16.01;" insert "16.028, Subdivision 1;"

Page 1, line 21, after "3;" insert "16A.16;"

Page 1, line 22, after "45.15;" insert "60A.03, Subdivision 1;"

Page 1, line 29, delete "Subdivision 2" and insert "Subdivisions 2 and 3".

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

Senate Conferees: DAVID SCHAAF, WINSTON BORDEN and GENE MERRIAM.

House Conferees: PETE PETERAFESO, CARL JOHNSON and HARRY SIEBEN.

Petrafeso moved that the report of the Conference Committee on S. F. No. 109 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 109, A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and trans-

ferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 101 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kelly, W.	Novak	Stanton
Adams	Dahl	Kempe, A.	Osthoff	Stoa
Anderson, G.	Dean	King	Patton	Suss
Anderson, I.	Eken	Knickerbocker	Pehler	Swanson
Arlanson	Ellingson	Kostohryz	Petraseso	Tomlinson
Battaglia	Enebo	Kroening	Pleasant	Vanasek
Beauchamp	Evans	Langseth	Reding	Voss
Begich	Fudro	Lehto	Rice	Waldorf
Berg	Fugina	Mangan	Rose	Welch
Berglin	George	McCarron	St. Onge	Wenstrom
Berkelman	Gunter	McCollar	Sarna	Wenzel
Biersdorf	Hanson	McEachern	Scheid	White
Birnstihl	Haugerud	Metzen	Schulz	Wieser
Brandl	Hokanson	Moe	Searles	Wigley
Braun	Jacobs	Munger	Sherwood	Williamson
Byrne	Jaros	Murphy	Sieben, H.	Wynia
Carlson, L.	Jensen	Neisen	Sieben, M.	Speaker Sabo
Casserly	Johnson	Nelsen, M.	Simoneau	
Clark	Jude	Nelson	Skoglund	
Clawson	Kahn	Niehaus	Smogard	
Cohen	Kelly, R.	Norton	Spanish	

Those who voted in the negative were:

Albrecht	Den Ouden	Fjoslien	Kvam	Searle
Anderson, B.	Eckstein	Friedrich	Lemke	Zubay
Anderson, D.	Erickson	Heinitz	McDonald	
Anderson, R.	Esau	Kaley	Nelsen, B.	
Carlson, A.	Ewald	Kalis	Peterson	
Carlson, D.	Faricy	Kempe, R.	Savelkoul	

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

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. No. 875 was reported to the House.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders for one day.

MOTIONS AND RESOLUTIONS

Neisen moved that H. F. No. 165 be returned to its author. The motion prevailed.

Sieben, H., moved that H. F. No. 666, now on General Orders, be returned to Munger. The motion prevailed.

Cohen moved that the names of McCollar and Jaros be added as authors on H. F. No. 1669. The motion prevailed.

Corbid moved that the names of Corbid and Carlson, D., be stricken and the name of Abeln be shown as chief author on H. F. No. 748. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Saturday, May 21, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Saturday, May 21, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives