

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## EIGHTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 8, 1978

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Johnson 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. 449, 1783, 1819, 1915, 2270, 2348, 2374 and 2014 and S. F. Nos. 318, 1607 and 291 have been placed in the members' files.

S. F. No. 1943 and H. F. No. 1519, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Stoa moved that the rules be so far suspended that S. F. No. 1943 be substituted for H. F. No. 1519 and that the House File be indefinitely postponed. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately following the Special Orders set for today, March 8, 1978:

H. F. Nos. 1009, 1994 and 2429.

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 2445, A bill for an act relating to commerce; requiring certain disclosures by foreign currency exchanges operated at airports; providing remedies.

Reported the same back with the following amendments:

Page 1, line 12, after the semicolon insert "and".

Page 1, line 14, delete "; and" and insert a period.

Page 1, delete lines 15 to 19.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1194, A bill for an act relating to real estate; removing specific charge for copies of instrument filed with registrar; amending Minnesota Statutes 1976, Section 508.38.

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

The report was adopted.

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

S. F. No. 1229, A bill for an act relating to commerce; permitting price advertising of eyeglasses; amending Minnesota Statutes 1976, Section 148.57, Subdivision 3.

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

The report was adopted.

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

S. F. No. 1611, A bill for an act relating to corporations; requiring domestic corporations to file an active status report with the secretary of state; requiring the secretary of state to perform certain duties; providing that corporations that fail to file reports shall lose exclusive right to their names; establishing filing fees; appropriating money; amending Minnesota Statutes 1976, Chapter 301, by adding a section.

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

The report was adopted.

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

S. F. No. 1830, A bill for an act relating to corporations; modifying certain filing fees for domestic corporations; providing a uniform fee for filing instruments with the secretary of state; amending Minnesota Statutes 1976, Sections 300.49, Subdivision 1; and 301.071, Subdivision 2.

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

The report was adopted.

Johnson from the Committee on Education to which was referred:

S. F. No. 1547, A bill for an act relating to Independent School District No. 624 and Independent School District No. 12; providing for the exchange of territory between the districts.

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

The report was adopted.

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

H. F. No. 911, A bill for an act relating to workers' compensation insurance; providing for the approval of rates and classifications by the commissioner of insurance after a hearing; providing for a hearing procedure; requiring the commissioner to employ an actuary; requiring the commissioner to assess a fee to the bureau; regulating conflicts of interest; appropriating money; amending Minnesota Statutes 1976, Sections 79.01, Subdivision 1, and by adding subdivisions; 79.07; 79.09; 79.10; 79.11; 79.15; 79.17; 79.21; and Chapter 79, by adding sections.

Reported the same back with the following amendments:

Page 2, line 10, delete "1976" and insert ", 1977 Supplement".

Page 2, line 28, before "rate" delete "A" and insert "*An existing*".

Page 2, line 29, delete "*which is filed and approved*".

Page 2, line 29, delete "*changed until the*".

Page 2, line 30, delete "*substituted rate has been filed*" and insert "*increased*".

Page 2, line 30, delete "*and has*".

Page 2, line 31, delete "*been approved*" and insert "*after its approval*".

Page 2, line 31, delete "*after a hearing under*".

Page 2, line 32, delete "*section 7*".

Page 3, line 3, delete "*change*" and insert "*increase*".

Page 3, line 8, delete "*change*" and insert "*increase*".

Page 3, line 15, before "modification" insert "approved system of merit or experience rating shall result in an equivalent dollar amount of credits and additions to the rates of insureds in the state taken as a whole and shall not discriminate against any group of employers based on the dollar amount of their workers' compensation insurance premium. Any".

Page 3, line 28, after the period, insert "In determining what is a reasonable, fair, and adequate rate the commissioner shall allow insurers to charge an amount for profit and expenses in addition to the amounts necessary to pay any benefits or charges required by chapter 176. The amount allowed for profit and expenses shall not exceed 22.5 percent of the total premiums paid for workers' compensation insurance within this state."

Page 3, line 30, delete "an individual rate".

Page 3, line 31, delete "modification,".

Page 4, line 5, after the period, insert "Notice of such hearing shall be published and no more than one hearing for any classification need be held in any 24 month period under this subdivision."

Page 4, after line 9, insert "When establishing a rate based on an appropriate ratio of benefits to premiums the commissioner shall take into consideration the amount and pattern of benefits actually paid by insurers as compared to the dollar amounts placed in reserve by insurers to pay benefits in the future. No such reserves shall be considered by the commissioner in establishing rates unless the reserves are established under a procedure that assumes that the insurers will earn an income on any reserved amount at a rate no less than could be secured by a prudent and knowledgeable investor as determined by the commissioner."

Page 4, line 10, delete "promulgate" and insert "issue emergency".

Page 4, line 10, after "rules" insert "pursuant to section 15.0412, subdivision 5,".

Page 4, line 11, after "section" insert "not more than 30 days after the effective date of this act".

Page 4, line 15, delete "Such rules shall be promulgated within 90".

Page 4, line 16, delete "days of the effective date of this act" and insert "Not more than 30 days after issuing the emergency rules the commissioner shall begin the promulgation of permanent rules for the implementation and administration of this

*section, which rules shall include the items required above for emergency rules".*

Page 5, line 4, delete "no" and insert "No".

Page 5, line 10, delete "change" and insert "increase".

Page 5, line 11, after "classifications" insert "*which may result in a rate increase*".

Page 6, line 6, delete "*Upon request of any insured, the actuary*".

Page 6, delete lines 7 to 9.

Page 9, line 19, delete "audited" and insert "reviewed".

Pages 10 and 11, delete all of Section 15.

Renumber the remaining section.

Page 11, line 6, delete "July".

Page 11, line 7, delete "1, 1977" and insert "*the day following final enactment*".

Page 11, line 9, delete "1977" and insert "1978".

Further amend the title:

Line 8, delete "regulating conflicts of".

Line 9, delete "interest; appropriating money;"

Line 11, delete "79.07;"

Line 13, before the period insert "; and Minnesota Statutes, 1977 Supplement, Section 79.07".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2027, A bill for an act relating to marriage and divorce; revising provisions allowing minors to marry; modifying prohibitions of marriage between certain parties; modifying requirements to receive a marriage license; modifying penalties

for certain offenses; providing that children born of a prohibited marriage are legitimate; revising procedures and grounds for annulment actions; declaring the legal rights of putative spouses; providing new procedures for actions of dissolution and legal separation; limiting grounds for a dissolution to a finding that the marriage is irretrievably broken; modifying procedures for custody proceedings; declaring the right of a custodial parent to determine a child's upbringing; defining marital property; defining provisions for an award of maintenance to a spouse; amending Minnesota Statutes 1976, Sections 517.02; 517.03; 517.04; 517.05; 517.06; 517.07; 517.09; 517.13; 517.14; 517.15; 517.16; 517.17; 517.19; 518.01; 518.02; 518.03; 518.05; 518.06, Subdivision 1, and by adding a subdivision; 518.07; 518.09; 518.10; 518.11; 518.13; 518.14; 518.16; 518.165; 518.17; 518.175, Subdivisions 1 and 3, and by adding a subdivision; 518.18; 518.24; 518.27; 518.54; 518.55; 518.57; 518.58; 518.61; 518.62; 518.63; 518.64; 518.65; Chapter 517, by adding a section; and Chapter 518, by adding sections; and Minnesota Statutes, 1977 Supplement, Sections 517.01; 517.08, Subdivisions 1 and 3; 518.155; and 518.551; repealing Minnesota Statutes 1976, Sections 518.06, Subdivision 2; 518.15; 518.29; 518.59; and 518.67.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 517.01, is amended to read:

517.01 [MARRIAGE A CIVIL CONTRACT.] Marriage, so far as its validity in law is concerned, is a civil contract between a man and a woman, to which the consent of the parties, capable in law of contracting, is essential. Lawful marriage (HEREAFTER) may be contracted only when a license has been obtained (THEREFOR) as provided by law and when (SUCH) *the* marriage is contracted in the presence of two witnesses and solemnized by one authorized, or whom the parties in good faith believe to be authorized, so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

Sec. 2. Minnesota Statutes 1976, Section 517.02, is amended to read:

517.02 [PERSONS CAPABLE OF CONTRACTING.] *Subdivision 1.* Every person who (HAS) *will have* attained the (FULL) age of 18 years *at the time the marriage license becomes effective* is capable (IN LAW) of contracting marriage, if otherwise competent. (A FEMALE PERSON OF THE FULL AGE OF 16 YEARS MAY, WITH THE CONSENT OF HER PARENTS, GUARDIAN, OR THE COURT, AS PROVIDED IN SECTION 517.08, RECEIVE A LICENSE TO MARRY, WHEN, AFTER A CAREFUL INQUIRY INTO THE FACTS

AND THE SURROUNDING CIRCUMSTANCES, HER APPLICATION FOR A LICENSE IS APPROVED BY THE JUDGE OF THE JUVENILE COURT OF THE COUNTY IN WHICH SHE RESIDES) A person who has attained the age of 16 years and has the consent to the marriage of both parents or guardian and judicial approval, is capable of contracting marriage, if otherwise competent.

*Subd. 2. The judge of juvenile court of the county in which the application for license was made, after a reasonable effort has been made to notify the parents or guardian of each under-aged party, may order the clerk to issue a marriage license and a marriage certificate form to a party aged 16 or 17 years who has no parent or guardian or has no parent or guardian capable of consenting to his marriage, or whose parent or guardian has not consented to his marriage.*

If the judge of juvenile court (OF THE COUNTY IN WHICH SHE RESIDES) is absent from the county and has not by order assigned another (PROBATE) judge or a retired (PROBATE) judge to act in his stead, then (THE COURT COMMISSIONER OR) any judge (OF DISTRICT COURT) of the county may approve (HER) the application for a license.

Sec. 3. Minnesota Statutes 1976, Section 517.03, is amended to read:

517.03 [PROHIBITED MARRIAGES.] (NO MARRIAGE SHALL BE CONTRACTED WHILE EITHER OF THE PARTIES HAS A HUSBAND OR WIFE LIVING; NOR WITHIN SIX MONTHS AFTER EITHER HAS BEEN DIVORCED FROM A FORMER SPOUSE; EXCEPTING RE-INTERMARRIAGE BETWEEN SUCH PARTIES; NOR WITHIN SIX MONTHS AFTER EITHER WAS A PARTY TO A MARRIAGE WHICH HAS BEEN ADJUDGED A NULLITY, EXCEPTING INTERMARRIAGE BETWEEN SUCH PARTIES; NOR BETWEEN PARTIES WHO ARE NEARER THAN SECOND COUSINS, WHETHER OF THE HALF OR WHOLE BLOOD, COMPUTED BY THE RULES OF THE CIVIL LAW; NOR BETWEEN PERSONS ONE OF WHOM IS A MALE PERSON UNDER 18 YEARS OF AGE OR ONE OF WHOM IS A FEMALE PERSON UNDER THE AGE OF 16 YEARS;)

*The following marriages are prohibited:*

(a) *A marriage entered into prior to the dissolution of an earlier marriage of one of the parties;*

(b) *A marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;*

(c) *A marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures; provided, however, that mentally deficient persons committed to the guardianship of the commissioner of public welfare and mentally deficient persons committed to the conservatorship of the commissioner of public welfare in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant (SUCH) consent unless it appears from his investigation that (SUCH) the marriage is not in the best interest of the ward or conservatee and the public. The clerk of the district court in the county where the application for a license is made by (SUCH) the ward or conservatee shall not issue the license unless (AND UNTIL) he has received a signed copy of the consent of the commissioner of public welfare.*

Sec. 4. Minnesota Statutes 1976, Section 517.04, is amended to read:

517.04 [SOLEMNIZATION.] Marriages may be solemnized (BY ANY JUSTICE OF THE PEACE IN THE COUNTY IN WHICH HE IS ELECTED, AND) throughout the state by (ANY) a judge of a court of record, (THE SUPERINTENDENT OF THE DEPARTMENT FOR THE DEAF AND DUMB, IN THE STATE SCHOOL FOR THE DEAF AND BLIND) *the residential school administrators of the Minnesota school for the deaf and the Minnesota braille and sight-saving school,* (OR ANY) a licensed or ordained minister of (THE GOSPEL IN REGULAR COMMUNION WITH A RELIGIOUS SOCIETY) *any religious denomination, or by any mode recognized in section 517.18.*

Sec. 5. Minnesota Statutes 1976, Section 517.05, is amended to read:

517.05 [CREDENTIALS OF MINISTER.] Ministers of (THE GOSPEL) *any religious denomination,* before they are authorized to (PERFORM THE) *solemnize a marriage (RITE,)* shall file a copy of their credentials of license or ordination with the clerk of the district court of (SOME) *a county in this state,* who shall record the same and give a certificate thereof( ; AND). The place where (SUCH) *the credentials are recorded shall be endorsed upon and recorded with each certificate of marriage granted by a minister.*

Sec. 6. Minnesota Statutes 1976, Section 517.06, is amended to read:

517.06 [PARTIES EXAMINED.] Every person authorized by law to perform the marriage ceremony, before solemnizing (ANY) *a marriage, may examine the parties on oath, which*

oath he is authorized to administer, as to the legality of (SUCH) *the* intended marriage, and no (SUCH) person shall solemnize a marriage unless he is satisfied that there is no legal impediment (THERE TO) *to it*.

Sec. 7. Minnesota Statutes 1976, Section 517.07, is amended to read:

517.07 [LICENSE.] Before any persons (SHALL BE) *are* joined in marriage, a license shall be obtained from the clerk of the district court (OF THE COUNTY IN WHICH THE WOMAN RESIDES, OR, IF NOT A RESIDENT OF THIS STATE, THEN FROM THE CLERK OF THE DISTRICT COURT) of any county (AND). The marriage need not take place in the county where the license is obtained.

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 1, is amended to read:

517.08 [APPLICATION FOR LICENSE.] Subdivision (1) *1a.* Application for a marriage license shall be made (AT LEAST FIVE DAYS BEFORE A LICENSE SHALL BE ISSUED. SUCH APPLICATION SHALL BE MADE) upon a form provided for the purpose and shall contain *the following information:*

the full names of the parties,

their post office addresses and county and state of residence,

their full ages,

*if either party has previously been married, his married name, and the date, place and court in which the marriage was dissolved or annulled or the date and place of death of the former spouse,*

*if either party is a minor, the name and address of the minor's parents or guardian,*

*whether the parties are related to each other, and, if so, their relationship,*

*the name and date of birth of any child of which both parties are parents, born before the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated,*

*address of the bride and groom after the marriage to which the clerk shall send a certified copy of the marriage certificate,*

and the full names the parties will have after marriage.

*Subd. 1b.* The clerk shall examine upon oath the party applying for a license relative to the legality of (SUCH) *the* contemplated marriage (AND,). If at the expiration of (THIS) a five-day period, he is satisfied that there is no legal impediment (THERE TO) *to it*, he shall issue (SUCH) *the* license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance (THERE OF, WHICH). *The* license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, (THE) a judge of the (PROBATE) *county* court, (THE COURT COMMISSIONER,) or (ANY) a judge of the district court, of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of \$11 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in (SUCH) *that* case a new license shall issue upon request of the parties of the original license without fee (THERE FOR). (ANY) A clerk who (SHALL) knowingly (ISSUE OR SIGN) *issues or signs* a marriage license in any (OTHER) manner than *as provided* in this section (PROVIDED) shall (FORFEIT AND) pay to (FOR THE USE OF) the parties aggrieved *an amount* not to exceed \$1,000.

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 3, is amended to read:

Subd. 3. The personal information necessary to complete the report of marriage shall be furnished by the applicant prior to the issuance of the license. The report shall contain only the following information:

(a) Personal information on bride and groom.

1. Name.
2. Residence.
3. Date and place of birth.
4. Race.
5. If previously married, how terminated.
6. Name after marriage.

7. Signature of applicant and date signed.

(b) Information concerning the marriage.

1. Date of marriage.

2. Place of marriage.

3. Civil or religious ceremony.

(c) Signature of clerk of court and date signed.

((D) ADDRESS OF THE BRIDE AND GROOM AFTER THE MARRIAGE TO WHICH THE CLERK SHALL SEND A CERTIFIED COPY OF THE MARRIAGE CERTIFICATE.)

Sec. 10. Minnesota Statutes 1976, Section 517.09, is amended to read:

517.09 [SOLEMNIZATION.] (IN THE SOLEMNIZATION OF MARRIAGE) No particular form (SHALL BE) is required to *solemnize a marriage*, except: (THAT) the parties shall declare in the presence of a person authorized (BY SECTION 517.04) to solemnize marriages(,) and (THE) *two* attending witnesses that they take each other as husband and wife; or *the marriage shall be solemnized in a manner provided by section 517.18.* (IN EACH CASE AT LEAST TWO WITNESSES SHALL BE PRESENT BESIDES THE PERSON PERFORMING THE CEREMONY.)

Sec. 11. Minnesota Statutes 1976, Section 517.13, is amended to read:

517.13 [PENALTY FOR FAILURE TO DELIVER AND FILE CERTIFICATE.] Every person solemnizing a marriage who (SHALL NEGLECT) *neglects* to (MAKE AND) deliver to the clerk a certificate (THEREOF) within the time (ABOVE SPECIFIED) *set forth in section 517.10* shall forfeit a sum not exceeding \$100, and every clerk who neglects to record (SUCH) *a* certificate shall forfeit a like sum.

Sec. 12. Minnesota Statutes 1976, Section 517.14, is amended to read:

517.14 [ILLEGAL MARRIAGE; FALSE CERTIFICATE; PENALTY.] (IF ANY) A person (AUTHORIZED BY LAW TO JOIN PERSONS IN MARRIAGE SHALL) *who knowingly (SOLEMNIZE ANY) solemnizes a marriage contrary to the provisions of this chapter, or wilfully (MAKE ANY) makes a false certificate of any marriage, or pretended marriage, (HE SHALL FORFEIT FOR EVERY SUCH OF-*

FENSE A SUM NOT EXCEEDING \$500, OR MAY BE IMPRISONED NOT EXCEEDING ONE YEAR) *is guilty of a misdemeanor.*

Sec. 13. Minnesota Statutes 1976, Section 517.15, is amended to read:

517.15 [UNAUTHORIZED PERSON PERFORMING CEREMONY.] (IF ANY) A person *who* undertakes to (JOIN OTHERS IN MARRIAGE) *solemnize a marriage*, knowing that he is not lawfully authorized to do so, or *who undertakes to solemnize a marriage*, knowing of any legal impediment to the proposed marriage, (HE SHALL BE) *is guilty of a (GROSS) misdemeanor* (; AND, UPON CONVICTION THEREOF, PUNISHED BY IMPRISONMENT OF NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$500, OR BY BOTH SUCH FINE AND IMPRISONMENT).

Sec. 14. Minnesota Statutes 1976, Section 517.16, is amended to read:

517.16 [IMMATERIAL IRREGULARITY OF OFFICIATING PERSON DOES NOT VOID.] (NO) A marriage solemnized before (ANY) a person professing to be (A JUDGE, JUSTICE OF THE PEACE, OR MINISTER OF THE GOSPEL) *lawfully authorized to do so* shall *not* be (DEEMED OR) adjudged to be void, nor shall (THE) *its* validity (THEREOF) be in any way affected, on account of (ANY) a want of jurisdiction or authority in (SUCH) *the* supposed officer or person (; PROVIDED,) *if* the marriage is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 15. Minnesota Statutes 1976, Section 517.17, is amended to read:

517.17 [SOLEMNIZING UNLAWFUL MARRIAGES.] (EVERY) A minister or magistrate who (SHALL SOLEMNIZE) *solemnizes* a (MARRIAGE WHEN EITHER PARTY THERETO IS KNOWN TO HIM TO BE UNDER THE AGE OF LEGAL CONSENT, OR TO BE AN IDIOT OR INSANE PERSON, OR A) marriage to which, within his knowledge, a legal impediment exists, (SHALL BE) *is guilty of a (GROSS) misdemeanor.*

Sec. 16. Minnesota Statutes 1976, Section 517.19, is amended to read:

517.19 [ILLEGITIMATE CHILDREN.] Illegitimate children shall become legitimized by the subsequent marriage of their parents to each other, and the issue of marriages declared null in law shall nevertheless be legitimate.

*Children born of a prohibited marriage are legitimate.*

Sec. 17. Minnesota Statutes 1976, Chapter 517, is amended by adding a section to read:

[517.20] [APPLICATION.] *All marriages contracted within this state prior to the effective date of this act or outside this state that were valid at the time of the contract or subsequently validated by the laws of the place in which they were contracted or by the domicile of the parties are valid in this state.*

Sec. 18. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.005] [RULES GOVERNING PROCEEDINGS.] *Subdivision 1. Unless otherwise specifically provided, and except where inconsistent with this chapter, the rules of civil procedure for the district court apply to all proceedings under chapter 518.*

*Subd. 2. A proceeding for dissolution of marriage, legal separation, or annulment shall be entitled "In re the Marriage of ..... and .....". A custody or support proceeding shall be entitled "In re the [Custody] [Support] of ....."*

*Subd. 3. The initial pleading in all proceedings under Minnesota Statutes, Sections 518.001 to 518.67, shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings shall be denominated as provided in the rules of civil procedure.*

*Subd. 4. In Minnesota Statutes, Sections 518.001 to 518.67, "decree" includes "judgment".*

Sec. 19. Minnesota Statutes 1976, Section 518.01, is amended to read:

518.01 [VOID MARRIAGES.] *All marriages which are prohibited by (LAW ON ACCOUNT OF CONSANGUINITY, OR ON ACCOUNT OF EITHER OR BOTH PARTIES BEING UNDER THE AGE ESTABLISHED FOR MARRIAGE BY SECTION 517.03, OR ON ACCOUNT OF EITHER PARTY HAVING A FORMER HUSBAND OR WIFE THEN LIVING, IF SOLEMNIZED WITHIN THIS STATE,) section 517.03 shall be absolutely void, without any decree of dissolution or other legal proceedings; (PROVIDED, THAT) except if (ANY) a person whose husband or wife has been absent for four successive years, without being known to (SUCH) a person to be living during that time, marries during the lifetime of (SUCH) the absent husband or wife, the marriage shall be void only from the time that its nullity is duly adjudged. If the absentee is declared dead*

in accordance with section 576.142, the subsequent marriage shall not be void.

Sec. 20. Minnesota Statutes 1976, Section 518.02, is amended to read:

518.02 [VOIDABLE MARRIAGES.] (WHEN EITHER PARTY TO A MARRIAGE IS INCAPABLE OF ASSENTING THERETO FOR WANT OF AGE OR UNDERSTANDING, OR WHEN THE CONSENT OF EITHER HAS BEEN OBTAINED BY FORCE OR FRAUD, AND THERE IS NO SUBSEQUENT VOLUNTARY COHABITATION OF THE PARTIES, THE MARRIAGE MAY BE ANNULLED AT THE SUIT OF THE INJURED PARTY, AND SHALL BE VOID FROM THE TIME ITS NULLITY IS ADJUDGED) *A marriage shall be declared a nullity under the following circumstances:*

(a) *A party lacked capacity to consent to the marriage at the time the marriage was solemnized, either because of mental incapacity or infirmity and the other party at the time of the marriage was solemnized did not know of the incapacity; or because of the influence of alcohol, drugs, or other incapacitating substances; or because consent of either was obtained by force or fraud and there was no subsequent voluntary cohabitation of the parties;*

(b) *A party lacks the physical capacity to consummate the marriage by sexual intercourse and the other party at the time the marriage was solemnized did not know of the incapacity;*

(c) *A party was under the age of 16 years and did not have the consent of his parents or guardian and judicial approval or was aged 16 or 17 years and did not have the consent of his parents or guardian or judicial approval.*

Sec. 21. Minnesota Statutes 1976, Section 518.03, is amended to read:

518.03 [ACTION TO ANNUL; DECREE.] (WHEN THE VALIDITY OF A MARRIAGE IS DISPUTED FOR ANY OF THE CAUSES MENTIONED IN SECTION 518.01 OR 518.02, EITHER PARTY MAY BEGIN AN ACTION IN THE DISTRICT COURT OF THE COUNTY WHERE EITHER RESIDES, TO ANNUL THE SAME. IN SUCH ACTION) *A proceeding for annulment shall be commenced and the complaint shall be filed and proceedings had (THEREON) as in proceedings for dissolution. (AND,) Upon due proof of the nullity of the marriage, it shall be adjudged null and void.*

*The provisions of Minnesota Statutes, Section 518.54 to 518.67, relating to property rights of the spouses, maintenance, support*

*and custody of children on dissolution of marriage are applicable to proceedings for annulment.*

Sec. 22. Minnesota Statutes 1976, Section 518.05, is amended to read:

518.05 [ANNULMENT; WHEN TO BRING.] (NO MARRIAGE SHALL BE ADJUDGED A NULLITY AT THE SUIT OF THE PARTY CAPABLE OF CONTRACTING, ON THE GROUND THAT THE OTHER PARTY WAS UNDER THE AGE OF LEGAL CONSENT, OR WAS IDIOTIC OR INSANE, IF SUCH IDIOCY OR INSANITY WAS KNOWN TO THE PARTY CAPABLE OF CONTRACTING AT THE TIME OF SUCH MARRIAGE) *An annulment may be sought by any of the following persons and must be commenced within the times specified, but in no event may an annulment be sought after the death of either party to the marriage:*

(a) *For a reason set forth in section 21, clause (a), by either party or by the legal representative of the party who lacked capacity to consent, no later than 90 days after the petitioner obtained knowledge of the described condition;*

(b) *For the reason set forth in section 21, clause (b), by either party no later than one year after the petitioner obtained knowledge of the described condition;*

(c) *For the reason set forth in section 21, clause (c), by the underaged party, his parent or guardian, before the time the underaged party reaches the age at which he could have married without satisfying the omitted requirement.*

Sec. 23. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.055] [PUTATIVE SPOUSE.] *Any person who has cohabited with another to whom he is not legally married in the good faith belief that he was married to that person is a putative spouse until knowledge of the fact that he is not legally married terminates his status and prevents acquisition of further rights. A putative spouse acquires the rights conferred upon a legal spouse, including the right to maintenance following termination of his status, whether or not the marriage is prohibited or declared a nullity. If there is a legal spouse or other putative spouses, rights acquired by a putative spouse do not supersede the rights of the legal spouse or those acquired by other putative spouses, but the court shall apportion property, maintenance, and support rights among the claimants as appropriate in the circumstances and in the interests of justice.*

Sec. 24. Minnesota Statutes 1976, Section 518.06, Subdivision 1, is amended to read:

**518.06 [DISSOLUTION OF MARRIAGE; LEGAL SEPARATION.]** Subdivision 1. A dissolution of a marriage may be granted by a *county or district court (OF COMPETENT JURISDICTION UPON A SHOWING TO THE SATISFACTION OF)* : (a) *when the court finds that there has been an irretrievable breakdown of the marriage relationship; and (b) to the extent it has jurisdiction to do so, when the court has considered, approved, or made provision for child custody, the support of any child of the marriage who is entitled to support, the maintenance of either spouse, and the disposition of property.*

*Previously existing defenses to divorce, dissolution and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.*

Sec. 25. Minnesota Statutes 1976, Section 518.06, is amended by adding a subdivision to read:

*Subd. 3. If a party requests a decree of legal separation rather than a decree of dissolution of marriage, the court shall grant the decree in that form unless the other party objects.*

Sec. 26. Minnesota Statutes 1976, Section 518.07, is amended to read:

**518.07 [RESIDENCE OF PARTIES.]** No dissolution shall be granted unless (THE PETITIONER) *one of the parties has resided in this state (ONE YEAR) , or has been a member of the armed services stationed in this state, for 180 days immediately preceding the (FILING OF THE PETITION) commencement of the proceeding.*

Sec. 27. Minnesota Statutes 1976, Section 518.09, is amended to read:

**518.09 [PROCEEDING; HOW AND WHERE BROUGHT; VENUE.]** A proceeding for dissolution or (SEPARATE MAINTENANCE) *legal separation* may be brought by (A PETITIONER) *either or both spouses* and (ALL SUCH PROCEEDINGS) shall be commenced by summons and petition in the county where the petitioner resides (, AS HEREINAFTER PROVIDED,) *or, if the petitioner is not a resident of the state, then in the county where the respondent resides. This venue shall be subject to the power of the court to change the place of hearing by consent of the parties, or when it (SHALL APPEAR) appears to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change.*

Sec. 28. Minnesota Statutes 1976, Section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.] The petition for dissolution of marriage *or legal separation* shall:

(1) State the name and address of the petitioner and his attorney *and the length of petitioner's residence in this state, or if petitioner is not a resident of the state, then the respondent's length of residence in the state;*

(2) State the place and date of marriage of the parties;

(3) State the name and address, if known, of the respondent *and the length of residence in this state;*

(4) State the name and age of each (MINOR) child by date of birth (WHOSE WELFARE MAY BE AFFECTED BY THE CONTROVERSY) , *whether any child is under the jurisdiction of a juvenile court, and whether the wife is pregnant;*

(5) State whether or not a separate proceeding for dissolution of marriage has been commenced by the respondent and whether such proceeding is pending in any court in this state or elsewhere;

(6) Allege that the (PETITION) *proceeding* has been (FILED) *commenced* in good faith and for the purposes set forth therein;

(7) Allege that there has been an irretrievable breakdown of the marriage relationship, *and in a proceeding for legal separation, allege the need for legal separation;*

(8) *State the date on which the parties separated;*

(9) *Set forth any arrangements between the parties as to the custody and support of the children and the maintenance of a spouse;*

((8)) (10) Set forth any application for temporary support of (THE PETITIONER) *a spouse and any children; and*

((9)) (11) Set forth any application for permanent (ALIMONY) *maintenance* or support, child custody, or disposition of property, as well as attorneys' fees and suit money, without enumerating the amounts thereof (; AND)

((10)) STATE THAT THE PETITIONER HAS BEEN FOR THE LAST YEAR A RESIDENT OF THE STATE).

The petition shall be verified by the petitioner, and its allegations established by competent evidence.

Sec. 29. Minnesota Statutes 1976, Section 518.11, is amended to read:

518.11 [SERVICE; PUBLICATION.] *If a proceeding is brought by one of the parties, copies of the summons and petition shall be served on the respondent personally (, AND,). When (SUCH) service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same (, AND). When service is made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister, charge d'affaires, commissioner, consul or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; or before an officer authorized to administer an oath with the certificate of an officer of a court of record of the country wherein such affidavit is taken as to the identity and authority of the officer taking the same (,). But, if personal service cannot (WELL) be made, the court may order service of the summons by publication, which publication shall be made as in other actions.*

Sec. 30. Minnesota Statutes 1976, Section 518.13, is amended to read:

518.13 [FAILURE TO ANSWER; FINDINGS; HEARING.] *Subdivision 1. If the respondent does not appear after service duly made and proved, the court may hear and determine the proceeding at a general or special term, or in vacation ( ; PROVIDED, THAT).*

*Subd. 2. If both of the parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after hearing, shall make a finding whether the marriage is irretrievably broken.*

*Subd. 3. If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to the commencement of the proceeding and the prospect of reconciliation, and shall*

*(a) make a finding whether the marriage is irretrievably broken, or*

*(b) continue the matter for further hearing not less than 30 or more than 60 days later, or as soon thereafter as the matter*

*may be reached on the court's calendar and may suggest to the parties that they seek counseling. At the adjourned hearing, or after a further continuance ordered by the court, the court shall make a finding whether the marriage is irretrievably broken.*

*A finding of irretrievable breakdown is a determination that there is no reasonable prospect of reconciliation. The finding must be supported by evidence that (i) the parties have lived separate and apart for a period of more than 180 days immediately preceding the commencement of the proceeding, or (ii) there is serious marital discord adversely affecting the attitude of one or both of the parties toward the marriage.*

**Subd. 4.** The court or judge, upon application, may refer the proceeding to a referee to take and report the evidence therein. Hearings for dissolution of marriage shall be heard in open court or before a referee appointed by the court to receive the testimony of the witnesses, or depositions taken as in other equitable actions. However, the court may in its discretion close the hearing. (HEARINGS HELD FOR THE PURPOSE OF DETERMINING CHILD CUSTODY MAY BE LIMITED IN ATTENDANCE BY THE COURT TO THE AFFECTED PARTIES AND NECESSARY WITNESSES IF ANY.)

**Sec. 31.** Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.135] [TEMPORARY ORDER OR INJUNCTION; PENALTY.] *Subdivision 1. In a proceeding brought for dissolution or legal separation or for disposition of property, maintenance, or support following the dissolution of a marriage by a court which lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance or temporary support of children of the marriage entitled to support or for a temporary order relative to property of the parties. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.*

**Subd. 2. (a)** *As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit either party may request the court to issue a restraining order:*

*(i) Restraining a person from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and, if so restrained, requiring him to notify the moving party of proposed extraordinary expenditures and to account to the court for all extraordinary expenditures made after the order is issued;*

*(ii) Restraining a party from molesting or disturbing the peace or restraining the personal liberty of the other party or of a child;*

(iii) *Excluding a party from the family home or from the home of the other party upon a showing that physical or emotional harm would otherwise result. A party may be excluded from the family home only upon due notice and hearing. If a party makes specific allegations of an immediate danger of physical harm, the court shall waive the requirement of notice and shall hold a hearing on the request for a restraining order at the earliest possible time.*

(b) *The court may issue an ex parte restraining order only if it finds on the basis of the moving affidavit or other evidence that immediate and irreparable injury would result to the moving party if an order is not issued before the adverse party can be heard in opposition and the moving party states to the court in writing the efforts that have been made to give notice or the reasons why notice should not be required.*

(c) *A response may be filed within 20 days after service of notice of motion or at the time specified in the ex parte restraining order.*

(d) *On the basis of the showing made and in conformity with section 54 on maintenance and section 41, subdivision 2, on support, the court may issue a restraining order and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.*

(e) *A temporary order or restraining order:*

(i) *Shall not prejudice the rights of the parties or the child which are to be adjudicated at subsequent hearings in the proceeding;*

(ii) *May be revoked or modified before the final decree on notice to the other party and on a showing by affidavit of the facts which support the necessity for revocation or modification; and*

(iii) *Terminates when the final judgment is entered or when the petition for dissolution or legal separation is voluntarily dismissed.*

*Subd. 3. A person who violates an order issued pursuant to subdivision 2, clause (a) (ii) or (iii), is guilty of a misdemeanor.*

Sec. 32. Minnesota Statutes 1976, Section 518.14, is amended to read:

518.14 [COSTS AND DISBURSEMENTS AND ATTORNEY'S FEES.] In (ANY) a proceeding brought either for dissolution or (SEPARATE MAINTENANCE) legal separation under chapter 518, the court, (IN ITS DISCRETION) from time to time, after considering the financial resources of both parties,

may require one party to pay a reasonable amount(,) necessary to enable the other spouse to carry on, or to contest the proceeding, and (TO SUPPORT SUCH SPOUSE AND THE CHILDREN DURING ITS PENDENCY) *to pay attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement or after entry of judgment.* The court may adjudge costs and disbursements against either party. The court may authorize the collection of (ANY) money (SO) awarded by execution, or out of (ANY) property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought by the attorney in his own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees, the court may nevertheless award attorney's fees upon the attorney's motion (AND SUCH). *The award shall also survive the proceeding and may be enforced in the same manner as last above provided.*

Sec. 33. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.145] [DECREE.] *A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree which dissolves the marriage beyond the time for appealing from that provision. A party may remarry before the time for appeal has run if the parties have agreed that the marriage is irretrievably broken.*

*No earlier than six months after entry of a decree of legal separation, on motion of either party to dissolve the marriage, the court shall proceed as provided in section 518.13.*

Sec. 34. Minnesota Statutes, 1977 Supplement, Section 518.155, is amended to read:

518.155 [CUSTODY DETERMINATIONS.] *Notwithstanding any law to the contrary, a court in which a proceeding for dissolution or legal separation has been (OR MAY BE) commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.16, 518.165, 518.17, 518.175 or 518.18 or sections 39 or 45 of this act, which affects the custody of a minor child or the visitation rights of a noncustodial parent unless the court has jurisdiction over the matter pursuant to the provisions of sections 518A.01 to 518A.25.*

Sec. 35. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.156] [COMMENCEMENT OF CUSTODY PROCEEDING.] *Subdivision 1. In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:*

(a) *By a parent*

(1) *By filing a petition for dissolution or legal separation;*  
or

(2) *Where a decree of dissolution has been entered or where none is sought, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found; or*

(b) *By a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found.*

*Subd. 2. Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.*

Sec. 36. Minnesota Statutes 1976, Section 518.16, is amended to read:

518.16 [CUSTODY OF CHILDREN DURING PENDENCY.] The court, on the (APPLICATION) *motion* of either party, may make (SUCH) *an order* concerning the care and custody of the minor children of the parties, and their suitable maintenance, during the pendency of (SUCH) a proceeding (, AND SUCH TEMPORARY ORDERS RELATIVE TO THE PERSONS OR PROPERTY OF THE PARTIES,) as shall be deemed necessary and proper. *The motion must be supported by an affidavit. The court may award temporary custody after a hearing, or, if there is no objection, solely on the basis of the affidavits.*

*If a proceeding for dissolution of marriage or legal separation is dismissed, a temporary custody order is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interests of the child require that a custody order be issued.*

Sec. 37. Minnesota Statutes 1976, Section 518.165, is amended to read:

518.165 [GUARDIANS FOR MINOR CHILDREN.] In all (ACTIONS) *proceedings* for (DIVORCE) *dissolution* or

(SEPARATE MAINTENANCE) *legal separation* in which custody or visitation of a minor child is in issue, the court may appoint a guardian ad litem from a panel established by the court to represent the interests of (ANY SUCH) *the* child. The guardian ad litem shall advise the court with respect to custody, support and visitation. (THE COURT MAY ASSESS COSTS INCIDENT HERETO AGAINST EITHER OR BOTH PARTIES) *The court shall enter an order for costs, fees and disbursements in favor of the child's guardian ad litem. The order shall be made against either or both parties, except that, if the responsible party is indigent, the costs, fees, and disbursements shall be borne by the county.*

Sec. 38. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.166] [INTERVIEWS.] *The court may interview the child in chambers to ascertain the child's wishes as to his custodian. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case unless waived by the parties.*

*The court may seek the recommendations of professional personnel whether or not they are employed on a regular basis by the court. The recommendations given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination of professional personnel consulted by the court.*

Sec. 39. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.167] [INVESTIGATIONS AND REPORTS.] *Subdivision 1. In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by the county welfare agency or department of court services.*

*Subd. 2. In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past after obtaining the consent of the parents or the child's custodian or guardian. If the requirements of subdivision 3 are fulfilled, the investigator's report may be received in evidence at the hearing.*

*Subd. 3. The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days before the hearing. The investigator shall make available to counsel and to a party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subdivision 2, and the names and addresses of all persons whom the investigator has consulted. A party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive his right of cross-examination before the hearing.*

Sec. 40. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.168] [HEARINGS.] (a) *Custody proceedings shall receive priority in being set for hearing.*

(b) *The court may tax as costs the payment of necessary travel and other expenses incurred by a person whose presence at the hearing the court deems necessary to determine the best interests of the child.*

(c) *The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interest, the court may exclude the public from a custody hearing, but may admit any person who has a direct interest in the particular case or a legitimate educational or research interest in the work of the court.*

(d) *If the court finds it necessary for the protection of the child's welfare that the record of an interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.*

Sec. 41. Minnesota Statutes 1976, Section 518.17, is amended to read:

518.17 [CUSTODY AND SUPPORT OF CHILDREN ON JUDGMENT.] Subdivision 1. (FOR THE PURPOSES OF THIS SECTION) "The best interest of the (CHILDREN) child" means (THE SUM TOTAL OF THE FOLLOWING) *all relevant factors to be considered and evaluated by the court including:*

(A) THE LOVE, AFFECTION AND OTHER EMOTIONAL TIES EXISTING BETWEEN THE COMPETING PARTIES AND THE CHILD;

(B) THE CAPACITY AND DISPOSITION OF COMPETING PARTIES TO GIVE THE CHILD LOVE, AFFECTION AND GUIDANCE AND CONTINUATION OF THE

EDUCATING AND RAISING OF THE CHILD IN ITS RELIGION OR CREED, IF ANY, OR CULTURE;)

((C) THE CAPACITY AND DISPOSITION OF COMPETING PARTIES TO PROVIDE THE CHILD WITH FOOD, CLOTHING, MEDICAL CARE OR OTHER REMEDIAL CARE RECOGNIZED AND PERMITTED UNDER THE LAWS OF THIS STATE IN LIEU OF MEDICAL CARE, AND OTHER MATERIAL NEEDS;)

((D) THE LENGTH OF TIME THE CHILD HAS LIVED IN A STABLE, SATISFACTORY ENVIRONMENT AND THE DESIRABILITY OF MAINTAINING CONTINUITY;)

((E) THE PERMANENCE, AS A FAMILY UNIT, OF THE EXISTING OR PROPOSED CUSTODIAL HOME;)

((F) THE CULTURAL BACKGROUND OF THE CHILD;)

((G) THE MENTAL AND PHYSICAL HEALTH OF THE COMPETING PARTIES;)

((H) THE HOME, SCHOOL AND COMMUNITY RECORD OF THE CHILD;)

((I) THE REASONABLE PREFERENCE OF THE CHILD, IF THE COURT DEEMS THE CHILD TO BE OF SUFFICIENT AGE TO EXPRESS PREFERENCE;)

((J) ANY OTHER FACTOR CONSIDERED BY THE COURT TO BE RELEVANT TO A PARTICULAR CHILD CUSTODY DISPUTE.)

*(a) The wishes of the child's parent or parents as to his custody;*

*(b) The wishes of the child as to his custodian;*

*(c) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;*

*(d) The child's adjustment to his home, school, and community;*

*(e) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;*

*(f) The permanence, as a family unit, of the existing or proposed custodial home; and*

(g) *The mental and physical health of all individuals involved.*

*The court shall not consider conduct of a proposed custodian that does not affect his relationship to the child.*

Subd. 2. Upon adjudging the nullity of a marriage, or a dissolution or separation, the court may make such further order as it deems just and proper concerning the care, custody, and maintenance of the minor children of the parties and may determine with which of the parents they, or any of them, shall remain. In determining the parent with whom a child shall remain, the court shall consider the best interest of the (CHILDREN) *child* and shall not prefer one parent over the other solely on the basis of the sex of the parent. (IN DETERMINING THE AMOUNT OF CHILD SUPPORT TO BE PAID BY EACH PARENT, THE COURT SHALL CONSIDER THE EARNING CAPACITY AND FINANCIAL CIRCUMSTANCES OF EACH PARENT. ON PETITION FOR ANY CHANGE IN CHILD SUPPORT BECAUSE OF ALLEGED CHANGE IN CIRCUMSTANCES THE COURT SHALL TAKE INTO CONSIDERATION THE EARNING CAPACITY AND FINANCIAL CIRCUMSTANCES OF EACH PARENT AND THE CUSTODIAL PARENT'S SPOUSE, IF ANY) *The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, without regard to marital misconduct, after considering all relevant factors including:*

- (a) *The financial resources and needs of the child;*
- (b) *The financial resources and needs of the custodial parent;*
- (c) *The standard of living the child would have enjoyed had the marriage not been dissolved;*
- (d) *The physical and emotional condition of the child, and his educational needs; and*
- (e) *The financial resources and needs of the noncustodial parent.*

Sec. 42. Minnesota Statutes 1976, Section 518.175, Subdivision 1, is amended to read:

518.175 [VISITATION OF CHILDREN AND NONCUSTODIAL PARENT.] Subdivision 1. In all proceedings for dissolution, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court (MAY) *shall*, upon the request of the noncustodial parent, grant (SUCH) rights of visitation as will enable the child and the non-

custodial parent to maintain (SUCH) a child to parent relationship (AS) that will be beneficial to the child unless the court finds, after a hearing, that visitation would endanger the child's physical or emotional health or impair his emotional development. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the proceeding. (THE COURT MAY DENY VISITATION RIGHTS TO THE NONCUSTODIAL PARENT IF SUCH VISITATION IS NOT IN THE BEST INTEREST OF THE CHILD.) A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of visitation(, UNLESS SUCH INABILITY IS WILLFUL).

Sec. 43. Minnesota Statutes 1976, Section 518.175, Subdivision 3, is amended to read:

Subd. 3. The custodial parent shall not move the residence of the child to another state or more than 100 miles within this state except upon order of the court or with the consent of the noncustodial parent, when the noncustodial parent has been given visitation rights by the decree.

Sec. 44. Minnesota Statutes 1976, Section 518.175, is amended by adding a subdivision to read:

Subd. 5. The court may modify an order granting or denying visitation rights whenever modification would serve the best interest of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical or emotional health or impair his emotional development. If the custodial parent makes specific allegations that visitation endangers the custodial parent's physical health, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting visitation rights. The court may require a third party, including the county welfare board, to supervise the visitation or may restrict a parent's visitation rights if necessary to protect the physical health of the custodial parent.

Sec. 45. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.176] [JUDICIAL SUPERVISION.] (a) Except as otherwise agreed by the parties in writing at the time of the custody order, the custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing, finds, upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian's authority, the child's physical or emotional health would be endangered or his emotional development impaired.

(b) If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's

*physical or emotional health would be endangered or his emotional development impaired, the court may order the county welfare board to exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out.*

Sec. 46. Minnesota Statutes 1976, Section 518.18, is amended to read:

518.18 [MODIFICATION OF ORDER.] (THE COURT MAY AFTERWARD, FROM TIME TO TIME, ON THE PETITION OF EITHER PARENT, REVISE AND ALTER SUCH ORDER CONCERNING THE CARE, CUSTODY, AND MAINTENANCE OF THE CHILDREN, OR ANY OF THEM, AND MAKE SUCH NEW ORDER CONCERNING THEM, AS THE CIRCUMSTANCES OF THE PARENTS AND THE BENEFIT OF THE CHILDREN SHALL REQUIRE.) (a) *No motion to modify a custody decree may be made earlier than one year after the date of the initial decree except in accordance with clause (c).*

(b) *If a motion for modification has been filed, whether or not it was granted, no subsequent motion may be filed within two years after disposition of the prior motion except in accordance with clause (c).*

(c) *The time limitations prescribed in clauses (a) and (b) shall not prohibit a motion to modify a custody decree if the court decides on the basis of affidavits submitted pursuant to section 47, that there is reason to believe that the child's present environment may endanger his physical or emotional health or impair his emotional development.*

(d) *If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody decree unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to to serve the best interests of the child. In applying these standards the court shall retain the custodian established by the prior decree unless:*

(i) *The custodian agrees to the modification;*

(ii) *The child has been integrated into the family of the petitioner with the consent of the custodian; or*

(iii) *The child's present environment endangers his physical or emotional health or impairs his emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.*

Sec. 47. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.185] [AFFIDAVIT PRACTICE.] *A party seeking a temporary custody order or modification of a custody order shall submit together with his moving papers an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceeding, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.*

Sec. 48. Minnesota Statutes 1976, Section 518.24, is amended to read:

518.24 [SECURITY; SEQUESTRATION; CONTEMPT.] In all cases when (ALIMONY OR OTHER ALLOWANCE IS) *maintenance or support payments are ordered or decreed, the court may require sufficient security to be given for the payment (THEREOF,) of it according to the terms of the order or decree (; AND,) . Upon neglect or refusal to give (SUCH) security, or upon failure to pay (SUCH ALIMONY OR ALLOWANCE) the maintenance or support, the court may sequester the obligor's personal estate (,) and the rents and profits of real estate of the obligor, and appoint a receiver (THEREOF, AND) of them. The court may cause (SUCH) the personal estate (,) and the rents and profits of (SUCH) the real estate, to be applied according to the terms of (SUCH) the order or decree. If the obligor has an income from (ANY) a source sufficient to enable him to pay (SUCH ALIMONY OR OTHER ALLOWANCE,) the maintenance or support and he fails (AND REFUSES) to pay the same, the court (MAY) shall order him to pay (SUCH ALIMONY OR ALLOWANCE) the maintenance or support. If (ANY) a person or party (SHALL DISOBEY) disobeys (SUCH) the order, he may be punished by the court as for contempt.*

Sec. 49. Minnesota Statutes 1976, Section 518.27, is amended to read:

518.27 [EFFECT OF DISSOLUTION; NAME OF PARTY.] When a decree of dissolution (FROM THE BONDS) of (MATRIMONY) *marriage is granted in this state, (SUCH) the decree shall completely dissolve the marriage contract as to both parties. If a dissolution is granted, the court shall, if requested by (THE) a party whose name was changed by the marriage, change the name of (THE) a party who had acquired the name of his spouse back to that person's family name or the name acquired from a prior spouse, and that person shall thereafter be known by that family name and be so designated in the court's decree.*

Sec. 50. Minnesota Statutes 1976, Section 518.54, is amended to read:

518.54 [DEFINITIONS.] Subdivision 1. [TERMS.] For the purposes of sections 518.54 to 518.67, the terms defined in this section shall have the meanings respectively ascribed to them.

Subd. 2. [CHILD.] "Child" means an individual under 18 years of age (,) or an individual who, by reason of his physical or mental condition, is unable to support himself.

Subd. 3. [MAINTENANCE.] "(ALIMONY) *Maintenance*" means an award made in a dissolution or *legal separation* proceeding of payments from the future income or earnings of one spouse for the support and maintenance of the other.

Subd. 4. [SUPPORT MONEY.] "Support money" means an award in a dissolution, *legal separation*, or annulment proceeding for the care, support and education of any child of the marriage or of the parties to the annulment proceeding.

Subd. 5. [MARITAL PROPERTY; EXCEPTIONS.] (EXCEPT AS PROVIDED IN THIS SUBDIVISION, "PROPERTY ACQUIRED DURING COVERTURE") "*Marital property*" means (ANY) property, real or personal, *including nonforfeitable pension benefits or rights*, acquired by the parties, or either of them, to a dissolution, *legal separation*, or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment (PROCEEDINGS) proceeding. *All property acquired by either spouse subsequent to the marriage and before a decree of legal separation is presumed to be marital property regardless of whether title is held individually or by the spouses in a form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. The presumption of marital property is overcome by a showing that the property is of a type listed in clauses (a) to (f).*

"(PROPERTY ACQUIRED DURING COVERTURE) *Marital property*" does not include (ANY) property real or personal, acquired by either spouse before, during, or after (COVERTURE, WHERE SAID PROPERTY) *the existence of their marriage, which (a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse (,); (b) is acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, bequest, devise, or inheritance; (c) is the increase in value of property acquired before the marriage; (d) is acquired by a spouse after a decree of legal separation; (e) is excluded by valid agreement of the parties, including a valid antenuptial*

contract; or (f) is any property transferred from one spouse to the other.

Sec. 51. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.541] [SEPARATION AGREEMENT.] (a) *To promote the amicable settlement of disputes between the parties to a marriage attendant upon their separation or the dissolution of their marriage, the parties may enter into a written separation agreement containing provisions for the maintenance of either of them, the disposition of property owned by either or both of them, and the custody, support, and visitation of their children.*

(b) *In a proceeding for dissolution of marriage or for legal separation, the terms of the separation agreement, except terms providing for the custody, support, and visitation of children, are binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties, on their own motion or on request of the court, that the separation agreement is unreasonable and unfair. If either party is receiving public assistance or it appears that a party will receive public assistance, the court shall request testimony as to the provisions of the separation agreement which concern maintenance, support, or the disposition of property from the public authority responsible for support enforcement.*

(c) *If the court finds the separation agreement unreasonable and unfair, the court may request the parties to submit a revised separation agreement or the court may make orders for the disposition of property, support, and maintenance pursuant to chapter 518.*

(d) *If the court finds that the separation agreement is not unreasonable or unfair as to support, maintenance, and property:*

(1) *Unless the separation agreement provides to the contrary, its terms shall be set forth in the decree of dissolution or legal separation and the parties shall be ordered to perform them; or*

(2) *If the separation agreement provides that its terms shall not be set forth in the decree, the decree shall identify the separation agreement and shall state that the court has found the terms not unreasonable or unfair.*

(e) *Terms of the agreement set forth in the decree can be enforced by all remedies available for the enforcement of a judgment, including contempt, and are enforceable as contract terms.*

(f) *Except for terms concerning the support, custody, or visitation of children, the decree may expressly preclude or limit modification of terms set forth in the decree if the separation agreement so provides. However, if either party applies for public assistance, that party or the public authority responsible for support enforcement may seek modification of the decree and the terms of the separation agreement.*

Sec. 52. Minnesota Statutes 1976, Section 518.55, is amended to read:

518.55 [MAINTENANCE OR SUPPORT MONEY.] Every award of (ALIMONY) *maintenance* or support money in a judgment of dissolution shall clearly designate whether the same is (ALIMONY) *maintenance* or support money, or what part of the award is (ALIMONY) *maintenance* and what part (THERE-OF) is support money. (ANY) An award of payments from future income or earnings of the custodial parent (SHALL BE) *is presumed to be (ALIMONY.) maintenance and (ANY) an award of payments from the future income or earnings of the noncustodial parent (SHALL BE) is presumed to be support money, unless otherwise designated by the court. In (ANY) a judgment of dissolution the court may determine, as one of the issues of the case, whether or not either spouse is entitled to an award of (ALIMONY) maintenance notwithstanding that no award is then made, or it may reserve jurisdiction of the issue of (ALIMONY) maintenance for determination at a later date.*

Sec. 53. Minnesota Statutes, 1977 Supplement, Section 518-551, is amended to read:

518.551 [MAINTENANCE AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES.] (NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY) A court having jurisdiction over proceedings for dissolution shall direct that all payments ordered for (ALIMONY) *maintenance* and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the (ALIMONY) *maintenance* and support payments will receive public assistance. Amounts (SO) received by the (BOARD OVER AND ABOVE) *agency greater than* the amount granted to the party receiving public assistance shall be remitted to that party.

The *petitioner shall notify the agency responsible for the welfare payments (SHALL BE NOTIFIED BY THE PETITIONER) of all proceedings for dissolution, (SEPARATE MAINTENANCE) legal separation or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of (SUCH) the proceeding. After receipt of the notice, the (COUNTY WELFARE BOARD OR THE COMMISSIONER OF PUBLIC WELFARE) agency shall recommend to the court the (SUM OF MONEY, OR ITS EQUIVALENT,) support that is*

proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.

If the court finds in a dissolution proceeding before issuing the order for judgment and decree that notification has not been given to the agency responsible for the welfare payments, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and *in which* the agency determines that the judgment is not proper and adequate for the care and support of the child or children, it may petition the court for a redetermination of the support payments ordered.

Sec. 54. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to to read:

[518.552] [MAINTENANCE.] *Subdivision 1. In a proceeding for dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse only if it finds that the spouse seeking maintenance:*

(a) *Lacks sufficient property, including marital property apportioned to him, to provide for his reasonable needs, especially during a period of training or education; and*

(b) *Is unable to support himself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.*

*Subd. 2. The maintenance order shall be in amounts and for periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:*

(a) *The financial resources of the party seeking maintenance, including marital property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;*

(b) *The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;*

(c) *The standard of living established during the marriage;*

(d) *The duration of the marriage;*

(e) *The age, and the physical and emotional condition of the spouse seeking maintenance; and*

(f) *The ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.*

Sec. 55. Minnesota Statutes 1976, Section 518.57, is amended to read:

518.57 [MINOR CHILDREN, SUPPORT.] Upon a decree of dissolution, *legal separation* or annulment, the court may make (SUCH) a further order (AS IT DEEMS) *which is just and proper concerning the maintenance of the minor children as is provided by section 518.17, and for the maintenance of any child of the parties (AS DEFINED IN THIS ACT), as support money, and may make the same a lien or charge upon the property of the parties to (SUCH) the proceeding, or either of them, either at the time of the entry of (SUCH) the judgment or by subsequent order upon proper application therefor.*

Sec. 56. Minnesota Statutes 1976, Section 518.58, is amended to read:

518.58 [DISPOSITION OF MARITAL PROPERTY.] Upon a dissolution of a marriage, (OR UPON) an annulment, *a legal separation, or a proceeding for disposition of property following a dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court (MAY) shall set aside to each spouse his property and make (SUCH) a just and equitable disposition of the marital property of the parties (ACQUIRED DURING COVERTURE AS SHALL APPEAR JUST AND EQUITABLE, HAVING) without regard to (THE NATURE AND DETERMINATION OF THE ISSUES IN THE CASE, THE AMOUNT OF ALIMONY OR SUPPORT MONEY, IF ANY, AWARDED IN THE JUDGMENT, THE MANNER BY WHICH SAID PROPERTY WAS ACQUIRED AND THE PERSONS PAYING OR SUPPLYING THE CONSIDERATION THEREFOR, THE CHARGES OR LIENS IMPOSED THEREON TO SECURE PAYMENT OF ALIMONY OR SUPPORT MONEY, AND ALL THE FACTS AND CIRCUMSTANCES OF THE CASE.) marital misconduct, after making findings regarding the disposition of the property. The court shall base its findings on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party, whether the property award is in lieu of or in addition to maintenance or support. The court shall also consider the contribution or dissipation of each in the acquisition, preservation, depreciation*

*or appreciation in value of the respective estates, as well as the contribution of a spouse as a homemaker. It shall be presumed that each spouse made a substantial contribution to the acquisition of income and property while they were living together as husband and wife.*

*If the court finds that either spouse's resources or property, including his portion of the marital property as defined in section 50, subdivision 5, are so inadequate as to work an extreme hardship, the court may, in addition to the marital property, apportion up to one half of the property otherwise excluded under section 50, subdivision 5, clauses (a) to (f), to prevent the hardship. If the court apportions property other than marital property, it shall make findings in support of the apportionment. The findings shall be based on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party.*

Sec. 57. Minnesota Statutes 1976, Section 518.61, is amended to read:

518.61 [TRUSTEE.] (a) *Upon its own motion or upon motion of either party, the court may appoint (TRUSTEES) a trustee, when it is deemed expedient, to receive any money ordered to be paid as (ALIMONY) maintenance or support money (, OR AS) for remittance to the person entitled to receive the payments. The trustee may also receive property which is part of an award under (SECTIONS) section 518.58 (OR 518.59), upon trust to invest the same, and pay over the income in (SUCH) the manner (AS) the court (SHALL DIRECT) directs, or to pay over the principal sum in (SUCH) the proportions and at (SUCH) the times (AS) the court (SHALL ORDER, REGARD BEING HAD) orders. The court shall have regard in all (SUCH) cases to the situation and circumstances of the recipient, and the children, if there are any (, AND SUCH TRUSTEES). The trustee shall give (SUCH) a bond, as the court (SHALL REQUIRE) requires, for the faithful performance of (THEIR) his trust. If it appears that the recipient of money ordered to be paid as support will receive public assistance, the court shall appoint as trustee the public authority responsible for support enforcement.*

(b) *The trustee shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order.*

(c) *The parties affected by the order shall inform the trustee of a change of address or of other conditions that may affect the administration of the order.*

(d) *If a required payment of support or of maintenance and support combined is not made within ten days after the due date, the trustee shall send by first class mail notice of the arrearage to the obligor. If payment of the sum due is not made to the trustee within ten days after sending notice, the trustee shall certify the amount due to the public authority responsible for support enforcement, whenever that authority is not the trustee. If the public authority responsible for support enforcement refers the arrearage to the county attorney, the county attorney shall promptly initiate enforcement proceedings for support or for maintenance and support combined against the obligor.*

(e) *The public authority responsible for support enforcement shall represent a person entitled to receive support or maintenance and support combined in all court proceedings initiated under this section to enforce compliance with a support order or combined maintenance and support orders.*

(f) *If the person obligated to pay support is beyond the jurisdiction of the court, the county attorney shall institute any proceeding available under state or federal law for the enforcement of duties of support and maintenance.*

Sec. 58. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.611] [ASSIGNMENTS.] *If the person obligated to pay support or maintenance fails to make a required payment, the other party or, in the case of a failure to pay support or support and maintenance combined, the public authority responsible for support enforcement may, after 30 days, move the court to order the employer or trustee to withhold from the obligor's periodic earnings or trust income an amount equal to the court's order for support or maintenance. The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon him of notice that it has been made. The payer shall withhold from the earnings or trust income payable to the person obligated to pay support or maintenance the amount specified in the assignment and shall monthly or more frequently remit the amounts withheld to the public agency responsible for support enforcement. Amounts received by the public authority responsible for support enforcement which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.*

Sec. 59. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.612] [INDEPENDENCE OF PROVISIONS OF DECREE OR TEMPORARY ORDER.] *Failure by a party to make support payments is not a defense to: interference with*

*visitation rights; or without the permission of the court or the noncustodial parent moving a child more than 100 miles within the state, or removing a child from this state without the permission of the court or of the noncustodial parent. Nor is interference with visitation rights or moving a child more than 100 miles within the state or taking a child from this state without permission of the court or the noncustodial parent a defense to nonpayment of support. If a party fails to make support payments, or interferes with visitation rights, or without permission of the court or the noncustodial parent removes a child from this state or moves a child more than 100 miles within the state, the other party may petition the court for an appropriate order.*

Sec. 60. Minnesota Statutes 1976, Section 518.62, is amended to read:

**518.62 [TEMPORARY MAINTENANCE.]** Temporary (ALIMONY MAY BE AWARDED AS PROVIDED IN SECTION 518.14,) *maintenance* and temporary support (MONEY) may be awarded as provided in section (518.16, FOR THE SUPPORT OF ANY CHILDREN OF THE PARTIES, INCLUDING CHILDREN AS DEFINED IN SECTION 518.54; AND) 31. The court may also award to either party to the proceeding, having due regard to all the circumstances and the party awarded the custody of the children, the right to the exclusive use of the household goods and furniture of the parties pending the proceeding and the right to the use of the homestead of the parties, exclusive or otherwise, pending the proceeding (; AND). The court may order (AND DIRECT) either party to remove from the homestead of the parties upon proper application to the court for (SUCH) *an* order pending the proceeding.

Sec. 61. Minnesota Statutes 1976, Section 518.63, is amended to read:

**518.63 [HOMESTEAD, OCCUPANCY.]** The court, having due regard to all the circumstances and the custody of (ANY) children of the parties, may award to either party the right of occupancy of the homestead of the parties, exclusive or otherwise, upon a final decree of dissolution *or legal separation*, or proper modification (THEREOF) *of it*, for (SUCH) *a* period of time (AS MAY BE) determined by the court (, AND SUCH). *An* award of the right of occupancy of the homestead, whether exclusive or otherwise, may be in addition to the maximum (AMOUNT WHICH MAY BE AWARDED UNDER SECTION 518.59) *amounts awarded under sections 54, 55 and 56.*

Sec. 62. Minnesota Statutes 1976, Section 518.64, is amended to read:

**518.64 [MODIFICATION OF ORDERS OR DECREES.]**  
*Subdivision 1.* After an order or decree for (ALIMONY) *main-*

*tenance or support money, temporary or permanent, or for the appointment of trustees to receive (AND HOLD ANY) property awarded as (ALIMONY) maintenance or support money, the court may from time to time, on petition of either of the parties (REVISE AND ALTER SUCH) or on petition of the public authority responsible for support enforcement where the party entitled to support or maintenance receives or has applied for public assistance, modify the order or decree respecting the amount of (SUCH ALIMONY,) maintenance or support money, and the payment (THEREOF) of it, and also respecting the appropriation and payment of the principal and income of (THE) property (SO) held in trust, and may make (ANY) an order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided.*

*Subd. 2. If the party entitled to maintenance or support receives public assistance, the public authority responsible for support enforcement shall periodically review the financial circumstances of the party obligated to pay support or maintenance, in order to determine whether modification is necessary. If the party entitled to maintenance or support applies for public assistance, the public authority responsible for support enforcement shall immediately review the obligor's financial circumstances in order to determine whether modification is necessary. To carry out this review, the public authority responsible for support enforcement may subpoena the obligor's financial records. If the obligor refuses to obey a subpoena, the refusal may at once be reported to the district court in the district where the obligor resides. The court shall enforce obedience to the subpoena in the manner provided by law for enforcing subpoenas of the court.*

*Subd. 3. Except as otherwise provided in section 51, clause (f), the terms of a decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of increased or decreased earnings of a party or increased or decreased need of a party, which makes the terms unreasonable and unfair. On a motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of the custodial parent's spouse, if any. Except for an award of the right of occupancy of the homestead, provided in section 61, all divisions of real and personal property provided by (SECTIONS) section 518.58 (AND 518.59) shall be final, and (SUBJECT ONLY TO THE POWER OF) may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court (TO) may impose a lien or charge (THEREON) on the divided property at any time while (SUCH) the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of (ALIMONY) maintenance or support money, or (TO) may sequester the property as is provided by section 518.24.*

*Subd. 4. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.*

*Subd. 5. Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child but not by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump sum payment, to the extent just and appropriate in the circumstances.*

Sec. 63. Minnesota Statutes 1976, Section 518.65, is amended to read:

518.65 [PROPERTY; SALE, PARTITION.] In order to effect a division or award of property as is provided by (SECTIONS) section 518.58 (AND 518.59), the court may order (ANY SUCH) property sold or partitioned. Personal property may be ordered sold in (SUCH) the manner (AS SHALL BE) directed by the court, and real estate may be partitioned in the manner provided by Minnesota Statutes 1949, Chapter 558 (, INSOFAR AS THE SAME IS APPLICABLE).

Sec. 64. (a) Sections 1 to 66 apply to all proceedings commenced after December 31, 1978.

(b) Notwithstanding section 645.35, sections 1 to 66 apply to all pending actions and proceedings commenced prior to January 1, 1979 with respect to issues on which a judgment has not been entered. Pending actions for dissolution or separation are deemed to have been commenced on the basis of irretrievable breakdown. Evidence adduced after December 31, 1978 shall be in compliance with sections 1 to 66.

(c) Notwithstanding section 645.35, sections 1 to 66 apply to all proceedings commenced after December 31, 1978 for the modification of a judgment or order entered prior to January 1, 1979.

(d) In any action or proceeding in which an appeal was pending or a new trial was ordered prior to January 1, 1979, the law in effect at the time of the order sustaining the appeal of the new trial governs the appeal, the new trial, and any subsequent trial or appeal.

Sec. 65. [INSTRUCTIONS TO REVISOR.] Whenever the term "alimony" appears in the next or subsequent editions of Minnesota Statutes, the revisor of statutes is directed to substitute "maintenance" or an equivalent term.

*Whenever the term "separate maintenance" appears in the next or subsequent editions of Minnesota Statutes, the revisor is directed to substitute "legal separation".*

Sec. 66. [REPEALER.] *Minnesota Statutes 1976, Sections 518.06, Subdivision 2; 518.15; 518.29; 518.59; and 518.67, are repealed.*

Sec. 67. [EFFECTIVE DATE.] *This act is effective January 1, 1979."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2402, A bill for an act relating to courts; judges of the district court; setting the number of judges for the second and fourth judicial districts; amending Minnesota Statutes, 1977 Supplement, Section 2.722, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 43.42, is amended to read:

43.42 [INSURANCE BENEFITS; INTENT.] *Subdivision 1. It is the intent of sections 43.42 to 43.49 to provide certain state employees with basic life insurance, basic dental insurance, and basic health benefits coverage, including such basic health benefits coverage as the commissioner may make available from prepaid group practice plans, to be paid for by the state and to authorize an eligible state employee to enroll himself, and his dependents in such optional coverages as are made available therefor by the commissioner to be paid for by the employee through payroll deductions. Optional group coverages may include additional life insurance, auto insurance, disability insurance, dental insurance, legal insurance, homeowners insurance, and vision insurance.*

*Subd. 2. [JUDGES' INSURANCE COVERAGE.] Any county or county municipal judge in office prior to July 1, 1977 shall be eligible for basic life insurance at state expense and additional life insurance at the judge's expense, by payroll deduction, equal to the amount of life insurance coverage carried by him on June 30, 1977 under county policies, not to exceed the maximum group life coverage available under the state employees' contract effective on July 1, 1977.*

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 43.43, Subdivision 2, is amended to read:

Subd. 2. "State employee" for the purpose of determining eligibility for the basic life insurance and basic health benefits coverage hereunder means:

(1) An employee in the classified service of the state civil service paid on a state payroll;

(2) An employee in the unclassified service of the state paid on a state payroll who is not excluded from any of the provisions of sections 43.42 to 43.49;

(3) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission;

(4) A judge of the supreme court or an officer or employee of such court; a judge of the district court, a judge of county court, a judge of county municipal court, a judge of probate court; *a district administrator; and the employees of the offices of the district administrators of the fifth and eighth judicial districts until July 1, 1979;*

(5) A salaried employee of the public employees retirement association;

(6) Full time military or civilian personnel in the unclassified service of the department of military affairs whose salary is paid from state funds;

(7) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(8) An employee of the regents of the University of Minnesota, who is a member of the academic staff with the rank of instructor, research fellow, or above, including a lecturer, serving on not less than 75 percent regular appointment;

(9) An employee of the regents of the University of Minnesota and a member of the civil service staff under the civil service plan, adopted by the university of Minnesota, who is employed on a monthly salaried appointment;

(10) An employee of the state university board or the state board for community colleges who is a member of the academic staff, who is employed for not less than a 75 percent time basis, and who is paid on a state salary payroll; or

(11) An employee of the state university board or the state board for community colleges who is either in the classified service or the unclassified service of the state civil service whose salary is paid from the university board of the state of Minnesota revenue fund, the university activity fund, or the community college activity fund. The required premium payment of such an employee is to be paid, however, from the fund from which the employee's salary is paid.

(12) A member of the state legislature.

(13) A seasonal employee of the waters, soils and minerals division of the state department of natural resources whose duties include the sampling, weighing or grading of iron ore, taconite, or other minerals; provided that the employee shall receive the benefits provided in sections 43.42 to 43.50, at no cost to the employee for the period in each calendar year when the employee is not working at his occupation, and the premiums therefor shall be paid from the same salary fund or account as the salary of the employee.

(14) A person employed in the state service as a pre-service trainee on a full time basis.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 484.62, is amended to read:

484.62 [COMPENSATION AND REPORTER.] When a retired judge undertakes such service, he shall be provided at the expense of the county in which he is performing the service with a reporter, selected by the retired judge, clerk, bailiff, if the judge deems a bailiff necessary, and a court room or hearing room for the purpose of holding court or hearings, to be paid for by the county in which the service is rendered and shall (BE PAID IN ADDITION TO HIS RETIREMENT COMPENSATION AND NOT AFFECTING THE AMOUNT THEREOF, THE SUM OF \$50 PER DIEM FOR SUCH ADDITIONAL SERVICE, TOGETHER WITH TRAVEL PAY IN THE SAME AMOUNT AND MANNER AS OTHER STATE EMPLOYEES AND HIS ACTUAL EXPENSES INCURRED IN THE SERVICE) *receive pay and expenses in the amount and manner provided by law for judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving;* said payment to be made in the same manner as the payment of salaries for judges of the district court, on certification by the chief judge of the judicial district or by the chief justice of the supreme court of the state of Minnesota. A deputy clerk may act as bailiff when called to do so for the purposes of this section.

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 484.68, Subdivision 1, is amended to read:

484.68 [DISTRICT ADMINISTRATOR.] Subdivision 1. [APPOINTMENT.] (BY NOVEMBER 1, 1977,) The chief judge of the judicial district in each judicial district shall appoint a single district administrator, subject to the approval of the supreme court, with the advice of the judges of the judicial district.

The district administrator shall serve at the pleasure of a majority of the judges of the judicial district; *however, the district court administrator may be discharged only with the approval of the supreme court.*

*Administrators shall be compensated for travel and subsistence expenses in the same manner and amount as state employees; for membership dues in Minnesota associations for court administration; and registration fees, tuition, travel and subsistence for attending educational programs, attendance at which is approved by the chief judge of the district and the supreme court.*

*Each administrator claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the administrator, of all expenses actually paid by him. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid by the commissioner of finance from appropriations for this purpose.*

Sec. 5. Minnesota Statutes, 1977 Supplement, Section 484.68, Subdivision 2, is amended to read:

Subd. 2. [STAFF.] The district administrator shall (HAVE SUCH) employ deputies, assistants and staff as the (JUDGES OF THE JUDICIAL DISTRICT DEEM) administrator deems necessary, subject to the approval of the chief judge, to perform the duties of the office.

Sec. 6. Minnesota Statutes, 1977 Supplement, Section 484.68, Subdivision 6, is amended to read:

Subd. 6. [SALARY.] The salary of the district administrator shall be set by the state court administrator within the limits provided in section 15A.083, and shall be paid by the state. The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year. *If an administrator dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.*

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 484.68, is amended by adding a subdivision to read:

*Subd. 7. [ACCUMULATED BENEFITS.] A clerk of district court who, without interruption of public service, is appointed a district administrator shall be given credit by the state of Minnesota for accumulated vacation time and sick leave while serving as a clerk of district court for which no compensation has been received.*

*Credit for accumulated vacation time and sick leave for which no compensation has been received shall be extended to the district administrators of the fifth judicial district and the eighth judicial district holding such office on the effective date of this act. These two administrators may elect to retain their membership in the public employees retirement association.*

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 484.68, is amended by adding a subdivision to read:

*Subd. 8. A member of the public employees retirement association appointed as district administrator pursuant to chapter 484, shall remain a member of such fund unless the member elects, within six months of the appointment, to be covered by the Minnesota state retirement system.*

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 484.69, Subdivision 3, is amended to read:

*Subd. 3. [ADMINISTRATIVE AUTHORITY.] In each judicial district, the chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the courts within the judicial (DISTRICT) districts, including but not limited to exercise of the authority of the courts granted by section 260.311, any programs or projects of the court and the day-to-day operation of such courts. The chief judge shall make assignments of judges to serve on the courts within the judicial district, and assignments may be made without the consent of the judges affected. The chief judge may assign any judge of any court within the judicial district to hear any matter in any court of the judicial district. When a judge of a court is assigned to another court he is vested with the powers of a judge of the court to which he is assigned. A judge may not be assigned to hear matters outside his judicial district pursuant to this subdivision.*

Sec. 10. Minnesota Statutes 1976, Section 542.16, is amended to read:

**542.16 [AFFIDAVIT OF PREJUDICE.]** Any party, or his attorney, to a cause pending in a district court, on or before ten days prior to the first day of a general, or five days prior to

a special, term thereof, or, in any district having two or more judges, within one day after it is ascertained which judge is to preside at the trial or hearing thereof, or at the hearing of any motion, order to show cause, or argument on demurrer, may make and file with the clerk of the court in which the action is pending and serve on the opposite party an affidavit stating that, on account of prejudice or bias on the part of such judge, he has good reason to believe, and does believe, that he cannot have a fair trial or hearing thereof, and thereupon (SUCH JUDGE) *the chief judge of the judicial district* shall forthwith, without any further act or proof, secure some other judge of the same or another district to preside at the trial of such cause or the hearing of the motion, demurrer, or order to show cause, and shall continue the cause on the calendar, until such judge can be present. In criminal actions such affidavit shall be made and filed with such clerk by the defendant, or his attorney, not less than two days before the expiration of the time allowed him by law to prepare for trial and in any of such cases such presiding judge shall be incapacitated to try such cause. In criminal cases, such judge, for the purpose of securing a speedy trial, may in his discretion change the place of trial to another county.

Sec. 11. Minnesota Statutes 1976, Section 648.39, Subdivision 1, is amended to read:

648.39 [MINNESOTA STATUTES AND SESSION LAWS; SALE AND DISTRIBUTION.] Subdivision 1. To the extent that appropriations are available therefor, the revisor of statutes shall distribute each edition of Minnesota Statutes and each edition of the session laws as follows:

30 copies to the supreme court;

1 copy to each judge of a district, *county, municipal and probate* court;

1 copy to the clerk of each district court for use in each courtroom of the district court of his county;

*1 copy to each district administrator appointed pursuant to section 484.68, subdivision 1;*

100 copies to the state law library;

100 copies to the law school of the University of Minnesota;

35 copies to the office of the attorney general;

Such copies as may be necessary but not exceeding ten each to the governor's office, the departments of administration, agriculture, commerce, corrections, education, health, transportation,

labor and industry, employment services, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;

1 copy each to the state departments, agencies, boards, and commissions that may request a copy;

1 copy to each member of the legislature;

The necessary number of copies required for the use of the senate and the house of representatives;

4 copies to the secretary of the senate;

4 copies to the chief clerk of the house of representatives;

1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state of the United States, the library of congress, and the Minnesota historical society.”.

Further delete the title in its entirety and insert:

“A bill for an act relating to courts; providing for judges’ insurance; establishing pay of retired judges; providing for payment of expenses for court administrators; providing for selection of judge upon affidavit of prejudice; making other changes; appropriating money; amending Minnesota Statutes 1976, Sections 542.16 and 648.39, Subdivision 1; and Minnesota Statutes, 1977 Supplement, Sections 43.42; 43.43, Subdivision 2; 484.62; 484.68, Subdivisions 1, 2, 6, and by adding subdivisions; and 484.69, Subdivision 3.”.

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1951, A bill for an act relating to public welfare; child care services; defining a sliding schedule fee payment plan for child care; appropriating money; amending Minnesota Statutes 1976, Section 245.84, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 11, after “Subd. 2.” insert “*Within the limit of appropriations available*”.

Page 2, line 28, delete "this".

Page 2, line 29, delete "act" and insert "section 1".

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2033, A bill for an act relating to health and welfare; Title XX funds for social services; establishing a formula for allocating Title XX funds to counties.

Reported the same back with the following amendments:

Page 1, delete lines 17 to 22.

Page 2, delete lines 1 to 11 and insert:

"(a) Fifty percent shall be allocated on the basis of the average number of persons in each county who are recipients of one of the following aid to families with dependent children, medical assistance, supplementary security income or nonpublic assistance food stamps.

(b) Fifty percent shall be allocated on the basis of the number of persons residing in the county in calendar year 1975 as determined by the state demographer."

Page 2, line 12, delete "The Title XX funds allocated to the counties shall".

Page 2, line 13, delete "be multiplied by the ratio for each county."

Page 3, after line 2, insert a new subdivision to read:

"Subd. 4. There is appropriated from the general fund to the commissioner of public welfare the sum of \$650,000 for the purposes of this act."

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2238, A bill for an act relating to public welfare; adjusting eligibility requirements for medical assistance benefits; authorizing the commissioner of public welfare to seek a waiver from federal regulations; amending Minnesota Statutes 1976, Sections 256.935, Subdivision 2; 256B.07; and Minnesota Statutes, 1977 Supplement, Section 256B.06, Subdivision 1.

Reported the same back with the following amendments:

Page 1, delete all of section 1.

Renumber the remaining sections.

Page 2, line 30, delete "\$3,000" and insert "\$1,500".

Page 2, line 31, after the stricken "\$1,000" insert "\$3,000" and reinstate the remainder of the stricken language.

Page 2, line 32, reinstate the stricken language and delete "\$15,000".

Page 4, after line 29, insert a new section to read:

*"Sec. 3. The commissioner shall report to the legislature no later than January 15, 1979 the actual costs of this act."*

Further, amend the title as follows:

Page 1, line 6, delete "Sections 256.935,".

Page 1, line 7, delete "Subdivision 2;" and insert "Section".

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 861, A bill for an act relating to public welfare; providing for allocation of fees collected by community mental health programs.

Reported the same back with the following amendments:

Page 1, line 18, after "behalf" insert "pursuant to Minnesota Statutes, Section 62A.152".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2248, A bill for an act relating to municipal police and fire civil service commissions; requiring that commissioners be appointed by city councils; limiting the commission's power to prescribe employment requirements; amending Minnesota Statutes 1976, Sections 419.02; 419.05; 419.06; 420.06; and 420.07.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 419.02, is amended to read:

419.02 [MEMBERSHIP; JOINT POLICE AND FIRE COMMISSION.] Subdivision 1. This commission shall consist of three members who are citizens of the state and residents of such city, and shall be appointed by the (MAYOR OF THE CITY AND THE APPOINTMENT OF EACH COMMISSIONER, TO BE CONFIRMED BY A MAJORITY OF THE GOVERNING BODY THEREOF) *council of the city*, and when first created one commissioner shall be appointed for the term of one year, who shall be president of the commission, one for the term of two years, and one for the term of three years, and all commissioners shall hold their office until their successors are appointed and qualified. No commissioner shall, at the time of his appointment or while serving, hold any other office or employment under the city, the United States, the state of Minnesota, or any public corporation or political division thereof, other than the office of notary public or member of a civil service commission for firemen or other municipal personnel. Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk an oath for the faithful discharge of his duties. There shall be appointed each year thereafter by the (MAYOR) *city council* one member of the commission whose term of office shall be for three years, and each member of the commission shall be president of the commission during the last year of the term for which he is appointed.

Subd. 2. In any city establishing or having a firemen's civil service commission, the (GOVERNING BODY) *city council* may, in the ordinance establishing the police or firemen's civil service commission or in a later ordinance adopted in the same manner, provide that a single commission shall serve as both police and firemen's civil service commissions. The joint commission shall

consist of three members appointed in the same manner, for the same terms, and with the same qualifications as a police civil service commission under sections 419.01 to 419.18. When existing police and firemen's civil service commissions are combined, all the members of the two commissions shall become the members of the combined commission and shall continue to serve as members of the new commission for the remainder of the terms for which they were originally appointed. No successor shall be appointed for the members whose terms are the first, third, and fifth of the six to end, but at the end of every other term, one member shall be appointed for a three-year term, thus reducing the commission membership to five by the end of the first year, four by the end of the second year, and three by the end of the third year.

Sec. 2. Minnesota Statutes 1976, Section 419.05, is amended to read:

419.05 [DUTIES OF COMMISSION.] The commission shall have absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the police department of such city and these powers shall extend to and include all members of the police department. *The commission may not, however, prescribe any residency requirements for the positions under its control, unless approved by the city council.*

The commission shall, immediately after its appointment and organization, grade and classify all of the employees of the police department of the city and a service register shall be prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment and such other facts and data with reference to each employee as the commission may deem useful.

The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses, in the order of the date of application, of all applicants for examination and the offices or employments they seek. All applications shall be upon forms prescribed by the commission and contain such data and information as the commission deems necessary and useful.

Sec. 3. Minnesota Statutes 1976, Section 420.06, is amended to read:

420.06 [POWERS AND DUTIES.] The commission shall have absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the fire department of such city and these powers shall extend to and include the chief and assistant chief of such, and all inspectors, fire-wardens, electricians, engineers, auto mechanics, clerks, and other persons exclusively engaged in the

fire prevention and protection service in the city. *The commission may not, however, prescribe any residency requirements for the positions under its control, unless approved by the city council.*

The commission shall immediately after its appointment and organization grade and classify all of these employees of the fire department of the city and a service register shall be prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment, and such other facts and data with reference to each employee as the commission may deem useful.

The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses in the order of the date of application of all applicants for examination and the offices or employments they seek. All applications shall be upon forms prescribed by the commission and contain such data and information as the commission shall deem necessary and useful.”.

Further, amend the title as follows:

Page 1, line 7, delete “419.06;” and insert “and”.

Page 1, line 7, delete “; and”.

Page 1, line 8, delete “420.07”.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2512, A bill for an act relating to solid and hazardous wastes and toxic substances; providing for technology assessments and related research directed to certain goals; requiring studies and reports by the state planning agency, the pollution control agency, and the energy agency; establishing a temporary state solid and hazardous waste advisory task force; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [PURPOSES; OBJECTIVES.] It is the goal of sections 1 to 6 to assemble the information necessary to identify, evaluate, and select among alternative policies, programs,

technologies, institutional arrangements, and proposals designed to further the following purposes:

- (a) Reduction in the volumes of solid and hazardous wastes generated in the state;
- (b) Separation and recovery or pretreatment of solid and hazardous wastes at their point of generation;
- (c) Recovery of materials and energy from solid and hazardous wastes;
- (d) Coordination of decisions on the production of energy from solid and hazardous wastes with decisions on the production of energy from coal and from other recoverable residual materials such as sewage sludge and agricultural and timber residues; and
- (e) Reduction in needless dependence on land disposal of solid and hazardous wastes.

The research under sections 1 to 6 shall be directed to help:

- (i) Identify the most important unrealized potentials for accomplishing these purposes;
- (ii) Identify the most important constraints or barriers which are preventing the fuller realization of these potentials and which are amenable to government manipulation;
- (iii) Identify, evaluate, and make recommendations on the costs, benefits, and priority of alternative government actions in the state to overcome the constraints and more fully realize the potentials and thereby to further the purposes.

Sec. 2. [GENERAL PROVISIONS.] Subdivision 1. [STATE PLANNING AGENCY; ADMINISTRATION; RELATED RESEARCH.] The director of the state planning agency shall be responsible for the preparation of the research design and coordinated work program under subdivision 3 and for research studies and reports undertaken by the agency or by interagency agreement pursuant thereto. The planning agency may contract with the pollution control agency or other appropriate state agencies for the performance of parts of the studies assigned by section 4, subdivision 3, and section 5, subdivision 2, subject to the approval of the executive committee as provided in subdivision 2 of this section. The planning agency shall summarize, and if and where possible evaluate, laws, programs, and practices in other states relating to solid and hazardous waste and toxic substances. The agency, in cooperation with other units and agencies of government, shall identify available federal funding for research contemplated by sections 1 to 6. The agency

shall evaluate the law and government procedures, practices, and responsibilities for planning, locating, reviewing, and regulating solid and hazardous waste disposal and processing facilities and sites and for ensuring public education and involvement in such matters. The agency shall assess local and regional solid and hazardous waste plans and the relationship and coordination of such plans with the goals expressed in section 1 and shall study and recommend means of coordinating federal, state, and local laws and regulations, programs, program administration, and funding relating to solid and hazardous waste and toxic substances.

Subd. 2. [ADVISORY TASK FORCE.] A solid and hazardous waste advisory task force shall be established pursuant to this subdivision. The task force shall be established by April 15, 1978, and shall go out of existence by June 1, 1979, unless extended by legislative action.

The task force shall be composed of 23 members as follows:

(a) Fifteen members appointed by the governor as follows: (i) a representative of city governments from the twin cities metropolitan area and another from elsewhere in the state; (ii) a representative of county governments from the twin cities metropolitan area and another from elsewhere in the state; (iii) a representative of the private solid waste management industry from the twin cities metropolitan area and another from elsewhere in the state; (iv) a representative of the private recycling industry; (v) a representative of commercial and industrial generators of waste; (vi) a representative of the department of health; (vii) a member of the board of the pollution control agency; (viii) a citizen member of the environmental quality board; (ix) a member of the environmental education board; (x) a member of the metropolitan council; (xi) a member of a regional development commission; (xii) a member of the metropolitan waste control commission;

(b) Three members of the house of representatives appointed by the speaker;

(c) Three members of the senate appointed by the majority leader;

(d) The chairman of the legislative commission on Minnesota resources;

(e) The chairman of the joint science and technology subcommittee of the legislative coordinating commission, who shall be the chairman of the task force.

The task force shall assist and advise the director of the planning agency and the other agencies responsible for research

under sections 1 to 6 in designing the research program and projects, review the research in progress, review and comment on the reports, and encourage and facilitate contribution and participation by interested individuals and organizations in the state. The legislative members of the task force shall constitute the executive committee of the task force. The executive committee shall have authority to approve the research design and work program and any reassignment by the planning agency of parts of studies assigned by section 4, subdivision 3, and section 5, subdivision 2. The joint science and technology staff of the legislature shall serve as staff to the advisory task force.

Subd. 3. [WORK PROGRAM.] By May 15, 1978 the planning agency shall submit a coordinated research design and work program for projects under sections 1 to 6 for review by the task force. The research design and work program shall be prepared after consultation with the responsible agencies, the joint science and technology staff of the legislature, and the task force. The research design and work program shall be based upon and shall proceed from preliminary research studies by the joint science and technology staff, particularly studies relating to decision models for resource recovery facilities. The work program shall include provisions for review by the task force of work in progress and agency reports.

Sec. 3. [REPORTS; PURPOSE; GENERAL CONTENT.] The agencies responsible for research under sections 1 to 6 shall submit their research reports to the planning agency by January 1, 1979. By March 1, 1979, the planning agency shall present a report to the legislature on the results of research undertaken pursuant to sections 1 to 6. The report of the planning agency to the legislature shall include the research reports of the planning agency and the other agencies; a general assessment and evaluation of the research program; and recommendations on the continuation and extension of the planning, research, and analysis contemplated by sections 1 to 6. The reports may also recommend strategies; priorities; policies; changes in government structures, responsibilities, and procedures; program development; or other legislative actions related to the research contemplated by sections 1 to 6.

Sec. 4. [NONHAZARDOUS SOLID WASTE RESEARCH PROJECTS.] Subdivision 1. [ENERGY AGENCY.] The planning agency shall contract with the energy agency to perform research studies directed to:

(a) Produce recommendations for relating decisions in the metropolitan area on resource recovery facilities to decisions on coal conversion, co-generation, and district heating;

(b) Develop a model or method for relating decisions in the state on resource recovery facilities, the production of energy from sewage sludge and agricultural and timber residues, coal

conversion, co-generation, and district heating; determine the availability of data necessary to apply the model in standard metropolitan statistical areas of the state; and, if possible, test the model.

Subd. 2. [POLLUTION CONTROL AGENCY.] The planning agency shall contract with the pollution control agency to perform research studies directed to:

(a) Develop a profile of solid waste generation and disposal in the state in sufficient detail and reliability at least to identify the boundaries of existing waste sheds of sufficient volume and density to support resource recovery facilities;

(b) Assess the feasibility and effects of alternative methods for recovering and recycling resources from solid waste, including alternative separation and collection systems, coordinated marketing, satellite facilities and transfer stations, refuse derived fuel, ecofuel, and small resource recovery facilities;

(c) Identify land disposal sites of municipal solid waste which may threaten to contaminate groundwater or surface water and develop recommendations for a program to establish priorities for and estimates of the costs of the restoration of such sites or the abatement of such threats.

Subd. 3. [PLANNING AGENCY.] The planning agency shall perform research studies directed to:

(a) Develop and test a model or method for evaluating proposals for resource recovery facilities and alternatives thereto, incorporating at least the following factors: (i) identification, analysis, and control of markets for any products recovered from waste; (ii) identification and control of the waste necessary for economic operation; (iii) identification of risks, reduction of risks, and explicit assignment of risks, financial responsibility, and liability; (iv) facility location and capacity; (v) alternative technologies; (vi) environmental impact; (vii) capital and operating costs; (viii) financing alternatives and alternative allocations of costs among users and the general public; (ix) legal and institutional requirements; (x) effects on collection and disposal practices and costs;

(b) Produce recommendations on the nature and purposes of any state program of encouragement or assistance to resource recovery facilities;

(c) Produce recommendations for encouraging or requiring state and local government and regional agencies to reduce the amount of solid waste they generate and, wherever markets exist or may be developed, to separate and recover more recyclable waste at the point of generation;

(d) Produce recommendations for encouraging or requiring specific changes in the materials procurement practices and policies of state and local government and regional agencies which will serve to develop and ensure government markets in the state for recovered waste materials;

(e) Produce recommendations for further research on markets and the development of markets for recovered materials;

(f) Produce recommendations for further research on methods to reduce the volumes of solid waste generated, by encouraging reuse of products, reductions in material and energy used in products, increases in product lifetimes, and decreases in product consumption.

Sec. 5. [HAZARDOUS WASTES RESEARCH PROJECTS.] Subdivision 1. [POLLUTION CONTROL AGENCY.] The planning agency shall contract with the pollution control agency to perform research studies directed to:

(a) Assess access to and cost of disposal and treatment processes at hazardous waste facilities located within and outside the state;

(b) Identify alternative methods and processes for reducing the generation of hazardous wastes, for separating and recovering or pretreating categories of hazardous wastes at the point of generation and for separating and recovering, treating, or disposing of categories of hazardous wastes at facilities separated from the point of generation;

(c) Identify hazardous waste land disposal sites which may threaten to contaminate groundwater or surface water and develop recommendations for a program to establish priorities for and estimates of the costs of the restoration of such sites or the abatement of such threats;

(d) Produce recommendations for implementing and enforcing the proposed hazardous waste regulations, including: (i) guidelines for evaluating the role and performance of state, regional, and local agencies in implementing and enforcing the regulations and analyzing data; (ii) education, training, and technical assistance programs for generators of hazardous waste and for regulatory and enforcement officials; (iii) improvements in technical resources and procedures for data analysis;

(e) Summarize available information on the generation, processing, and disposal of hazardous waste; evaluate the appropriateness and adequacy of the information to the purposes of section 1; and recommend any necessary data gathering devices supplementary to the proposed regulations.

Subd. 2. [PLANNING AGENCY.] The planning agency shall perform research studies directed to:

(a) Assess the effect of existing and proposed federal and state law and regulations affecting the treatment and disposal of hazardous wastes and toxic substances on: (i) the volume and types of hazardous waste and waste sludges generated in the state; (ii) the economic feasibility and use of practices and processes by generators to reduce the generation of hazardous waste and to separate and recover or pretreat the waste at the point of generation; and (iii) the control of toxic substances;

(b) Assess the need for and means of developing hazardous waste treatment, processing, and disposal schemes and capabilities within the state, based on goals relating at least to the following: (i) technical feasibility; (ii) alternative technologies; (iii) anticipation of future technical developments; (iv) capital and operating costs and allocation thereof; (v) availability of similar facilities outside the state; (vi) volume and properties of the waste; (vii) reclamation and reuse of materials and energy in the waste; (viii) environmental impact; (ix) siting and land use; (x) public education and participation; (xi) operation and ownership; (xii) liability and long term care; (xiii) encouragement of generators and private processors to reduce the volumes of hazardous waste generated and to separate and recover or pretreat the waste at the point of generation; and (xiv) transportation costs and safety;

(c) Produce recommendations on methods and institutional arrangements by which this state and surrounding states may develop the capacity to plan for and manage hazardous waste control problems cooperatively and share reciprocally the burdens of treatment and disposal of hazardous waste.

Sec. 6. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the state planning agency the sum of \$175,000 for expenditure pursuant to sections 1 to 6. Of this amount, \$25,000 shall be available to the energy agency; \$50,000 shall be available to the pollution control agency; and \$100,000 shall be available to the state planning agency for general administration and research or research contracts.

Subd. 2. There is appropriated from the general fund to the legislative coordinating commission the sum of \$25,000 for expenditure by the joint science and technology project pursuant to section 2 for staff and consultant services for preparation of preliminary research studies and research design and to secure expertise in advanced technology in resource recovery, hazardous waste, and toxic substances necessary to advise the task force and the agencies.

Subd. 3. The appropriations in this section shall be available until June 30, 1979. The complements of the following agencies are increased by the number of positions listed below. The positions are in the unclassified service and their continuation is contingent upon the availability of money from this appropriation.

state planning—3

pollution control—2

energy—1

Sec. 7. [HAZARDOUS WASTE FACILITY.] Site selection, design, acquisition, and construction for any hazardous waste facility by the metropolitan waste control commission under the authority of section 473.516 or under a federal environmental protection agency demonstration grant to the pollution control agency shall not proceed further except after completion of the reports on hazardous wastes required by this act, in conformance with the purposes expressed in section 1 of this act, and after reevaluation of site selection criteria and associated environmental and design studies in light of the reports required and purposes expressed by this act.

Sec. 8. [EFFECTIVE DATE.] This act is effective on the day following final enactment.”.

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

The report was adopted.

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

S. F. No. 1106, A bill for an act relating to solid waste disposal; authorizing counties to prohibit transportation of solid waste to other counties for disposal; authorizing counties to designate disposal sites for solid waste generated within their boundaries; amending Minnesota Statutes 1976, Section 400.04, by adding a subdivision.

Reported the same back with the following amendments :

Page 1, line 11, delete everything after “1.”.

Page 1, delete line 12.

Page 1, line 13, delete “Subd. 7. A county” and insert “Brown county”.

Page 1, line 19, after "*county*" insert "and provided that the designation be limited to a maximum period of five years".

Page 1, line 20, delete everything after "2."

Page 1, delete line 21 and insert "This act is effective only after the approval of the governing board of Brown county and upon compliance with Minnesota Statutes, Section 645.021."

Remove all underlining from the bill.

Further amend the title as follows:

Page 1, line 2, delete "solid waste disposal" and insert "Brown county".

Page 1, line 3, delete "counties" and insert "Brown county".

Page 1, line 5, delete "counties to designate" and insert "the designation of".

Page 1, line 6, delete "their" and insert "county".

Page 1, line 6, delete "; amending".

Page 1, delete lines 7 and 8 and insert a period.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1603, A bill for an act relating to Washington county; authorizing the city of Stillwater, the town of Stillwater and Washington county to jointly exercise planning and land use control powers; applying the authorization retroactively.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2445, 911, 2027 and 2248 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1943, 1194, 1229, 1830, 1547, 861, 1106 and 1603 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Ellingson, Sieben, H., and Jude introduced :

H. F. No. 2516, A bill for an act relating to certain commercial transactions; amending provisions of the uniform commercial code governing investment securities and related provisions; amending Minnesota Statutes 1976, Sections 336.1-201; 336.5-114; 336.8-102; 336.8-103; 336.8-104; 336.8-105; 336.8-106; 336.8-107; 336.8-201; 336.8-202; 336.8-203; 336.8-204; 336.8-205; 336.8-206; 336.8-207; 336.8-208; 336.8-301; 336.8-302; 336.8-303; 336.8-304; 336.8-305; 336.8-306; 336.8-307; 336.8-308; 336.8-309; 336.8-310; 336.8-311; 336.8-312; 336.8-313; 336.8-314; 336.8-315; 336.8-316; 336.8-317; 336.8-318; 336.8-319; 336.8-320; 336.8-401; 336.8-402; 336.8-403; 336.8-404; 336.8-405; 336.8-406; 336.9-103; 336.9-203; 336.9-302; 336.9-304; 336.9-305; 336.9-309; 336.9-312; and Chapter 336, by adding sections; Minnesota Statutes, 1977 Supplement, Section 336.9-105.

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

Moe, Casserly and McCarron introduced :

H. F. No. 2517, A bill for an act relating to peace officers; setting forth criteria for the use of deadly force by peace officers; amending Minnesota Statutes 1976, Sections 609.065; 629.33; and Chapter 609, by adding a section.

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

Wynia, Cohen, Zubay, Berglin and Faricy introduced :

H. F. No. 2518, A bill for an act relating to courts; concerning the expungement of judicial commitment proceedings.

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

Beauchamp, Reding, Wieser, Lehto and Sherwood introduced:

H. F. No. 2519, A bill for an act relating to privacy; prohibiting the exchange of data on individuals between agencies or political subdivisions and certain international organizations; amending Minnesota Statutes 1976, Chapter 15, by adding a section.

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

Patton and Beauchamp introduced:

H. F. No. 2520, A bill for an act relating to retirement; granting an election as to coverage to a certain member of the public employees retirement association.

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

Kroening introduced:

H. F. No. 2521, A bill for an act relating to taxation; property tax; providing for assessment of certain housing projects; amending Minnesota Statutes 1976, Section 273.13, by adding a subdivision.

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

Jude, Jensen, Neisen, Fudro and Lemke introduced:

H. F. No. 2522, A bill for an act relating to highway traffic regulation; requiring uniform traffic control devices; amending Minnesota Statutes 1976, Section 169.05; and Chapter 169, by adding a section.

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

Adams, Berg, Munger and Petrafeso introduced:

H. F. No. 2523, A bill for an act relating to motor vehicles; requiring mandatory annual inspection of motor vehicles; prescribing powers and duties of the commissioner of public safety and the pollution control agency; imposing fees for inspection; prescribing penalties; and appropriating money.

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 Advisories were introduced:

Welch; Sabo; Carlson, L.; Samuelson and Heinitz introduced:

H. A. No. 85, A proposal for the study of comprehensive health insurance for all Minnesota residents.

The advisory was referred to the Committee on Health and Welfare.

Welch, Swanson, Brinkman, Berkelman and Forsythe introduced:

H. A. No. 86, A proposal for the study of comprehensive health insurance for all Minnesota residents.

The advisory was referred to the Committee on Health and Welfare.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1793, A bill for an act relating to Ramsey county; authorizing the county to issue general obligation bonds for the costs of construction of a county nursing home; amending Laws 1974, Chapter 435, by adding a section.

H. F. No. 1834, A bill for an act relating to labor; increasing fees for boiler inspection and engineers' licenses; amending Minnesota Statutes 1976, Sections 183.545, Subdivisions 1, 2, 3, and 4; and 183.57, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1636, 1702 and 2183.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 1636, A bill for an act relating to education; allowing Independent School District No. 710 to transfer a surplus amount from its debt service fund to its capital expenditure fund.

The bill was read for the first time.

Fugina moved that S. F. No. 1636 and H. F. No. 2361, now on General Orders, be referred to the Chief Clerk for comparison.

The motion prevailed.

S. F. No. 1702, A bill for an act relating to education; school district pairing; permitting experimental pairing for certain independent school districts; amending Minnesota Statutes, 1977 Supplement, Section 122.85, Subdivision 1.

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

S. F. No. 2183, A bill for an act relating to the administration of justice; providing for compensation of assistant public defenders; amending Minnesota Statutes 1976, Section 611.24.

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

## CONSENT CALENDAR

H. F. No. 2432 was reported to the House.

Sieben, M., moved to amend H. F. No. 2432, as follows:

Page 1, line 10, delete "county board" and insert "board of commissioners".

Page 1, delete lines 11 to 17 and insert: "may, upon enactment of the appropriate resolutions, assume the power to appoint probation officers sufficient to meet the needs of the county court, fix their salaries pursuant to the provisions of Minnesota Statutes, Section 260.311, Subdivision 5, and employ such other staff as deemed necessary to the efficient administration and delivery of probation services to the county court. The county board may delegate the powers assumed pursuant to this act to the corrections advisory board or any other administrative body established to administer and deliver correctional services."

Page 1, line 19, before "approval" insert "its".

Page 1, line 19, delete "county board" and insert "board of commissioners".

Page 1, lines 19 and 20, delete "in accordance" and insert "and compliance".

Page 1, line 20, after "645.021" insert "and expires two years after that date".

The motion prevailed and the amendment was adopted.

H. F. No. 2432, A bill for an act relating to Washington county; providing for the appointment and compensation of probation officers.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1951 was reported to the House.

There being no objection, S. F. No. 1951 was continued on the Consent Calendar for one day.

H. F. No. 2466, A bill for an act relating to privacy of data on individuals; definitions, determination and emergency classification; amending Minnesota Statutes, 1977 Supplement, Sections 15.162, Subdivision 2a; and 15.1642, Subdivisions 3 and 5; repeal-

ing Minnesota Statutes, 1977 Supplement, Section 15.1642, Sub-division 4.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1955 was reported to the House.

There being no objection, S. F. No. 1955 was continued on Consent Calendar for one day.

S. F. No. 1699, A bill for an act relating to the town of Little Falls; allowing the town to contract for the lighting of town roads; allowing reimbursement for electrical service costs; providing for special assessments.

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

The bill was passed and its title agreed to.

### SPECIAL ORDERS

H. F. No. 2274, A bill for an act relating to veterans; providing for appeals from removals and disciplinary actions; amending Minnesota Statutes 1976, Sections 43.24, Subdivision 1; and 197.481, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

McEachern	Patton	Sarna	Spanish	White
Munger	Peterson	Scheid	Stoa	Wieser
Murphy	Petrafaso	Schulz	Suss	Wigley
Neisen	Pleasant	Searle	Swanson	Williamson
Nelsen, B.	Prahl	Searles	Tomlinson	Wynia
Nelsen, M.	Redalen	Sherwood	Vanasek	Zubay
Niehaus	Reding	Sieben, H.	Voss	Speaker Sabo
Norton	Rice	Sieben, M.	Waldorf	
Novak	Rose	Simoneau	Welch	
Onnen	St. Onge	Skoglund	Wenstrom	
Osthoff	Samuelson	Smogard	Wenzel	

Those who voted in the negative were:

Berglin	Brandl	Clark	Kahn	Nelson
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The bill was passed and its title agreed to.

H. F. No. 1411, A bill for an act relating to health; increasing public availability of articles relating to the prevention of conception or disease; amending Minnesota Statutes 1976, Chapter 145, by adding a section; repealing Minnesota Statutes 1976, Section 617.251.

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 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	George	Moe	Stanton
Anderson, B.	Casserly	Hanson	Munger	Stoa
Anderson, G.	Clark	Heinitz	Nelson	Swanson
Arlandson	Clawson	Jaros	Norton	Tomlinson
Beauchamp	Cohen	Jensen	Novak	Voss
Berg	Corbid	Kahn	Osthoff	Williamson
Berglin	Cummiskey	King	Petrafaso	Wynia
Berkelman	Dean	Laidig	Pleasant	Speaker Sabo
Brandl	Ellingson	Langseth	Scheid	
Braun	Enebo	Lehto	Sieben, M.	
Byrne	Faricy	Mangan	Simoneau	
Carlson, A.	Forsythe	McCarron	Skoglund	

Those who voted in the negative were:

Adams	Eken	Kalis	McEachern	Reding
Albrecht	Erickson	Kelly, R.	Metzen	Rose
Anderson, D.	Esau	Kelly, W.	Murphy	St. Onge
Anderson, I.	Evans	Kempe, A.	Neisen	Samuelson
Anderson, R.	Kempe, R.	Knickerbocker	Nelsen, B.	Sarna
Battaglia	Fjoslien	Kostohryz	Nelsen, M.	Savelkoul
Begich	Friedrich	Kroening	Niehaus	Schulz
Biersdorf	Fudro	Kvam	Onnen	Searle
Birnstihl	Fugina	Lemke	Patton	Searles
Brinkman	Hokanson	Mann	Pehler	Sherwood
Carlson, D.	Johnson	McCollar	Peterson	Smogard
Den Ouden	Jude	McDonald	Prahl	Spanish
Eckstein	Kaley		Redalen	Vanasek

Waldorf	Wenstrom	White	Wigley	Zubay
Welch	Wenzel	Wieser		

The bill was not passed.

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

H. F. No. 1605, A bill for an act relating to motor vehicles, registration dates, display of plates or insignia; amending Minnesota Statutes 1976, Sections 168.09, Subdivisions 2 and 3; and 168.31, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1009, A bill for an act relating to economic development; changing certain requirements for loan eligibility through the Minnesota area redevelopment administration; amending Minnesota Statutes 1976, Section 472.11, by adding subdivisions.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Sieben, H., was excused for the remainder of today's session.

H. F. No. 1994 was reported to the House.

Simoneau moved to amend H. F. No. 1994, as follows:

Page 6, lines 2 and 3, delete section 5 and renumber the following section accordingly.

Further amend the title, lines 11 and 12, strike “; repealing Minnesota Statutes 1976, Section 60A.13, Subdivisions 3 and 4”.

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 36 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Birnstihl	Byrne	Fugina	Jude
Battaglia	Braun	Cohen	Gunter	Kempe, R.
Begich	Brinkman	Cummiskey	Jensen	Lemke

Mangan	Neisen	Samuelson	Stoa	Speaker Sabo
Mann	Nelsen, M.	Sarna	Suss	
McEachern	Novak	Simoneau	Vanasek	
Metzen	Osthoff	Smogard	Wenstrom	
Munger	Rose	Spanish	Wenzel	

Those who voted in the negative were:

Abeln	Corbid	Hanson	McCollar	Searle
Adams	Dean	Heinitz	Moe	Searles
Albrecht	Den Ouden	Jacobs	Nelsen, B.	Sieben, M.
Anderson, D.	Eken	Kaley	Niehaus	Stanton
Anderson, G.	Ellingson	Kelly, R.	Norton	Tomlinson
Anderson, R.	Erickson	Kelly, W.	Onnen	Voss
Arlandson	Esau	Kempe, A.	Patton	Waldorf
Beauchamp	Evans	King	Pehler	White
Biersdorf	Ewald	Knickerbocker	Peterson	Wigley
Brandl	Faricy	Kostohryz	Pleasant	Williamson
Carlson, D.	Fjoslien	Kroening	Rice	Wynia
Carlson, L.	Forsythe	Kvam	St. Onge	Zubay
Casserly	Friedrich	Laidig	Savelkoul	
Clawson	Fudro	Lehto	Schulz	

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

Stanton moved to amend H. F. No. 1994, as follows:

Page 6, after line 3, insert the following:

“Sec. 6. Minnesota Statutes 1976, Section 62A.151, is amended to read:

62A.151 [HEALTH INSURANCE BENEFITS FOR EMOTIONALLY HANDICAPPED CHILDREN.] No policy or plan of health, medical, hospitalization or accident and sickness insurance regulated under this chapter, or nonprofit health service plan corporation regulated under chapter 62C, or health maintenance organization regulated under chapter 62D which provides coverage of or reimbursement for inpatient hospital and medical expenses shall be delivered, issued, executed or renewed in this state, or approved for issuance or renewal in this state by the commissioner of insurance, after July 1, 1975 unless the policy or plan includes and provides health service benefits to any subscriber or other person covered thereunder, on the same basis as other benefits, for the treatment of emotionally handicapped children in a residential treatment facility licensed by the commissioner of public welfare. *For purposes of this section, residential treatment facilities, licensed by another state shall be deemed to be licensed by the commissioner.* For purposes of this section “emotionally handicapped child” shall have the meaning set forth by the commissioner of public welfare in the rules and regulations relating to residential treatment facilities. The restrictions and requirements of this section shall not apply to any plan or policy which is individually underwritten or provided for a specific individual and the members of his family as

a nongroup policy. The mandatory coverage under this section shall be on the same basis as inpatient hospital medical coverage provided under the policy or plan.”.

Renumber the following section.

Further amend the title as follows:

Line 10, delete “and”.

Line 11, after “2;” insert “and 62A.151;”.

The motion prevailed and the amendment was adopted.

H. F. No. 1994, A bill for an act relating to insurance; changing certain abstracting and publishing requirements for annual statements; exempting certain assessments from retaliatory provisions; clarifying application of certain benefit requirements for handicapped children under group hospital or medical expense insurance policies; amending Minnesota Statutes 1976, Sections 60A.13, Subdivision 7; 60A.14, Subdivision 1; 60A.19, Subdivision 6; 62A.14, Subdivision 2; and 62A.151; repealing Minnesota Statutes 1976, Section 60A.13, Subdivisions 3 and 4.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Battaglia	Birnstihl	Neisen	Sarna	Simoneau
Begich	Fugina	Niehaus		

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

H. F. No. 2429 was reported to the House.

Pleasant moved to amend H. F. No. 2429, as follows:

Page 1, line 11, delete "Blue Earth or" and insert "Mankato and North Mankato and adjacent townships".

Page 1, line 12, delete "Nicollet counties".

The motion prevailed and the amendment was adopted.

H. F. No. 2429, A bill for an act relating to the cities of Mankato and North Mankato; prohibiting regulation of the rates of the public transit system by the public service commission.

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 107 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, D.	Anderson, G.	Berg	Berglin	Erickson
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Fjoslien  
KvamNovak  
Patton

Pehler

Petrafeso

Pleasant

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

Berg and Pehler were excused at 4:45 p.m.

### GENERAL ORDERS

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

### REPORT OF COMMITTEE OF THE WHOLE

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

H. F. Nos. 1977, 499 and 1898 which it recommended to pass.

S. F. Nos. 1754 and 478 which it recommended to pass.

S. F. No. 1096 which it recommended progress.

H. F. No. 13 which it recommended progress until Friday, March 10, 1978 retaining its place on General Orders.

H. F. No. 1383 which it recommended progress until Tuesday, March 14, 1978 retaining its place on General Orders.

H. F. No. 1344 which it recommended progress until Tuesday, March 14, 1978 retaining its place on General Orders.

S. F. No. 1685 which it recommended re-referral to the Committee on Health and Welfare.

S. F. No. 1643 which it recommended to pass with the following amendments:

Offered by Sieben, M.:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 177.23, Subdivision 7, is amended to read:

Subd. 7. "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause, equivalent of a full time worker means 40 weeks of employment in a calendar year;

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm *to perform services other than corn detasseling*;

(3) any individual employed as a counselor to work with programs and campers in an organized resident or day camp;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of section 353.01, subdivision 2b, clauses (a), (b), (d), and (i);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a part-time basis in a carnival, circus or fair;

(12) any individual under the age of 16 employed part-time by a municipality as part of a recreational program;

(13) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(14) any individual in a position with respect to which the U.S. Department of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S. Code, Section 304.

Sec. 2. Minnesota Statutes 1976, Chapter 181, is amended by adding a section to read:

[181.81] [CORN DETASSELERS; TERMINATION OF EMPLOYMENT.] *Upon termination by the employer of an individual's employment to perform corn detasseling, the employer shall provide transportation to the terminated individual to return him from the place of work to the location at which he was picked up on the day of termination. The employer shall pay a terminated individual at the individual's usual rate of pay during the time period between when the individual was terminated and when the employer supplied the transportation required by this section.*

Sec. 3. Minnesota Statutes 1976, Chapter 181, is amended by adding a section to read:

[181.82] [CORN DETASSELERS; WORK CONDITIONS.] *Notwithstanding any state or federal statute or regulation authorizing sanitary conditions less favorable to the employee than the following requirements, every employer of corn detasselers shall:*

(1) *provide sanitary and usable toilet facilities which are easily accessible to all employees or provide immediate transportation for the employees to and from a location where such toilet facilities are easily accessible; and*

(2) *provide a potable water supply easily accessible to all employees with materials or equipment so that the water may be easily drunk in a sanitary manner.*

Sec. 4. *This act is effective the day following final enactment."*

Further amend by striking the title and inserting:

"A bill for an act relating to agriculture; corn detasseling employees; providing minimum labor standards; amending Minnesota Statutes 1976, Section 177.23, Subdivision 7; and Chapter 181, by adding sections."

Offered by Anderson, G.:

As previously amended:

Page 3, line 26, after "provide" insert "at least one".

Page 3, line 26, delete "facilities which" and insert "facility for each crew of 20 or more workers".

Page 3, line 27, delete "are easily accessible to all employees".

S. F. No. 1206 which it recommended to pass with the following amendments:

Offered by Fjoslien:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 360.59, Subdivision 10, is amended to read:

Subd. 10. [CERTIFICATE OF INSURANCE.] Every owner of aircraft in this state when applying for registration, reregistration, or transfer of ownership shall supply any information the commissioner reasonably requires to determine that the aircraft *during the period of its contemplated operation* is covered by an insurance policy with limits of not less than \$25,000 per passenger seat liability both for passenger bodily injury or death and for property damage; not less than \$25,000 for bodily injury or death to each non-passenger in any one accident; and not less than \$50,000 per occurrence for bodily injury or death to non-passengers in any one accident. The information shall include but is not limited to the name and address of the owner, *the period of contemplated operation, if any, and, if insurance coverage is then presently required,* the name of the insurer, the insurance policy number, the term of the coverage, policy limits and any other data the commissioner requires. No certificate of registration shall be issued pursuant to subdivision 3 in the absence of the information required by this subdivision (OR THE COMMISSIONER). In the event of cancellation of (THE) aircraft insurance the insurer shall notify the department of transportation at least ten days prior to the date on which the insurance coverage is to be terminated. (UNLESS PROOF OF A NEW POLICY OF INSURANCE IS FILED WITH THE DEPARTMENT) *If the owner of an aircraft fails, at any time, upon request of the department, to furnish satisfactory proof that insurance coverage meeting the requirements of this subdivision is in effect during the period of the aircraft's contemplated operation,* the registration certificate for the aircraft shall be revoked forthwith. *The requirements of this subdivision shall not apply to any aircraft built by the original manufacturer prior to December 31, 1939 and owned and operated solely as a collector's item, if the owner files an affidavit with the commissioner. The affidavit shall state the owner's name and address, the name and address of the person from whom the aircraft was purchased, the make, year and model number of the aircraft, the*

*manufacturer's identification number, and that the aircraft is owned and operated solely as a collector's item and not for general transportation purposes.*

Sec. 2. Minnesota Statutes 1976, Section 360.55, is amended by adding a subdivision to read:

*Subd. 4. [COLLECTOR'S AIRCRAFT; PIONEER LICENSES.] Any aircraft built by the original manufacturer prior to December 31, 1939, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: A sworn affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the aircraft, year and number of the model, the federal aircraft registration number, the manufacturer's identification number and that the aircraft is owned and operated solely as a collector's item and not for general transportation or commercial operations purposes. The affidavit shall be filed with the commissioner along with a fee of \$25. Upon satisfaction that the affidavit is true and correct, the commissioner shall issue to the applicant number plates, decalcomania labels or stamps bearing the inscription "Pioneer", "Minnesota" and the registration number but no date. The number plates, decalcomania labels or stamps are valid without renewal as long as the owner operates the aircraft solely as a collector's item. Should such aircraft be operated other than as a collector's item, the pioneer number plates, decalcomania labels or stamps shall be void and removed, and the owner shall list the aircraft for taxation and registration in accordance with the other provisions of sections 360.511 to 360.67. Upon the sale of such aircraft, the new owner must list the aircraft for taxation and registration in accordance with the provisions of this subdivision (including the payment of \$25 fee) or the other provisions of sections 360.511 to 360.67, whichever is applicable.*

*In the event of defacement, loss or destruction of the number plates, decalcomania labels or stamps, the commissioner, upon receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances, together with any defaced plates, labels or stamps and fee of \$5, shall issue replacement plates, labels or stamps. The commissioner shall note on his records the issue of replacement number and shall proceed to cancel the original plates, labels or stamps.*

Sec. 3. *This act is effective the day following its final enactment."*

Further amend by striking the title and inserting:

*"A bill for an act relating to aircraft; clarifying compulsory insurance requirements; requiring maintenance of liability coverage only during periods of contemplated aircraft operation;*

setting forth the registration procedure for pioneer aircraft; amending Minnesota Statutes 1976, Sections 360.59, Subdivision 10 and 360.55, by adding a subdivision.”.

Offered by Fjoslien:

As previously amended:

Page 2, line 3, after “*contemplated*” insert “*use or*”.

Page 2, line 10, after “*insurance*” insert “*by the insurer,*”.

Page 2, line 13, reinstate the stricken language.

Page 2, line 14, reinstate the stricken language and delete the new language.

Page 2, delete lines 15 and 16.

Page 2, line 17, delete “*coverage*” and “*is in*”.

Page 2, line 18, delete “*effect*”.

Page 2, line 18, after “*contemplated*” insert “*use or*”.

Page 2, line 27, after “*aircraft,*” insert “*the federal aircraft registration number,*”.

Page 3, line 8, after “*year and*” insert “*model*” and after “*of the*” delete “*model*” and insert “*aircraft*”.

H. F. No. 1861 which it recommended to pass with the following amendment offered by Moe:

Page 6, line 29 to page 7, line 3, delete Section 6 from the bill.

Renumber remaining sections.

Further amend the title:

Page 1, line 6, after “353.30,” delete “Subdivision 1b, and”.

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

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

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

The question was taken on the motion by Wigley to re-refer S. F. No. 1643, as amended, to the Committee on Agriculture and the roll was called. There were 54 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Albrecht	Cummiskey	Gunter	Langseth	Schulz
Anderson, B.	Dean	Heinitz	Lemke	Searle
Anderson, D.	Den Ouden	Jensen	Mann	Searles
Anderson, G.	Eckstein	Johnson	McDonald	Smogard
Anderson, R.	Erickson	Jude	Nelsen, B.	Stoa
Beauchamp	Esau	Kaley	Niehaus	Welch
Biersdorf	Evans	Kalis	Onnen	Wenstrom
Birnstihl	Ewald	Kelly, R.	Peterson	Wieser
Brinkman	Fjoslien	King	Reding	Wigley
Carlson, A.	Forsythe	Knickerbocker	Rose	Zubay
Carlson, D.	Friedrich	Kvam	Savelkoul	

Those who voted in the negative were:

Abeln	Clawson	Kempe, R.	Novak	Stanton
Adams	Eken	Kostohryz	Osthoff	Suss
Anderson, I.	Ellingson	Kroening	Pehler	Swanson
Arlandson	Enebo	Laidig	Petrafeso	Vanasek
Battaglia	Faricy	Lehto	Pleasant	Voss
Berg	Fudro	Mangan	Prahl	Waldorf
Berglin	Fugina	McCarron	Redalen	Wenzel
Berkelman	Hanson	McCollar	Rice	White
Brandl	Hokanson	Metzen	St. Onge	Williamson
Braun	Jacobs	Moe	Samuelson	Wynia
Byrne	Jaros	Munger	Sarna	Speaker Sabo
Carlson, L.	Kahn	Murphy	Scheid	
Cassery	Kelly, W.	Neisen	Sieben, M.	
Clark	Kempe, A.	Nelson	Skoglund	

The motion did not prevail.

Friedrich moved to amend S. F. No. 1643, as amended, as follows:

Page 3, line 25, delete the colon.

Page 3, delete lines 26 to 29.

Page 3, line 30, delete "(2)".

The question was taken on the adoption of the amendment and the roll was called. There were 53 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Jude	Niehaus	Searles
Anderson, D.	Eckstein	Kaley	Onnen	Sherwood
Anderson, R.	Erickson	Kalis	Peterson	Smogard
Beauchamp	Esau	King	Redalen	Stanton
Biersdorf	Evans	Knickerbocker	Reding	Stoa
Birnstihl	Ewald	Kvam	Rose	Wenstrom
Brinkman	Fjoslien	Langseth	Samuelson	Wieser
Carlson, A.	Forsythe	Lemke	Sarna	Wigley
Carlson, D.	Friedrich	McDonald	Savelkoul	Zubay
Corbid	Gunter	McEachern	Schulz	
Cummiskey	Heinitz	Nelsen, B.	Searle	

Those who voted in the negative were:

Abeln	Casserly	Jensen	Moe	Simoneau
Adams	Clark	Kahn	Munger	Skoglund
Anderson, B.	Clawson	Kelly, R.	Murphy	Suss
Anderson, G.	Cohen	Kempe, A.	Neisen	Swanson
Anderson, I.	Dean	Kempe, R.	Nelson	Voss
Arlandson	Ellingson	Kostohryz	Novak	Waldorf
Battaglia	Enebo	Kroening	Osthoff	Welch
Begich	Faricy	Laidig	Patton	Wenzel
Berg	Fudro	Lehto	Pehler	White
Berglin	Fugina	Mangan	Pleasant	Williamson
Berkelman	Hanson	Mann	Rice	Wynia
Brandl	Hokanson	McCarron	St. Onge	Speaker Sabo
Byrne	Jacobs	McCollar	Scheid	
Carlson, L.	Jaros	Metzen	Sieben, M.	

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

The question was taken on the motion to recommend passage of S. F. No. 1643, as amended, and the roll was called. There were 74 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Metzen	Sieben, M.
Adams	Clawson	Jensen	Moe	Simoneau
Anderson, B.	Cohen	Kahn	Munger	Skoglund
Anderson, G.	Corbid	Kelly, R.	Murphy	Stanton
Anderson, I.	Cummiskey	Kempe, A.	Neisen	Suss
Arlandson	Dean	Kempe, R.	Nelson	Swanson
Battaglia	Ellingson	King	Novak	Vanasek
Berg	Enebo	Kostohryz	Osthoff	Voss
Berglin	Ewald	Kroening	Patton	Waldorf
Berkelman	Faricy	Laidig	Pehler	Welch
Brandl	Fudro	Lehto	Petrafeso	Wenzel
Byrne	Fugina	Mangan	Prahl	Williamson
Carlson, A.	Hanson	Mann	Rice	Wynia
Carlson, L.	Hokanson	McCarron	St. Onge	Speaker Sabo
Casserly	Jacobs	McCollar	Scheid	

Those who voted in the negative were:

Albrecht	Eckstein	Kaley	Onnen	Searles
Anderson, D.	Eken	Kalis	Peterson	Sherwood
Anderson, R.	Erickson	Knickerbocker	Pleasant	Smogard
Beauchamp	Esau	Kvam	Redalen	Stoa
Begich	Evans	Langseth	Reding	Wenstrom
Biersdorf	Fjoslien	Lemke	Rose	White
Birnstihl	Forsythe	McDonald	Samuelson	Wieser
Braun	Friedrich	McEachern	Sarna	Wigley
Brinkman	Gunter	Nelsen, B.	Savelkoul	Zubay
Carlson, D.	Heintz	Nelsen, M.	Schulz	
Den Ouden	Jude	Niehaus	Searle	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Begich moved that the name of Kelly, R., be added as an author on H. F. No. 449. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 9, 1978.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**