

STATE OF MINNESOTA

SEVENTIETH SESSION - 1978

NINETY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 15, 1978

The House of Representatives convened at 11:00 a.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 | Corbid | Jude | Neisen | Sherwood |
| Adams | Cummiskey | Kahn | Nelsen, B. | Sieben, H. |
| Albrecht | Dean | Kaley | Nelsen, M. | Siebeneau |
| Anderson, B. | Den Ouden | Kalis | Nelson | Skoglund |
| Anderson, D. | Eckstein | Kelly, R. | Niehaus | Smogard |
| Anderson, G. | Eken | Kelly, W. | Norton | Spanish |
| Anderson, I. | Ellingson | Kempe, A. | Novak | Stanton |
| Anderson, R. | Enebo | Kempe, R. | Onnen | Stoa |
| Arlandson | Erickson | King | Osthoff | Suss |
| Battaglia | Esau | Knickerbocker | Patton | Swanson |
| Beauchamp | Evans | Kostohryz | Pehler | Tomlinson |
| Begich | Ewald | Kroening | Peterson | Vanasek |
| Berg | Farcy | Kvam | Petrafeso | Voss |
| Berglin | Fjoslien | Laidig | Pleasant | Waldorf |
| Berkelman | Forsythe | Langseth | Prahl | Welch |
| Biersdorf | Friedrich | Lehto | Redalen | Wenstrom |
| Birnstihl | Fudro | Lemke | Reding | Wenzel |
| Brandl | Fugina | Mangan | Rice | White |
| Brinkman | George | Mann | Rose | Wieser |
| Byrne | Gunter | McCarron | St. Onge | Wigley |
| Carlson, A. | Hanson | McCollar | Samuelson | Williamson |
| Carlson, D. | Heinitz | McDonald | Sarna | Wynia |
| Carlson, L. | Hokanson | McEachern | Savekoul | Zubay |
| Casserly | Jacobs | Metzen | Scheid | Speaker Sabo |
| Clark | Jaros | Moe | Schulz | |
| Clawson | Jensen | Munger | Searle | |
| Cohen | Johnson | Murphy | Searles | |

A quorum was present.

Braun was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar 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. 387, 2017, 2267, 1805, 2015, 2137, 2261, 2292, 1092, 2032, 2139 and 2027 and S. F. Nos. 2361, 2078, 1450, 1722, 2062, 1864 and 1446 have been placed in the members' files.

S. F. No. 2078 and H. F. No. 2345, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Pehler moved that S. F. No. 2078 be substituted for H. F. No. 2345 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1722 and H. F. No. 1750, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Pehler moved that the rules be so far suspended that S. F. No. 1722 be substituted for H. F. No. 1750 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1450 and H. F. No. 1446, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

White moved that the rules be so far suspended that S. F. No. 1450 be substituted for H. F. No. 1446 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1864 and H. F. No. 2032, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Berglin moved that the rules be so far suspended that S. F. No. 1864 be substituted for H. F. No. 2032 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2361 and H. F. No. 387, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nelson moved that the rules be so far suspended that S. F. No. 2361 be substituted for H. F. No. 387 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

March 14, 1978

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

I have the honor to inform you that the following enrolled Acts of the 1978 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| <i>S.F. No.</i> | <i>H.F. No.</i> | <i>Session Laws Chapter No.</i> | <i>Date Approved 1978</i> | <i>Date Filed 1978</i> |
|---------------------|---------------------|-------------------------------------|-------------------------------|----------------------------|
| | 1103 | 480 | March 14 | March 14 |

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1708, A bill for an act relating to abortion; declaring a state policy on abortion and childbirth and the funding thereof; appropriating money; amending Minnesota Statutes 1976, Sections 256B.02, Subdivision 8; 393.07, by adding a subdivision; and Chapters 256B, by adding sections; and 261, by adding a section.

Reported the same back with the following amendments:

Page 2, delete lines 18 to 32.

Page 3, delete lines 1 to 11 and insert:

“(13) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. “Medical necessity” means the signed written statement of a physician indicating the abortion is medically necessary to prevent the death of the mother and a written request for the abortion is submitted by the patient or her guardian.

(b) The pregnancy is the result of criminal sexual conduct pursuant to section 609.342 or section 609.344, but only if the crime is reported to a valid law enforcement agency within two days after the incident occurs.

(c) The pregnancy is the result of incest, but only if the incident is reported prior to the abortion to a valid law enforcement agency.

(d) Pregnancy occurs in a mentally retarded person defined pursuant to section 252A.02, subdivision 2, providing the pregnancy has been reported prior to the abortion to a valid law enforcement agency.”.

Page 3, line 15, delete *“medically necessary”* and insert *“eligible for funding pursuant to section 256B.02, subdivision 8”*.

Page 3, line 16, after *“eligible”* insert *“for benefits pursuant to chapter 256B and”*.

Page 3, delete lines 19 and 20 and insert a period.

Page 3, line 32, after *“entity”* insert *“otherwise eligible to receive payment for other benefits pursuant to chapter 256B”*.

Page 4, line 1, delete *“a medical necessity”* and insert *“eligible for funding pursuant to section 256B.02, subdivision 8”*.

Page 4, lines 7 and 8, delete everything after *“not”* and insert *“eligible for funding pursuant to section 256B.02, subdivision 8.”*.

Page 4, lines 17 and 18, delete everything after *“not”* and insert *“eligible for funding pursuant to section 256B.02, subdivision 8.”*.

Page 4, line 19, after *“sum of \$”* insert *“500,000”*.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

The following appointments as reported in the Journal for March 1, 1978:

ETHICAL PRACTICES BOARD

Mr. Vernon Jensen

Mr. Richard Temple

Reported the same back with the recommendation that the appointments be confirmed.

Rice moved that the report of the Committee on General Legislation and Veterans Affairs relating to the appointments of Mr. Vernon Jensen and Mr. Richard Temple to the Ethical Practices Board be adopted. The report was adopted.

CONFIRMATION

Rice moved that the House, having advised, do now consent to and confirm the appointments of Mr. Vernon Jensen, 2485 Linden Lane, Maplewood, Ramsey County, effective January 30, 1978, for a term expiring the first Monday in January, 1982, and Mr. Richard Temple, Route 5, Box 92, Alexandria, Douglas County, effective January 30, 1978, for a term expiring the first Monday in January, 1979. The motion prevailed.

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

The following appointment as reported in the Journal for March 6, 1978:

ETHICAL PRACTICES BOARD

Ms. Mary Jo Richardson

Reported the same back with the recommendation that the appointment be confirmed.

Rice moved that the report of the Committee on General Legislation and Veterans Affairs relating to the appointment of Ms. Mary Jo Richardson to the Ethical Practices Board be adopted. The report was adopted.

CONFIRMATION

Rice moved that the House, having advised, do now consent to and confirm the appointment of Ms. Mary Jo Richardson, 2985 Palace Ave., St. Paul, Ramsey County, effective July 1, 1977, for a term expiring January 1, 1979. The motion prevailed.

SECOND READING OF HOUSE BILLS

H. F. No. 1708 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2078, 1722, 1450, 1864 and 2361 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House File was introduced:

Clawson introduced:

H. F. No. 2533, A bill for an act proposing an amendment to the Minnesota Constitution, adding sections to Article VIII; providing for the recall of elective officers.

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

HOUSE ADVISORIES

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

Clawson, Clark, Waldorf and Kaley introduced:

H. A. No. 91, A proposal for a study of the scope and practice of chiropractic.

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

Johnson; Anderson, I.; Searle; Vanasek and Eken introduced:

H. A. No. 92, A proposal to study the need, process and funding for a statewide program of remonumentation.

The advisory was referred to the Committee on Local and Urban Affairs.

Rose was excused while in conference committee.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1808, A bill for an act relating to special school district No. 1 of the city of Minneapolis; establishing four year terms of office for directors of the board of education; amending Laws 1959, Chapter 462, Section 3, Subdivision 1, as amended and renumbered.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1416, A bill for an act relating to the legislature; requiring that bodies wholly or principally composed of legislators submit budgets and complement requests to the legislative coordinating commission; amending Minnesota Statutes 1976, Chapter 3, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Anderson, I., moved that the House concur in the Senate amendments to H. F. No. 1416 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1416, A bill for an act relating to the legislature; requiring that bodies wholly or principally composed of legislators submit budgets and complement requests to the legislative coordinating commission; amending Minnesota Statutes 1976, Chapter 3, by adding a section.

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

The question was taken on the repassage of the bill and the roll was called. There were 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1297, A bill for an act relating to wild animals; prescribing nonresident license fee for taking of raccoon; requiring tagging of raccoon taken by nonresidents; clarifying the use of lights when taking raccoon; amending Minnesota Statutes 1976, Sections 98.45, Subdivision 3; 98.46, Subdivision 22, and by adding a subdivision; 100.29, Subdivision 10; and Minnesota Statutes, 1977 Supplement, Sections 98.46, Subdivision 14; and 98.52, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Reding moved that the House concur in the Senate amendments to H. F. No. 1297 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1297, A bill for an act relating to wild animals; prohibiting the sale of deer licenses during the firearms season; reducing the resident license fee to buy or sell raw furs; prescribing a nonresident license fee for the taking of raccoon; re-

quiring tagging of deer or moose taken; requiring tagging of raccoon taken by nonresidents; amending Minnesota Statutes 1976, Sections 98.45, Subdivisions 1 and 3; 98.46, Subdivisions 4, 16, and 22, and by adding a subdivision; 100.29, Subdivision 10; 101.42, Subdivision 18; and Minnesota Statutes, 1977 Supplement, Sections 98.46, Subdivision 14; and 98.52, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 793.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 793, A bill for an act relating to public waters; specifying the procedure for creation of lake improvement districts; authorizing districts to undertake certain improvement projects and assess benefited property; altering the procedure for terminating districts; requiring districts to hold an annual meeting; clarifying local government authority over public waters; amending Minnesota Statutes 1976, Sections 105.484; 378.41, Subdivi-

sion 2; 378.42, Subdivisions 1, 2, and by adding a subdivision; 378.43, Subdivisions 1 and 3; 378.46; 378.47, Subdivisions 1 and 2; 378.51, Subdivisions 1 and 3; 378.52, Subdivision 1; 378.55; 378.56, Subdivisions 1 and 2; and 459.20; and Chapter 378, by adding a section; repealing Minnesota Statutes 1976, Sections 378.45; 378.53; and 378.54.

The bill was read for the first time.

Waldorf moved that S. F. No. 793 and H. F. No. 1092, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of H. F. No. 1243.

H. F. No. 1243 was reported to the House.

Savelkoul moved to amend H. F. No. 1243, as follows:

Page 3, after line 14, insert the following:

"(10) The Public Service Commission shall not implement lifeline rates which have the effect of increasing utility cost for residences containing families or agricultural farm units."

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 80 yeas and 40 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------------|------------|------------|
| Abeln | Corbid | Johnson | Murphy | Schulz |
| Adams | Dean | Jude | Neisen | Searle |
| Albrecht | Den Ouden | Kaley | Nelsen, B. | Searles |
| Anderson, B. | Eckstein | Kalis | Nelsen, M. | Sherwood |
| Anderson, D. | Eken | Kelly, W. | Niehaus | Smogard |
| Anderson, G. | Erickson | Kempe, R. | Novak | Suss |
| Anderson, R. | Esau | Knickerbocker | Onnen | Swanson |
| Battaglia | Evans | Kvam | Osthoff | Vanasek |
| Berkelman | Ewald | Laidig | Patton | Waldorf |
| Biersdorf | Fjoslien | Langseth | Peterson | Wenstrom |
| Birnstihl | Friedrich | Lemke | Pleasant | Wenzel |
| Brinkman | Fudro | Mann | Redalen | White |
| Carlson, A. | George | McDonald | Rice | Wieser |
| Carlson, D. | Gunter | McEachern | Samuelson | Wigley |
| Carlson, L. | Heinritz | Metzen | Sarna | Williamson |
| Clawson | Jensen | Munger | Savelkoul | Zubay |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|--------|------|---------|
| Arlandson | Beauchamp | Begich | Berg | Berglin |
|-----------|-----------|--------|------|---------|

| | | | | |
|-----------|-----------|-----------|------------|--------------|
| Brandl | Enebo | King | Norton | Skoglund |
| Byrne | Fugina | Kostohryz | Pehler | Stanton |
| Casserly | Hanson | Kroening | Petrafeso | Stoa |
| Clark | Jaros | Lehto | Scheid | Tomlinson |
| Cohen | Kahn | McCarron | Sieben, H. | Welch |
| Cummiskey | Kelly, R. | Moe | Sieben, M. | Wynia |
| Ellingson | Kempe, A. | Nelson | Simoneau | Speaker Sabo |

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend H. F. No. 1243, as amended, as follows:

Page 3, line 14, after line 14 insert a clause to read:

“(11) The Public Service Commission shall not implement any rate structure under this act which provides any substantial incentive to shift energy consumption to a petroleum based source of energy.”

A roll call was requested and properly seconded.

Kempe, A., moved to amend the second Savelkoul amendment to H. F. No. 1243, as follows:

After “any” and before “incentive” insert “substantial”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the Kempe, A., amendment to the Savelkoul amendment and the roll was called. There were 80 yeas and 39 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|-----------|------------|--------------|
| Abeln | Clark | Jude | Moe | Sieben, H. |
| Adams | Clawson | Kahn | Neisen | Sieben, M. |
| Anderson, B. | Cohen | Kelly, R. | Nelsen, M. | Simoneau |
| Anderson, I. | Dean | Kelly, W. | Nelson | Skoglund |
| Battaglia | Eken | Kempe, A. | Norton | Stanton |
| Beauchamp | Ellingson | Kempe, R. | Novak | Stoa |
| Begich | Enebo | King | Osthoff | Suss |
| Berg | Faricy | Kroening | Patton | Swanson |
| Berglin | Fudro | Langseth | Pehler | Tomlinson |
| Berkelman | Fugina | Lehto | Petrafeso | Vanasek |
| Birnstihl | Hanson | Lemke | Prahl | Voss |
| Brandl | Hokanson | Mangan | Reding | Waldorf |
| Brinkman | Jacobs | McCarron | Rice | Welch |
| Byrne | Jaros | McCollar | St. Onge | Wenstrom |
| Carlson, L. | Jensen | McEachern | Sarna | Wynia |
| Casserly | Johnson | Metzen | Scheid | Speaker Sabo |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|-------------|-------|-----------|
| Albrecht | Anderson, R. | Carlson, D. | Esau | Fjoslien |
| Anderson, D. | Biersdorf | Eckstein | Evans | Friedrich |
| Anderson, G. | Carlson, A. | Erickson | Ewald | Gunter |

| | | | | |
|---------|------------|----------|-----------|--------|
| Heinitz | Mann | Niehaus | Savelkoul | Wenzel |
| Kaley | McDonald | Onnen | Searle | Wieser |
| Kalis | Munger | Peterson | Searles | Wigley |
| Kvam | Murphy | Pleasant | Sherwood | Zubay |
| Laidig | Neisen, B. | Redalen | Smogard | |

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

The question recurred on the adoption of the Savelkoul amendment, as amended, and the roll was called. There were 52 yeas and 67 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------------|------------|----------|
| Albrecht | Eckstein | Kaley | Neisen | Searles |
| Anderson, B. | Erickson | Kalis | Nelsen, B. | Sherwood |
| Anderson, D. | Esau | Kempe, R. | Nelsen, M. | Smogard |
| Anderson, G. | Evans | Knickerbocker | Niehaus | Suss |
| Anderson, R. | Ewald | Kvam | Onnen | Wenzel |
| Beauchamp | Fjoslien | Laidig | Patton | Wieser |
| Biersdorf | Friedrich | Langseth | Peterson | Wigley |
| Brinkman | George | Lemke | Pleasant | Zubay |
| Carlson, A. | Gunter | Mann | Redalen | |
| Carlson, D. | Heinitz | McDonald | Savelkoul | |
| Den Ouden | Johnson | Munger | Searle | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|-----------|------------|--------------|
| Abeln | Cohen | Kelly, R. | Norton | Stanton |
| Anderson, I. | Corbid | Kelly, W. | Novak | Stoa |
| Arlandson | Cummiskey | Kempe, A. | Osthoff | Swanson |
| Battaglia | Ellingson | King | Pehler | Tomlinson |
| Begich | Enebo | Kostohryz | Petrafeso | Vanasek |
| Berg | Faricy | Kroening | Prahl | Waldorf |
| Berglin | Fugina | Lehto | Reding | Welch |
| Birnstihl | Hanson | Mangan | Rice | White |
| Brandl | Hokanson | McCarron | St. Onge | Williamson |
| Byrne | Jacobs | McCollar | Scheid | Wynia |
| Carlson, L. | Jaros | Metzen | Sieben, H. | Speaker Sabo |
| Casserly | Jensen | Moe | Sieben, M. | |
| Clark | Jude | Murphy | Simoneau | |
| Clawson | Kahn | Nelson | Skoglund | |

The motion did not prevail and the amendment, as amended, was not adopted.

Savelkoul moved to amend H. F. No. 1243, as amended, as follows:

Page 3, after line 14, insert a clause to read:

"(11) The Public Service Commission shall not implement any rates pursuant to this act which shall have any adverse effect upon any enterprise employing Minnesota citizens."

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 46 yeas and 74 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------------|-----------|------------|
| Albrecht | Esau | Kaley | Niehaus | Wenzel |
| Anderson, D. | Evans | Kalis | Onnen | White |
| Anderson, R. | Ewald | Knickerbocker | Peterson | Wieser |
| Biersdorf | Fjoslien | Kvam | Pleasant | Wigley |
| Carlson, A. | Forsythe | Laidig | Redalen | Williamson |
| Carlson, D. | Friedrich | Lemke | Rose | Zubay |
| Dean | George | Mann | Savelkoul | |
| Den Ouden | Gunter | McDonald | Searle | |
| Eckstein | Heinitz | Nelsen, B. | Searles | |
| Erickson | Johnson | Nelsen, M. | Sherwood | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|-----------|-----------|--------------|
| Abeln | Casserly | Kelly, R. | Neisen | Sieben, H. |
| Adams | Clark | Kelly, W. | Nelson | Sieben, M. |
| Anderson, B. | Clawson | Kempe, A. | Norton | Simoneau |
| Anderson, I. | Cohen | Kempe, R. | Novak | Skoglund |
| Arlandson | Corbid | King | Osthoff | Smogard |
| Battaglia | Cummiskey | Kostohryz | Patton | Stanton |
| Beauchamp | Enebo | Kroening | Pehler | Stoa |
| Begich | Faricy | Lehto | Petrafaso | Swanson |
| Berg | Hanson | Mangan | Prahl | Tomlinson |
| Berglin | Hokanson | McCarron | Reding | Vanasek |
| Birnstihl | Jacobs | McCollar | Rice | Waldorf |
| Brandl | Jaros | Metzen | St. Onge | Welch |
| Brinkman | Jensen | Moe | Samuelson | Wynia |
| Byrne | Jude | Munger | Scheid | Speaker Sabo |
| Carlson, L. | Kahn | Murphy | Schulz | |

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

Tomlinson moved to amend H. F. No. 1243, as amended by the Savelkoul amendment, as follows:

After "cost for" delete "residences containing families or".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 65 yeas and 56 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|-----------|-----------|-----------|
| Anderson, B. | Brandl | Ellingson | Kelly, W. | Moe |
| Anderson, G. | Brinkman | Enebo | Kempe, A. | Murphy |
| Anderson, I. | Byrne | Faricy | Kostohryz | Nelson |
| Arlandson | Casserly | Hanson | Kroening | Norton |
| Battaglia | Clark | Hokanson | Langseth | Novak |
| Beauchamp | Clawson | Jaros | Lehto | Osthoff |
| Begich | Cohen | Jensen | Mangan | Pehler |
| Berg | Corbid | Johnson | McCarron | Petrafaso |
| Berglin | Cummiskey | Kahn | McCollar | Prahl |
| Birnstihl | Dean | Kelly, R. | McEachern | Reding |

| | | | | |
|----------|------------|---------|-----------|----------|
| Rice | Sieben, M. | Smogard | Tomlinson | Welch |
| St. Onge | Simoneau | Stanton | Vanasek | Wenstrom |
| Scheid | Skoglund | Stoa | Voss | Wynia |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|---------------|-----------|------------|
| Abeln | Esau | King | Onnen | Suss |
| Adams | Evans | Knickerbocker | Patton | Swanson |
| Albrecht | Ewald | Kvam | Peterson | Wenzel |
| Anderson, D. | Fjoslien | Laidig | Pleasant | White |
| Anderson, R. | Forsythe | Lemke | Redalen | Wieser |
| Biersdorf | Friedrich | Mann | Rose | Wigley |
| Carlson, A. | Fudro | McDonald | Samuelson | Williamson |
| Carlson, D. | Fugina | Metzen | Savelkoul | Zubay |
| Carlson, L. | Heinitz | Neisen | Schulz | |
| Den Ouden | Jude | Nelsen, B. | Searle | |
| Eckstein | Kaley | Nelsen, M. | Searles | |
| Erickson | Kempe, R. | Niehaus | Sherwood | |

The motion prevailed and the amendment was adopted.

Tomlinson moved to amend H. F. No. 1243, as amended by the Savelkoul amendment, as follows:

After "*agricultural*" and before "*farm*" insert "*family*".

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 106 yeas and 10 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|------------|------------|--------------|
| Abeln | Clark | Kalis | Niehaus | Skoglund |
| Albrecht | Cohen | Kelly, R. | Norton | Smogard |
| Anderson, B. | Corbid | Kelly, W. | Novak | Stanton |
| Anderson, D. | Cummiskey | Kempe, A. | Onnen | Stoa |
| Anderson, G. | Dean | Kempe, R. | Osthoff | Suss |
| Anderson, I. | Eckstein | King | Patton | Swanson |
| Anderson, R. | Ellingson | Kostohryz | Pehler | Tomlinson |
| Arlandson | Enebo | Kroening | Petrafeso | Vanasek |
| Battaglia | Esau | Kvam | Prahl | Voss |
| Beauchamp | Faricy | Langseth | Reding | Welch |
| Begich | Fjoslien | Lemke | Rice | Wenstrom |
| Berg | Forsythe | Mangan | Rose | Wenzel |
| Berglin | Friedrich | Mann | St. Onge | White |
| Berkelman | George | McCarron | Samuelson | Wieser |
| Biersdorf | Hanson | McCollar | Sarna | Wigley |
| Birnstihl | Hokanson | McDonald | Savelkoul | Williamson |
| Brandl | Jaros | Moe | Scheid | Wynia |
| Brinkman | Jensen | Munger | Searles | Speaker Sabo |
| Byrne | Johnson | Murphy | Sherwood | |
| Carlson, D. | Jude | Neisen | Sieben, H. | |
| Carlson, L. | Kahn | Nelsen, M. | Sieben, M. | |
| Casserly | Kaley | Nelson | Simoneau | |

Those who voted in the negative were:

| | | | | |
|-------------|---------------|----------|----------|--------|
| Carlson, A. | Ewald | Laidig | Pleasant | Schulz |
| Evans | Knickerbocker | Peterson | Redalen | Zubay |

The motion prevailed and the amendment was adopted.

H. F. No. 1243, A bill for an act relating to public utilities; providing lifeline rates for electricity and natural gas; providing exemptions for electrical cooperatives; amending Minnesota Statutes 1976, Chapter 216B, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 86 yeas and 40 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|-----------|------------|--------------|
| Abeln | Cohen | Johnson | Murphy | Sieben, M. |
| Adams | Corbid | Jude | Neisen | Simoneau |
| Anderson, B. | Cummiskey | Kahn | Nelsen, M. | Skoglund |
| Arlandson | Dean | Kaley | Nelson | Spanish |
| Battaglia | Ellingson | Kelly, R. | Norton | Stanton |
| Beauchamp | Enebo | Kelly, W. | Novak | Stoa |
| Begich | Faricy | Kempe, A. | Osthoff | Swanson |
| Berg | Fjoslien | Kempe, R. | Patton | Tomlinson |
| Bergiin | Fudro | King | Pehler | Vanasek |
| Berkelman | Fugina | Kostohryz | Petrafeso | Voss |
| Birnstihl | George | Kroening | Prahl | Waldorf |
| Brandl | Gunter | Lehto | Reding | Welch |
| Brinkman | Hanson | Mangan | Rice | Wynia |
| Byrne | Heinitz | McCollar | St. Onge | Speaker Sabo |
| Carlson, L. | Hokanson | McEachern | Samuelson | |
| Casserly | Jacobs | Metzen | Sarna | |
| Clark | Jaros | Moe | Scheid | |
| Clawson | Jensen | Munger | Sieben, H. | |

Those who voted in the negative were:

| | | | | |
|--------------|---------------|------------|-----------|----------|
| Albrecht | Eckstein | Kvam | Peterson | Sherwood |
| Anderson, D. | Erickson | Laidig | Pleasant | Smogard |
| Anderson, G. | Evans | Langseth | Redalen | Suss |
| Anderson, R. | Ewald | Mann | Rose | Wenstrom |
| Biersdorf | Forsythe | McDonald | Savelkoul | Wenzel |
| Carlson, A. | Friedrich | Nelsen, B. | Schulz | Wieser |
| Carlson, D. | Kalis | Niehaus | Searle | Wigley |
| Den Ouden | Knickerbocker | Onnen | Searles | Zubay |

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

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 2078.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Pehler moved that the rule therein be sus-

pending and an urgency be declared so that S. F. No. 2078 be given its third reading and be placed upon its final passage. The motion prevailed.

Pehler moved that the rules of the House be so far suspended that S. F. No. 2078 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 2078 was reported to the House.

S. F. No. 2078, A bill for an act relating to taxation; sales tax; changing definition of common carriers as retailers; amending Minnesota Statutes, 1977 Supplement, Section 297A.211, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 1891 and H. F. No. 2089.

S. F. No. 1891, A bill for an act relating to taxation; property tax; exempting certain cities containing utility plants from per

capita levy limitations; amending Minnesota Statutes 1976, Section 275.11, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2089, A bill for an act relating to county agricultural societies; providing for tort liability of county agricultural societies; authorizing county boards to levy a tax to pay certain judgments or liability insurance premiums; amending Minnesota Statutes 1976, Sections 38.27, by adding a subdivision; 466.01, Subdivision 1; and Chapter 38, by adding a section.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

Carlson, D., was excused between the hours of 1:00 p.m. and 2:30 p.m.

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 1722.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Pehler moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1722 be given its third reading and be placed upon its final passage.

The motion prevailed.

Pehler moved that the rules of the House be so far suspended that S. F. No. 1722 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 1722 was reported to the House.

Pehler moved to amend S. F. No. 1722, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 120.17, Subdivision 9, is amended to read:

Subd. 9. [SPECIAL INSTRUCTION.] (AFTER AUGUST 15, 1977,) No resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service on a shared time basis because of attendance at a nonpublic school defined in section 123.932, subdivision 3. (NOTHING IN THIS SUBDIVISION

SHALL BE CONSTRUED TO PREVENT ANY SCHOOL DISTRICT FROM PROVIDING SPECIAL INSTRUCTION AND SERVICES PURSUANT TO SECTION 120.17 ON A SHARED TIME BASIS PRIOR TO AUGUST 15, 1977) *The district shall provide necessary transportation from one educational facility to another within the district for resident handicapped pupils who are provided special instruction and services on a shared time basis.*

Sec. 2. Minnesota Statutes 1976, Section 123.931, is amended to read:

123.931 [DECLARATION OF POLICY.] It is the intent of the legislature (BY THIS ENACTMENT) to provide for distribution of educational aids such as (AUXILIARY SERVICES, INSTRUCTIONAL MATERIALS AND EQUIPMENT) *textbooks, standardized tests and pupil support services* so that every school (CHILD) *pupil* in the state will share equitably in education benefits and therefore further assure all Minnesota (STUDENTS) *pupils* and their parents freedom of choice in education.

Sec. 3. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 1a. As used in sections 123.931 to 123.937, the terms defined in this section shall have the meanings ascribed to them.

Sec. 4. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 1b. "Textbook" means any book, workbook or manual, whether bound or in looseleaf form, which a pupil uses as a text or principal source of study in a particular class or program in the school he regularly attends and a copy of which is expected to be available for the individual use of each pupil in this class or program. The term includes only such secular, neutral and nonideological textbooks as are available and are of benefit to Minnesota public school pupils.

Sec. 5. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 1c. "Standardized tests" means standardized tests and scoring services which are provided by commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.

Sec. 6. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 1d. "Pupil support services" means guidance and counseling services and health services.

Sec. 7. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 2a. "Pupils" means elementary and secondary pupils.

Sec. 8. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 2b. "Elementary pupils" means pupils in grades kindergarten through six; provided, each kindergarten pupil shall be counted as one-half pupil for all computations pursuant to sections 123.931 to 123.937.

Sec. 9. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 2c. "Secondary pupils" means pupils in grades seven through twelve.

Sec. 10. Minnesota Statutes 1976, Section 123.932, Subdivision 7, is amended to read:

Subd. 7. "Intermediary service area" means a school administrative unit approved by the state board of education, other than a single school district, (SUCH AS) *including* but not limited to the following: (a) (A REGIONAL EDUCATIONAL SERVICE AREA) *an educational cooperative service unit*; (b) a cooperative of two or more school districts; (c) learning centers; or (d) an association of schools or school districts.

Sec. 11. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 9. "Neutral site" means a public center, a mobile unit located off the nonpublic school premises, or any other location off the nonpublic school premises which is neither physically nor educationally identified with the functions of the nonpublic school.

Sec. 12. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 10. "Guidance and counseling services" means all activities of a licensed counselor in counseling pupils and parents, providing counseling on learning problems, evaluating the abilities of pupils, assisting pupils in personal and social development and providing referral assistance.

Sec. 13. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 11. "Health services" means physician, dental, nursing or optometric services provided to pupils in the field of physical or mental health; provided the term does not include direct educational instruction, services which are required pursuant to section 120.17, or services which are eligible to receive special education aid pursuant to section 124.32.

Sec. 14. Minnesota Statutes 1976, Section 123.933, is amended to read:

123.933 [PURCHASE OR LOAN OF TEXTBOOKS AND STANDARDIZED TESTS.] *Subdivision 1.* The state board of education shall promulgate rules under the provisions of chapter 15, requiring that in each school year, based upon formal requests by or on behalf of nonpublic school (STUDENTS) pupils in a nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire (INSTRUCTIONAL MATERIALS) textbooks and standardized tests and loan or provide them for use by children enrolled in that nonpublic school. These (INSTRUCTIONAL MATERIALS) textbooks and standardized tests shall be loaned or provided free to the children for the school year for which requested. The loan or provision of the (INSTRUCTIONAL MATERIALS) textbooks and standardized tests shall be subject to rules prescribed by the state board of education. (IN THE CASE OF CONSUMABLE OR NONREUSABLE INSTRUCTIONAL MATERIALS THE TITLE AND POSSESSION MAY BE SURRENDERED TO THE NONPUBLIC SCHOOL STUDENT FOR WHOM THEY ARE PROVIDED; IN THE CASE OF NONCONSUMABLE OR REUSABLE INSTRUCTIONAL MATERIALS)

Subd. 2. The title to (SAME) textbooks and standardized testing materials shall remain in the servicing school district or intermediary service area, and possession or custody may be granted or charged to administrators of the nonpublic school attended by the nonpublic school pupil or pupils to whom the (INSTRUCTIONAL MATERIALS WERE) textbooks or standardized tests are loaned or provided.

Subd. 3. The cost per pupil (UNIT) of the (INSTRUCTIONAL MATERIALS) textbooks and standardized tests provided for in (SECTIONS 123.931 TO 123.937) this section for each school year shall not exceed the statewide average (COST) expenditure per pupil (UNIT SPENT) by the Minnesota public elementary and secondary schools for (INSTRUCTIONAL MATERIALS) textbooks and standardized tests as computed and established by the department of education by (EACH PRECEDING OCTOBER 1) March 1 of the preceding school year from the most recent public school year data then available. The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the (INSTRUCTIONAL MATERIALS) textbooks and standardized tests for the (STUDENTS) pupils in each non-

public school which shall not exceed the product of the statewide average (COST) *expenditure* per pupil (UNIT) multiplied by the number of nonpublic school (PUPIL UNITS) *pupils who make requests pursuant to this section and who are enrolled as of (OCTOBER 1) September 15 of the (PRECEDING) current school year.*

Sec. 15. Minnesota Statutes 1976, Section 123.935, is amended to read:

123.935 [PROVISION OF PUPIL SUPPORT SERVICES.]
Subdivision 1. The state board of education shall promulgate rules under the provisions of chapter 15 requiring each school district or other intermediary service area; (a) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school (STUDENT) pupil enrolled in a nonpublic school located in that district or area, the same (AUXILIARY) specific health services as are provided for (MINNESOTA) public school pupils by the district where the nonpublic school is located; and (b) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school secondary pupil enrolled in a nonpublic school located in that district or area, the same specific guidance and counseling services as are provided for public school secondary pupils by the district where the nonpublic school is located. (THE REQUESTS SHALL BE LIMITED COLLECTIVELY TO) The district where the nonpublic school is located shall provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided pupil support services pursuant to this section. Each request for pupil support services shall set forth the guidance and counseling or health services requested by or on behalf of all eligible nonpublic school (STUDENTS) pupils enrolled in a given nonpublic school. (THE AUXILIARY SERVICES SHALL BE PROVIDED IN THE STUDENT'S RESPECTIVE SCHOOL WHENEVER POSSIBLE BY THE DISTRICT OR INTERMEDIARY SERVICE AREA WHEREIN THE NONPUBLIC STUDENT'S SCHOOL IS SITUATED. THE COST OF THE REQUIRED SERVICES SHALL NOT EXCEED THE AMOUNT ALLOTTED UNDER THIS SECTION TO THE PARTICIPATING DISTRICT OR INTERMEDIARY SERVICE AREA.) No district or intermediary service area shall expend an amount for these pupil support services which exceeds the amount allotted to it under this section.

Subd. 2. Health services may be provided to nonpublic school pupils pursuant to this section at a public school, a neutral site, the nonpublic school or any other suitable location. Guidance and counseling services may be provided to nonpublic school pupils pursuant to this section only at a public school or a neutral site. District or intermediary service area personnel and representa-

tives of the nonpublic school pupils receiving pupil support services shall hold an annual consultation regarding the location of the provision of these services. The district board or intermediary service area governing board shall make the final decision on the location of the provision of these services.

Subd. 3. Guidance and counseling services provided to nonpublic school pupils pursuant to this section shall not include the planning or selection of particular courses or classroom activities of the nonpublic school.

Subd. 4. Each school year the commissioner shall allot to the school districts or other intermediary service areas for the provision of (THE) health services pursuant to this section the actual cost of the services provided for the pupils in each respective nonpublic school for that school year, but not to exceed (\$50 MULTIPLIED BY THE NUMBER OF NONPUBLIC SCHOOL PUPILS IN GRADES 9 THROUGH 12 AND \$75) the average expenditure per public school pupil for these services by those Minnesota public elementary and secondary schools which provide health services to public school pupils, multiplied by the number of (NONPUBLIC SCHOOL) pupils (IN KINDERGARTEN THROUGH GRADE 8,) in that particular nonpublic school who request these health services and who are enrolled as of (OCTOBER 1) September 15 of the (LAST PRECEDING) current school year.

Subd. 5. Each school year the commissioner shall allot to the school districts or intermediary service areas for the provision of guidance and counseling services pursuant to this section the actual cost of the services provided for the pupils in each respective nonpublic school for that school year. The allotment for guidance and counseling services for the secondary pupils in each nonpublic school shall not exceed the average expenditure per public school secondary pupil for these services by those Minnesota public schools which provide these services to their secondary pupils, multiplied by the number of secondary pupils in that particular nonpublic school who request these services and who are enrolled as of September 15 of the current school year.

Subd. 6. For purposes of computing maximum allotments for each school year pursuant to this section, the average public school expenditure per pupil for health services and the average public school expenditure per secondary pupil for guidance and counseling services shall be computed and established by the department of education by March 1 of the preceding school year from the most recent public school year data then available.

Sec. 16. Minnesota Statutes 1976, Section 123.936, is amended to read:

123.936 [PAYMENTS FOR CONTRACTUAL OBLIGATIONS.] In every event the commissioner shall make such pay-

ments to school districts or intermediary service areas pursuant to sections 123.931 to 123.937 as are needed to meet contractual obligations incurred for the provision of benefits to nonpublic school students pursuant to sections 123.933 (, 123.934) or 123.935.

Sec. 17. Minnesota Statutes 1976, Chapter 123, is amended by adding a section to read:

[123.9361] [ADMINISTRATIVE COSTS.] *Each year, a school district or intermediary service area may claim and receive from the department of education an additional sum for the actual cost of administration of sections 123.933 and 123.935, which shall not exceed an amount equal to five percent of the district's or area's allocation for that year pursuant to those sections.*

Sec. 18. Minnesota Statutes 1976, Section 123.937, is amended to read:

123.937 [APPROPRIATION.] There is appropriated annually to the department of education from the general fund of the state treasury the sum of (\$12,000,000) \$2,479,200 for the purposes of sections 123.931 to 123.937.

Sec. 19. Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 9a, is amended to read:

Subd. 9a. Shared time pupils are defined as those pupils who attend public (SCHOOLS) *school programs* for part of the regular school day and who otherwise fulfill the requirements of section 120.10 by attendance at a private school.

(a) The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which the pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil.

(b) Foundation aid for shared time pupils shall equal the amount which would accrue if shared time pupil units, counted pursuant to section 124.17, subdivision 1, clauses (1) and (2), were added to the district's total pupil units used in determining its foundation aid. Foundation aid for shared time pupils shall be in addition to any other aid to which the district is otherwise entitled and shared time average daily membership shall not be used in the computation of pupil units under section 124.17, subdivision 1, for any purpose other than the computation of shared time foundation aid pursuant to this subdivision.

(c) Foundation aid for shared time pupils shall be paid to the district of the pupil's residence. If a pupil attends shared time classes in another district, the resident district shall pay to the

district of attendance an amount of tuition equal to the ratio in clause (a) times the amount of tuition which would be charged and paid for a nonresident public school pupil in a similar circumstance. The district of residence shall not be obligated for tuition except by previous agreement.

(d) Notwithstanding the provisions of clause (c), the resident district of a shared time pupil attending shared time classes in another district may grant the district of attendance, upon its request, permission to claim the pupil as a resident for state aid purposes. In this case, state aid shall be paid to the district of attendance *and, upon agreement, the district of attendance may bill the resident district for any unreimbursed education costs, including unreimbursed transportation costs.*

(e) *Minutes of enrollment in a public school during which a nonpublic school pupil receives services pursuant to section 123.935 shall not be used in the computation of shared time foundation aid pursuant to this subdivision.*

Sec. 20. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

Subd. 9b. Public school programs may be provided to shared time pupils only at a public school building; provided, however, that special instruction and services for handicapped children required pursuant to section 120.17 may also be provided at a neutral site as defined in section 123.932, and diagnostic and health services required pursuant to section 120.17 may also be provided at a nonpublic school building. As used in this subdivision, "diagnostic services" means speech, hearing, vision, psychological, medical and dental diagnostic services and "health services" means physician, nursing or optometric services provided to pupils in the field of physical and mental health.

Sec. 21. Minnesota Statutes, 1977 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]
For the (1977-1978) 1978-1979 school year and thereafter, school transportation and related services for which state transportation aid is authorized are:

(1) Transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a private school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to private school pupils;

(2) Transportation to and from or board and lodging in another district, of resident pupils of a district without a sec-

ondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, and the conveying of handicapped pupils between home and school and within the school plant;

(5) When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education;

(7) Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) Services described in clauses (1) to (7) *and clause (10)* when provided in conjunction with a state board approved summer school program; (AND)

(9) Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes for resident pupils of any of these districts, if this transportation is provided in conjunction with transportation of resident pupils to a state board approved secondary vocational center; *and*

(10) *Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.*

Sec. 22. *The state board of education may promulgate temporary rules for the implementation of those portions of sections 123.931 to 123.937 relating to textbooks, standardized tests and health services for the 1978-1979 school year. These temporary rules shall be effective for no more than 180 days following their approval by the attorney general. The portions of*

sections 123.931 to 123.937 relating to guidance and counseling services shall not be implemented until the 1979-1980 school year.

Sec. 23. [REPEALERS.] *Subdivision 1. Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 6 and 8; and 123.934, are repealed effective the day following final enactment.*

Subd. 2. Minnesota Statutes 1976, Section 123.932, Subdivision 2; and Laws 1977, Chapter 447, Article VI, Section 12, are repealed effective July 1, 1978.

Sec. 24. [APPROPRIATION.] *There is appropriated from the general fund to the department of education for the year ending June 30, 1979, the sum of \$10,000 for the purpose of paying the department's expenses of administering sections 1 to 23 of this act. This appropriation shall be added to the amount appropriated for this year for this purpose in Laws 1977, Chapter 449, Section 2.*

Sec. 25. [EFFECTIVE DATE.] *Sections 1 to 17, 19, 20, and 22 of this act shall be effective the day following final enactment."*

Further amend by striking the title and inserting:

"A bill for an act relating to education; providing educational aids for children attending nonpublic schools; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 9; 123.931; 123.932, Subdivision 7, and by adding subdivisions; 123.933; 123.935; 123.936; 123.937; 124.212, by adding a subdivision; and Chapter 123, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 9a; 124.223; repealing Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 2, 6 and 8; 123.934; and Laws 1977, Chapter 447, Article VI, Section 12."

The motion prevailed and the amendment was adopted.

S. F. No. 1722, A bill for an act relating to education; providing educational aids for children attending nonpublic schools; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 9; 123.931; 123.932, Subdivision 7, and by adding subdivisions; 123.933; 123.935; 123.936; 123.937; 124.212, by adding a subdivision; and Chapter 123, by adding sections; Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 9a; and 124.223; repealing Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 2, 6 and 8; 123.934; and Laws 1977, Chapter 447, Article VI, Section 12.

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 111 yeas and 15 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|--------------|---------|---------|-----------|---------|
| Anderson, D. | Clark | Heinitz | Peterson | Schulz |
| Anderson, G. | Clawson | Kahn | Petraleso | Searle |
| Berg | George | Kaley | Rose | Smogard |

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

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 1864.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Berglin moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1864 be given its third reading and be placed upon its final passage.

The motion prevailed.

Berglin moved that the rules of the House be so far suspended that S. F. No. 1864 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 1864 was reported to the House.

Berglin moved to amend S. F. No. 1864, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 43.13, Subdivision 1, is amended to read:

43.13 [EXAMINATIONS.] Subdivision 1. [FAIR TESTS; RECORDS.] All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to efficiently discharge the duties of the (OFFICE OR EMPLOYMENT) *position* sought by them. Each applicant in an oral examination shall be rated individually by each examiner who shall sign his rating of the applicant. The average of the (EXAMINERS,) *examiners'* separate ratings, if more than one examiner conducts the oral examinations, is the applicant's oral examination rating. (THE APPOINTING AUTHORITY MAY PAY REASONABLE TRAVEL EXPENSES ACTUALLY INCURRED TO APPLICANTS INVITED FOR ORAL EXAMINATIONS FOR THOSE POSITIONS WHERE UNUSUAL DIFFICULTY IN RECRUITING QUALIFIED APPLICANTS IS BEING ENCOUNTERED.)

Sec. 2. [TRANSITION PROVISION.] *The commissioner shall promulgate temporary rules in order to implement as soon as possible the testing schedule provided in section 1.*

Sec. 3. Minnesota Statutes 1976, Section 43.14, Subdivision 1, is amended to read:

43.14 [EXAMINATION REFUSED; APPEAL; BOND.] Subdivision 1. [REASONS FOR REFUSAL.] The commissioner may refuse to examine an applicant, or after examination may refuse to certify an eligible, who is found to lack any of the preliminary requirements established for the examination for the position (OR EMPLOYMENT) for which he applies; or who is physically so disabled as to be rendered unfit for the proper performance of the duties of the position to which he seeks appointment; or who is addicted to habit-forming drugs or is an habitual user of intoxicating liquors to excess; (OR WHO HAS BEEN GUILTY OF ANY CRIME INVOLVING MORAL TURPITUDE OR OF INFAMOUS OR NOTORIOUSLY DISGRACEFUL CONDUCT;) or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact; or who, directly or indirectly, shall give, render or pay, or promise to give, render or pay, any money, service, or other valuable thing to any person for, or on account of, or in connection with, his test, appointment, or proposed appointment; or who practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment; or who refuses to furnish testimony as required in section 43.07.

Sec. 4. Minnesota Statutes 1976, Chapter 43, is amended by adding a section to read:

[43.162] [VALIDITY OF APPLICATIONS.] *No person shall be appointed to a position in the civil service until the appointing authority has made reasonable effort to verify any information contained in the prospective employee's job application which relates to the ability of the person to perform the job. The commissioner shall establish procedures, which shall not be promulgated as rules, for use by an appointing authority in performing this verification function. Notice of the verification responsibilities of the appointing authority for misrepresentations shall be conspicuously printed on all state employment application forms.*

Sec. 5. Minnesota Statutes 1976, Section 43.18, is amended to read:

43.18 [VACANCIES.] Subdivision 1. [NOTICE.] Appointing (OFFICERS) *authorities* shall give written notice to the commissioner of personnel of their intention to establish new positions and of the existence of any vacancy to be filled (IN ANY OFFICE OR EMPLOYMENT) in the classified service, and, within a reasonable time after the receipt of this notice, the commissioner shall certify, from the list of eligibles, appropriate for the (GRADE AND) class in which the position is classified, names in the manner as provided in this section.

Subd. 2. [PROMOTIONS.] In the case of positions to be filled by examinations other than open competitive examinations, the commissioner shall certify, from the list of eligibles, appropriate for the (GRADE AND) class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating *and with any additional names of persons having the same score as the last name certified in accordance with the above*, except as provided in sections 43.23 and 43.19, subdivision 1.

Subd. 3. [ORIGINAL ENTRY.] In the case of positions to be filled by open competitive examination, the commissioner shall certify the first ten names on the list *together with any additional names of persons having the same score as the tenth name so certified*. Appointments from the list shall only be made from the (FIRST TEN AVAILABLE ELIGIBLES) *names so certified*. The commissioner shall promulgate rules so that a determination of unavailability by an appointing authority will be based on a statement of unavailability from the eligible or lack of response by the eligible to notification by certified mail of the open position. Before requesting a recertification based on unavailability or rejection of an eligible, the appointing authority shall demonstrate the unavailability of an eligible or shall pro-

vide reasons for requesting the removal of an eligible's name from the certification.

Subd. 4. [APPOINTMENT; PROBATION.] The appointing (OFFICER) *authority* shall appoint on probation, with sole reference to merit and fitness, one of the said candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in section 43.23. Seniority in length of service shall also be one of the factors in an appointment in the manner as provided by personnel rule. The provisions of this section shall not apply when the (OFFICE OR) employment *situation* is among those listed in section 43.20, for which competitive examinations are not required.

Sec. 6. Minnesota Statutes 1976, Section 43.19, Subdivision 1, is amended to read:

43.19 [VACANCIES; PROMOTIONS; DISMISSALS.] Subdivision 1. [VACANCIES FILLED BY PROMOTION.] (1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the classified service, and, subject to such exceptions as the commissioner may provide, from the lower class (OR GROUP WITHIN THE PARTICULAR CLASSIFICATION,) and in accordance with section 43.18 and personnel rules. Except as provided in clause (2), promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency (, CHARACTER,) and *job-related* conduct shall (ALL) constitute a factor. For positions defined by personnel rule as "non-managerial" seniority shall also constitute a factor.

(2) The commissioner may authorize the appointing authority of any state (OFFICE OR DEPARTMENT) *agency* to promote any employee in that (OFFICE OR DEPARTMENT) *agency* to a position (OF) *in* a higher (GRADE OR) class requiring peculiar and exceptional qualifications of an administrative, scientific, professional, or expert character, following a non-competitive examination, which shall be practical and shall involve only the duties of the position.

(3) The commissioner shall give the non-competitive examinations provided for in clause (2) upon request of any appointing authority, in accordance with personnel rules.

Sec. 7. Minnesota Statutes 1976, Section 43.20, Subdivision 2, is amended to read:

Subd. 2. When *the commissioner determines* there are urgent reasons for filling a vacancy in any position in the classified service and the commissioner is unable to certify from (ANY) *a complete and* appropriate eligible list for the vacancy, the commissioner may, *upon the request of the appointing au-*

thority, issue a provisional permit or certify a suitable person to fill such vacancy provisionally only until a selection and appointment can be made after competitive examination (; BUT). When requesting a provisional appointment, an appointing authority shall certify to the commissioner that he has determined that all persons on an incomplete appropriate list are unsuitable or unavailable for appointment. Before granting a provisional permit to a person, the commissioner shall review the qualifications of the prospective employee and shall make a preliminary determination that the person would be qualified for the position on a permanent basis or is qualified in all respects except for completion of a licensure requirement. No person shall receive more than one provisional appointment nor serve more than six months in any 12 month period as a provisional appointee, except, where in individual cases the commissioner grants an exception for the good of the service. If the position is opened for competitive examination after the appointment of a provisional employee, no person shall be denied certification to an eligible list for the position solely because he did not serve in the position in a provisional capacity. If a provisional appointment is made after a determination of the unavailability or unsuitability of all persons on the incomplete list, the commissioner may at the request of the appointing authority designate the provisional appointee as a probationary appointee if the employee has performed satisfactorily for at least 60 days in the provisional capacity. A person receiving a probationary appointment after serving as a provisional appointee, shall be required to complete the same probationary period as other appointees to similar permanent positions.

Sec. 8. Minnesota Statutes 1976, Section 43.20, Subdivision 3, is amended to read:

Subd. 3. In case of an emergency, an appointment may be made without regard to the provisions of this chapter, but in no case shall it continue longer than ten working days, and in no case shall successive emergency appointments be made; this provision shall apply to both persons and positions; and no person shall receive more than three emergency appointments in any one or different positions within (ONE YEAR) *any 12 month period.*

Sec. 9. Minnesota Statutes 1976, Section 43.20, Subdivision 5, is amended to read:

Subd. 5. Where the services to be rendered by an appointee are for a temporary period not to exceed six months, the commissioner shall certify from an eligible list for the temporary service any person he deems qualified; the acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the

probationary period in case of subsequent appointment to a permanent position. (NO PERSON SHALL RECEIVE MORE THAN ONE TEMPORARY APPOINTMENT WITHIN ONE YEAR.) No temporary appointment shall exceed six months except to fill a vacancy created by an approved leave of absence not to exceed one year or where the commissioner grants an extension of temporary appointment to the maximum of one year in the best interests of the state.

Sec. 10. Minnesota Statutes 1976, Section 43.20, is amended by adding a subdivision to read:

Subd. 7. Where the position to be filled is of a routine, service nature involving unskilled tasks, the performance of which cannot be directly related to qualifications beyond a minimum competency level, the commissioner may authorize the administration of a basic qualifying selection process designed to ascertain which candidates could perform the tasks of the job in a satisfactory manner. Any candidate found so qualified may be certified and appointed to such a position.

Sec. 11. Minnesota Statutes 1976, Section 43.32, Subdivision 11, is amended to read:

Subd. 11. [REVIEW OF TRAINING PLANS.] The head of each department shall be responsible, with the advice and counsel of the commissioner, for planning, budgeting and conducting training programs within the scope of the overall training plan. He shall submit his training plans and budgets for each year of the biennium to the commissioner for review and comment prior to the implementation of any program, but in any case no later than six weeks after the budget appropriations are approved.

For purposes of training, the commissioner may accept funds from any source and may be reimbursed by the various departments for reasonable program cost. *Moneys transferred to the commissioner pursuant to this subdivision are appropriated to the commissioner to perform training functions as provided herein.*

Sec. 12. Minnesota Statutes 1976, Section 43.327, Subdivision 1, is amended to read:

43.327 [TRAVEL AND RELOCATION EXPENSES.] Subdivision 1. [COMMISSIONER TO MAKE RULES ON RELOCATION.] The commissioner shall make personnel rules relating to the expenses of moving state (OFFICERS AND) employees, their families and household goods to new stations, subsistence, realtor fees, and such other expenses as may be incident to assignment to such stations.

Sec. 13. Minnesota Statutes 1976, Section 43.327, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER TO MAKE RULES ON TRAVEL.] The commissioner shall make personnel rules relating to travel of state (OFFICERS AND) employees on state business and expenses incurred thereon. *When unusual difficulty in recruiting qualified applicants is being encountered the commissioner may authorize the appointing authority to pay travel expenses incurred by applicants invited for oral examinations or for employment interviews in the same manner and amounts authorized by personnel rules for state employees.*

Sec. 14. Minnesota Statutes 1976, Section 43.491, is amended by adding a subdivision to read:

Subd. 5. *Notwithstanding the restrictions contained in section 43.44, subdivision 2, a state employee who retires prior to age 65 and who is eligible for, applies for and receives an annuity under a state retirement program shall be eligible to continue to participate at his own expense in the hospital benefits coverage and medical benefits coverage provided for other state employees by sections 43.42 to 43.50. The retired employee may also, at his own expense, continue hospital benefits coverage and medical benefits coverage for his dependents who meet the general dependent eligibility requirements for those coverages. The coverage may be maintained until the employee and the employee's spouse each become eligible for medicare. Within 30 days after the effective date of this section or within 30 days after the effective date of his retirement, whichever day is later, the employee shall notify the commissioner or his designee of his intention to continue the coverage. The commissioner shall establish forms and procedures for exercise of the option provided by this section and for payment of necessary premiums.*

Sec. 15. [RELIABILITY-BASED BAND WIDTH CERTIFICATION.] Subdivision 1. [SELECTION OF CLASSES.] *Notwithstanding the provisions of Minnesota Statutes, Section 43.18 or any other law to the contrary, the commissioner of personnel may designate job classes in the state classified civil service to be filled according to the reliability-based band width certification procedure specified in this section. The commissioner shall designate classes covering a broad spectrum of types of employment and shall designate classes which include positions under the jurisdiction of the greatest possible number of state agencies.*

Subd. 2. [DEFINITION.] *As used in this section, reliability-based band width certification shall mean a process for the preparation of a list of certified eligibles for filling vacant positions within a job class, based upon the statistical reliability of the examination. In no event shall a list of certified eligibles prepared under the band width certification procedure contain*

less than ten names unless fewer than ten persons received passing scores, in which case all persons who received passing scores shall be placed on the list. Names of certified eligibles on a list prepared under this section shall be placed in random order and shall not be ranked when delivered to an appointing authority. This section shall not be deemed to be inconsistent with other laws which would expand the size of an eligible list beyond the size provided for in this section.

Subd. 3. [PROCEDURES.] The commissioner shall establish uniform procedures for the implementation of this section. The procedures shall be adopted as temporary rules and, notwithstanding the limitations of Minnesota Statutes, Section 15.0412, shall be effective for the duration of the band width certification program unless superseded, repealed or amended by temporary or other rule. When a list of certified eligibles prepared pursuant to this section is supplied to an appointing authority, the list shall be accompanied by an explanation of the program and a copy or summary of applicable rules. No later than January 1, 1980, the commissioner shall provide the governor and the legislature with a report giving the procedures, results, costs and evaluations of the program and the substance of comments received from affected persons. In the report he shall recommend whether to continue the program and what changes may be necessary. Periodically throughout the duration of the program he shall advise the governmental operations committees of the senate and the house and the legislative audit commission on the progress of the program and his evaluation to date.

Sec. 16. [APPROPRIATIONS.] There is appropriated from the general fund in the state treasury to the commissioner of personnel the following amounts for the period ending June 30, 1979, to be used for personnel technical services in the amount of \$244,700.

The authorized complement of the department is increased by ten full-time equivalent persons.

Sec. 17. Minnesota Statutes, 1977 Supplement, Section 121.16, Subdivision 1, is amended to read:

121.16 [COMMISSIONER OF EDUCATION.] Subdivision 1. The department shall be under the administrative control of the commissioner of education which office is established. The commissioner shall be the secretary of the state board. He shall be appointed by the state board with the approval of the governor under the provisions of section 15.06. For purposes of section 15.06, the board shall be the appointing authority.

The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. The commis-

sioner may appoint two deputy commissioners who shall serve in the unclassified service and shall appoint other employees as may be necessary for the organization of the department. He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of the department. He shall make recommendations to the board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out its duties.

Sec. 18. Minnesota Statutes 1976, Section 43.24, Subdivision 1, is amended to read:

43.24 [REMOVAL.] Subdivision 1. [WRITTEN STATEMENT.] No permanent employee in the classified service, under the provisions of this chapter or the rules made pursuant thereto, shall be removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, except for just cause, which shall not be religious or political, or because of the employee's race, sex, disability or age, subject however to the mandatory retirement ages specified by law. In case of any disciplinary action, as enumerated in this section, the employee shall, before the action is taken, be furnished with a statement, in writing, setting forth the reasons for the disciplinary action, be permitted five days time to reply thereto, in writing, or upon his request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the commissioner prior to the effective date thereof. *Any permanent employee in the classified service who is removed, discharged, suspended without pay, or reduced in pay or position, shall be notified no later than the effective date of the action of his right to appeal the action to the board.*

Sec. 19. [EFFECTIVE DATE.] *This act is effective May 1, 1978. Section 16 shall expire June 30, 1980. Procedures relating to examinations announced prior to May 1, 1978, shall be completed pursuant to law in effect on April 30, 1978. Certifications of eligibles in force on May 1, 1978, shall remain effective pursuant to law in effect on April 30, 1978."*

Further amend by striking the title and inserting:

"A bill for an act relating to state employees; improving testing procedures; tightening provisions relating to provisional appointments; providing for a pilot reliability-based band width certification program; altering certain requirements for appointment and benefit eligibility; establishing special procedures for filling certain positions; providing for modified reimbursements of costs; providing for a notice to certain employees; providing for deputy commissioners of education; appropriating money; amending Minnesota Statutes 1976, Sections 43.13, Subdivision

1; 43.14, Subdivision 1; 43.18; 43.19, Subdivision 1; 43.20, Subdivisions 2, 3 and 5, and by adding a subdivision; 43.24, Subdivision 1; 43.32, Subdivision 11; 43.327, Subdivisions 1 and 2; 43.491, by adding a subdivision; and Chapter 43, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 121.16, Subdivision 1.”

The motion prevailed and the amendment was adopted.

Berglin moved to amend S. F. No. 1864, as amended, as follows:

Page 2, line 12, delete “*the*” and insert “*a more frequent*”.

Page 2, line 12, delete “*provided in section 1*”.

The motion prevailed and the amendment was adopted.

S. F. No. 1864, A bill for an act relating to state employees; improving testing procedures; tightening provisions relating to provisional appointments; providing for a pilot reliability-based band width certification program; altering certain requirements for appointment and benefit eligibility; establishing special procedures for filling certain positions; providing for modified reimbursements of costs; providing notification of appeal rights; appropriating money; amending Minnesota Statutes 1976, Sections 43.13, Subdivision 1, and by adding a subdivision; 43.14, Subdivision 1; 43.18; 43.19, Subdivision 1; 43.20, Subdivisions 2, 3, 5, and by adding a subdivision; 43.24, Subdivision 1; 43.32, Subdivision 11; 43.327, Subdivisions 1 and 2; 43.491, by adding a subdivision; and Chapter 43, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 2139 and 2267 and S. F. No. 1446.

H. F. No. 2139, A bill for an act relating to emergency services; authorizing the division of emergency services to enter into an agreement with the federal disaster assistance administration for the maintenance of the Minnesota natural disaster assistance plan; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2267, A bill for an act relating to emergency telephone systems; providing for the payment of certain costs of operating emergency telephone systems; amending Minnesota Statutes, 1977 Supplement, Section 403.11.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1446 was reported to the House.

Brandl moved to amend S. F. No. 1446, as follows:

Page 3, after line 9, insert the following:

"Sec. 3. Minnesota Statutes, 1977 Supplement, Section 256-482, Subdivision 5, is amended to read:

Subd. 5. [DUTIES AND POWERS.] The council shall have the following duties and powers:

(1) To advise the governor, appropriate state agencies, and the public on matters pertaining to public policy and the administration of programs, services and facilities for handicapped persons in Minnesota;

(2) To encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) To serve as a source of information to the public regarding all services to handicapped persons;

(4) To review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) To research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons;

(6) To advise the department of labor and industry and the state board of education on the administration and improvement of the worker's compensation law as the law relates to programs, facilities and personnel providing assistance to injured and handicapped workers;

(7) To advise the workers' compensation division of the department of labor and industry and the Workers' Compensation Court of Appeals as to the necessity and extent of any alteration or remodeling of an existing residence or the building or purchase of a new or different residence which is proposed by a licensed architect under section 1;

(8) To comment and advise as a party in any administrative proceeding and judicial review thereof to protect and advance the right of all handicapped persons to an accessible physical environment as provided in section 1;

(9) To comment and advise as a party in any administrative or judicial proceeding which concerns programs or services provided by public or private agencies or organizations and which affects or is deemed by the council to be of general interest to handicapped persons."

Renumber subsequent sections accordingly.

Further amend the title as follows:

Page 1, line 8, delete "initiate".

Page 1, line 9, delete "or intervene" and insert "comment and advise".

Page 1, line 13, after "299G.12" insert "; amending Minnesota Statutes, 1977 Supplement, Section 256.482".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 53 yeas and 61 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------------|------------|------------|
| Abeln | Cohen | Jacobs | Neisen | Swanson |
| Anderson, R. | Cummiskey | Jaros | Prahl | Tomlinson |
| Arlundson | Dean | Kahn | Rice | Vanasek |
| Berkelman | Ellingson | Kelly, R. | Scheid | Waldorf |
| Brandl | Evans | King | Searles | Wenstrom |
| Byrne | Ewald | Knickerbocker | Sieben, H. | Wenzel |
| Carlson, A. | Fugina | Laidig | Sieben, M. | Wieser |
| Carlson, L. | George | Lehto | Skoglund | Williamson |
| Casserly | Hanson | Mangan | Spanish | Wynia |
| Clark | Heinitz | Moe | Stanton | |
| Clawson | Hokanson | Murphy | Stoa | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|------------|-----------|--------------|
| Adams | Den Ouden | Kelly, W. | Onnen | Simoneau |
| Albrecht | Eckstein | Kostohryz | Osthoff | Smogard |
| Anderson, B. | Eken | Kvam | Peterson | Suss |
| Anderson, D. | Erickson | Langseth | Petraleso | Voss |
| Anderson, G. | Esau | Lemke | Pleasant | Welch |
| Anderson, I. | Fjoslien | Mann | Reding | White |
| Battaglia | Fudro | McCarron | Rose | Wigley |
| Beauchamp | Gunter | McEachern | St. Onge | Zubay |
| Begich | Jensen | Metzen | Sarna | Speaker Sabo |
| Biersdorf | Johnson | Munger | Savelkoul | |
| Birnstihl | Jude | Nelsen, B. | Schulz | |
| Brinkman | Kaley | Niehaus | Searle | |
| Corbid | Kalis | Novak | Sherwood | |

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

Jacobs was excused between the hours of 2:00 p.m. and 7:20 p.m.

S. F. No. 1446, A bill for an act relating to the state council for the handicapped; authorizing appeals by the council from state building code decisions affecting the interests of handicapped persons; granting the commissioner of administration authority to promulgate rules governing display of the international symbol of accessibility; authorizing the council to initiate or intervene in proceedings affecting handicapped persons; amending Minnesota Statutes 1976, Sections 16.863; and 256.482, by adding a subdivision; Minnesota Statutes, 1977 Supplement, Section 256.48, Subdivision 5; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Section 299G.12.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 237, A bill for an act relating to assumed business names; permitting and regulating conduct of business under assumed business name; amending Minnesota Statutes 1976, Sections 301.09; 333.01; 333.04; and 333.06; and Chapter 333, by adding sections; repealing Minnesota Statutes 1976, Sections 333.03; and 333.05.

Reported the same back with the following amendments:

Page 6, line 20, after "action" insert "*, including an action to recover possession of real property,*".

Page 6, line 31, after "therein" insert "*, and if a judgment for money is not otherwise recoverable therein, he shall be entitled to tax \$100 costs*".

Page 6 after line 31 add:

"Sec. 8. [APPROPRIATION.] The sum of \$63,300 is appropriated from the general fund to the secretary of state for the purpose of this act for the fiscal year ending June 30, 1979. The approved complement of the office of secretary of state is increased by three persons."

Re-number remaining section.

Amend the title as follows:

Page 1, line 4, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1131, A bill for an act relating to public utilities; providing for representation of consumer interests in public utility matters by the consumer services section; assessing utility companies for the expenses of the representation; amending Minnesota Statutes 1976, Section 45.16, Subdivision 1; and Chapter 45, by adding a section.

Reported the same back with the following amendments:

Page 2, line 6, after "electrical" insert "or telephone".

Page 3, line 31, after "treasury" insert "and credited to the general fund".

Page 4, line 2, delete everything after the period.

Page 4, delete lines 3 and 4.

Page 4, line 13, after "Statutes" insert ", Section".

Page 5, after line 6 add:

"Sec. 3. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the utility unit of the consumers services section of the department of commerce the sum of \$220,000 for the biennium ending June 30, 1979. The approved complement of the department is increased by three persons."

Subd. 2. There is appropriated from the general fund to the office of the attorney general the sum of \$80,000 for the biennium ending June 30, 1979. The approved complement of the office of the attorney general is increased by four persons.

Sec. 4. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 6, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1402, A bill for an act relating to the state civil service; requiring a statewide affirmative action program and agency plans; providing for expanding eligible lists so as to include protected group members; amending Minnesota Statutes 1976, Section 43.15.

Reported the same back with the following amendments:

Page 2, line 5, delete "*Vietnam era veterans*,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1831, A bill for an act relating to public welfare; extending the pilot dental health program; providing for a dental health study of long term care residents; appropriating money; amending Laws 1976, Chapter 305, Sections 3; 4, Subdivision 3, and by adding a section; repealing Laws 1976, Chapter 305, Section 10.

Reported the same back with the following amendments:

Page 2, delete all of section 3.

Page 2, line 30, delete "\$450,000" and insert "\$350,000".

Page 2, line 30, delete "1980" and insert "1979".

Page 2, line 32, delete "\$90,000" and insert "\$40,000".

Page 3, delete all of section 5.

Renumber sections accordingly.

Further amend the title as follows:

Line 6, delete ", and by adding a".

Line 7, delete "section".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1904, A bill for an act relating to battered women; appropriating money; amending Minnesota Statutes, 1977 Supplement, Sections 241.62, Subdivisions 1 and 4; 241.63; 241.66, Subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 4, line 7, after the period add "*The approved complement of the department of corrections is increased by one unclassified position.*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1021, A bill for an act relating to natural resources; recodifying statutes relating to certain conservation areas; abolishing consolidated conservation areas fund; repealing obsolete provisions; appropriating money; amending Minnesota Statutes 1976, Sections 84A.01; 84A.03; 84A.07; 84A.10; 84A.51, Subdivision 4; 84A.52; 84A.55, Subdivisions 1, 3, 6, 8, 9, 10, 11, and 12; 281.23, Subdivision 8; 282.14; 282.16, Subdivision 1, and by adding subdivisions; 282.19; 282.21; and Laws 1961, Chapter 612, Section 1; repealing Minnesota Statutes 1976, Sections 84A.02; 84A.04; 84A.08; 84A.09; 84A.11; 84A.20 to 84A.23; 84A.26 to 84A.33; 84A.36 to 84A.42; 84A.50; 84A.51, Subdivisions 1, 2, and 3; 84A.53; 84A.54; 84A.55, Subdivision 14; and 282.221 to 282.226.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1073, A bill for an act relating to corrections; establishing a facility for the care and treatment of inmates of correctional institutions who become mentally ill; providing for their commitment and detention for treatment; appropriating money.

Reported the same back with the following amendments:

Page 3, line 16, delete "\$20,000" and insert "\$10,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 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.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 237, 1131, 1402, 1831 and 1904 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1021, 1073 and 1611 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1859, A bill for an act relating to retirement; providing for an exclusion from public pension coverage for those persons covered by certain federal public service employment programs in compliance with federal regulations; establishment of reserve accounts for certain provisional members; amending Minnesota Statutes 1976, Sections 69.29; 136.80, Subdivision 1; 352B.01, Subdivision 2; 353.64, by adding a subdivision; 354A.-10; 423.23; 423.372; 423.43; 423.801, Subdivision 2; 424.03; Chapter 356, by adding sections; and Laws 1969, Chapter 950, Section 1; Minnesota Statutes, 1977 Supplement, Sections 352.01, Subdivision 2B; 353.01, Subdivision 2b; 354.05, Subdivision 2; and 422A.09, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Patton moved that the House refuse to concur in the Senate amendments to H. F. No. 1859, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1364.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1364, A bill for an act relating to the state civil service; requiring a statewide affirmative action program and agency plans; providing for expanding eligible lists so as to include protected group members; amending Minnesota Statutes 1976, Section 43.15.

The bill was read for the first time.

Nelson moved that S. F. No. 1364 and H. F. No. 1402, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2192: Stanton; Anderson, B.; and Esau.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1859: Patton, Beauchamp, and Moe.

MOTION FOR RECONSIDERATION

St. Onge moved that the vote whereby H. F. No. 1758, as amended, was not passed on Special Orders for Tuesday, March 14, 1978 be now reconsidered.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

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

The question recurred on the motion for reconsideration and the roll was called. There were 69 yeas and 56 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|------------|------------|------------|
| Adams | Dean | Kaley | Novak | Simoneau |
| Anderson, I. | Eckstein | Kalis | Osthoff | Spanish |
| Anderson, R. | Ellingson | Kostohryz | Patton | Stanton |
| Arlandson | Evans | Lehto | Pehler | Suss |
| Begich | Friedrich | Lemke | Petrafaso | Tomlinson |
| Berglin | Fudro | Mangan | Prahl | Vanasek |
| Biersdorf | Fugina | Mann | Reding | Welch |
| Birnstihl | George | McCarron | Rose | Wenzel |
| Brinkman | Gunter | McCollar | St. Onge | White |
| Carlson, A. | Heinitz | McDonald | Sarna | Wieser |
| Cassery | Jaros | McEachern | Searle | Williamson |
| Clark | Jensen | Metzen | Searles | Wynia |
| Cohen | Jude | Neisen | Sieben, H. | Zubay |
| Cummiskey | Kahn | Nelsen, M. | Sieben, M. | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|---------------|------------|--------------|
| Abeln | Clawson | Kelly, R. | Murphy | Skoglund |
| Albrecht | Corbid | Kelly, W. | Nelsen, B. | Smogard |
| Anderson, B. | Den Ouden | Kempe, A. | Nelson | Stoa |
| Anderson, D. | Eken | Kempe, R. | Niehaus | Swanson |
| Anderson, G. | Enebo | King | Onnen | Waldorf |
| Battaglia | Erickson | Knickerbocker | Peterson | Wenstrom |
| Beauchamp | Esau | Kroening | Pleasant | Wigley |
| Berg | Ewald | Kvam | Rice | Speaker Sabo |
| Berkelman | Fjoslien | Laidig | Savelkoul | |
| Brandl | Hanson | Langseth | Scheid | |
| Byrne | Hokanson | Moe | Schulz | |
| Carlson, L. | Johnson | Munger | Sherwood | |

The motion prevailed.

H. F. No. 1758 was reported to the House.

Swanson moved that H. F. No. 1758, as amended, be placed at the end of Special Orders for today immediately following S. F. No. 1106.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 73 yeas and 50 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|-----------|---------------|------------|
| Abeln | Byrne | Esau | Kempe, A. | Moe |
| Anderson, B. | Carlson, L. | Ewald | Kempe, R. | Munger |
| Anderson, D. | Clark | Fjoslien | King | Neisen |
| Anderson, G. | Clawson | Friedrich | Knickerbocker | Nelsen, B. |
| Battaglia | Corbid | Hanson | Kroening | Nelson |
| Beauchamp | Den Ouden | Hokanson | Kvam | Niehaus |
| Berg | Eken | Johnson | Laidig | Onnen |
| Berglin | Ellingson | Kaley | Langseth | Pehler |
| Berkelman | Enebo | Kelly, R. | Mangan | Peterson |
| Brandl | Erickson | Kelly, W. | McDonald | Petrafaso |

| | | | | |
|----------|-----------|----------|----------|--------------|
| Pleasant | Savelkoul | Skoglund | Waldorf | Wynia |
| Prahl | Scheid | Smogard | Wenstrom | Zubay |
| Redalen | Schulz | Spanish | Wenzel | Speaker Sabo |
| Rice | Searle | Stoa | Wieser | |
| Rose | Sherwood | Swanson | Wigley | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|-----------|-----------|------------|
| Adams | Casserly | Heinitz | McEachern | Sieben, H. |
| Albrecht | Cohen | Jensen | Metzen | Sieben, M. |
| Anderson, I. | Cummiskey | Jude | Murphy | Simoneau |
| Anderson, R. | Dean | Kahn | Novak | Stanton |
| Arlandson | Eckstein | Kostohryz | Osthoff | Suss |
| Begich | Evans | Lehto | Patton | Tomlinson |
| Biersdorf | Fudro | Lemke | St. Onge | Vanasek |
| Birnstihl | Fugina | Mann | Samuelson | Welch |
| Brinkman | George | McCarron | Sarna | White |
| Carlson, A. | Gunter | McCollar | Searles | Williamson |

The motion prevailed.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

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

There being no objection, the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 793 and H. F. No. 1092, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Waldorf moved that the rules be so far suspended that S. F. No. 793 be substituted for H. F. No. 1092 and that the House File be indefinitely postponed. The motion prevailed.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Waldorf moved that the rule therein be suspended and an urgency be declared so that S. F. No. 793 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Waldorf moved that the rules of the House be so far suspended that S. F. No. 793 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 793 was read for the second time.

S. F. No. 793 was reported to the House.

Waldorf moved to amend S. F. No. 793, as follows:

Page 2, line 14, delete "1978" and insert "1979".

Page 7, line 13, restore the stricken language.

Page 7, line 14, restore the stricken language.

The motion prevailed and the amendment was adopted.

S. F. No. 793, A bill for an act relating to public waters; specifying the procedure for creation of lake improvement districts; authorizing districts to undertake certain improvement projects and assess benefited property; altering the procedure for terminating districts; requiring districts to hold an annual meeting; clarifying local government authority over public waters; amending Minnesota Statutes 1976, Sections 105.484; 378.41, Subdivision 2; 378.42, Subdivisions 1, 2, and by adding a subdivision; 378.43, Subdivisions 1 and 3; 378.46; 378.47, Subdivisions 1 and 2; 378.51, Subdivisions 1 and 3; 378.52, Subdivision 1; 378.55; 378.56, Subdivisions 1 and 2; and 459.20; and Chapter 378, by adding a section; repealing Minnesota Statutes 1976, Sections 378.45; 378.53; and 378.54.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

| | | | | |
|------------|-----------|------------|-----------|--------------|
| Metzen | Novak | Rice | Simoneau | Waldorf |
| Moe | Onnen | Rose | Skoglund | Welch |
| Munger | Osthoff | Sarna | Smogard | Wenstrom |
| Murphy | Pehler | Scheid | Stanton | Wenzel |
| Neisen | Peterson | Schulz | Stoa | White |
| Nelsen, B. | Petrafeso | Searle | Suss | Wieser |
| Nelsen, M. | Pleasant | Searles | Swanson | Wigley |
| Nelson | Prahl | Sherwood | Tomlinson | Wynia |
| Niehaus | Redalen | Sieben, H. | Vanasek | Zubay |
| Norton | Reding | Sieben, M. | Voss | Speaker Sabo |

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

CALL OF THE HOUSE LIFTED

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

S. F. Nos. 1468, 1621 and 1985.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1468, A bill for an act relating to commerce; regulating the repair of motor vehicles, appliances, and dwelling places; regulating service calls, estimates, and repairs; providing penalties.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Simoneau moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1468 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Simoneau moved that the rules of the House be so far suspended that S. F. No. 1468 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1468 was read for the second time.

Wenstrom was excused between the hours of 5:00 p.m. and 6:30 p.m.

S. F. No. 1468 was reported to the House.

Carlson, A., moved to amend S. F. No. 1468, as follows:

Page 4, line 4, strike "110 percent".

Page 4, line 5, strike "of" and "total".

Page 4, line 11, strike "110 percent of".

Page 4, line 20, after "performed" strike the balance of the line.

Page 4, line 21, strike "estimate".

Page 6, line 11, strike "110" and insert "100".

Page 6, line 13, after "6" strike the balance of the line.

Page 6, line 14, strike the entire line.

Page 6, line 15, strike "repairs".

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 43 yeas and 67 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------------|------------|------------|
| Abeln | Dean | Johnson | McDonald | Searles |
| Albrecht | Den Ouden | Kaley | Nelsen, B. | Smogard |
| Anderson, D. | Eckstein | Kalis | Niehaus | Stoa |
| Anderson, R. | Erickson | Kempe, R. | Onnen | Waldorf |
| Berkelman | Evans | Knickerbocker | Peterson | Wigley |
| Biersdorf | Ewald | Kvam | Pleasant | Williamson |
| Brinkman | Fjoslien | Laidig | Redalen | Zubay |
| Carlson, A. | Friedrich | Langseth | Rose | |
| Carlson, D. | Gunter | Lemke | Searle | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|-----------|----------|-----------|
| Adams | Berglin | Clawson | Fugina | Kahn |
| Anderson, G. | Birnstihl | Cummiskey | Hanson | Kelly, R. |
| Anderson, I. | Brandl | Ellingson | Hokanson | Kelly, W. |
| Arlandson | Carlson, L. | Enebo | Jaros | Kempe, A. |
| Battaglia | Casserly | Esau | Jensen | King |
| Begich | Clark | Fudro | Jude | Kroening |

| | | | | |
|-----------|---------|------------|-----------|--------------|
| Lehto | Murphy | Reding | Skoglund | Wenzel |
| Mangan | Neisen | Rice | Spanish | White |
| Mann | Nelson | St. Onge | Stanton | Wieser |
| McCarron | Norton | Sarna | Suss | Wynia |
| McCollar | Novak | Schulz | Swanson | Speaker Sabo |
| McEachern | Osthoff | Sieben, H. | Tomlinson | |
| Moe | Patton | Sieben, M. | Vanasek | |
| Munger | Pehler | Simoneau | Welch | |

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

Esau moved to amend S. F. No. 1468, as follows:

Page 8, after line 10, insert a new section to read:

“Sec. 10. Sections 1 through 10 shall apply only in the seven county metropolitan area.”.

Renumber the following section.

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

Albrecht moved to amend S. F. No. 1468, as follows:

Page 1, line 14, after “vehicle,” insert “or”.

Page 1, line 14, after “appliance” strike “, or dwelling”.

Page 1, line 15, strike “place”.

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

S. F. No. 1468, A bill for an act relating to commerce; regulating the repair of motor vehicles, appliances, and dwelling places; regulating service calls, estimates, and repairs; providing penalties.

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

The question was taken on the passage of the bill and the roll was called. There were 62 yeas and 64 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|--------|-----------|
| Abeln | Berg | Casserly | Faricy | Hokanson |
| Adams | Berglin | Clark | Fudro | Jaros |
| Arlandson | Brandl | Cummiskey | Fugina | Jensen |
| Battaglia | Byrne | Ellingson | George | Kahn |
| Begich | Carlson, L. | Enebo | Hanson | Kelly, R. |

| | | | | |
|-----------|---------|------------|-----------|--------------|
| Kempe, A. | Metzen | Pehler | Skoglund | Wenzel |
| King | Munger | Petrafaso | Spanish | White |
| Kostohryz | Murphy | Reding | Stanton | Williamson |
| Kroening | Neisen | Rice | Suss | Wynia |
| Lehto | Nelson | Sarna | Swanson | Speaker Sabo |
| Mangan | Norton | Sieben, H. | Tomlinson | |
| McCarron | Novak | Sieben, M. | Vanasek | |
| McCollar | Osthoff | Simoneau | Voss | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|---------------|------------|-----------|
| Albrecht | Clawson | Gunter | McDonald | Samuelson |
| Anderson, B. | Cohen | Heinitz | McEachern | Schulz |
| Anderson, D. | Corbid | Johnson | Moe | Searle |
| Anderson, G. | Dean | Jude | Nelsen, B. | Searles |
| Anderson, I. | Den Ouden | Kaley | Nelsen, M. | Sherwood |
| Anderson, R. | Eckstein | Kalis | Niehaus | Smogard |
| Beauchamp | Erickson | Kelly, W. | Onnen | Stoa |
| Berkelman | Esau | Knickerbocker | Patton | Waldorf |
| Biersdorf | Evans | Kvam | Peterson | Welch |
| Birnstihl | Ewald | Laidig | Pleasant | Wieser |
| Brinkman | Fjoslien | Langseth | Redalen | Wigley |
| Carlson, A. | Forsythe | Lemke | Rose | Zubay |
| Carlson, D. | Friedrich | Mann | St. Onge | |

The bill was not passed.

FIRST READING OF SENATE BILLS, Continued

S. F. No. 1621, A bill for an act relating to energy; exempting certain solar energy systems from property taxation; providing a credit against income tax for the cost of certain solar energy systems; amending Minnesota Statutes 1976, Sections 272.02, Subdivision 1; and 290.06, by adding a subdivision.

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

S. F. No. 1985, A bill for an act relating to retirement; transit operating division of the metropolitan transit commission; transfer of pension coverage; termination of the metropolitan transit commission—transit operating division employees retirement fund; amending Minnesota Statutes 1976, Sections 352.01, Subdivisions 2A and 11; 352.22, by adding a subdivision; 356.20, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Sections 352.03, Subdivisions 1 and 2; and 473.415.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Moe moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1985 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Moe moved that the rules of the House be so far suspended that S. F. No. 1985 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1985 was read for the second time.

S. F. No. 1985 was reported to the House.

S. F. No. 1985, A bill for an act relating to retirement; transit operating division of the metropolitan transit commission; transit operating pension coverage; termination of the metropolitan transit commission—transit operating division employees retirement fund; amending Minnesota Statutes 1976, Sections 352.01, Subdivisions 2A and 11; 352.22, by adding a subdivision; 356.20, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Sections 352.03, Subdivisions 1 and 2; and 473.415.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Den Ouden

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 1998, A bill for an act relating to commerce; credit unions; modifying reserve fund requirements; amending Minnesota Statutes 1976, Section 52.17.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2024 was reported to the House.

Jude moved to amend H. F. No. 2024 as follows:

Page 1, line 11, strike "on or before ten".

Page 1, strike lines 12 and 13.

Page 1, line 14, strike "or more judges,".

Page 2, line 18, delete "and by obtaining a writ of".

Page 2, line 19, delete "prohibition".

Page 2, line 26, strike "on or before ten days prior to".

Page 2, strike lines 27 and 28.

Page 3, line 24, delete "*and by obtaining a writ of prohibition*".

The motion prevailed and the amendment was adopted.

H. F. No. 2024, A bill for an act relating to courts; disqualification of a presiding judge without a showing of prejudice; amending Minnesota Statutes 1976, Sections 487.40, Subdivision 2; and 542.16.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Stoa

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

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

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

The bill was passed and its title agreed to.

Metzen was excused between the hours of 6:00 p.m. and 7:45 p.m.

H. F. No. 2077 was reported to the House.

McCollar moved to amend H. F. No. 2077, as follows:

Page 3, line 3, after "the" insert "location,".

The motion prevailed and the amendment was adopted.

Johnson and Savelkoul moved to amend H. F. No. 2077, as follows:

Page 1, line 16, delete "Minnesota" and insert "the seven-county metropolitan area as defined in Minnesota Statutes 1976, Section 473.121, Subdivision 2".

Page 1, line 18, after "mover" insert "within the seven-county metropolitan area as defined in Minnesota Statutes 1976, Section 473.121, Subdivision 2".

Page 2, line 31, delete "of this state" and insert "located within the seven-county metropolitan area as defined in Minnesota Statutes 1976, Section 473.121, Subdivision 2".

The motion prevailed and the amendment was adopted.

H. F. No. 2077, A bill for an act relating to commerce; regulating building movers; amending Minnesota Statutes 1976, Chapter 221, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 14 yeas and 90 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|---------|-----------|-----------|--------|-------|
| Adams | Kelly, R. | King | Munger | Sarna |
| Fugina | Kempe, A. | Kostohryz | Neisen | Stoa |
| Johnson | Kempe, R. | McCollar | Reding | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|---------------|------------|------------|
| Abein | Casserly | Jensen | Niehaus | Skoglund |
| Albrecht | Clawson | Jude | Norton | Smogard |
| Anderson, B. | Corbid | Kahn | Novak | Spanish |
| Anderson, D. | Cummiskey | Kaley | Onnen | Stanton |
| Anderson, R. | Dean | Kalis | Patton | Suss |
| Arlandson | Den Ouden | Kelly, W. | Pehler | Swanson |
| Battaglia | Eckstein | Knickerbocker | Peterson | Tomlinson |
| Beauchamp | Erickson | Kvam | Petrafaso | Vanasek |
| Begich | Esau | Laidig | Pleasant | Voss |
| Berg | Evans | Langseth | Redalen | Waldorf |
| Berkelman | Ewald | Lehto | Rose | Welch |
| Birnstihl | Fjoslien | Lemke | St. Onge | Wenzel |
| Brandl | Forsythe | Mangan | Schulz | White |
| Brinkman | Friedrich | Mann | Searle | Wieser |
| Byrne | George | McCarron | Searles | Wigley |
| Carlson, A. | Gunter | McDonald | Sherwood | Williamson |
| Carlson, D. | Hanson | McEachern | Sieben, H. | Wynia |
| Carlson, L. | Heinitz | Nelsen, B. | Sieben, M. | Zubay |

The bill was not passed, as amended.

H. F. No. 2004 was reported to the House.

Voss and Carlson, A., moved to amend H. F. No. 2004, as follows:

Page 2, line 21, after the period insert "No insured association may establish negotiable order of withdrawal accounts until federally chartered savings and loan associations are granted permission to establish similar accounts."

Further amend the title:

Page 1, line 4, after "accounts" insert "under certain conditions".

The motion prevailed and the amendment was adopted.

H. F. No. 2004, A bill for an act relating to savings associations; authorizing savings associations to establish negotiable order of withdrawal accounts under certain conditions; imposing reserve requirements; amending Minnesota Statutes 1976, Chapter 51A, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 63 yeas and 60 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|---------------|------------|--------------|
| Abeln | Dean | Kelly, W. | Nelson | Simoneau |
| Adams | Eken | Kempe, A. | Norton | Skoglund |
| Ariandson | Ellingson | Kempe, R. | Patton | Spanish |
| Beauchamp | Enebo | King | Pehler | Swanson |
| Berg | Ewald | Knickerbocker | Petrafeso | Tomlinson |
| Berglin | Faricy | Kostohryz | Pleasant | Vanasek |
| Berkelman | George | Kroening | Prahl | Voss |
| Brandl | Hanson | Laidig | Reding | Wenzel |
| Carlson, A. | Heinitz | Lehto | Rice | Williamson |
| Carlson, L. | Hokanson | Munger | Rose | Wynia |
| Casserly | Jaros | Murphy | Scheid | Speaker Sabo |
| Clark | Johnson | Neisen | Sieben, H. | |
| Cummiskey | Kahn | Nelsen, M. | Sieben, M. | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|-----------|------------|----------|
| Albrecht | Carlson, D. | Jensen | Moe | Searle |
| Anderson, B. | Cohen | Jude | Nelsen, B. | Sherwood |
| Anderson, D. | Corbid | Kaley | Niehaus | Smogard |
| Anderson, G. | Den Ouden | Kalis | Novak | Stanton |
| Anderson, I. | Eckstein | Kelly, R. | Onnen | Stoa |
| Anderson, R. | Erickson | Langseth | Osthoff | Suss |
| Battaglia | Esau | Lemke | Peterson | Waldorf |
| Begich | Fjoslien | Mangan | Redalen | Welch |
| Biersdorf | Forsythe | Mann | St. Onge | White |
| Birnstihl | Friedrich | McCollar | Samuelson | Wieser |
| Brinkman | Fugina | McDonald | Sarna | Wigley |
| Byrne | Gunter | McEachern | Schulz | Zubay |

The bill was not passed, as amended.

H. F. No. 2093 was reported to the House.

Moe moved to amend H. F. No. 2093, as follows:

Page 2, line 17, delete the second "survivorship" and insert "survivor of deceased active employee".

Page 2, line 18, delete "*of annuitants and benefit recipients*".

Page 3, line 1, after "*section*" insert "*but shall be considered transferred as of June 30, 1978*".

Page 3, line 30, after "*shall*" insert "*also*".

Page 3, line 31, after "*receivable,*" insert "*if any,*".

Page 5, after line 19, insert new sections to read:

"Sec. 4. [GENERAL ADMINISTRATION.] *The provisions of chapter 353 shall govern in all instances where not inconsistent with the provisions of this act.*

Sec. 5. [FUTURE ACTUARIAL VALUATIONS.] *Notwithstanding Minnesota Statutes 1976, Section 356.215, the administration of the university of Minnesota police department retirement plan and fund shall not be required to have an actuarial valuation made as of July 1, 1978. The executive director of the public employees retirement association shall include the transferred membership, liabilities and assets of the university of Minnesota police department retirement plan and fund in the valuation of the public employees retirement association as of June 30, 1978."*

Renumber subsequent sections accordingly.

Page 18, line 17, delete "*13*" and insert "*15*".

Page 18, line 18, delete "*14*" and insert "*16*".

The motion prevailed and the amendment was adopted.

H. F. No. 2093, A bill for an act relating to retirement; transfer of pension coverage for university of Minnesota peace officers to the public employees police and fire fund; terminating the university of Minnesota police department retirement plan and fund; transfer of assets and records; providing for an extension of police state aid; amending Minnesota Statutes 1976, Sections 69.021, Subdivision 9; 69.031, Subdivision 4; 356.20, Subdivision 2; Minnesota Statutes, 1977 Supplement, Sections 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5, 6 and 7; and 69.031, Subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

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

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 205, A bill for an act relating to welfare; providing for personal allowances to disabled persons in care facilities; amending Minnesota Statutes 1976, Section 256B.36.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1869, A bill for an act relating to public health; authorizing the contractual provision of statutorily prescribed public health services by the commissioner of health; modifying the definition of child in the maternal and child nutrition act; increasing the commissioner's rule-making authority regarding

children's camps; expanding scope of functions that may be performed by local health agencies; providing injunctive relief for the commissioner of health; amending Minnesota Statutes 1976, Sections 144.73; 144.74; 144.76; 145.031, Subdivision 1; 145.55, Subdivision 1; 145.892; 145.893; 145.918, Subdivision 2; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 12.56; 12.57; and 144.146, Subdivision 2.

Reported the same back with the following amendments:

Pages 8, line 15, delete "*or threatened*".

Page 8, delete lines 16 to 20 and insert "*of a statute or rule which the commissioner of health or local board of health is empowered to enforce or promulgate*".

Page 8, line 21, delete "*per se*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 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 recommendation that the bill pass.

The report was adopted.

Norton from the Committee on Appropriations 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:

Strike everything after the enacting clause and insert:

"Section 1. [TITLE XX ALLOCATION.] Subdivision 1. Funds for social services which are received from the federal government to reimburse counties for social services expenditures pursuant to Title XX of the Social Security Act, exclusive of supplemental child care funds received pursuant to P.L. 94-401, shall be distributed by the commissioner of finance in

amounts certified by the commissioner of public welfare. The amount to which each county is entitled shall be determined according to the formula in subdivision 2.

Subd. 2. The amount to which each county is entitled shall be calculated according to the following formula:

(a) Two-thirds 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 Minnesota supplemental aid.

(b) One-third 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.

(c) At least 94 percent of the funds received from the federal government for social services pursuant to Title XX of the Social Security Act shall be allocated to the counties pursuant to this section. The remaining six percent shall be used by the commissioner of public welfare for administrative purposes, for supplementing state funds for daytime activity centers and for child care services for migrant workers.

Subd. 3. In calendar year 1979 and subsequent years, no county shall receive a reimbursement of an amount less than 100 percent of the Title XX funds it received in calendar year 1976 exclusive of supplemental child care funds received pursuant to P.L. 94-401. If the amount allocated to any county pursuant to subdivision 2 is less than 100 percent of its 1976 allocation, its allocation shall be raised to 100 percent of the 1976 allocation and the allocations to other counties shall be reduced proportionately as necessary to supply the difference.

Subd. 4. Each county shall quarterly report to the commissioner of public welfare showing evidence that at least 35 percent of the total cost of services eligible for Title XX reimbursement has been provided from county resources, which conform to federal requirements for the non-federal share. If less than 35 percent of the total costs of services eligible for Title XX reimbursement is provided from county resources, the county's basic entitlement pursuant to subdivision 2 shall be proportionately reduced and reallocated in the manner prescribed by subdivision 6.

Subd. 5. Supplemental child care funds received from the federal government pursuant to P.L. 94-401 and any additional funds authorized by congress pursuant to Title XX of the Social Security Act shall be allocated to the counties in amounts calculated according to the formula in subdivision 2. If in any year the amount of Title XX funds to the state is reduced, funds allo-

cated to each county shall be reduced by a percentage reduction equal to the percentage reduction in the Title XX funds to the state as a whole.

Subd. 6. The commissioner of public welfare shall quarterly review the use of Title XX funds by each county and reallocate unused funds among the other counties according to the formula in subdivision 2 so that all available federal funds are used within the federal fiscal year.

Subd. 7. The formula prescribed in subdivision 2 shall be effective January 1, 1979. Prior to January 1, 1979, the commissioner of public welfare shall distribute Title XX funds to counties according to the allocation formula authorized by him for the fiscal year beginning October 1, 1977.

Subd. 8. Funds authorized by Laws 1977, Chapter 453, Section 2, Subdivision 2, for daytime activity centers and required by Laws 1977, Chapter 453, Section 2, Subdivision 1, as federal receipts in the amount of \$2,900,000 for daytime activity centers to be deposited in the general fund shall be available to the commissioner of public welfare, prorated to six months, to be used for those programs.

Subd. 9. [APPROPRIATION.] There is appropriated from the general fund in the state treasury the sum of \$650,000 to the commissioner of the department of economic security for the purpose of providing long term sheltered employment and work activity services for the biennium ending June 30, 1979."

Further strike the title in its entirety and insert:

"A bill for an act relating to welfare; Title XX funds for social services; establishing a formula for allocating Title XX funds to counties; appropriating money."

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2040, A bill for an act relating to education; adopting the Midwestern Education Compact; implementing the operation of such compact.

Reported the same back with the following amendments:

Page 11, line 2, after "the" insert "midwestern education".

Page 11, line 3, after "III" insert "of the midwestern education compact".

Page 11, line 6, delete "committee" and insert "subcommittee".

Page 11, line 7, after "committees" insert "of the rules and administration committee".

Page 11, line 8, after the comma insert "shall be".

Page 11, line 9, delete ", are appointed".

Page 11, line 21, delete "committee" and insert "subcommittee".

Page 11, line 21, after "committees" insert "of the rules and administration committee".

Page 11, line 24, after "The" insert "midwestern education".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2104, A bill for an act relating to the state fire marshal; concerning the uniform fire code; providing for fee, fines and penalties; appropriating money; amending Minnesota Statutes 1976, Sections 299F.011; 299F.04, Subdivision 2, and by adding a subdivision; 299F.05; 299F.06, Subdivision 1; 299F.41, Subdivision 4; 299F.42; 299F.43, Subdivision 1; 299F.44; 299F.46; 299H.23; 299H.25; 299H.26; 299H.27; 299H.28; 299I.22; 299I.24; and Chapters 299F; 299H; and 299I, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 299F.362, Subdivision 6; repealing Minnesota Statutes 1976, Sections 299F.33; 299F.39; 299G.01 to 299G.08; 299H.03 to 299H.21; 299I.01, Subdivisions 6, 7, 8 and 9; 299I.09; and 299I.11 to 299I.19.

Reported the same back with the following amendments:

Page 2, line 23, delete everything after the period and insert "*Any ordinance or regulation adopted by a local unit which differs from the uniform fire code must be directly related to the safeguarding of life and property from the hazards of fire, uniform for each class or kind of building covered, and may not exceed the applicable requirements of the uniform building code adopted pursuant to sections 16.83 to 16.867.*".

Page 2, delete lines 24 to 28.

Page 2, line 29, delete "and".

Page 2, delete line 30 before "may".

Page 2, line 31, delete "jointly".

Page 3, line 4, delete everything after the period and insert *"No appeal to the state fire marshal for a variance from the uniform fire code shall be accepted until the applicant has first made application to the local governing body and the local unit has acted on the application. The state fire marshal shall consider the decision of the local governing body. Any person aggrieved by a decision made under this subdivision may proceed as with a contested case in accordance with the administrative procedures act."*

Page 3, delete lines 5 and 6.

Page 9, line 4, delete everything after the period.

Page 9, delete lines 5 to 9 and insert *"Any ordinance or regulation adopted by a local unit which differs from the uniform fire code must be directly related to the safeguarding of life and property from the hazards of fire, uniform for each class or kind of building covered, and may not exceed the applicable requirements of the uniform building code adopted pursuant to sections 16.83 to 16.867."*

Page 12, after line 29, insert *"(5) No agreement shall be effective to transfer any tort liability attributable to any inspection or lack of inspection from the state of Minnesota to the local unit contracting to perform the inspection."*

Page 16, line 15, delete "Subdivision 1."

Page 16, line 17, after "of \$" insert "220,000".

Page 16, line 20, delete "less" and insert "more".

Page 16, line 20, after "than" insert "10".

Page 16, delete lines 23 to 32.

Page 17, delete lines 1 and 2.

Page 17, line 12, before the period, insert *"except that section 1, subdivision 4, is effective July 1, 1979"*.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2160, A bill for an act relating to retirement; teachers retirement association; prospective discontinuation of the variable annuity program; amending Minnesota Statutes 1976, Sections 354.44, Subdivision 7; 354.62, Subdivisions 1 and 2; and Chapter 354, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 352.116, Subdivision 1, is amended to read:

352.116 [ANNUITIES UPON RETIREMENT.] Subdivision 1. [REDUCED ANNUITY BEFORE AGE 65.] Any employee who retires prior to age 65 shall be paid the normal retirement annuity provided in sections 352.115, subdivisions 2 and 3, or 352.715, subdivision 2, as the case may be, reduced by (ONE-HALF) .375 of one percent for each month that the employee is under age 65 on the (LAST DAY FOR WHICH HE IS ENTITLED TO SERVICE CREDIT AS PROVIDED IN SECTION 352.01, SUBDIVISION 11, CLAUSE (3), OR THE DATE STATE SERVICE TERMINATED, OR THE DATE THE APPLICATION FOR THE ANNUITY IS FILED WITH THE DIRECTOR, WHICHEVER IS LATER,) *day the benefit begins to accrue*, provided however that if an employee is entitled to credit for not less than 30 years allowable service, (SUCH) *the* reduction shall be applied only for each month the employee is under age 62.

Sec. 2. Minnesota Statutes 1976, Section 352.91, Subdivision 2, is amended to read:

Subd. 2. Covered correctional service shall also mean service rendered at any time by state employees as special teachers, tradesmen and maintenance personnel certified by the commissioner of personnel as being regularly engaged in rehabilitation, treatment, custody or supervision of inmates employed at the Minnesota state reformatory for men, the state prison and the Minnesota correctional institution for women on or after July 1, 1974, other than any such employees who are 62 years of age or older as of July 1, 1974. For each special teacher who on July 1, 1974 is employed at one of the foregoing institutions and is a member of the teachers retirement association, the teachers retirement association shall transfer to the Minnesota state retirement system an amount equal to accumulated employee and employer contributions, including any additional employer con-

tributions on behalf of such employee. *The term special teacher shall also include the classifications of institution educational administrator and supervisor.*

Sec. 3. Minnesota Statutes 1976, Section 353.30, Subdivision 1, is amended to read:

353.30 [ANNUITIES UPON RETIREMENT.] Subdivision 1. Upon separation from public service any person who has attained the age of at least 58 years and who received credit for not less than 20 years of allowable service is entitled upon application to a retirement annuity in an amount equal to the normal annuity provided in section 353.29, subdivisions 2 and 3, reduced by (ONE-HALF) .375 of one percent for each month that the member is under age 65 at the time of retirement.

Sec. 4. Minnesota Statutes 1976, Section 353.30, Subdivision 1b, is amended to read:

Subd. 1b. Any person with 30 years or more of allowable service credit who elects early retirement under subdivision 1, shall receive an annuity reduced by (ONE-HALF) .375 of one percent for each month that such person is under age 62 at the time of retirement.

Sec. 5. Minnesota Statutes 1976, Section 354.42, Subdivision 2, is amended to read:

Subd. 2. The employee contribution to the fund shall be an amount equal to four *and one half* percent of the salary of every coordinated member and eight *and one half* percent of the salary of every basic member. This contribution shall be made by deduction from salary. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution shall be based on the entire salary received. For purposes of financing the various options related to the variable annuity division, employee variable annuity contributions will be credited in accordance with section 354.62, subdivision 2.

Sec. 6. Minnesota Statutes 1976, Section 354.44, Subdivision 1, is amended to read:

354.44 [RETIREMENT BENEFITS.] Subdivision 1. [REQUIREMENTS AS TO AGE AND SERVICE.] Any member *who ceases or any former member who* (CEASES OR) has ceased to render teaching services in any school or institution covered by the provisions of this chapter *prior to July 1, 1981,* and (WHO) has attained the age of at least 55 years with not less than ten years allowable service, or who has received credit for not less than 30 years allowable service regardless of age, is entitled upon written application to a retirement annuity. *Any member who ceases or any former member who has ceased to render teaching services in any school or institution covered*

by the provisions of this chapter after June 30, 1981, and has attained either the age of at least 58 years with not less than 20 years of allowable service credit or the age of at least 62 with not less than 10 years of allowable service credit is entitled upon written application to a retirement annuity.

Sec. 7. Minnesota Statutes 1976, Section 354.44, Subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF FORMULA PROGRAM RETIREMENT ANNUITY.] (1) The formula retirement annuity hereunder shall be computed in accordance with the applicable provisions of the formula stated in clause (2) hereof on the basis of each member's average salary for the period of his formula service credit. For the purposes of computing the formula benefits under the formula and variable program, if a combination of these formulas is used, the formula percentages used will be those percentages in each formula as continued for the respective years of service from one formula to the next.

For all years of formula service credit "average salary" for the purpose of determining the member's retirement annuity means the average salary upon which contributions were made and upon which payments were made to increase the salary limitation provided in Minnesota Statutes 1971, Section 354.511 for the highest five successive years of formula service credit provided however that such "average salary" shall not include any more than the equivalent of 60 monthly salary payments.

(2) The average salary as defined in clause (1), multiplied by the following percentages per year of formula service credit shall determine the amount of the annuity to which the member qualifying therefor is entitled:

| | Coordinated Member | Basic Member |
|---------------------------------------|----------------------|----------------------|
| Each year of service during first ten | 1.0 percent per year | 2.0 percent per year |
| Each year of service thereafter | 1.5 percent per year | 2.5 percent per year |

(3) Where any member retires prior to age 65 under a formula annuity, he shall be paid a retirement annuity in an amount equal to the normal annuity provided in subdivisions 6 and 7, reduced by (ONE-HALF) .375 of one percent for each month that the member is under age 65 (TO AND INCLUDING AGE 60 AND REDUCED BY ONE-FOURTH OF ONE PERCENT FOR EACH MONTH UNDER AGE 60) at the time of retirement except that for any member who has 30 or more years of allowable service credit, (SUCH) the reduction shall be applied only for each month (SUCH) that the member is under age 62.

(THIS SECTION IS EFFECTIVE JUNE 1, 1975.)

Sec. 8. Minnesota Statutes 1976, Section 354.44, Subdivision 7, is amended to read:

Subd. 7. [COMPUTATION OF FORMULA AND VARIABLE PROGRAM RETIREMENT ANNUITY.] The benefits provided in this subdivision are the sum of the benefits provided by the following:

(1) The benefits provided in subdivision 6(2) for formula service credit *prior* to the effective date of the *original* election of this subdivision *and subsequent to June 30, 1978 unless the member elects continued participation in the variable program pursuant to section 4 of this act*, and

(2) The benefits for service credit subsequent to the effective date of the formula and variable program *but prior to July 1, 1978 and the benefits for service credit subsequent to June 30, 1978 if the member elects continued participation in the variable program pursuant to section 4 of this act*, shall be the average salary as defined in subdivision 6, clause (1) of any member multiplied by the following percentages per year of formula service credit,

| | Coordinated Member | Basic Member |
|---------------------------------------|----------------------|----------------------------|
| Each year of service during first ten | .5 percent per year | 1.0 percent per year |
| Each year of service thereafter | .75 percent per year | 1.25 percent per year, and |

(3) the benefits provided in section 354.62, subdivision 5.

Sec. 9. Minnesota Statutes 1976, Section 354.62, Subdivision 1, is amended to read:

354.62 [PARTICIPATION IN MINNESOTA VARIABLE ANNUITY FUND.] Subdivision 1. [AUTHORIZATION.] There is hereby established within the basic and coordinated systems of the state teachers retirement association a (NEW) division known as the variable annuity division. The assets of this division shall be invested in the Minnesota variable annuity fund.

Sec. 10. Minnesota Statutes 1976, Section 354.62, Subdivision 2, is amended to read:

Subd. 2. [INDIVIDUAL ELECTION.] Each member of the teachers retirement association may elect to participate in

the variable annuity division by filing a written notice with the board of trustees on forms provided by the board.

(1) Employee variable annuity contributions to the variable annuity division shall be pursuant to the option available in section 354.44, subdivision 7, the employee variable annuity contributions shall be an amount equal to two percent of the salary of every coordinated member and four percent of the salary of every basic member.

(2) Employer variable annuity contributions shall be an amount equal to the employee variable annuity contributions provided in clause (1). The deficiency in equal employer variable annuity contributions which shall exist prior to July 1, 1975 shall be recovered from the additional employer contributions made prior to July 1, 1975 pursuant to section 354.42, subdivision 5.

(3) There shall be provided for members participating in the variable annuity division a separate account for each member which will show his variable account accumulations as defined in section 354.05, subdivision 23. The board shall establish such other accounts in the variable annuity division as it deems necessary for the operation of this provision.

(4) After June 30, 1974 there shall be no new participants in this program.

(5) *Effective July 1, 1978, no future employee and employer contributions shall be credited to any accounts in the variable annuity division unless the member elects continued participation in the variable annuity division pursuant to section 4 of this act.*

Sec. 11. Minnesota Statutes 1976, Chapter 354, is amended by adding a section to read:

[354.621] [ELECTION OF CONTINUED PARTICIPATION IN THE VARIABLE ANNUITY DIVISION.] *Any active member participating in the variable annuity division shall be entitled to elect to continue having employee and employer contributions credited to accounts in the variable annuity division notwithstanding section 354.62, subdivision 2, clause (5). The election to continue participation shall be made in writing on or before June 30, 1978.*

Sec. 12. Minnesota Statutes 1976, Section 354A.12, is amended to read:

354A.12 [STATE PAYMENTS TO RETIREMENT FUND ASSOCIATIONS IN CITIES OF THE FIRST CLASS.] *Notwithstanding any law to the contrary, for taxes levied in 1975 payable in 1976 and thereafter, levies for teachers retirement*

fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by a fully or partially coordinated teachers retirement social security fund, are disallowed and the state shall assume the total employer obligation. Effective July 1, 1975 the state shall pay to said retirement fund association an employer contribution equal to the amount, expressed as a percentage of payroll, that the state of Minnesota is required to pay for all contributing members of the state teachers retirement association including social security taxes, in accordance with the provisions of Minnesota Statutes 1974, Section 354A.07, Subdivisions 3, 3a and 4, except that:

(1) employer contributions which are paid to the retirement fund associations pursuant to this section shall be appropriated and remitted directly to said retirement fund associations each month in accordance with the procedures described in section 354.43, subdivisions 1, 2, and 5; and

(2) with respect to any city of the first class having a fully or partially coordinated teachers retirement fund association, employer social security taxes on salaries paid after June 30, 1975 shall be paid by the state in accordance with the provisions of section 355.46, subdivision 3, clause (b), and employer contributions to said retirement fund association shall be reduced by the amount of such taxes. (EFFECTIVE MARCH 1, 1976,) The contribution required to be paid by each coordinated member of a teachers retirement fund association in a city of the first class which does have a fully (OR PARTIALLY) coordinated teachers retirement social security fund shall not be less than four percent of total salary, *the contribution required to be paid by each coordinated member of a teachers retirement fund association which does have a partially coordinated teachers retirement social security fund shall not be less than four and one half percent of total salary* and the contribution required to be paid by each basic member of a teachers retirement fund association in a city of the first class which does not have a fully coordinated teachers retirement social security fund shall not be less than eight percent of total salary. No change in bylaws or articles of incorporation affecting benefits, contributions or actuarial assumptions shall be made without approval by the legislature. Notwithstanding any provision of the articles or bylaws, amendments may be made at the annual meeting called for such purpose, without further local approval.

Sec. 13. Minnesota Statutes 1976, Chapter 356, is amended by adding a section to read:

[356.60] [LIMITATION OF PUBLIC RETIREMENT ANNUITIES.] *Subdivision 1.* [DEFINITIONS.] *For purposes of this section, unless the context clearly indicates otherwise, the following terms shall have the meanings given to them:*

(a) "Public pension plan" is any Minnesota public pension plan or fund, including any plan or fund enumerated in sections 356.21, subdivision 2, or 356.30, subdivision 3, any local police or firefighter's relief association to which section 69.77 applies, or any retirement or pension plan or fund, including a supplemental retirement plan or fund, established, maintained or supported by any governmental subdivision or public body whose revenues are derived from taxation, fees, assessments or from other public sources, which provides pension or retirement coverage for public employees other than volunteer firefighters.

(b) "Year of covered service" is a year of covered, credited or allowable service as defined by a public pension plan which provides formula pension or retirement benefits, or a period of 12 consecutive months of service commencing with the date or anniversary date of membership with a public pension plan or program which does not provide formula or other defined benefits and for which contributions on behalf of the covered employee or member have been made.

Subd. 2. [SERVICE MAXIMUM.] Notwithstanding any provisions to the contrary of the laws, bylaws, articles of incorporation, retirement and disability allowance plan agreements or retirement plan contracts, no person who has pension or retirement coverage by a public pension plan shall, except as provided in subdivision 3, be entitled to accrue additional pension or retirement credit, receive credit for additional pension or retirement contributions in a nonformula public pension plan, repay additional refunds, or purchase additional prior service credit in excess of a cumulative total of 40 years of covered service.

If a person has service in more than one public pension plan, all years or portions of years of covered service shall be included in computing the cumulative maximum of 40 years of covered service. For any period of time during which a person simultaneously has a year or a fraction of a year of covered service in more than one public pension plan, the years of covered service in each applicable public pension plan shall be included in computing the cumulative maximum of 40 years of covered service unless the simultaneous covered service is the result of two part time employments, in which case each applicable public pension plan shall split each year of covered service on a pro rata basis. If the simultaneous covered service is the result of primary and principal pension plan coverage and supplemental pension plan coverage based on the same employment and contributed to by the same public employer, then a year of service credited in each shall be considered together as a single year of covered service in computing the cumulative maximum.

Subd. 3. [EXCEPTION TO MAXIMUM.] For any person who, as of the effective date of this section, has covered service in a public pension plan in excess of a cumulative total of 40 years, the provisions of subdivision 2 shall apply to any addi-

tional years of covered service occurring after the effective date of this section.

Sec. 14. Minnesota Statutes, 1977 Supplement, Section 422A.32, Subdivision 2, is amended to read:

Subd. 2. [REDUCED RETIREMENT ANNUITY.] Upon separation from service, any coordinated employee who has attained the age of at least 58 years and who has received credit for not less than 20 years of service is entitled upon application to a retirement annuity in an amount equal to the normal coordinated retirement annuity reduced by (ONE-HALF) .375 of one percent for each month that a coordinated employee is under age 65 at the time of retirement; provided however that for any coordinated employee who has received credit for 30 or more years of service who applies for a retirement annuity, such reduction shall be applied for each month that the coordinated employee is under age 62 at the time of retirement.

Sec. 15. *Any person who was employed by the city of Minneapolis between February 15, 1972 and March 15, 1972, who attained the age of 65 years on December 17, 1974, who was excluded from membership in the Minneapolis municipal employees retirement fund during the period of his employment, and who was terminated from employment by the city of Minneapolis on December 30, 1976, shall be entitled to purchase four years and ten months of service credit in the Minneapolis municipal employees retirement fund. To purchase the prior service credit, the person shall be required to make an employee contribution to the executive secretary of the Minneapolis municipal employees retirement fund in an amount equal to the employee contribution rate in effect and on the salaries in effect during the period of prior service plus interest at the rate of six percent per annum compounded annually from the date the contribution would otherwise have been made to the date the payment is made. Upon the completion by the person of the payment required by this action, the city of Minneapolis shall make an employer contribution to the executive secretary of the Minneapolis municipal employees retirement fund in an amount equal to the employer and employer additional contribution rates in effect and on the salaries in effect during the period of prior service plus interest at the rate of six percent per annum compounded annually from the date the contributions would otherwise have been made to the date the payment is made. In addition, the person making the purchase of prior service pursuant to this section shall be entitled to receive a proportionate annuity pursuant to Minnesota Statutes, Section 356.32, Subdivision 1, notwithstanding the fact that the person did not retire at age 65. The annuity shall be payable on the first day of the month next following the completion of the purchase of prior service, and the first check or warrant shall include payment retroactive January 1, 1977.*

Sec. 16. [STUDY OF OVERTIME ABUSES AND RETIREMENT.] *The commissioner of personnel shall complete a study and shall make an interim report to the legislative commission on pensions and retirement on or before November 15, 1978 on the subject of overtime compensation and extraordinary payment abuses affecting public retirement annuities. The study and report shall consist of an examination of the salary histories of a random sampling of persons from the various departments, divisions and agencies of state government who have retired in the period January 1, 1975 to December 31, 1977, contrasting variations in the compensation paid during the preceding ten years of employment. The examination shall attempt to isolate the effect of any overtime compensation and other extraordinary payments. The persons utilized in the random sample shall not be identified in the report or any materials for public release. The Minnesota state retirement system shall furnish information requested by the commissioner of personnel in connection with this study.*

Sec. 17. *Minnesota Statutes 1976, Section 356.34, as amended by Laws 1977, Chapter 429, Section 49, is repealed.*

Sec. 18. [EFFECTIVE DATE.] *Sections 2, 8, 9, 10, 11, 13, 15, 16 and 17 are effective the day following final enactment. Sections 1, 3, 4, 6, 7 and 14 are effective July 1, 1978. Sections 5 and 12 are effective July 1, 1979."*

Further, delete the title in its entirety and insert:

"A bill for an act relating to retirement; various retirement funds; placing a general limitation on public retirement annuities, requiring a study and report; defining a term for purposes of the correctional employees plan; providing a proportionate annuity in certain instances; repealing a limitation on the average salary used for computing annuities; prospective discontinuation of the variable annuity program; modification in early retirement ages and reduction factors; increase in certain employee contributions; amending Minnesota Statutes 1976, Sections 352.116, Subdivision 1; 352.91, Subdivision 2; 353.30, Subdivisions 1 and 1b; 354.42, Subdivision 2; 354.44, Subdivisions 1, 6 and 7; 354.62, Subdivisions 1 and 2; and 354A.12; Chapters 354, by adding a section; and 356, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 422A.32, Subdivision 2; repealing Minnesota Statutes 1976, Section 356.34, as amended."

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2170, A bill for an act relating to education; higher education coordinating board; providing for a statewide career guidance program; appropriating money.

Reported the same back with the following amendments:

Page 3, line 25, delete "\$175,000" and insert "\$65,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 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, Section 256B.07; and Minnesota Statutes, 1977 Supplement, Section 256B.06, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 28, reinstate the stricken "the" and after the stricken "MARKET" insert "*equity*".

Page 2, line 29, reinstate "value of which does not exceed" and after the stricken "\$1,650" insert "\$2,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2265, A bill for an act relating to Independent School District No. 256 (Red Wing); appropriating money.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 205, 1869, 1951, 2033, 2040, 2104, 2160, 2170, 2238 and 2265 were read for the second time.

SPECIAL ORDERS

H. F. No. 2094 was reported to the House.

Moe moved that H. F. No. 2094 be returned to its author. The motion prevailed.

H. F. No. 2236 was reported to the House.

Kempe, A., moved to amend H. F. No. 2236, as follows:

Page 2, line 3 after the period insert:

"Approval of rates shall be upon hearings under and pursuant to the administrative procedures act, Minnesota Statutes, Chapter 15."

The motion prevailed and the amendment was adopted.

Skoglund moved to amend H. F. No. 2236 as follows:

Page 3, after line 8, insert a new section to read:

"Sec. 3. Minnesota Statutes 1976, Section 176.132, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT.] (a) The supplementary benefit payable under this section shall be the difference between the amount the employee receives on or after January 1, 1976, under section 176.101, subdivision 1 or subdivision 4, and 60 percent of the statewide average weekly wage as computed annually.

(b) In the event an eligible recipient is currently receiving no compensation or is receiving a reduced level of compensation because of a credit being applied as the result of a third party liability or damages, the employer or insurer shall compute the offset credit as if the individual were entitled to the actual benefit or 60 percent of the statewide average weekly wage as computed annually, whichever is greater. If this results in the use of a higher credit than otherwise would have been applied and the employer or insurer becomes liable for compensation benefits which would otherwise not have been paid, the additional benefits resulting shall be handled according to this section.

(c) In the event an eligible recipient is receiving no compensation or is receiving a reduced level of compensation because of a valid agreement in settlement of a claim, no supplementary benefit shall be payable under this section.

(d) In the event an eligible recipient is receiving no compensation or is receiving a reduced level of compensation because of prior limitations in the maximum amount payable for permanent total disability or because of reductions resulting from the simultaneous receipt of old age or disability benefits, the supplementary benefit shall be payable for the difference between the actual amount of compensation currently being paid and 60 percent of the statewide average weekly wage as computed annually.

(e) In the event that an eligible recipient is receiving simultaneous benefits from any government disability program, the amount of supplementary benefits payable under this section shall be reduced by five percent. *If the individual does not receive the maximum benefits for which he is eligible under other governmental disability programs due to the provisions of 42 U.S.C. 424a (d), this reduction shall not apply.*"

Renumber remaining sections accordingly.

Further amend the title:

Page 1, line 7, delete "Section" and insert "Sections 176.132, Subdivision 2,".

Page 1, line 8, before "laws" insert "and".

The motion prevailed and the amendment was adopted.

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

H. F. No. 2236, A bill for an act relating to insurance; removing the limitation on the expense factor in setting workers' compensation insurance premiums; referring rates for expenses to the workers' compensation study commission; amending Minnesota Statutes 1976, Section 176.181, Subdivision 2; Minnesota Statutes, 1977 Supplement, Section 79.07; and 176.132, Subdivision 2; Laws 1977, Chapter 342, Section 27, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 82 yeas and 42 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|----------|-----------|----------|
| Abeln | Berg | Casserly | Den Ouden | Evans |
| Adams | Berkelman | Clark | Eckstein | Ewald |
| Albrecht | Biersdorf | Clawson | Eken | Fjoslien |
| Anderson, R. | Birnstihl | Cohen | Ellingson | Forsythe |
| Arlandson | Carlson, A. | Corbid | Erickson | Fudro |
| Beauchamp | Carlson, L. | Dean | Esau | Heintz |

| | | | | |
|---------------|-----------|------------|------------|--------------|
| Hokanson | Kostohryz | Nelsen, B. | Scheid | Wenstrom |
| Jacobs | Kvam | Nelson | Schulz | Wenzel |
| Jaros | Laidig | Niehaus | Searle | White |
| Johnson | Langseth | Norton | Searles | Wieser |
| Jude | Lehto | Onnen | Sieben, M. | Wigley |
| Kahn | Mangan | Patton | Skoglund | Williamson |
| Kaley | McCollar | Peterson | Smogard | Zubay |
| Kalis | McDonald | Petrafaso | Suss | Speaker Sabo |
| Kempe, R. | McEachern | Pleasant | Tomlinson | |
| King | Moë | Redalen | Vanasek | |
| Knickerbocker | Munger | Rose | Voss | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|-----------|-----------|---------|
| Anderson, B. | Carlson, D. | Kelly, W. | Osthoff | Stanton |
| Anderson, D. | Cummiskey | Kempe, A. | Prahl | Stoa |
| Anderson, G. | Enebo | Kroening | Reding | Swanson |
| Anderson, I. | Faricy | Lemke | Rice | Waldorf |
| Battaglia | Fugina | Mann | St. Onge | Welch |
| Begich | Gunter | McCarron | Samuelson | Wynia |
| Berglin | Hanson | Murphy | Sarna | |
| Brandl | Jensen | Neisen | Simoneau | |
| Byrne | Kelly, R. | Novak | Spanish | |

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

H. F. No. 2393, A bill for an act relating to power plant sites and high voltage transmission line routes; clarifying the rights of property owners and transferees who previously transferred real property to utilities; amending Minnesota Statutes, 1977 Supplement, Section 116C.63, Subdivision 5.

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

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

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------------|------------|------------|
| Abeln | Cassery | Hanson | Langseth | Peterson |
| Adams | Clark | Heinitz | Lehto | Petrafaso |
| Anderson, B. | Clawson | Hokanson | Lemke | Pleasant |
| Anderson, D. | Cohen | Jacobs | Mangan | Prahl |
| Anderson, G. | Corbid | Jaros | Mann | Redalen |
| Anderson, I. | Cummiskey | Jensen | McCarron | Reding |
| Anderson, R. | Dean | Johnson | McDonald | Rice |
| Arlandson | Den Ouden | Jude | McEachern | Rose |
| Battaglia | Eckstein | Kahn | Moë | St. Onge |
| Beauchamp | Eken | Kaley | Munger | Samuelson |
| Begich | Ellingson | Kalis | Murphy | Sarna |
| Berg | Enebo | Kelly, R. | Neisen | Scheid |
| Berglin | Erickson | Kelly, W. | Nelsen, B. | Schulz |
| Berkelman | Esau | Kempe, A. | Nelson | Searle |
| Biersdorf | Evans | Kempe, R. | Niehaus | Searles |
| Birnstihl | Ewald | King | Norton | Sherwood |
| Brandl | Fjoslien | Knickerbocker | Novak | Sieben, M. |
| Brinkman | Forsythe | Kostohryz | Onnen | Simoneau |
| Byrne | Fudro | Kroening | Osthoff | Skoglund |
| Carlson, A. | Fugina | Kvam | Patton | Smogard |
| Carlson, I. | Gunter | Laidig | Pehler | Spanish |

| | | | | |
|---------|-----------|----------|------------|--------------|
| Stanton | Tomlinson | Welch | Wieser | Zubay |
| Stoa | Vanasek | Wenstrom | Wigley | Speaker Sabo |
| Suss | Voss | Wenzel | Williamson | |
| Swanson | Waldorf | White | Wynia | |

Those who voted in the negative were:

Carlson, D.

The bill was passed and its title agreed to.

S. F. No. 1614 was reported to the House.

George and Jude moved to amend S. F. No. 1614, the unofficial engrossment, as follows:

Page 1, line 18, delete "board".

Page 1, line 19, delete "may employ or appoint an".

Page 1, line 19, reinstate the stricken language.

Page 1, line 20, reinstate the stricken language.

Page 1, line 20, after "governor." insert "*Commencing July 1, 1980, the board shall appoint the executive secretary.*".

Page 1, line 20, strike the remaining language.

Page 1, strike lines 21 through 23.

Page 1, line 24, strike "bar association."

Page 1, line 24, strike "The citizen" and insert "All".

Page 2, after line 23, add a new section to read:

"Sec. 4. This act shall not affect the term of any current member of the board on judicial standards."

Further, amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing for appointment of all board members by the governor;".

The motion prevailed and the amendment was adopted.

S. F. No. 1614, A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; amending Minnesota Statutes, 1977 Supplement, Section 490.15, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1704, A bill for an act relating to the city of Minneapolis and the housing and redevelopment authority in and for the city of Minneapolis; establishing a program setting aside a portion of services and materials for small businesses.

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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|-----------|-----------|-----------|
| Abeln | Berg | Casserly | Ewald | Jensen |
| Adams | Berglin | Clark | Fjoslien | Johnson |
| Albrecht | Berkelman | Clawson | Forsythe | Jude |
| Anderson, B. | Biersdorf | Cohen | Friedrich | Kahn |
| Anderson, D. | Birnstihl | Corbid | Fudro | Kaley |
| Anderson, G. | Brandl | Dean | Fugina | Kalis |
| Anderson, I. | Brinkman | Eckstein | Gunter | Kelly, R. |
| Anderson, R. | Byrne | Ellingson | Hanson | Kelly, W. |
| Battaglia | Carlson, A. | Erickson | Heinitz | Kempe, A. |
| Beauchamp | Carlson, D. | Esau | Jacobs | Kempe, R. |
| Begich | Carlson, L. | Evans | Jaros | King |

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

The bill was passed and its title agreed to.

S. F. No. 1495, A bill for an act relating to municipal obligations; revising provisions relating to advance refunding; amending Minnesota Statutes 1976, Section 475.67.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

S. F. No. 910 was reported to the House.

Casserly moved to amend S. F. No. 910, the unofficial engrossment, as follows:

Page 9, line 23, after "area" delete the period and insert "and policies of the Metropolitan Council."

Page 14, line 23, after "area" delete the period and insert "and plans and policies of the Metropolitan Council."

Page 23, line 24, after "area" delete the period and insert "and plans and policies of the Metropolitan Council."

The motion prevailed and the amendment was adopted.

S. F. No. 910, A bill for an act relating to local government; amending powers and duties of the Minnesota municipal board; regulating the incorporation, annexation, detachment, consolidation and boundary adjustments of certain local governmental units; amending Minnesota Statutes 1976, Sections 414.01, Subdivisions 1, 2, 5, 7a, 8, 12, 14, and 15; 414.011, Subdivision 5, and by adding subdivisions; 414.02; 414.031; 414.033, Subdivisions 1, 2, 3, 5, 6, 7, and by adding a subdivision; 414.041; 414.06; 414.061, Subdivisions 1 and 4; 414.065; 414.067; 414.07; 414.09; and Chapter 414, by adding sections; repealing Minnesota Statutes 1976, Sections 414.021; 414.032; 414.033, Subdivision 4; 414.034; and 414.068.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

| | | | | |
|---------|--------|------------|-------|--------------|
| Voss | Wenzel | Wigley | Zubay | Speaker Sabo |
| Waldorf | White | Williamson | | |
| Welch | Wieser | Wynia | | |

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

S. F. No. 194, A bill for an act relating to cemeteries; prohibiting trespassing on public or private cemeteries; providing penalties; amending Minnesota Statutes 1976, Section 609.605.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|--------------|-------|------|----------|------|
| Anderson, D. | Jaros | Kahn | McCarron | Rice |
|--------------|-------|------|----------|------|

The bill was passed and its title agreed to.

S. F. No. 291, A bill for an act relating to labor; prohibiting termination of employee benefits; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

| | | | | |
|----------|-----------|------------|-----------|--------------|
| Nelson | Petrafeso | Scheid | Spanish | Welch |
| Niehaus | Pleasant | Schulz | Stanton | Wenzel |
| Norton | Prahl | Searle | Stoa | White |
| Novak | Redalen | Searles | Suss | Wieser |
| Onnen | Reding | Sherwood | Swanson | Wigley |
| Osthoff | Rice | Sieben, M. | Tomlinson | Williamson |
| Patton | Rose | Simoneau | Vanasek | Wynia |
| Pehler | St. Onge | Skoglund | Voss | Zubay |
| Peterson | Sarna | Smogard | Waldorf | Speaker Sabo |

The bill was passed and its title agreed to.

Adams and Carlson, L., were excused for the remainder of today's session.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1106 was reported to the House.

Casserly, Munger, Pehler, Sieben, H., and Waldorf moved to amend S. F. No. 1106, the unofficial engrossment, as follows:

Page 1, line 18, delete "This act" and insert "Section 1".

Page 1, after line 20, insert:

"Sec. 3. [PURPOSES; OBJECTIVES.] It is the goal of sections 3 to 9 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 and control of toxic substances produced and used 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 3 to 9 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. 4. [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 6, subdivision 3, and section 7, subdivision 2, subject to the approval of the joint legislative 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 3 to 9. 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 and assessing community attitudes 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 3 and shall study and recommend means of coordinating federal, state, and local laws and regu-

lations, programs, program administration, and funding relating to solid and hazardous waste and toxic substances.

Subd. 2. [JOINT LEGISLATIVE COMMITTEE.] A joint legislative committee on solid and hazardous waste shall be established by April 15, 1978, and shall go out of existence by June 1, 1979, unless extended by legislative action.

The committee shall be composed of five members of the house of representatives appointed by the speaker and five members of the senate appointed by the majority leader. The committee shall elect a chairman from among its members.

The committee shall assist and advise the director of the planning agency and the other agencies responsible for research under sections 3 to 9 in designing the research program and projects, review the research in progress and the reports, and encourage and facilitate contribution and participation by interested individuals and organizations in the state. The 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 6, subdivision 3, and section 7, subdivision 2. The joint science and technology staff of the legislature shall serve as staff to the committee.

Subd. 3. [WORK PROGRAM.] By June 15, 1978 the planning agency shall submit a coordinated research design and work program for projects under sections 3 to 9 for review by the joint committee. 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 committee. 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 committee of work in progress and agency reports.

Sec. 5. [REPORTS; PURPOSE; GENERAL CONTENT.] The agencies responsible for research under sections 3 to 9 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 3 to 9. 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 3 to 9. 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 3 to 9.

Sec. 6. [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, transportation cost, and the use of sewage sludge as a fertilizer, 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 (i) ensure consideration of recyclability and (ii) develop and ensure government markets in the state for products made of recovered waste materials;

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

(f) Produce recommendations for encouraging or requiring methods to reduce the volumes of solid waste generated, by encouraging reuse of products, reductions in material and energy used in products, and increases in product lifetimes;

(g) Examine whether a conflict exists between the goals of source reduction and resource recovery.

Sec. 7. [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; (iv) methods of relating information produced under the regulations to the development of programs to accomplish the purposes of section 3;

(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 3; 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 to at least 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. 8. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the state planning agency the sum of \$225,000 for expenditure pursuant to sections 3 to 9. Of this amount, \$25,000 shall be available to the energy agency; \$65,000 shall be available to the pollution control agency; and \$135,000 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 4 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 joint legislative committee 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. 9. [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 3 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. 10. [EFFECTIVE DATE.] Sections 3 to 9 of this act are effective on the day following final enactment.”.

Further amend the title:

Line 2, delete “relating to Brown County” and insert: “; 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 plan-

ning agency, the pollution control agency, and the energy agency; establishing a temporary joint legislative committee on solid and hazardous waste; appropriating money;"

The motion prevailed and the amendment was adopted.

Kalis moved to amend S. F. No. 1106, the unofficial engrossment as amended, as follows:

Line 9, delete "county" and insert "and Faribault Counties".

Line 11, delete "the county" and insert "those counties".

Line 13, delete "board has" and insert "boards have".

Line 19, delete "board" and insert "boards" and after "Brown" delete "county" and insert "and Faribault counties".

Further amend the title as follows:

Line 2, after "authorizing Brown" delete "county" and insert "and Faribault counties".

The motion prevailed and the amendment was adopted.

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

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.

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 102 yeas and 23 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|-----------|----------|---------------|
| Abeln | Berkelman | Corbid | Fjoslien | Jude |
| Anderson, B. | Biersdorf | Cummiskey | Forsythe | Kahn |
| Anderson, G. | Birnstihl | Dean | Fudro | Kalis |
| Anderson, R. | Brandl | Eckstein | Fugina | Kelly, R. |
| Arlandson | Byrne | Ellingson | Gunter | Kelly, W. |
| Battaglia | Carlson, A. | Enebo | Hanson | Kempe, A. |
| Beauchamp | Casserly | Esau | Jacobs | Kempe, R. |
| Begich | Clark | Evans | Jaros | King |
| Berg | Clawson | Ewald | Jensen | Knickerbocker |
| Berglin | Cohen | Faricy | Johnson | Kostohryz |

| | | | | |
|----------|------------|------------|-----------|--------------|
| Kroening | Murphy | Pleasant | Simoneau | Welch |
| Laidig | Neisen | Prahl | Skoglund | Wenzel |
| Langseth | Nelsen, M. | Reding | Smogard | White |
| Lehto | Nelson | Rice | Spanish | Wigley |
| Lemke | Norton | Sarna | Stanton | Williamson |
| Mangan | Novak | Scheid | Stoa | Wynia |
| Mann | Osthoff | Schulz | Suss | Zubay |
| McCarron | Patton | Searle | Tomlinson | Speaker Sabo |
| Metzen | Pehler | Searles | Vanasek | |
| Moe | Peterson | Sherwood | Voss | |
| Munger | Petrufeso | Sieben, M. | Waldorf | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|------------|----------|-----------|
| Albrecht | Eken | Kaley | Niehaus | Samuelson |
| Anderson, D. | Erickson | Kvam | Onnen | Swanson |
| Anderson, I. | Friedrich | McCollar | Redalen | Wieser |
| Carlson, D. | Heinitz | McDonald | Rose | |
| Den Ouden | Hokanson | Nelsen, B. | St. Onge | |

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

H. F. No. 1758, as amended, was reported to the House.

CALL OF THE HOUSE

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

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

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

Birnstihl moved that H. F. No. 1758, as amended, be continued on Special Orders for one day.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 15 yeas and 104 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|-----------|--------|-----------|
| Biersdorf | Eckstein | Kostohryz | Metzen | Reding |
| Birnstihl | Jensen | Lemke | Moe | St. Onge |
| Cohen | Kelly, R. | McCarron | Patton | Samuelson |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|---------------|------------|--------------|
| Abeln | Dean | Kahn | Nelsen, B. | Simoneau |
| Albrecht | Den Ouden | Kaley | Nelsen, M. | Skoglund |
| Anderson, B. | Eken | Kalis | Nelson | Smogard |
| Anderson, D. | Ellingson | Kelly, W. | Niehaus | Spanish |
| Anderson, G. | Enebo | Kempe, A. | Norton | Stanton |
| Anderson, R. | Erickson | Kempe, R. | Novak | Stoa |
| Arlandson | Esau | King | Onnen | Suss |
| Battaglia | Evans | Knickerbocker | Osthoff | Swanson |
| Beauchamp | Ewald | Kroening | Pehler | Tomlinson |
| Begich | Fjoslien | Kvam | Peterson | Vanasek |
| Berglin | Forsythe | Laidig | Pleasant | Voss |
| Berkelman | Friedrich | Langseth | Prahl | Welch |
| Brandl | Fugina | Lehto | Rice | Wenzel |
| Byrne | Gunter | Mangan | Rose | White |
| Carlson, A. | Hanson | Mann | Sarna | Wieser |
| Carlson, D. | Heinitz | McCollar | Scheid | Wigley |
| Cassery | Hokanson | McDonald | Schulz | Williamson |
| Clark | Jacobs | McEachern | Searles | Wynia |
| Clawson | Jaros | Munger | Searles | Zubay |
| Corbid | Johnson | Murphy | Sherwood | Speaker Sabo |
| Cummiskey | Jude | Neisen | Sieben, M. | |

The motion did not prevail.

H. F. No. 1758, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; permitting parimutuel wagering on races if authorized by law.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 60 yeas and 66 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|-----------|-----------|-----------|
| Anderson, I. | Brinkman | Evans | Jaros | Kostohryz |
| Anderson, R. | Carlson, A. | Farcy | Jensen | Lemke |
| Arlandson | Clark | Friedrich | Jude | Mangan |
| Berkelman | Clawson | Fudro | Kahn | Mann |
| Biersdorf | Cummiskey | Gunter | Kaley | McCarron |
| Birnstihl | Dean | Heinitz | Kalis | McCollar |
| Brandl | Eckstein | Jacobs | Kelly, R. | McDonald |

| | | | | |
|------------|--------|------------|-----------|------------|
| McEachern | Patton | St. Onge | Simoneau | Waldorf |
| Metzen | Pehler | Sarna | Stanton | White |
| Neisen | Prahl | Searle | Suss | Wieser |
| Nelsen, M. | Reding | Searles | Tomlinson | Williamson |
| Osthoff | Rose | Sieben, M. | Vanasek | Wynia |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|---------------|-----------|--------------|
| Abeln | Corbid | Kelly, W. | Nelson | Smogard |
| Albrecht | Den Ouden | Kempe, A. | Niehaus | Spanish |
| Anderson, B. | Eken | Kempe, R. | Norton | Stoa |
| Anderson, D. | Ellingson | King | Novak | Swanson |
| Anderson, G. | Enebo | Knickerbocker | Onnen | Voss |
| Battaglia | Erickson | Kroening | Peterson | Welch |
| Beauchamp | Esau | Kvam | Pleasant | Wenzel |
| Begich | Ewald | Laidig | Redalen | Wigley |
| Berg | Fjoslien | Langseth | Rice | Zubay |
| Berglin | Forsythe | Lehto | Samuelson | Speaker Sabo |
| Byrne | Fugina | Moe | Scheid | |
| Carlson, D. | Hanson | Munger | Schulz | |
| Casserly | Hokanson | Murphy | Sherwood | |
| Cohen | Johnson | Nelsen, B. | Skoglund | |

The bill was not passed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, March 16, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, March 16, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

