

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1979

THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 5, 1979

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

| | | | | |
|--------------|-------------|---------------|------------|----------------|
| Aasness | Drew | Jude | Nelsen, M. | Searles |
| Adams | Eken | Kahn | Nelson | Sherwood |
| Ainley | Elioff | Kaley | Niehaus | Sieben, H. |
| Albrecht | Ellingson | Kalis | Norman | Sieben, M. |
| Anderson, B. | Enebo | Kelly | Norton | Simoneau |
| Anderson, D. | Erickson | Kempe | Novak | Stadum |
| Anderson, G. | Esau | Knickerbocker | Nysether | Stoa |
| Anderson, I. | Evans | Kostohryz | Olsen | Stowell |
| Anderson, R. | Ewald | Kroening | Onnen | Sviggum |
| Battaglia | Faricy | Kvam | Osthoff | Swanson |
| Begich | Fjoslien | Laidig | Otis | Thiede |
| Berglin | Forsythe | Lehto | Patton | Tomlinson |
| Berkelman | Friedrich | Levi | Pavlak | Valan |
| Biersdorf | Fritz | Long | Pehler | Valento |
| Blatz | Fudro | Ludeman | Peterson | Vanasek |
| Brinkman | Greenfield | Luknic | Piepho | Voss |
| Byrne | Halberg | Mann | Pleasant | Waldorf |
| Carlson, D. | Haukoos | McCarron | Prahl | Weaver |
| Carlson, L. | Heap | McDonald | Redalen | Welch |
| Casserty | Heinitz | McEachern | Reding | Welker |
| Clark | Hoberg | Mehrkins | Rees | Wenzel |
| Clawson | Hokanson | Metzen | Reif | Wieser |
| Corbid | Jacobs | Minne | Rice | Wigley |
| Crandall | Jaros | Moe | Rose | Wynia |
| Dean | Jennings | Munger | Rothenberg | Zubay |
| Dempsey | Johnson, C. | Murphy | Sarna | Speaker Searle |
| Den Ouden | Johnson, D. | Nelsen, B. | Schreiber | |

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig 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. 282, 627, 742, 545, 815, 988, 1029, 616, 644, 181, 222, 260, 384, 592, 475 and 183 and S. F. Nos. 470, 530, 538, 572, 466, 483, 601, 362, 606, 117, 322, 324, 549 and 384 have been placed in the members' files.

S. F. No. 530 and H. F. No. 481, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Esau moved that the rules be so far suspended that S. F. No. 530 be substituted for H. F. No. 481 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 572 and H. F. No. 356, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Peterson moved that the rules be so far suspended that S. F. No. 572 be substituted for H. F. No. 356 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 5, 1979

The Honorable Rod Searle
Speaker of the House
State of Minnesota

Dear Speaker Searle:

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

H. F. No. 416, relating to legal process; providing for replevin of personal property before and after a hearing; providing for bonds; providing a penalty; amending Minnesota Statutes 1978,

Sections 542.06; and 546.23; repealing Minnesota Statutes 1978, Sections 565.01; 565.02; 565.03; 565.04; 565.05; 565.06; 565.07; 565.08; 565.09; 565.10; and 565.11.

Sincerely,

ALBERT H. QUIE
Governor

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

April 3, 1979

The Honorable Rod Searle
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 1979 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 1979</i> | <i>Date Filed 1979</i> |
|---------------------|---------------------|-------------------------------------|-------------------------------|----------------------------|
| 39 | | 14 | April 3 | April 3 |
| 287 | | 15 | April 3 | April 3 |
| 389 | | 16 | April 3 | April 3 |

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

April 4, 1979

The Honorable Rod Searle
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 1979 Session of the State Legislature have been re-

ceived 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 1979</i> | <i>Date Filed 1979</i> |
|---------------------|---------------------|-------------------------------------|-------------------------------|----------------------------|
| 207 | | 17 | April 4 | April 4 |
| | 416 | 18 | April 4 | April 4 |

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 38, A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment to the Minnesota Constitution, Article IV, Sections 2 and 3 to provide for congressional and legislative apportionments by a commission; implementing the proposed amendment by providing by law for the duties, powers and operation of the commission; appropriating money; imposing a penalty; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811.

Reported the same back with the recommendation that the bill be re-referred to the Committee on General Legislation and Veterans Affairs.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 176, A bill for an act relating to highway traffic regulations; regulating speed limits within school zones; prescribing penalties; amending Minnesota Statutes 1978, Section 169.14, Subdivision 5a.

Reported the same back with the following amendments:

Page 1, line 10, delete "(a)"

Page 1, line 12, delete "*attended by*"

Page 1, line 13, delete the new language

Page 1, lines 17 to 20, reinstate the stricken language

Page 1, line 21, strike "20" and insert "15"

Page 1, line 22, strike "15" and insert "20"

Page 2, delete lines 3 to 7

Page 2, line 8, delete the new language

Page 2, line 9, delete the new language and reinstate the stricken language

Page 2, line 12, delete "a" and reinstate "(SUCH)"

Page 2, line 13, reinstate "(SUCH)"

Page 2, line 24, after "place." insert "*All signs erected by local authorities to designate speed limits in school zones shall conform to the manual on uniform control devices.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 198, A bill for an act relating to tort liability; requiring political subdivisions to indemnify officers and employees for certain judgments and settlements; amending Minnesota Statutes 1978, Chapter 471, by adding a section.

Reported the same back with the following amendments:

Page 1, line 9, delete "471" and insert "Section 466.07"

Page 1, line 10, delete "section" and insert "subdivision"

Page 1, line 11, delete "471.98" and insert "Subd. 1a."

Page 1, line 12, delete "*political subdivision*" and insert "*municipality or any instrumentality thereof*" after "indemnify" insert "*and provide defense for*"

Page 1, line 16, after "occurring" delete "*in the performance*" and insert "*within the scope*"

Further amend the title:

Page 1, line 5, delete "Chapter 471" and insert "Section 466.07"

Page 1, line 6, delete "section" and insert "subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 253, A bill for an act relating to Washington County; authorizing the commissioner of public safety under certain circumstances to appoint an agent to assist the clerk of the district court in Washington County in accepting applications for drivers licenses and permits; repealing Minnesota Statutes 1978, Section 171.06, Subdivision 5.

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

The report was adopted.

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

H. F. No. 261, A bill for an act relating to municipal industrial development; excepting certain projects; amending Minnesota Statutes 1978, Section 474.02, by adding a subdivision.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 474.01, Subdivision 7a, is amended to read:

Subd. 7a. No municipality or redevelopment agency shall undertake any project authorized by this chapter *unless its governing body finds that the project furthers one or more of the purposes stated in subdivisions 2, 3, 4, 5 and 9, nor until the commissioner of securities has approved the project, on the basis of preliminary information which the commissioner may require, as tending to further the purposes and policies of this chapter. Approval shall not be deemed to be an approval by the commissioner of securities or the state of the feasibility of the project or the terms of the revenue agreement to be executed or the bonds to be issued therefore, and the commissioner shall state this in communicating approval.*

Sec. 2. Minnesota Statutes 1978, Section 474.01, is amended by adding a subdivision to read:

Subd. 7b. Prior to submitting an application to the commissioner of securities requesting approval of a project pursuant to subdivision 7a, the governing body of the municipality or redevelopment agency shall conduct a public hearing on the proposal to undertake and finance the project. Notice of the time and place of hearing, and stating the general nature of the project and an estimate of the principal amount of bonds or other obligations to be issued to finance the project, shall be published at least once not less than 15 days nor more than 30 days prior to the date fixed for the hearing, in the official newspaper and a newspaper of general circulation of the municipality or redevelopment agency. The notice shall state that a draft copy of the proposed application to the commissioner of securities, together with all attachments and exhibits thereto, shall be available for public inspection following the publication of such notice and shall specify the place and times where and when it will be so available. At the time and place fixed for the public hearing, the governing body of the municipality or the redevelopment agency shall give all parties who appear at the hearing an opportunity to express their views with respect to the proposal to undertake and finance the project. Following the completion of the public hearing, the governing body of the municipality or redevelopment agency shall adopt a resolution determining whether or not to proceed with the project and its financing and may thereafter apply to the commissioner of securities for approval of the project.

Sec. 3. Minnesota Statutes 1978, Section 474.02, Subdivision 1c, is amended to read:

Subd. 1c. The term "project" shall also include any properties, real or personal, whether or not now in existence, used or useful in connection with a revenue producing enterprise, whether or not operated for profit, engaged in providing health care services, including, without limitation, hospitals, nursing homes, and housing for the elderly or handicapped which provide to the residents health care services on or off the premises, and related medical facilities.

Sec. 4. Minnesota Statutes 1978, Section 474.02, is amended by adding a subdivision to read:

Subd. 1d. The term "project" shall not include any multi-unit or single unit residential housing development, unless it is described in this subdivision. The term "project" shall include properties comprising a multi-unit housing development, consisting of five or more dwelling units, which is located within a redevelopment project area established pursuant to chapter 462 or within a development district established pursuant to chapter 472A, or within an industrial development district established pursuant to section 458.191, or as to which at least 20 percent of the dwelling units will, upon completion of the project, re-

ceive housing assistance payments under Section 8 of the United States Housing Act of 1937, as amended.

Sec. 5. *This act is effective the day following final enactment. This act does not apply to any project given preliminary approval under chapter 474 by the governing body of a municipality or a redevelopment agency prior to the effective date of this act, except for any project prohibited under section 4 of this act unless the project was approved by the commissioner of securities in accordance with Section 474.01, subdivision 7a, on or before the day following final enactment.*

Further amending the title to read:

Page 1, delete lines 3, 4 and 5 and insert the following: "amending the definition of project; requiring a notice and hearing; amending Minnesota Statutes 1978, Sections 474.01, Subdivision 7a, and by adding a subdivision; and 474.02, Subdivision 1c, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

H. F. No. 299, A bill for an act relating to emergency services; authorizing the governor to declare a peacetime emergency under certain circumstances prior to federal declaration; clarifying the term "civil defense"; amending Minnesota Statutes 1978, Sections 12.03, Subdivision 4; and 12.31; repealing Minnesota Statutes 1978, Section 12.25, Subdivision 4.

Reported the same back with the following amendments:

Page 2, line 14, after "Columbia" strike the comma and insert "and" and after "Puerto Rico" strike ", and"

Page 2, line 15, strike "the Panama Canal Zone"

Page 3, line 14, after "of" insert "a peacetime"

Page 3, line 15, after "plan" insert "developed pursuant to chapter 12.21, subdivision 3"

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 519, A bill for an act relating to motor vehicles; limiting the authority of the registrar of motor vehicles to refuse to issue certificates of title in certain circumstances; amending Minnesota Statutes 1978, Sections 168A.23, by adding a subdivision; and 297B.06.

Reported the same back with the following amendments:

Page 1, line 12, after "*revocation*" insert "*for failure to pay the motor vehicle excise tax as required by chapter 297B*"

Page 2, line 18, after "*vehicle*" insert "*and the previous applicant held a certificate of title indicating he was the owner of the vehicle*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 588, A bill for an act relating to the county of Anoka; authorizing the county to enter into shared service agreements with the Anoka State Hospital for community mental health services.

Reported the same back with the following amendments:

Page 1, line 8, delete "SHARED"

Page 1, line 10, delete "for participation in shared service agreements"

Page 1, line 19, delete "shared service agreements in"

Further amend the title as follows:

Page 1, line 3, delete "shared service"

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 597, A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota

state transportation bonds; authorizing the expenditure of the proceeds for grants for construction and reconstruction of certain bridges; appropriating money.

Reported the same back with the following amendments:

Page 2, line 12, delete "shall be allocated" and insert "*is available*"

Page 2, line 13, delete the period and insert "*for*"

Page 2, line 13, delete "in aggregate"

Page 2, line 14, delete "shall be made available"

Page 2, line 16, delete "this" and insert "*their*"

Page 2, line 16, delete ", but not to" and insert "*. The grants shall not*"

Page 2, line 17, after "following" insert "*aggregate*"

Page 2, line 18, after "(1)" insert "*To*"

Page 2, line 19, after "(2)" insert "*To*"

Page 2, line 21, after "(3)" insert "*To*"

Page 2, line 22, delete "(4)" and insert "*Additional grants may be made in an aggregate amount not to exceed*"

Page 2, line 22, delete everything after "\$19,500,000"

Page 2, line 23, delete everything before "to"

Page 2, line 24, after "subdivisions" insert "*to match federal-aid grants*"

Page 2, line 25, before the period, insert "*under their jurisdiction*"

Page 2, line 26, after "3." insert "*An additional amount not to exceed*"

Page 2, line 26, delete everything after "\$4,000,000"

Page 2, delete lines 27 to 32 and insert "*is available for grants for preliminary engineering and environmental studies pursuant to section 3.*"

Page 2, after line 32, insert:

"Sec. 3. Minnesota Statutes 1978, Section 174.50, is amended by adding a subdivision to read:

Subd. 6a. The commissioner may make a grant to any political subdivision for preliminary engineering and environmental studies necessary to determine the environmental impact, location and design features of a bridge proposed to be constructed or reconstructed by the subdivision. A grant shall not exceed \$300,000 for a single bridge project and shall not be used for the preparation of construction plans or specifications.

Application for a grant shall be made by resolution of the governing body of the subdivision proposing to construct or reconstruct the bridge. A grant under this subdivision is subject to the procedures and criteria provided in subdivisions 4 to 6. A grant shall also be subject to the priority ranking established under the existing rules of the department if the proposed bridge has been ranked under those rules. No new rules are required for the administration of the grant program established by this subdivision."

Renumber the sections in sequence

Underline all new language

Amend the title as follows:

Line 7, after "bridges" insert "and for certain preliminary studies"

Line 7, before the period, insert "; amending Minnesota Statutes 1978, Section 174.50, by adding a subdivision"

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

The report was adopted.

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

H. F. No. 624, A bill for an act relating to counties; fixing the amounts that may be spent for Memorial Day observances; amending Minnesota Statutes 1978, Sections 375.34; and 375.35.

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

The report was adopted.

Pleasant from the Committee on Local and Urban Affairs to which was referred.

H. F. No. 659, A bill for an act relating to local government; providing for facilities of the jointly owned airport of the city of Brainerd and Crow Wing County; authorizing the issuance of bonds to finance the acquisition and betterment of airport facilities.

Reported the same back with the following amendments:

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

"Sec. 3. [REPEALER.] Laws 1965, Chapter 152, is repealed."

Renumber remaining section

Further, amend the title as follows:

Page 1, line 6, before the period insert "; repealing Laws 1965, Chapter 152"

With the recommendation that when so amended the bill pass.

The report was adopted.

Pavlak from the Committee on Criminal Justice to which was referred:

H. F. No. 711, A bill for an act relating to highway traffic regulations; authorizing physician's trained mobile intensive care paramedics to withdraw blood for the purpose of determining the presence of alcohol or controlled substances under the implied consent law; amending Minnesota Statutes 1978, Section 169.123, Subdivision 3.

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

The report was adopted.

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

H. F. No. 740, A bill for an act relating to Ramsey County; changing the day of county board meetings; amending Laws 1974, Chapter 435, Section 2.05, Subdivision 1, as amended.

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

The report was adopted.

Biersdorf from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 757, A bill for an act relating to commerce; exempting the sale of motor vehicles from provisions regulating home solicitation sales; amending Minnesota Statutes 1978, Section 325.933, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete section 1 in its entirety and insert

"Section 1. Minnesota Statutes 1978, Section 325.933, Subdivision 2, is amended to read:

Subd. 2. "Home solicitation sale" means a sale of goods or services, by a seller who regularly engages in transactions of the same kind, purchased primarily for personal, family or household purposes, and not for agricultural purposes, with a purchase price of more than \$25, in which the seller or a person acting for him personally solicits the sale, and when the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller, except as otherwise provided in this subdivision. It does not include:

(a) a sale made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis; or

(b) a sale in which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer and the buyer furnishes the seller with a separate dated and signed statement not furnished by the seller describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale. This exclusion shall only apply where (i) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation, and, (ii) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer; or

(c) a sale in which the buyer has initiated the contact and specifically requested the seller to visit his home for the purpose of repairing or performing maintenance upon the buyer's property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion; or

(d) a sale in which the buyer has initiated the contact either by oral, telephone, or written request (other than on a form provided by the seller), and requested the seller to visit his home for the purpose of negotiating the purchase of the specific good or service requested. This exclusion shall only apply where the buyer furnishes the seller with a separate dated and signed statement in the buyer's handwriting expressly acknowledging and waiving his right to cancel the sale; or

(e) a sale of insurance, securities, or real property; or a sale by public auction; or

(f) *a sale of a motor vehicle, as defined in section 168.011, subdivision 4, when the buyer's agreement or offer to purchase is made at a place other than the buyer's place of residence."*

Amend the title as follows:

Page 1, line 2, delete "the sale" and insert "certain sales"

Page 1, line 5, delete "by adding a"

Page 1, line 5, after "subdivision" insert "2"

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

The report was adopted.

Pleasant from the Committee on Local and Urban Affairs to which was referred.

H. F. No. 819, A bill for an act relating to the city of Marshall; permitting additional per capita revenue base for financing airport facilities.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 360.71, is amended to read:

360.71 [REVENUE CERTIFICATES.] Such revenue certificates shall bear such date, mature at such times, bear such rates of interest not exceeding five percent per annum and be sold at such times and under such terms as the governing body or governing bodies as the case may be may deem to be for the best interests of the municipality. Such certificates shall not be sold for less than face value. The total face amount unpaid and outstanding shall not exceed at any time (\$3) \$10

for each person residing in the municipality or (\$3) \$10 for each person residing in the county in the case of joint ownership by a city and county all according to the last official census."

Delete the title in its entirety and insert:

"A bill for an act relating to local government; fixing a maximum amount for airport revenue certificates; amending Minnesota Statutes 1978, Section 360.71."

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 822, A bill for an act relating to motor vehicles; providing for special license plates for former prisoners of war; prescribing penalties; amending Minnesota Statutes 1978, Chapter 168, by adding a section.

Reported the same back with the following amendments:

Page 1, line 16, after " "EX-POW" " insert "or "EX-PRISONER OF WAR" "

Page 1, line 21, delete "separated"

Page 2, line 6, after " "EX-POW" " insert "or "EX-PRISONER OF WAR" "

Page 2, line 13, after " "EX-POW" " insert "or "EX-PRISONER OF WAR" "

Page 2, line 15, delete "shall" and insert "may"

Page 2, line 16, delete "in accordance with the provisions of"

Page 2, line 17, delete "chapter 15"

Page 2, line 19, delete "shall" and insert "may"

Page 2, line 20, delete "in accordance with the provisions of"

Page 2, line 21, delete "chapter 15"

Page 2, delete lines 23 to 26

Renumber the remaining subdivision

Further amend the title as follows:

Line 4, delete "prescribing penalties;"

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

The report was adopted.

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

H. F. No. 823, A bill for an act relating to Olmsted County; permitting the intermittent inundation by flood water and temporary closing of county and town roads.

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

The report was adopted.

Biersdorf from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 843, A bill for an act relating to housing and redevelopment authorities; providing that by agreement a housing and redevelopment authority may exercise powers in a county or municipality which has no active housing and redevelopment authority; amending Minnesota Statutes 1978, Section 462.445, Subdivision 5.

Reported the same back with the following amendments:

Page 2, line 6, delete "agree" and insert "*join or cooperate*"

Page 2, line 6, delete "an" and insert "*any*"

Page 2, line 7, delete "*in the county or a neighboring county*"

Page 2, line 13, delete "*not make an agreement if*" and insert "*so join or cooperate with an authority unless*"

Page 2, line 16, delete "*not make an agreement if*" and insert "*so join or cooperate with an authority unless*"

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

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

H. F. No. 928, A bill for an act relating to retirement; volunteer firefighters' relief associations and independent non-profit firefighting corporations; providing for a flexible statutory service pension maximum; revising the administration of the fire state aid program; transferring the financial examination, regulatory, supervisory and enforcement functions of the police and fire state aid program to the state auditor; providing a procedure for the recognition of a funding surplus in the calculation of the financial requirements of a relief association and the minimum obligation of a municipality; clarifying the calculation of the time period for the amortization of unfunded accrued liabilities of volunteer firefighters' relief associations; clarifying and updating various ambiguous and obsolete provisions regarding the fire state aid program, the authorization of retirement benefits for volunteer firefighters and the mandated guidelines for the financing of volunteer firefighters' relief associations; amending Minnesota Statutes 1978, Sections 69.011, Subdivisions 1, 2, 3 and 5; 69.021, Subdivisions 1, 2, 4, 5, 6, 7 and 9; 69.031, Subdivisions 1, 3, 4, 5 and 6; 69.051, Subdivisions 1, 2, 3 and 4; 69.77, Subdivision 1; 69.771; 69.772, Subdivisions 1, 2, 3, 4, 5, 6, and by adding a subdivision; 69.773; and 69.774; and Laws 1963, Chapter 429, Section 1; Laws 1967, Chapter 829, Section 1; Laws 1969, Chapter 664, Section 1; Laws 1971, Chapters 114, Section 10; 127, Section 1; and 214, Sections 1, as amended, and 2; Laws 1973, Chapters 304, Section 4; and 472, Section 1, as amended; Laws 1975, Chapter 237, Sections 1 and 2; Laws 1976, Chapter 209, Section 1; Laws 1978, Chapter 685, Sections 1 and 4; repealing Minnesota Statutes 1978, Sections 69.011, Subdivision 4; 69.04; 69.055; 69.06; 69.22; 69.23; 69.24; 69.66; 69.67; 69.68; 69.691; 424.30; and 424.31; Laws 1959, Chapter 324; Laws 1965, Chapters 592, Section 1; and 598, Section 1, Subdivision 1; Laws 1967, Chapters 575, Section 1; 742, Section 1, Subdivision 1; 815, Sections 1 and 2, Subdivision 1; and 831; Laws 1969, Chapters 252, Section 1, Subdivisions 1 and 2; 526, Sections 1 and 2; 530; 644, Section 1; 714; 719, Section 1; 877; 1088, Section 2, Subdivision 1; and 1105, Sections 1, 2 and 3; Laws 1971, Chapters 2; 114, Section 3, Subdivision 2; 140, Section 1; 184, Section 1, Subdivisions 1 and 2; 200; and 233; Laws 1973, Chapters 30, Section 1, Subdivision 1; 33; 166; 170; 173; 175; 181; 182; 280; 283, Section 1; 288; 304, Section 1, Subdivision 2; 311; 464; and 472; Laws 1974, Chapters 112; and 208, Section 1; Laws 1975, Chapters 36; 43; 117; 118; 119; 124; 125; 178; 197; 229, Section 1; 306, Section 33, Subdivisions 1 and 2; and 367; Laws 1976, Chapters 71; 97; 100; 206; 208; 214; 267; 272, Section 2; and 288, Section 1; Laws 1977, Chapters 294; and 295; Laws 1978, Chapters 599, Section 1, Subdivisions 2 and 3; 606; 617, Section 1; 622; 631; 673; 683, Sections 1 and 2, Subdivision 1; 753, Section 2, Subdivisions 1 and 1a; and 754.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1978, Section 69.011, Subdivision 1, is amended to read:

69.011 [QUALIFYING FOR STATE AID.] Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter (AND CHAPTER), *chapters 423 and 424 and sections 32 to 40* have the meanings ascribed to them:

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

(b) "Municipality" means any *home rule charter or statutory city (OF ANY CLASS, AND) or organized town.*

(c) "Minnesota Firetown Premium Report" means a (BLANK) form *prescribed by the commission* containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums (LESS RETURN PREMIUMS AND DIVIDENDS) received upon risks located or to be performed in this state *less return premiums and dividends.*

(d) "Firetown" means *the area serviced by any fire department established by or contracting with a qualified municipality (HAVING A QUALIFIED FIRE DEPARTMENT OR A QUALIFIED INCORPORATED FIRE DEPARTMENT HAVING A RETIREMENT PLAN).*

(e) ("AVERAGE STATE AID" MEANS THE SUM OF THE AMOUNT OF AID APPORTIONED FOR FIREFIGHTER'S PENSIONS OR SERVICES THE PREVIOUS TWO YEARS PLUS THE AMOUNT OF AID COMPUTED FOR APPORTIONMENT BY THE ASSESSED PROPERTY VALUATION AND POPULATION BASIS FOR THE CURRENT YEAR DIVIDED BY THREE.)

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

((G)) (f) "Minnesota Aid to Police Premium Report" means a (BLANK) form (CONTAINING SPACE) *prescribed by the commissioner* for reporting by each fire and casualty insurer

of all premiums (LESS RETURN PREMIUMS AND DIVIDENDS) received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported (ON LINES 19, 20, AND 21 OF PAGE 14) *in the Minnesota business schedule* of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations, *less return premiums and dividends.*

((H)) (g) "Police officer" means any person:

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

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

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

(4) Who is *licensed by the police officer standards and training board and is authorized to arrest with a warrant; and*

(5) Who is a member of a local police relief association to which section 69.77 applies or the public employees police and fire fund(;)

((6) WHO, IF EMPLOYED IN A MUNICIPALITY WITH A POPULATION OF MORE THAN 1,000 INHABITANTS ACCORDING TO THE MOST RECENT FEDERAL CENSUS, IS CERTIFIED OR MEETS THE REQUIREMENTS FOR CERTIFICATION BY THE MINNESOTA POLICE OFFICERS TRAINING BOARD; AND)

((7) WHO MEETS THE SELECTION STANDARDS OF THE MINNESOTA POLICE OFFICERS TRAINING BOARD).

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

(i) "Qualified municipality" means for purposes of the fire state aid program any municipality in this state which has established by ordinance or by comparable action of the governing body of the municipality and maintains a fire department which has been in existence for a period of more than one year in duration and which meets the minimum personnel, organization and equipment requirements set forth in subdivision 2, or which contracts with an independent nonprofit firefighting corporation which is incorporated under chapter 317, which operates exclusively for firefighting purposes, which maintains a separate subsidiary incorporated firefighters' relief association to provide service pension and retirement benefit coverage to members of the independent nonprofit firefighting corporation and which meets the minimum personnel, organization and equipment requirements set forth in subdivision 2.

(j) "Firefighter" means any natural person who has attained the age of at least 18 years, who is employed as a salaried employee of or who serves without becoming eligible for substantial compensation as a volunteer member of a municipal fire department or an independent nonprofit firefighting corporation, and who is actively engaged in rescue work and in the suppression and prevention of fire.

(k) "Retirement benefits" means any disbursement authorized pursuant to section 36, subdivision 3, clauses (1), (2), (3) and (4).

Sec. 2. Minnesota Statutes 1978, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. [QUALIFICATION FOR FIRE STATE AID; FIRE DEPARTMENT, PERSONNEL AND EQUIPMENT CERTIFICATION.] ((A)) On or before March 1 annually, in conjunction with the report required pursuant to section 69.051, subdivision 1, the clerk of each qualified municipality (HAVING A DULY ORGANIZED FIRE DEPARTMENT AS PROVIDED IN SUBDIVISION 4, CLAUSE (1) OR), together with the secretary, (OF NONPROFIT FIRE FIGHTING CORPORATIONS HAVING A RELIEF AND RETIREMENT PLAN OR INCORPORATED FIREFIGHTER'S) the treasurer of the firefighters' relief association or of the independent nonprofit firefighting corporation subsidiary firefighters' relief association, if there exists either type of relief association, shall jointly certify (THAT FACT) the existence of a municipal fire department or of an independent nonprofit firefighting corporation, whichever is applicable, which meets the minimum qualification requirements set forth in this subdivision, and the fire personnel and equipment of the municipal fire department or independent nonprofit firefighting corporation as of the preceding December 31. Certification shall be made in duplicate to the (COMMISSIONER) state auditor on a form prescribed by him

(TOGETHER WITH THE), and shall include any other relevant facts which the (COMMISSIONER MAY REQUIRE) state auditor requires. (THE CERTIFICATION SHALL BE MADE TO THE COMMISSIONER IN DUPLICATE.) Each copy of the certificate shall be duly executed and shall be deemed to be an original. The (COMMISSIONER) state auditor shall forward one copy to the appropriate county auditor (OF THE COUNTY WHEREIN THE FIRE DEPARTMENT IS LOCATED) and shall retain one copy.

In order for a municipality to qualify for fire state aid, the municipal fire department or the contracting independent non-profit firefighting corporation shall meet the following minimum personnel, organizational and equipment requirements or equivalent standards determined by the state fire marshal:

(a) *an active force of at least ten firefighters, who may be salaried, volunteer or a combination of each, which active force includes a fire chief and an assistant fire chief or persons who hold comparable administrative positions and perform the functions of a fire chief or assistant fire chief;*

(b) *a schedule of regular meetings and frequent drills which include instructions in firefighting tactics and in the operation, deployment and care of all firefighting apparatus and equipment in the possession of the fire department or independent nonprofit firefighting corporation;*

(c) *adequate available firefighting apparatus and equipment which includes a motorized fire truck which is equipped with a motorized pump, a water tank with a capacity of at least 250 gallons, two fire hose lines totaling at least 300 feet in length of a diameter size of at least one inch with combination spray and straight stream nozzles, a five gallon hand pump tank style fire extinguisher or its equivalent, a dry chemical style fire extinguisher or its equivalent, regular firefighting ladders, extension firefighting ladders, firefighting pike poles, crow bars, firefighting axes, lanterns, firefighting coats, firefighting helmets, and firefighting boots;*

(d) *a building of sound construction suitable for the housing of firefighting apparatus with facilities for the care of fire hose and firefighting equipment;*

(e) *a reliable adequate method for the firefighters of the department or corporation to receive fire alarms which may utilize the telephone system, an electric siren or any other suitable method of sounding an alarm;*

(f) *an additional piece of motorized firefighting apparatus capable of responding to fire calls outside of the corporate limits of the municipality in which the fire department or the con-*

tracting independent nonporift firefighting corporation is located if department or corporation duties include the provision of firefighting service outside of the corporate limits of the municipality which established the department or of the municipality with the most substantial contract for service with the corporation; and

(g) any other requirements which the state auditor upon consultation with the state fire marshall establishes by rule pursuant to sections 15.0411 to 15.052.

((B)) Subd. 2a. [POLICE DEPARTMENT AND QUALIFIED POLICE OFFICER CERTIFICATION.] On or before March 1 annually the clerk of each municipality (HAVING) which has a duly organized police department and (HAVING) which either has a duly incorporated relief association or is a governmental subdivision within the meaning of section 353.01, subdivision 6, with respect to any police officers which it employs shall certify that fact to the state auditor and to the appropriate county auditor (OF THE COUNTY WHERE THE POLICE DEPARTMENT IS LOCATED AND TO THE COMMISSIONER) on a form prescribed by (HIM TOGETHER WITH) the state auditor, and shall include any other facts which the (COMMISSIONER) state auditor or the appropriate county auditor (MAY) require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in subdivision 1, clause (H) (g), shall certify the number of such police officers to the (COMMISSIONER) state auditor on (FORMS) a form prescribed by him. For purposes of sections 69.011 to 69.051, employment of a police officer shall commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county.

Sec. 3. Minnesota Statutes 1978, Section 69.011, Subdivision 3, is amended to read:

Subd. 3. [FAILURE TO FILE CERTIFICATE DEEMED WAIVER.] If (THE) a certificate required by this section is not filed with the (COMMISSIONER) state auditor within the time prescribed by this section, the municipality with respect to its fire or police state aid, whichever is applicable or (NON-PROFIT FIRE FIGHTING CORPORATION) the county with respect to its police state aid shall be deemed to have relinquished (ITS RIGHTS FOR THE YEAR) any entitlement to the (BENEFITS) aid under this chapter for that year. Failure to receive the certificate form (CANNOT) shall not be (USED AS) a defense for (NOT FILING) the failure to file.

Sec. 4. Minnesota Statutes 1978, Section 69.011, Subdivision 5, is amended to read:

Subd. 5. [FIRE DEPARTMENTS TO BE INSPECTED BY STATE FIRE MARSHAL.] It shall be the duty of the state fire marshal or his appointed deputy or designated assistants to inspect, or cause to be inspected, at the time other public buildings are inspected, (THE) *each municipal* fire department (OF ANY MUNICIPALITY) or nonprofit fire fighting (CORPORATIONS) *corporation* in this state; and, for that purpose, he or any of his deputies or designated assistants shall have the right to enter or have access (THERE TO) *to any building utilized by the fire department or the nonprofit fire-fighting corporation* at any reasonable hour. When upon inspection, it is found that the fire department *or nonprofit fire-fighting corporation* inspected does not conform to the requirements of subdivision (4 HE) 2, *or if the fire department or nonprofit fire-fighting corporation does not permit the inspection,* the state fire marshal shall make a report of the fact and the (COMMISSIONER) *state auditor* shall disqualify the municipality (OR NONPROFIT FIRE FIGHTING CORPORATION) from further participation in the fire state aid apportionment provided for in (CHAPTERS 69 AND 424) *this chapter until the year following the correction of any specified deficiencies.*

Sec. 5. Minnesota Statutes 1978, Section 69.021, Subdivision 1, is amended to read:

69.021 [REPORTING PREMIUMS; CALCULATION OF AID.] Subdivision 1. [MINNESOTA FIRETOWN PREMIUM REPORT AND MINNESOTA AID TO POLICE PREMIUM REPORT.] The commissioner of insurance shall, at the time he mails annual statement and tax forms, send blank copies of the Minnesota Firetown Premium Report and when applicable the Minnesota Aid to Police Premium Report to each insurer, including township and farmers mutual insurance companies licensed to write insurance as described in section 69.011, subdivision 1, clause (c) and clause ((G)) (f) in this state. These reports shall contain space for the insurers name, address, gross premiums less return premiums, dividends, net premiums, certification and other facts the commissioner may require.

Sec. 6. Minnesota Statutes 1978, Section 69.021, Subdivision 2, is amended to read:

Subd. 2. [REPORT OF PREMIUMS.] Each insurer, including township and farmers mutual insurers where applicable, shall return to the commissioner with its annual financial statement the reports described in subdivision 1 certified by its secretary and president or chief financial officer. The Minnesota Firetown Premium Report shall contain a true and accurate statement of the total premium for all gross direct fire, light-

ning, and sprinkler leakage insurance of all domestic mutual insurers and the total premiums for all gross direct fire, lightning, sprinkler leakage and extended coverage insurance of all other insurers, less return premiums and dividends received by them on that business written or done during the preceding calendar year upon property located within the state or brought into the state for temporary use. The fire and extended coverage portion of multi-peril and multiple peril package premiums and all other combination premiums shall be determined by applying percentages determined by the commissioner or by rating bureaus recognized by the commissioner. The Minnesota Aid to Police Premium Report shall contain a true and accurate statement of the total premiums, less return premiums and dividends received, on all direct business received by such insurer in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for perils described in section 69.011, subdivision 1, clause (G) (f).

Sec. 7. Minnesota Statutes 1978, Section 69.021, Subdivision 4, is amended to read:

Subd. 4. [DETERMINATION OF QUALIFIED STATE AID RECIPIENTS BY STATE AUDITOR; CERTIFICATION TO COMMISSIONERS OF INSURANCE AND FINANCE AND TO COUNTY AUDITORS.] (WITHIN SIX MONTHS AFTER JANUARY 1) *Prior to June 1 annually, the (COMMISSIONER) state auditor shall determine which municipalities are qualified to receive fire state aid and which municipalities and counties are qualified to receive police state aid. The determination shall be based on information contained in the fire department, personnel and equipment certificate required pursuant to section 69.011, subdivision 2 or the municipal financial report required pursuant to section 69.051, subdivision 3, whichever is applicable, and any other relevant information which comes to his attention by virtue of audits conducted or by any other means. Upon completing the determination, the state auditor shall certify to the commissioner, the commissioner of finance and each appropriate county auditor the name of each municipality qualified to receive fire state aid and the name of each municipality and county qualified to receive police state aid (AND). Following the certification of qualified state aid recipients, the commissioner shall calculate pursuant to subdivision 6 the amount of fire state aid and police state aid which each county auditor is to receive (. AT THE SAME TIME THE COMMISSIONER) for subsequent apportionment pursuant to subdivision 7 and shall certify the calculation results to the commissioner of finance and to each county auditor (THE MUNICIPALITIES OR INDEPENDENT FIRE DEPARTMENTS IN SUCH COUNTY WHO HAVE QUALIFIED TO RECEIVE STATE AID AND). In their certifications to county auditors, the state auditor and the commissioner shall also include whatever other information (HE DEEMS) which they respectively*

deem is necessary for the county auditors to carry out the requirements of this section.

Sec. 8. Minnesota Statutes 1978, Section 69.021, Subdivision 5, is amended to read:

Subd. 5. [CALCULATION OF STATE AID.] The amount of *fire and police* state aid available for apportionment, *respectively*, shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and two percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to (FIREFIGHTER'S) *fire* state aid shall (NOT BE GREATER OR LESSER THAN) *equal* the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to police state aid shall (NOT BE GREATER OR LESSER THAN) *equal* the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. (THE TOTAL AMOUNT FOR APPORTIONMENT IN RESPECT TO POLICE STATE AID SHALL BE DISTRIBUTED TO THE COUNTIES FOR APPORTIONMENT TO MUNICIPALITIES MAINTAINING POLICE DEPARTMENTS AND TO THE COUNTY ON THE BASIS OF THE NUMBER OF ACTIVE POLICE OFFICERS, AS CERTIFIED PURSUANT TO SECTION 69.011, SUBDIVISION 2, CLAUSE (B).) The commissioner shall calculate the percentage of increase or decrease reflected in the apportionment over or under the previous year's available state aid using the same premiums as a basis for comparison.

Sec. 9. Minnesota Statutes 1978, Section 69.021, Subdivision 6, is amended to read:

Subd. 6. [CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.] (WITH RESPECT TO FIREFIGHTERS) *Of the total amount of fire state aid available, one-half (OF THE STATE AID AVAILABLE) shall be distributed to the (COUNTIES) various county auditors in proportion to (THEIR) the population of the counties as (SHOWN BY) of the last official statewide federal census (. THE REMAINING) and one-half (OF THE STATE AID AVAILABLE) shall be distributed to the (COUNTIES) county auditors in proportion to (THEIR) the assessed property valuation of the counties, excluding mineral values.*

In the case of (INCORPORATED OR) municipal fire departments or independent nonprofit firefighting corporations furnishing fire protection to cities, towns or townships in other

counties as evidenced by valid fire service contracts filed with the commissioner of insurance and county auditor, the distribution of *fire state aid* to the respective (COUNTIES) *county auditors* shall be adjusted proportionately to take into consideration the crossover fire protection service. The amount of (FIRE-FIGHTER'S STATE AID APPORTIONED TO EACH COUNTY SHALL NOT BE LESS THAN 100 PERCENT NOR MORE THAN 150 PERCENT OF THE AVERAGE) *fire state aid* (CALCULATED FOR APPORTIONMENT TO THE COUNTY. PROVIDED THAT IF THE AMOUNT OF AID SO) calculated (IS EITHER GREATER OR LESS THAN) *shall be equal to* the amount of aid available as calculated in subdivision 5 and if necessary each (COUNTY'S) *county auditor's* proportionate share of the *fire state aid* shall be (REDUCED OR INCREASED) *adjusted* on a percentage basis so that the amount of *fire state aid* apportioned shall not exceed the amount of tax collected. Other necessary adjustments shall be made to subsequent apportionments. No *county auditor* shall receive less *fire state aid for apportionment* than the amount provided for under this subdivision.

The total amount of *police state aid* available (IN RESPECT TO POLICE OFFICERS) *for distribution to the county auditors* shall not exceed the amount of tax collected and shall be distributed to the (COUNTIES) *various county auditors* in proportion to the total number of active police officers, as defined in section 69.011, subdivision 1, clause (H) (g), in each county *who are certified pursuant to section 69.011, subdivision 2a and who are employed either by municipalities maintaining police departments or by the county.* Any necessary adjustments shall be made to subsequent apportionments.

Sec. 10. Minnesota Statutes 1978, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREFIGHTER'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the *fire state aid* received by him (RELATIVE TO THE PREMIUMS REPORTED ON THE MINNESOTA FIRE-TOWN PREMIUM REPORTS FILED PURSUANT TO THIS CHAPTER) to each *qualified* municipality (AND/OR FIREFIGHTER'S RELIEF ASSOCIATION) certified to him by the (COMMISSIONER) *state auditor* in the same manner that the *fire state aid* is apportioned to the (COUNTIES) *various county auditors, with apportionment of one-half of the total in proportion to the population and one-half of the total in proportion to the assessed property valuation of the fire towns in the county (FOR WHICH AID IS PROPORTIONED).* (THE COUNTY AUDITOR SHALL APPORTION THE AMOUNT OF AID TO EACH MUNICIPALITY AND/OR FIREFIGHTER'S RELIEF ASSOCIATION IN AN AMOUNT NOT LESS THAN 100

PERCENT NOR MORE THAN 150 PERCENT OF THE AVERAGE STATE AID CALCULATED FOR APPORTIONMENT TO THE MUNICIPALITY AND/OR FIREFIGHTER'S RELIEF ASSOCIATION. PROVIDED THAT) If the amount of *fire state aid* so calculated is either greater or less than the amount of *fire state aid* available as calculated in subdivision 5 (EACH MUNICIPALITY'S AND/OR FIREFIGHTER'S RELIEF ASSOCIATION'S), *then the proportionate share of the fire state aid for each qualified municipality shall be (REDUCED OR INCREASED) adjusted on a percentage basis so that the amount of fire state aid apportioned shall not exceed the amount of (TAX COLLECTED) fire state aid distributed to the county auditor. No municipality (OR FIREFIGHTER'S RELIEF ASSOCIATION) shall receive less fire state aid than the amount provided for under this subdivision.*

(IN THE CASE OF MUNICIPALITIES OR INDEPENDENT FIRE DEPARTMENTS QUALIFYING FOR THE AID) The county auditor shall calculate the *fire state aid* for (THE) a *qualifying municipality (OR RELIEF ASSOCIATION)* on the basis of the population and the property valuation of the area furnished fire protection service by the *municipal fire department or contracting independent nonprofit firefighting corporation* as evidenced by duly executed and valid fire service agreements filed with him. If (ONE OR) *more than one municipal fire (DEPARTMENTS ARE) department or contracting independent nonprofit firefighting corporation is* furnishing contracted fire service to a (CITY, TOWN OR TOWNSHIP) *municipality, then only the population and assessed property valuation of the area served by each fire department or firefighting corporation shall be considered in calculating the fire state aid and the fire departments or firefighting corporations furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. The agreement shall be in writing and filed with the (COMMISSIONER) state auditor in duplicate. The (COMMISSIONER) state auditor shall forward one copy of the agreement to the county auditor of the county wherein the fire department or firefighting corporation is located and retain one copy.*

(IN THE CASE OF CITIES OF THE FIRST AND SECOND CLASS THE STATE AID CALCULATED SHALL BE PAID DIRECTLY TO THE TREASURER OF THE RELIEF ASSOCIATION.) In the case of all (OTHER) *qualifying municipalities (AND INDEPENDENT FIRE DEPARTMENT RELIEF ASSOCIATIONS OR RETIREMENT PLANS) the fire state aid shall be paid to the treasurer of the qualified municipality (WHERE THE FIRE DEPARTMENT IS LOCATED AND THE TREASURER OF THE MUNICIPALITY), who, if there is a relief association for members of the municipal fire department or the contracting independent nonprofit firefighting corporation, shall within 30 days transmit the fire state aid*

to the *treasurer of the relief association* if the relief association has (FILED A FINANCIAL REPORT WITH THE TREASURER OF THE MUNICIPALITY AND HAS) met all (OTHER) statutory provisions pertaining to the *fire state aid apportionment*.

The county auditor, *state auditor* and commissioner (ARE HEREBY EMPOWERED TO) *may* make rules (AND REGULATIONS TO PERMIT) *for* the administration of the provisions of this section *applicable to the fire state aid program*.

(2) The county auditor shall apportion the state police aid received by him to each municipality and to the county in the following manner:

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as defined in section 69.011, subdivision 1, clause ((H)) (g), employed by each municipality and by the county;

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

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

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

The county auditor, *state auditor* and commissioner (ARE HEREBY EMPOWERED TO) *may* make rules (AND REGULATIONS TO PERMIT) *for* the administration of the provisions of this section *applicable to the police state aid program*.

Sec. 11. Minnesota Statutes 1978, Section 69.021, Subdivision 9, is amended to read:

Subd. 9. [APPEAL.] In the event that any (FIRE OR) police (DEPARTMENT) or fire state aid recipient feels itself to be aggrieved, with respect to the distribution or apportionment of the applicable state aid, it may request that the state auditor reconsider his decision on entitlement to the applicable state aid, that the commissioner review and adjust the apportionment of the applicable state aid to the county auditors, or that the appropriate county board (OF THE COUNTY WHEREIN THE FIRE OR POLICE DEPARTMENT IS LOCATED TO) review and adjust the apportionment of (FUNDS) the applicable state aid within the county (AND). The decision of the state auditor or the commissioner under this subdivision shall be reviewable under section 15.0424, and the decision of the county board shall be subject to appeal, review, and adjustment by the district court in the county.

Sec. 12. Minnesota Statutes 1978, Section 69.031, Subdivision 1, is amended to read:

69.031 [COMMISSIONER OF FINANCE'S WARRANT, APPROPRIATION, PAYMENT AND ADMINISTRATION.] Subdivision 1. [COMMISSIONER OF FINANCE'S WARRANT.] The commissioner of finance shall issue to the auditor of each county certified to him by the (COMMISSIONER) state auditor pursuant to section 69.021, subdivision 4, his warrant for an amount equal to the amount of the applicable state aid certified to by the commissioner pursuant to section 69.021, subdivisions 4 and 6.

Sec. 13. Minnesota Statutes 1978, Section 69.031, Subdivision 3, is amended to read:

Subd. 3. [APPROPRIATIONS.] There is hereby appropriated annually from the state general fund to the counties who are entitled to payments under (SECTIONS) section 69.021 and (69.031) this section an amount sufficient to make the payments specified in these sections but not (EXCEEDING) to exceed the amount of the tax collected.

Sec. 14. Minnesota Statutes 1978, Section 69.031, Subdivision 4, is amended to read:

Subd. 4. [COUNTY AUDITOR DUTIES.] When the county auditor receives the amount of applicable state aid provided for in subdivision 1, he shall immediately deposit (THAT PORTION RECEIVED ON ACCOUNT OF INSURANCE PREMIUMS REPORTED ON THE MINNESOTA FIRETOWN PREMIUM REPORT) the amount of fire state aid in a special fire

state aid fund (FOR FIRE DEPARTMENTS AND FIRE-FIGHTER'S RELIEF ASSOCIATIONS) and within 30 days calculate and disburse the (FUNDS) amounts to the qualified municipalities (HAVING FIRE DEPARTMENTS AND FIRE-FIGHTER'S RELIEF ASSOCIATIONS WHO HAVE QUALIFIED FOR AID WITHIN) in the county. He shall immediately deposit the (PORTION) amount of (SUCH) police state aid (RECEIVED ON ACCOUNT OR INSURANCE PREMIUMS REPORTED ON THE MINNESOTA AID TO POLICE PREMIUM REPORT) in a special police state aid fund for (POLICE DEPARTMENTS AND) qualified police (RETIREMENT FUNDS) state aid recipients and as soon as possible, (ANNUALLY) calculate and disburse the (FUNDS) amounts to qualifying (MUNICIPALITIES) police state aid recipients.

Sec. 15. Minnesota Statutes 1978, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer of *every qualified municipality*, when the *fire state aid (AND TAX)* is received by him, shall within 30 days after receipt (PAY OVER THE PORTION OF) *transmit* it (ATTRIBUTED TO PREMIUMS REPORTED ON THE MINNESOTA FIRETOWN PREMIUM REPORT) to the treasurer of the *applicable* duly incorporated firefighter's relief association if there is one organized and the association has (FILED A FINANCIAL REPORT WITH THE MUNICIPALITY) *met all statutory provisions pertaining to the fire state aid program*; but if there is no relief association organized, or (IF ANY) the relief association (DISSOLVE, BE REMOVED, OR) has (HERETOFORE) *been dissolved, or has been removed as (TRUSTEES) the trustee of fire state aid*, then the treasurer of the municipality shall (KEEP) *retain* the money in the municipal treasury (AS PROVIDED FOR IN SECTIONS 424.30 AND 424.31 AND SHALL) *to be disbursed only for the purposes and in the manner set forth in (THOSE SECTIONS) section 39.*

(2) The (MUNICIPAL) treasurer of every qualified police *state aid recipient*, upon receipt of the *police state aid (AND TAX ATTRIBUTED TO INSURANCE PREMIUMS REPORTED ON THE MINNESOTA AID TO POLICE PREMIUM REPORT) apportionment*, shall disburse the *police state aid* in the following manner(.):

(a) For a municipality in which a local police relief association exists and all police officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association;

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

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

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.

Sec. 16. Minnesota Statutes 1978, Section 69.031, Subdivision 6, is amended to read:

Subd. 6. [ADMINISTRATION.] The staff of the statistical-tax audit section (,) *of the insurance division of the department of commerce*, (SHALL BE) under the direction of the incumbent senior auditor, (WHO SHALL BE DIRECTOR OF STATE AID FOR FIRE DEPARTMENTS, FIREFIGHTER'S RELIEF AND PENSION. UNDER THE SUPERVISION OF THE DIRECTOR OF STATE AID SHALL BE AN AUDITOR, A SENIOR ACCOUNT CLERK, A CLERK TYPIST AND OTHER PERSONNEL AND EQUIPMENT THE DIRECTOR MAY FROM TIME TO TIME REQUIRE TO CARRY OUT THE PROVISIONS OF THE LAW RELATING TO THE COLLECTION, APPORTIONMENT AND REGULATION OF

STATE AID FOR FIRE DEPARTMENTS, FIREFIGHTER'S RELIEF AND PENSION) shall administer the collection and apportionment of fire and police state aid. The commissioner shall allocate from the approved complement of the division to the statistical-tax audit section whatever personnel which he deems are required to carry out the provisions of this chapter applicable to the collection and apportionment of fire and police state aid.

Sec. 17. Minnesota Statutes 1978, Section 69.051, Subdivision 1, is amended to read:

69.051 [FINANCIAL REPORT; RELIEF ASSOCIATION SECRETARY AND TREASURER BOND; EXAMINATION.] Subdivision 1. [RELIEF ASSOCIATION FINANCIAL REPORT.] The secretary and the treasurer of each duly incorporated (FIRE DEPARTMENT) firefighters' relief association or police relief association (LOCATED IN ANY MUNICIPALITY OF ANY CLASS) and, with respect to a firefighters' relief association financial report, the clerk or clerk-treasurer of the municipality in which the fire department is located or of the municipality with which the parent independent nonprofit firefighting corporation has contracted shall annually prepare and sign jointly a detailed financial report of the (ASSOCIATION'S) receipts of, disbursements from and balances in (ITS) the special and general funds of the relief association as of December 31 for the preceding calendar year (ENDING DECEMBER 31, SHOWING), on a form prescribed by the state auditor. The financial report shall disclose for what purpose (THE) money in the special and general funds of the relief association has been (PAID AND) expended and shall contain any other information which the (COMMISSIONER) state auditor may require (, AND,). With respect to a firefighters' relief association financial report, two copies of the report shall be filed with the state auditor on or before (JUNE 30) March 1 of the year next following (, FILE A COPY WITH THE MUNICIPALITY WHEREIN THE RELIEF ASSOCIATION IS LOCATED AND TWO COPIES WITH THE COMMISSIONER) the year for which the report is being made, and with respect to a police relief association financial report, two copies of the report shall be filed with the state auditor and one copy of the report shall be filed with the municipality in which the relief association is located on or before June 30 of the year next following the year for which the report is being made. The (COMMISSIONER) state auditor shall forward one copy of the report to the county auditor of the county wherein the municipality is located. No state aid (OR TAX MONEYS) shall be (PAID OVER) transmitted by the treasurer of a municipality to (AN) a relief association until the financial report required pursuant to this section is properly filed (WITH THE MUNICIPALITY). The financial report shall be certified by the municipal auditor, or if there is no municipal auditor, by an independent public accountant (WHO). In addition to

certifying the financial report, the auditor or accountant shall give his opinion as to the condition of the special and general funds of the relief association and shall comment upon any exception to the report (, OR IN LIEU THEREOF FILE WITH THE COMMISSIONER). If the municipality has an audit report prepared by the state auditor for the year in question which includes an audit of the relief association, then the financial report may be filed with the state auditor without certification by the municipal auditor or independent public accountant. The (FIRE DEPARTMENT) firefighters' or police relief association shall not (QUALIFY) be entitled to receive future state aid pursuant to this chapter transmitted by the treasurer of the municipality until the report is filed with the (COMMISSIONER) state auditor and there has been compliance with the requirements of this chapter (HAVE BEEN COMPLIED WITH).

Sec. 18. Minnesota Statutes 1978, Section 69.051, Subdivision 2, is amended to read:

Subd. 2. [BOND REQUIREMENT FOR RELIEF ASSOCIATION TREASURER AND SECRETARY.] (NO) *Every treasurer and every secretary of a relief association (SHALL ENTER), prior to entering upon (HIS) the duties (UNTIL HE HAS GIVEN) of that position, shall give the relief association a good and sufficient bond (IN AN AMOUNT SET BY THE ASSOCIATION) for the faithful discharge of (HIS DUTY) the duties of the position according to law. The bond shall be in an amount set by the board of trustees of the relief association, but shall be, as a minimum, an amount equal to the lesser of ten percent of the average amount of assets of the special fund of the relief association for the previous five calendar years or \$20,000.*

Sec. 19. Minnesota Statutes 1978, Section 69.051, Subdivision 3, is amended to read:

Subd. 3. [REPORT BY MUNICIPALITY.] Each municipality (HAVING) *which has an organized fire department (AND) but which does not (HAVING) have a duly incorporated firefighter's relief association shall annually prepare (A), have certified by the municipal auditor, or if there is no municipal auditor, by an independent public accountant, and file a detailed financial report (AS PRESCRIBED BY THE COMMISSIONER) of the receipts and disbursements by the municipality for fire protection (SERVICE DURING) the preceding calendar year, (SHOWING) on a form prescribed by the state auditor. The financial report shall disclose for what purposes the fire state aid money has been (PAID AND) expended and shall contain any other information the (COMMISSIONER) state auditor may require (, AND, ON OR BEFORE JUNE 30 FOLLOWING, FILE). Two duly certified copies shall be filed with the (COMMISSIONER) state auditor on or before June 30 of the year next following the year for which the report is being made. The*

(COMMISSIONER) *state auditor* shall forward one copy to the county auditor of the county wherein the municipality is located. The municipality shall not qualify to receive future *fire state aid* until the report is filed with the (COMMISSIONER) *state auditor*.

Sec. 20. Minnesota Statutes 1978, Section 69.051, Subdivision 4, is amended to read:

Subd. 4. [EXAMINATION BY STATE AUDITOR.] The detailed financial report of relief associations and municipal financial reports for fire protection (MAY) *required pursuant to this section shall* be examined by the (COMMISSIONER) *state auditor*, and when he finds that (IT APPEARS) the money (, OR ANY PART THEREOF,) paid under the provisions of this chapter (OR CHAPTER), *chapters 423 or 424, sections 32 to 40, or any applicable special law* has been or is being expended for an unauthorized purpose, (HE SHALL NOTIFY THE STATE AUDITOR OF THE FACT. THE STATE AUDITOR MAY EXAMINE THE FINANCIAL REPORTS AND RECORDS OF THE FIREFIGHTER'S RELIEF ASSOCIATION AND MUNICIPALITY AND WHEN HE FINDS THAT THE MONEY, OR ANY PART THEREOF, PAID UNDER THE PROVISIONS OF THIS CHAPTER OR CHAPTER 424, HAS BEEN OR IS BEING EXPENDED FOR AN UNAUTHORIZED PURPOSE) he shall order the funds restored and take whatever steps he deems necessary to assure restoration. No further *state aid* shall be paid to the municipality until the funds are restored. The relief association *or the municipality, whichever is determined by the state auditor to be at fault,* shall be liable to the state for the total cost and expenses of (SUCH) *any detailed special examination*.

Sec. 21. Minnesota Statutes 1978, Section 69.77, Subdivision 1, is amended to read:

69.77 [POLICE AND FIREFIGHTERS' RELIEF ASSOCIATION GUIDELINES ACT.] Subdivision 1. It shall be unlawful for any governmental subdivision to contribute any public funds for the operation and maintenance of a police or firefighters' relief association, enumerated in subdivision 1a, however organized, which pays retirement benefits to a police officer or a fire fighter or a dependent thereof, or to levy taxes for the support thereof except in accordance with the provisions of this section. The *state auditor shall not certify a municipality as qualified for the receipt of fire state aid to the commissioner of insurance, the commissioner of finance and the appropriate county auditor pursuant to section 69.021, subdivision 4 and the commissioner of insurance shall not include any municipality in the apportionment of police or fire state aid to the county auditor pursuant to section 69.021, subdivision 6, nor shall any county auditor include any municipality in the apportionment of police or fire aid pursuant to section 69.021, subdivi-*

sion 7, in which there exists a local police or paid firefighters relief association as enumerated in subdivision 1a which does not comply with the provisions of this section or the provisions of any applicable special law relating to the funding or financing of the association. The (COMMISSIONER OF INSURANCE) *state auditor* shall determine if a municipality with a local police or paid firefighters relief association fails to comply with the provisions of this section or the funding or financing provisions of any applicable special law.

Sec. 22. Minnesota Statutes 1978, Section 69.771, is amended to read:

69.771 [VOLUNTEER FIREFIGHTER'S RELIEF ASSOCIATION FINANCING GUIDELINES ACT; APPLICATIONS.] Subdivision 1. [COVERED RELIEF ASSOCIATIONS.] (EXCEPTING THOSE) *The applicable provisions of sections 69.771 to 69.776 shall apply to any firefighter's relief (ASSOCIATIONS GOVERNED BY THE POLICEMEN AND FIREFIGHTER'S GUIDELINES ACT OF 1969, ALL FIREFIGHTER'S RELIEF ASSOCIATIONS) association other than a relief association enumerated in section 69.77, subdivision 1a, which is organized under any laws of this state, which is composed of (VOLUNTARY) volunteer firefighters or composed partially of volunteer firefighters and partially of (PAID PERSONNEL, THAT ARE OPERATING UNDER AND PAYING PENSIONS ACCORDING TO) salaried firefighters with retirement coverage provided by the public employees police and fire fund and which operates subject to the service pension minimum requirements for entitlement and maximums contained in section (69.06) 33, or (OTHER GENERAL OR) a special (LAWS, THE FOLLOWING APPLICABLE PROVISIONS SHALL GOVERN) law modifying those requirements or maximums.*

Subd. 2. [AUTHORIZED EMPLOYER SUPPORT FOR A RELIEF ASSOCIATION.] (EFFECTIVE JANUARY 1, 1972, IT SHALL BE UNLAWFUL FOR ANY GOVERNMENTAL SUBDIVISION TO) *Notwithstanding any law to the contrary, a municipality may lawfully contribute (ANY) public funds, including any applicable fire state aid, or (TO) levy property taxes for the support of (THE OPERATION AND MAINTENANCE OF) a firefighter's relief association (THAT FALLS WITHIN THE DEFINITION OF) specified in subdivision 1, (EXCEPT IN ACCORDANCE) however organized, which provides retirement coverage or pays a service pension to retired firefighter or a retirement benefit to a disabled firefighter or a surviving dependent of either an active or retired firefighter for the operation and maintenance of the relief association only if the municipality and the relief association comply with the provisions of sections 69.771 to 69.776.*

Subd. 3. [REMEDY FOR NONCOMPLIANCE; DETERMINATION.] *The state auditor shall not certify a municipal-*

ity as qualified to the commissioner of insurance, the commissioner of finance and the appropriate county auditor; and the commissioner of insurance shall not (CERTIFY) include any municipality in the apportionment of fire state aid to a county auditor(, AS PROVIDED IN) pursuant to section 69.021, subdivision 6, nor shall any county auditor include any municipality in the apportionment of fire state aid pursuant to section 69.021, subdivision 7, in which there exists a firefighters' relief association (HEREIN BEFORE DEFINED,) as enumerated in subdivision 1 which does not comply with the provisions of sections 69.771 to 69.776 or the provisions of any applicable special law relating to the funding or financing of the association. (SUCH COMPLIANCE SHALL BE DETERMINED BY) The (COMMISSIONER OF INSURANCE) state auditor shall determine if a municipality to which a firefighters' relief association is directly associated or a firefighters' relief association fails to comply with the provisions of sections 69.771 to 69.776 or the funding or financing provisions of any applicable special law based upon the information (NEWLY REQUIRED AFTER JANUARY 1, 1972, WITHIN) contained in the annual financial report of the firefighters' relief association (AS DESCRIBED IN) required pursuant to section 69.051.

Sec. 23. Minnesota Statutes 1978, Section 69.772, Subdivision 1, is amended to read:

69.772 [RELIEF ASSOCIATIONS PAYING LUMP SUM SERVICE PENSIONS.] Subdivision 1. [APPLICATION.] (THE FOLLOWING SUBDIVISIONS OF) This section shall apply to (THOSE) any firefighter's relief (ASSOCIATIONS PAYING) association specified in section 69.771, subdivision 1, which pays a lump sum service pension (BENEFITS ONLY), but which does not pay a monthly service pension, to a retiring firefighter when at least the minimum requirements for entitlement to a service pension specified in (ACCORDANCE WITH) section (69.06) 33, or (OTHER GENERAL OR) any applicable special (LAWS,) legislation and (DO NOT PROVIDE MONTHLY PENSION BENEFITS) the articles of incorporation or by-laws of the relief association have been met. Each (SUCH) firefighter's relief association to which this section applies shall determine (ITS FINANCIAL REQUIREMENTS) the accrued liability of the special fund of the relief association in accordance with the (TABLES INCLUDED HEREIN AND BY) applicable accrued liability table set forth in subdivision 2 and the financial requirements of the relief association and the minimum obligation of the municipality in accordance with the procedure set forth (HEREIN, AND SAID DETERMINED FINANCIAL REQUIREMENTS SHALL BE PROVIDED FOR) in (THE MANNER DESCRIBED HEREIN) subdivision 3.

Sec. 24. Minnesota Statutes 1978, Section 69.772, Subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF ACCRUED LIABILITY.] (FOR EVERY) *Each* firefighters' relief association which (ALLOWS) *pays* a service pension when a retiring (MEMBER) *firefighter* meets the minimum requirements (OF) *for entitlement to a service pension specified in section (69.06) 33 and which in its articles of incorporation or bylaws requires service credit for a period of service less than 20 years of active service(, THE FOLLOWING TABLE) for a totally nonforfeitable service pension as provided in section 40 shall (BE USED TO) determine the accrued liability of the special (PENSION) fund of the firefighters' relief association relative to each active or deferred member of the (FUND) relief association, calculated individually using the following table:*

| Cumulative Year | Accrued Liability |
|--------------------|---------------------------|
| 1 | \$35 |
| 2 | 71 |
| 3 | 110 |
| 4 | 150 |
| 5 | 192 |
| 6 | 236 |
| 7 | 283 |
| 8 | 332 |
| 9 | 383 |
| 10 | 437 |
| 11 | 494 |
| 12 | 553 |
| 13 | 616 |
| 14 | 681 |
| 15 | 750 |
| 16 and thereafter | 50 additional per year |

(FOR EVERY) *Each* firefighters' relief association which (ALLOWS) *pays* a service pension when a retiring (MEMBER) *firefighter* meets the minimum requirements (OF) *for entitlement to a service pension specified in* section (69.06) 33 and which *in its articles of incorporation or bylaws* requires service credit for a period of service of at least 20 years of active service(, THE FOLLOWING TABLE) shall (BE USED TO) determine the *accrued* liability of the special (PENSION) fund of the firefighters' relief association relative to each active or deferred member of the (FUND) *relief association*, calculated individually *using the following table*:

| Cumulative Year | Accrued Liability |
|--------------------|----------------------|
| 1 | \$30 |
| 2 | 62 |
| 3 | 95 |
| 4 | 130 |
| 5 | 167 |
| 6 | 205 |
| 7 | 246 |
| 8 | 288 |
| 9 | 333 |
| 10 | 380 |
| 11 | 429 |
| 12 | 481 |
| 13 | 535 |
| 14 | 592 |
| 15 | 652 |
| 16 | 714 |
| 17 | 780 |
| 18 | 849 |

| | |
|-------------------|---------------------------|
| 19 | 922 |
| 20 | 1000 |
| 21 and thereafter | 50 additional per year |

The accrued liability (REFLECTED IN DOLLAR AMOUNTS AFTER EACH CUMULATIVE YEAR OF SERVICE, IS THE TOTAL LIABILITY EARNED TO DATE FOR EACH \$50 OF LUMP SUM RETIREMENT BENEFIT PER YEAR OF SERVICE WHICH WILL BE PAYABLE TO A MEMBER AFTER AGE 50 AND AFTER OBTAINING THE MINIMUM YEARS OF SERVICE IN ACCORDANCE WITH THE STATE STATUTES AND BYLAWS OF THE ASSOCIATION.) of the special fund (ACCRUED LIABILITY) for each (INDIVIDUAL) active or deferred member of the relief association shall be (THAT) determined as the multiple or portion of the accrued liability amounts (LISTED) corresponding to the cumulative years of active service with the fire department to which the relief association is affiliated to the credit of the member as set forth in the applicable table(,) that the (ACTUAL BENEFITS) lump sum service pension amount currently provided (BY STATUTE AND BYLAW BEAR TO \$50 OF) for in the articles of incorporation or the bylaws of the relief association bears to a lump sum (RETIREMENT BENEFIT) service pension of \$50 per year of service. If a member has fractional service as of December 31, the figure for service credit to be used for the determination of accrued liability pursuant to this section shall be rounded up to the nearest full year of service credit. The total accrued liability of the special fund (TO THE DATE OF CALCULATION) of the relief association as of December 31 shall be the sum of the accrued liability (OF THE SPECIAL FUND AS REGARDS) attributable to each active or deferred member of the relief association.

Sec. 25. Minnesota Statutes 1978, Section 69.772, is amended by adding a subdivision to read:

Subd. 2a. [DETERMINATION OF ACCRUED LIABILITY FOR RECIPIENTS OF INSTALLMENT PAYMENTS.] Each firefighters' relief association which pays a lump sum service pension in installment payments to a retired firefighter pursuant to section 33, subdivision 8, shall determine the accrued liability of the special fund of the firefighters' relief association relative to each retired member receiving a lump sum service pension in installment payments calculated individually as the sum of each future installment payment discounted at an interest rate of five percent, compounded annually, from the date the installment payment is scheduled to be paid to December 31. The sum of the accrued liability attributable to each retired member of the relief association receiving a lump sum service pension in installment payments shall be the total additional accrued liability of the spe-

cial fund of the relief association as of December 31, and shall be added to the accrued liability of the special fund of the relief association calculated pursuant to subdivision 2 for purposes of calculating the financial requirements of the relief association and the minimum obligation of the municipality pursuant to subdivision 3.

Sec. 26. Minnesota Statutes 1978, Section 69.772, Subdivision 3, is amended to read:

Subd. 3. [FINANCIAL REQUIREMENTS OF THE RELIEF ASSOCIATION; MINIMUM OBLIGATION OF THE MUNICIPALITY.] *During the month of July, the officers of the relief association shall determine the overall funding balance of the special fund of the relief association for the current calendar year, the financial requirements of the special fund of the relief association for the following calendar year and the minimum obligation of the municipality with respect to the special fund of the relief association for the following calendar year in accordance with the requirements of this subdivision.*

(1) The overall funding balance of the special fund of the relief association for the current calendar year shall be determined in the following manner:

((1) DURING THE MONTH OF JULY, 1971,) (a) The total (PRESENT) accrued liability of the special fund of the relief association for all active and deferred members of the relief association as of December 31 of the current year shall be calculated (BY THE OFFICERS OF THE FUND AND IT SHALL BE THE SUM OF THE INDIVIDUAL ACCRUED LIABILITIES FOR YEARS OF SERVICE OF ALL ACTIVE MEMBERS THROUGH DECEMBER 31, 1971. FRACTIONAL SERVICE YEARS SHALL BE CALCULATED) pursuant to (THE NEAREST FULL YEAR OF SERVICE) subdivisions 2 and 2a, if applicable.

((2) DURING THE MONTH OF JULY 1, 1971,) (b) The total present assets of the special fund(,) of the relief association projected to December 31(, 1971,) of the current year, including receipts by and disbursements from the special fund anticipated to occur on or before December 31 shall be calculated. (THIS PROJECTION SHALL INCLUDE ANTICIPATED RECEIVABLES TO THE FUND AND ANTICIPATED DISBURSEMENTS FROM THE FUND TO THE END OF THE YEAR. IN FOLLOWING YEARS, THE CURRENT ASSETS OF THE FUND SHALL BE DETERMINED IN THE SAME MANNER, PROJECTED TO DECEMBER 31 OF THAT YEAR.)

((3)) (c) The amount (BY WHICH THE ESSENTIAL FUND CALCULATIONS) of the total present assets of the special fund of the relief association calculated pursuant to clause (b) shall be subtracted from the amount of the total ac-

crued liability (AS DETERMINED BY PARAGRAPH 1) of the special fund of the relief association calculated pursuant to clause (a). If the amount of total present assets exceeds (OR) the amount of the total accrued liability, then the special fund shall be considered to have a surplus over full funding. If the amount of the total present assets is less than the (ASSETS AS DETERMINED BY PARAGRAPH 2,) amount of the total accrued liability, then the special fund shall be considered (THE) to have a deficit (OR SURPLUS OF) from full funding. If the amount of total present assets is equal to the amount of the total accrued liability, then the special fund (, AS THE CASE MAY) shall be considered to be fully funded.

((4) PRIOR TO AUGUST 1, 1971, AND PRIOR TO EACH AUGUST 1 THEREAFTER, THE OFFICERS OF THE FUND SHALL DETERMINE THE PROJECTED ACCRUED LIABILITY OF THE FUND FOR THE FOLLOWING CALENDAR YEAR IN THE SAME MANNER AS THE ACCRUED LIABILITY OF THE PRESENT CALENDAR YEAR WAS DETERMINED, BOTH CALCULATED AS OF DECEMBER 31.)

((5)) (2) The (TOTAL) financial requirements of the special fund of the relief association for the following calendar year shall be (THE NET AMOUNT OF INCREASE) determined in the (ACCRUED LIABILITY OF THE) following (YEAR OVER THE PRESENT YEAR WITH THE FOLLOWING ADJUSTMENTS) manner:

(a) (FROM) The total (NET INCREASE SHALL BE DEDUCTED THE ANTICIPATED AMOUNT OF ANY STATE AID TO BE RECEIVED DURING THE) *accrued liability of the special fund of the relief association for all active and deferred members of the relief association as of December 31 of the calendar year next following the current calendar year (,) shall be calculated pursuant to (THIS CHAPTER) subdivisions 2 and 2a, if applicable.*

(b) (FROM) The (TOTAL) increase or decrease in the total *accrued liability of the special fund of the relief association for the following calendar year over the total accrued liability of the special fund of the relief association for the current year shall be (DEDUCTED AN ASSUMED FIVE PERCENT INTEREST ON THE PROJECTED ASSETS OF THE FUND) calculated (AS OF THE END OF THE PRESENT CALENDAR YEAR, DETERMINED IN THE MANNER PRESCRIBED IN PARAGRAPH 2).*

(c) (TO) *If the special fund of the relief association is fully funded, the financial requirement of the special fund for the following calendar year shall be either the positive or the negative figure which represents the (TOTAL) increase or the decrease*

in the total accrued liability of the special fund respectively as calculated pursuant to subclause (b).

(d) *If the special fund of the relief association has a deficit from full funding, the financial requirements of the special fund for the following calendar year shall be (ADDED) the financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) plus an amount equal to one-tenth of the amount of the deficit, (IF ANY,) from full funding of the special fund as determined (ON THE ORIGINAL COMPUTATION OF ACCRUED LIABILITY AND ASSETS) pursuant to this section for the calendar year 1971 (SUCH) until that deficit is fully retired, and plus an amount equal to one-tenth (SHALL BE ADDED EACH YEAR UNTIL THE ASSETS OF THE SPECIAL FUND ARE EQUAL TO THE ACCRUED LIABILITY AS ANNUALLY DETERMINED) of the increase in the deficit from full funding of the special fund resulting from an increase in the amount of the service pension accruing subsequent to December 31, 1971 until each increase in the deficit is fully retired.*

((D) AT ANY TIME THAT) (e) *If the special fund of the relief association has a surplus (WHERE PRESENT ASSETS EXCEED THE PRESENT ACCRUED LIABILITY) over full funding, the financial requirements of the special fund for the (ENSUING) following calendar year shall be the (AMOUNT THAT THE ACCRUED LIABILITY FOR SAID YEAR, AFTER THE ADJUSTMENTS DESCRIBED IN THIS PARAGRAPH HAVE BEEN MADE, EXCEEDS THE ASSETS) financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) reduced by an amount equal to one-tenth of the amount of the surplus over full funding of the special fund.*

(3) *The minimum obligation of the municipality with respect to the special fund of the relief association shall be the financial requirements of the special fund of the relief association reduced by the amount of any fire state aid payable pursuant to sections 69.011 to 69.051 anticipated to be received by the municipality for transmittal to the special fund of the relief association during the following calendar year, an amount of interest on the assets of the special fund projected to the end of the current calendar year calculated at the rate of five percent per annum, and the amount of any anticipated contributions to the special fund by the members of the relief association during the following calendar year.*

Sec. 27. Minnesota Statutes 1978, Section 69.772, Subdivision 4, is amended to read:

Subd. 4. [CERTIFICATION OF FINANCIAL REQUIREMENTS AND MINIMUM MUNICIPAL OBLIGATION; LEVY.] *The officers of the relief association shall certify the*

financial requirements of the special fund of the relief association and the minimum obligation of the municipality with respect to the special fund of the relief association as determined (IN) pursuant to subdivision 3 (SHALL BE CERTIFIED) to the governing body of the municipality (BY) on or before August 1 of each year. The municipality shall provide for at least the minimum obligation of the municipality with respect to the special fund of the relief association by tax levy or (OTHERWISE THE FINANCIAL REQUIREMENTS SO CERTIFIED, OR MORE) from any other source of public revenue. The (TAX LEVY HEREIN PROVIDED) municipality may (BE) levy taxes for the payment of the minimum municipal obligation without any limitation as to rate or amount and irrespective of any limitations imposed by other provisions of law upon the rate or amount of taxation until the balance of the special fund or any fund of the relief association has attained a specified level. In addition (TO), any (STATUTES OR CHARTER LIMITS GOVERNING) taxes levied pursuant to this section shall not cause the amount or rate of any other taxes levied, in that year or to be levied in a subsequent year by the municipality which are subject to a limitation as to rate or amount to be reduced. If the municipality does not include the full amount of the minimum municipal obligations in its levy for any year, the officers of the relief association shall certify that amount to the county auditor, who shall spread a levy in the amount of the minimum municipal obligation.

Sec. 28. Minnesota Statutes 1978, Section 69.772, Subdivision 5, is amended to read:

Subd 5. [CREDITING OF INVESTMENT INCOME; EFFECT OF EXCESS INTEREST.] (INTEREST) All investment income earned (UPON INVESTED) on the assets of the special fund of the relief association shall be credited to the special fund(, BUT SUCH REVENUE). Investment income earned or anticipated to be earned in a calendar year in excess of the assumed rate specified in subdivision 3, clause (3) shall not (ENTER INTO) be included in the calculations (EXCEPT AS PROVIDED IN SUBDIVISION 3, PARAGRAPH (5) (B)) of the financial requirements of the special fund of the relief association or the minimum obligation of the municipality with respect to the special fund of the relief association for that calendar year.

Sec. 29. Minnesota Statutes 1978, Section 69.772, Subdivision 6, is amended to read:

Subd. 6. [REQUIREMENT FOR MUNICIPAL RATIFICATION FOR PLAN AMENDMENTS.] (BYLAW OR) The adoption of or any amendment to the articles of incorporation (CHANGES AFTER JANUARY 1, 1970, AFFECTING) or by laws of a relief association which increases or otherwise affects the retirement coverage provided by or the service pensions or

retirement benefits (PAID) payable from the special fund of any relief association to which this section applies shall not be effective (OR REMAIN EFFECTIVE) until it is ratified by the (LOCAL) governing body of the municipality in which the relief association is located. (ANY INCREASE IN DEFICIT RESULTING FROM A BYLAW CHANGE AFTER THE ORIGINAL DETERMINATION OF THE FUND'S DEFICIT, SHALL BE AMORTIZED OVER THE SAME PERIOD AND WITH THE SAME MANNER AS PROVIDED FOR IN SUBDIVISION 3, PARAGRAPH (5) (C).) The officers of a relief association shall not seek municipal ratification prior to preparing and certifying an estimate of the expected increase in the accrued liability and annual accruing liability of the relief association attributable to the amendment.

Sec. 30. Minnesota Statutes 1978, Section 69.773, is amended to read:

69.773 [RELIEF ASSOCIATIONS PAYING MONTHLY SERVICE PENSIONS.] Subdivision 1. **[APPLICATION.]** **(THE FOLLOWING SUBDIVISIONS OF)** This section shall apply to **(THOSE)** any firefighter's relief **(ASSOCIATIONS THAT PROVIDE)** association specified in section 69.771, subdivision 1, which pays or allows for **(OR ALLOW A CHOICE)** an option of a monthly service pension to a retiring firefighter when at least the minimum requirements for entitlement to a service pension specified in **(ACCORDANCE WITH AND GOVERNED BY)** section (69.06) 33, **(OR OTHER GENERAL OR)** any applicable special **(LAWS)** legislation and the articles of incorporation or bylaws of the relief association have been met. Each **(SUCH)** firefighters' relief association to which this section applies shall determine **(AND PROVIDE FOR)** the actuarial condition and funding costs of the special fund of the relief association in accordance with subdivisions 2 and 3, the financial requirements of the special fund of the relief association in accordance with subdivision 4 and the **(MANNER DESCRIBED)** minimum obligation of the municipality with respect to the special fund of the relief association in accordance with subdivision 5.

Subd. 2. **[DETERMINATION OF ACTUARIAL CONDITION AND FUNDING COSTS.]** Each relief association **(GOVERNED BY)** to which this section applies shall **(HAVE)** procure an actuarial **(SURVEY MADE OF ITS SPECIAL FUND)** valuation showing the condition of the special fund of the relief association as of December 31, 1978 and at least as of December 31 every four years thereafter. **(THIS SURVEY, AND FUTURE SURVEYS)** The valuation shall be prepared in accordance with the provisions of section 356.216, except that the figure for normal cost shall be expressed as a level dollar amount, and the amortization **(PERIOD OF)** contribution shall be the level dollar amount calculated to amortize any **(EXISTING OR NEW DEFICIT CREATED BY BENEFIT CHANGES SHALL**

BE 20 YEARS FROM INCEPTION, OR LESS) *current unfunded accrued liability by at least the date of full funding specified in subdivision 4, clause (b).* (SUCH SURVEY, AND) Each (SUCCEEDING SURVEY,) *valuation shall be filed with the governing body of the municipality in which the relief association is (ORGANIZED,) located and with the (INSURANCE COMMISSIONER'S OFFICE) state auditor, not later than June 1 of the following year.* (HOWEVER,) Any relief association (PRESENTLY) *which is operating under a special (LAWS THAT PROVIDE FOR) law which requires that actuarial (SURVEYS) valuations be procured at least every four years and be prepared in accordance with applicable actuarial standards set forth in statute (, SAID ASSOCIATIONS) may continue to have (SURVEYS) actuarial valuations made according to the time schedule (THEREIN, EXCEPT AS MODIFIED BY) set forth in the special legislation subject to the provisions of subdivision 3.* The relief association shall also procure a quadrennial experience study pursuant to section 356.216 to accompany the (SURVEY, AND SHALL PROCURE A QUADRENNIAL EXPERIENCE STUDY) *actuarial valuation every four years (THEREAFTER).*

Subd. 3. [VALUATION REQUIREMENT UPON BENEFIT CHANGE.] *The officers of the relief association shall (THEREAFTER OBTAIN AN ACTUARIAL SURVEY AT LEAST EVERY FOUR YEARS OR PRIOR TO THE) not seek municipal ratification of (A BENEFIT CHANGE BY THE LOCAL GOVERNING BODY, WHICHEVER IS SOONER any amendments to the articles of incorporation or bylaws which increase or otherwise affect the retirement coverage provided by or the service pensions or retirement benefits payable from any relief association pursuant to subdivision 6 prior to obtaining either an updated actuarial valuation including the proposed amendment or an estimate of the expected actuarial impact of the proposed amendment prepared by the actuary of the relief association.*

Subd. 4. [FINANCIAL REQUIREMENTS OF THE SPECIAL FUND.] *Prior to August 1 of each year, the officers of the relief association shall determine the financial requirements of the special fund of the relief association in accordance with the requirements of this subdivision. The financial requirements of the relief association shall be (DETERMINED BY THE OFFICERS OF THE ASSOCIATION PRIOR TO SEPTEMBER 1, 1971, AND PRIOR TO EACH AUGUST 1 THEREAFTER) based on the most recent actuarial valuation prepared in accordance with sections 356.215, subdivision 4, and 356.216. If the relief association has an unfunded accrued liability as reported in the (FOLLOWING MANNER) most recent actuarial valuation, the financial requirements shall be determined by adding the figures calculated pursuant to clauses (a) and (b). If the relief association does not have an unfunded accrued liability as reported in the most recent actuarial valuation, the financial re-*

quirements shall be an amount equal to the figure calculated pursuant to clause (a):

(a) The normal level cost (AS DETERMINED BY ACTUARIAL SURVEY, REQUIRED TO ADEQUATELY FINANCE CURRENTLY ACCRUING LIABILITIES, SHALL BE) requirement for the following year, expressed as a dollar amount, shall be the figure for the normal level cost of the relief association as reported in the actuarial valuation.

(b) (TO THIS NORMAL COST SHALL BE ADDED AN) The amortization (PAYMENT SUFFICIENT) contribution requirement to (AMORTIZE THE DEFICIT DETERMINED AS OF DECEMBER 31, 1970, OR NEWLY CREATED DEFICIT WITHIN A 20 YEAR PERIOD FROM INCEPTION.) retire the current unfunded accrued liability by the established date for full funding shall be the figure for the amortization contribution as reported in the actuarial valuation. If there has not been a change in any or all of the actuarial assumptions used for calculating the accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund which change or changes which by themselves without inclusion of any other items of increase or decrease produce a net increase in the unfunded accrued liability of the special fund since December 31, 1970, the established date for full funding shall be December 31, 1990. If there has been a change in the actuarial assumptions used for calculating the accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund which change or changes which by themselves without inclusion of any other items of increase or decrease produce a net increase in the unfunded accrued liability of the special fund since December 31, 1970 but prior to January 1, 1979, the established date for full funding shall be December 31, 1998, and if there has been a change since December 31, 1978, the established date for full funding shall be determined using the following procedure:

(i) The unfunded accrued liability of the special fund shall be determined in accordance with the provisions governing service pensions, retirement benefits and actuarial assumptions in effect prior to an applicable change;

(ii) The level annual dollar contribution needed to amortize this unfunded accrued liability amount by the date for full funding in effect prior to the change shall be calculated using the interest assumption specified in section 356.215, subdivision 4, clause (4) in effect prior to any applicable change;

(iii) *The unfunded accrued liability of the special fund shall be determined in accordance with any new provisions governing service pensions, retirement benefits and actuarial assumptions and the remaining provisions governing service pensions, retirement benefits and actuarial assumptions in effect prior to an applicable change;*

(iv) *The level annual dollar contribution needed to amortize the difference between the unfunded accrued liability amount calculated pursuant to subclause (i) and the unfunded accrued liability amount calculated pursuant to subclause (iii) over a period of 20 years from December 31 of the year in which the change is effective shall be calculated using the interest assumption specified in section 356.215, subdivision 4, clause (4) in effect subsequent to any applicable change;*

(v) *The annual amortization contribution calculated pursuant to subclause (iv) shall be added to the annual amortization contribution calculated pursuant to subclause (ii);*

(vi) *The period in which the unfunded accrued liability amount determined in subclause (iii) will be amortized by the total annual amortization contribution computed pursuant to subclause (v) shall be calculated using the interest assumption specified in section 356.215, subdivision 4, clause (4) in effect subsequent to any applicable change, rounded to the nearest integral number of years, but which shall not exceed a period of 20 years from the end of the year in which the determination of the date for full funding using this procedure is made and which shall not be less than the period of years beginning in the year in which the determination of the date for full funding using this procedure is made and ending by the date for full funding in effect prior to the change.*

(vii) *The period determined pursuant to subclause (vi) shall be added to the date as of which the actuarial valuation was prepared and the date obtained shall be the new date for full funding.*

Subd. 5. [MINIMUM MUNICIPAL OBLIGATION.] The (FINANCIAL REQUIREMENTS AS DETERMINED BY SUBDIVISION 4) officers of the relief association shall (BE CERTIFIED TO THE GOVERNING BODY) determine the minimum obligation of the municipality (PRIOR TO SEPTEMBER 1, 1971, AND) with respect to the special fund of the relief association for the following calendar year prior to (EACH) August 1 (THEREAFTER) of each year in accordance with the requirements of this subdivision. The minimum obligation of the municipality with respect to the special fund shall be an amount equal to the financial (REQUIREMENT SO) requirements of the special fund of the relief association determined (LESS ONE YEAR'S) pursuant to subdivision 4, reduced by the estimated amount of any fire state aid (EXPECTED FROM THE

STATE) payable pursuant to (THIS CHAPTER) sections 69.011 to 69.051 anticipated to be received by the municipality for transmittal to the special fund of the relief association during the following year and the amount of any anticipated contributions to the special fund by the members of the relief association during the following calendar year. The officers of the relief association shall certify the financial requirements of the special fund of the relief association and the minimum obligation of the municipality with respect to the special fund of the relief association as determined pursuant to subdivision 4 and this subdivision to the governing body of the municipality by August 1 of each year. The municipality shall provide for at least the minimum obligation (SO DETERMINED, OR MORE,) of the municipality with respect to the special fund of the relief association by tax levy or (OTHERWISE) from any other source of public revenue. The (TAX) municipality may levy (HEREIN PROVIDED MAY BE IN ADDITION TO) taxes for the payment of the minimum municipal obligation without any (STATUTES) limitation as to rate or (CHARTER LIMITS GOVERNING) amount and irrespective of any limitations imposed by other provisions of law or charter upon the rate or amount of taxation until the balance of the special fund or any fund of the relief association has attained a specified level. In addition, any taxes levied pursuant to this section shall not cause the amount or rate of any other taxes levied in that year or to be levied in a subsequent year by the municipality which are subject to a limitation as to rate or amount to be reduced. If the municipality does not include the full amount of the minimum municipal obligation in its levy for any year, the officers of the relief association shall certify that amount to the county auditor, who shall spread a levy in the amount of the minimum municipal obligation.

Subd. 6. [REQUIREMENT FOR MUNICIPAL RATIFICATION FOR PLAN AMENDMENTS.] (BYLAW OR) The adoption of or any amendment to the articles of incorporation (AMENDMENTS AFTER JANUARY 1, 1970, AFFECTING) or bylaws of a relief association which increases or otherwise affects the retirement coverage provided by or the service pensions or retirement benefits (PAID) payable from the special fund of any relief association to which this section applies shall not (BECOME OR REMAIN) be effective until (THE CHANGES ARE) it is ratified by the governing body of the municipality in which the relief association is located.

Sec. 31. Minnesota Statutes 1978, Section 69.774, is amended to read:

69.774 [NONPROFIT FIREFIGHTING CORPORATIONS.]
Subdivision 1. [AUTHORIZED INCLUSION IN FIRE STATE AID PROGRAM; COVERED NONPROFIT CORPORATIONS.] (THE) This section shall apply to any independent nonprofit firefighting (CORPORATIONS) corporation incor-

porated or organized pursuant to (LAWS 1961, CHAPTER 360, AS AMENDED, PROVIDING) chapter 317 which operates exclusively for firefighting purposes, which is composed of volunteer firefighters, which has a duly established separate subsidiary incorporated firefighters' relief association which provides retirement coverage for or pays a service (PENSIONS FROM A) pension (FUND OF THE CORPORATION) to a retired firefighter or a retirement benefit to a surviving dependent of either an active or a retired firefighter, and which operates subject to the service pension minimum requirements for entitlement to and maximums for a service pension contained in (ACCORDANCE WITH) section (69.69) 33, or (ANY) a special law (, OR A FIREFIGHTER'S RELIEF ASSOCIATION SUBSIDIARY TO A NONPROFIT FIREFIGHTING CORPORATION AND PAYING PENSION BENEFITS,) modifying those requirements or maximums. Notwithstanding any law to the contrary, a municipality contracting with an independent nonprofit firefighting corporation shall (NOT) be (CERTIFIED) included as a qualified municipality in the certification by the state auditor and for inclusion in the distribution of fire state aid to the appropriate county auditor by the (INSURANCE) commissioner (, EXCEPT AS PROVIDED BY) of insurance only if the independent nonprofit firefighting corporation complies with the provisions of this section.

Subd. 2. [DETERMINATION OF ACTUARIAL CONDITION AND FUNDING COSTS.] (THE) *Each independent nonprofit firefighting (CORPORATIONS DESCRIBED IN SUBDIVISION 1) corporation to which this section applies shall (QUALIFY FOR STATE AID BY) determine the actuarial condition and the funding costs of the subsidiary relief association using the following procedure:*

(a) (THE) *An independent nonprofit firefighting corporation (OR SUBSIDIARY RELIEF ASSOCIATION) which has a subsidiary relief association which pays a monthly benefit service pension shall (OBTAIN) procure an actuarial (SURVEY) valuation of the (PENSION) special fund of the subsidiary relief association at the same times and in the same manner as (DESCRIBED) specified in section 69.773, subdivisions (1,) 2 and 3, and an independent nonprofit firefighting corporation which has a subsidiary relief association which pays a lump sum service pension shall determine the accrued liability of the special fund of the relief association in accordance with section 69.772, subdivision 2.*

(b) *The financial requirements of the special fund of the subsidiary relief association which pays a monthly benefit service pension shall be determined in the same manner as (DESCRIBED) specified in section 69.773, subdivision 4, and the financial requirements of the special fund of the subsidiary relief association shall be determined in the same manner as specified in section 69.772, subdivision 3.*

(c) The *minimum obligation of the independent nonprofit firefighting corporation on behalf of the special fund of the subsidiary relief association shall (ANNUALLY FROM ITS INCOME APPROPRIATE FUNDS TO THE PENSION FUND, AT LEAST EQUAL TO THE FINANCIAL REQUIREMENTS AS) be determined (BY PARAGRAPH B, LESS THE ESTIMATED STATE AID AND ANY MEMBER CONTRIBUTIONS) in the same manner as specified in section 69.773, subdivision 5.*

(d) The (INSURANCE COMMISSIONER SHALL CERTIFY THE) *independent nonprofit firefighting corporation (OR RELIEF ASSOCIATION FOR STATE AID IF THE REQUIREMENTS OF THIS SUBDIVISION ARE COMPLIED WITH) shall appropriate annually from the income of the corporation an amount at least equal to the minimum obligation of the independent nonprofit firefighting corporation on behalf of the special fund of the subsidiary relief association.*

Subd. 3. [AUTHORIZED PENSION DISBURSEMENTS.] (IF A) *Authorized disbursements of assets of the special fund of the subsidiary relief association of the nonprofit firefighting corporation (DESCRIBED IN SUBDIVISION 1 RECEIVED STATE AID,) shall be governed by the provisions of section (424.31) 36 (CONCERNING DISBURSEMENTS OF SPECIAL FUND ASSETS SHALL GOVERN).*

Sec. 32. [424A.01] [MEMBERSHIP IN A VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.] *Subdivision 1. [MINORS.] It is unlawful for any municipality or independent nonprofit firefighting corporation to employ a minor as a volunteer firefighter or to permit a minor to serve in any capacity performing any firefighting duties with a volunteer fire department.*

Subd. 2. [STATUS OF SUBSTITUTE OR PROBATIONARY VOLUNTEER FIREFIGHTERS.] *No person who is serving as a substitute or a probationary volunteer firefighter shall be deemed to be a firefighter for purposes of chapter 69 or sections 32 to 40 nor shall be authorized to be a member of any volunteer firefighters' relief association governed by chapter 69 or sections 32 to 40.*

Subd. 3. [STATUS OF NONMEMBER VOLUNTEER FIREFIGHTERS.] *No person who is serving as a firefighter in a municipal fire department or an independent nonprofit firefighting corporation but who is not a member of the applicable firefighters' relief association shall be entitled to any service pension, retirement benefits or pension or retirement benefit coverage from the relief association.*

Subd. 4. [EXCLUSION OF PERSONS CONSTITUTING AN UNWARRANTED HEALTH RISK.] *The board of trus-*

tees of every volunteer firefighters' relief association governed by chapter 69 or sections 32 to 40 shall have the right to exclude from membership in the relief association all applicants who, due to some medically determinable physical or mental impairment or condition, would constitute for the relief association a predictable and unwarranted risk of the commencement of a retirement benefit at any age earlier than the minimum age specified for receipt of a service pension. Notwithstanding any provision of section 363.02, subdivision 5, it shall be a good and valid defense to a complaint or action brought under chapter 363 that the board of trustees of the relief association made a good faith determination that the applicant suffers from an impairment or condition constituting a predictable and unwarranted risk for the relief association if the determination was made following consideration of the report of the physician completing a physical examination of the applicant completed at the expense of the relief association and of the person's medical history.

Sec. 33. [424A.02] [VOLUNTEER FIREFIGHTERS; SERVICE PENSIONS.] Subdivision 1. [AUTHORIZATION.] Any volunteer firefighters' relief association or volunteer firefighters division or account of a partially salaried and partially volunteer firefighters' relief association organized and incorporated under chapter 317 and any laws of the state and directly associated with a fire department established by municipal ordinance or any separate incorporated volunteer firefighters' relief association subsidiary to and providing service pension and retirement benefit coverage for members of an independent nonprofit firefighting corporation organized under the provisions of chapter 317 and operating exclusively for fire fighting purposes, whether or not the nonprofit firefighting corporation qualifies for fire state aid pursuant to chapter 69, when its articles of incorporation or bylaws so provide, may pay out of the assets of the special fund of the volunteer firefighters' relief association or volunteer firefighters' account, a service pension to each of its members who separates from active service with the fire department or the independent nonprofit firefighting corporation, who reaches the age of 50 years and who completes at least ten years of active service as an active member of the municipal fire department to which the relief association is associated or of the independent nonprofit firefighting corporation to which the relief association is subsidiary, and who completes at least ten years of active membership with the volunteer firefighters' relief association or volunteer firefighters' account prior to separation from active service and who complies with any additional conditions as to age, service and membership which are prescribed by the bylaws of the relief association. In the case of a member who has completed at least ten years of active service as an active member of the municipal fire department to which the relief association is associated or of the independent nonprofit firefighting corporation to which the relief association is subsidiary on the date that the volunteer firefighters' relief association is established and incorporated, the re-

quirement that the member complete at least ten years of active membership with the volunteer firefighter's relief association or volunteer firefighters' account prior to separation from active service may be waived by the board of trustees of the relief association if the member completes at least ten years of inactive membership with the volunteer firefighters' relief association or volunteer firefighters' account prior to the payment of the service pension. During the period of inactive membership, the member shall not be entitled to receive any disability benefit coverage, shall not be entitled to receive any additional service credit towards computation of a service pension, and shall be deemed to have the status of a person entitled to a deferred service pension pursuant to subdivision 7.

Subd. 2. [NONFORFEITABLE PORTION OF SERVICE PENSION.] Any volunteer firefighters' relief association or volunteer firefighters' account to which this section applies, when its articles of incorporation or bylaws so provide and when a retiring member meets the minimum age and service requirements set forth in subdivision 1 but has not completed 20 years of service may pay a portion of the service pension amount earned to date as specified in the bylaws, but not to exceed the percentage applicable for each full year of service completed as follows:

| Completed Years of Service | Nonforfeitable Portion of Annual or Prorata Service Pension Amount |
|----------------------------|--|
| 10 | 60 percent |
| 11 | 64 percent |
| 12 | 68 percent |
| 13 | 72 percent |
| 14 | 76 percent |
| 15 | 80 percent |
| 16 | 84 percent |
| 17 | 88 percent |
| 18 | 92 percent |
| 19 | 96 percent |
| 20 and thereafter | 100 percent |

Subd. 3. [FLEXIBLE SERVICE PENSION MAXIMUMS.]
On or before August 1 of each year as part of the certification of the financial requirements and minimum municipal obligation made pursuant to section 69.772, subdivision 4, or 69.773, subdivision 5, the secretary or some other official of the relief association designated in the bylaws of each volunteer firefighters' relief association or volunteer firefighters' account other than a relief association or account which in its bylaws provides solely for the payment of a defined contribution service pension as authorized pursuant to subdivision 4 shall calculate and certify to the governing body of the applicable qualified municipality the average amount of available financing per active covered firefighter for the most recent three year period. The amount of available financing shall include any amounts of fire state aid received or receivable by the relief association or account, any amounts of municipal contributions to the relief association or account raised from levies on real estate or from other available revenue sources exclusive of fire state aid, and one-tenth of the amount of assets in excess of the accrued liabilities of the relief association or account calculated pursuant to sections 69.772, subdivision 2; 69.773, subdivisions 2 and 4; or 69.774, subdivision 2, if any. The maximum service pension which the relief association may provide for in its bylaws for payment to a member retiring after the calculation date when the minimum age and service requirements specified in subdivision 1 are met shall be determined using the applicable following table.

For a relief association or account where the governing bylaws provide for a monthly service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum monthly service pension amount per month for each year of service credited which may be provided for in the bylaws shall be the greater of the service pension amount provided for in the bylaws on the date of calculation or the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter:

| <i>Minimum Average Amount of Available Financing per Firefighter</i> | <i>Maximum Service Pension Amount Payable per Month for Each Year of Service</i> |
|--|--|
| \$. . . | \$.25 |
| 38 | .50 |
| 74 | 1.00 |
| 112 | 1.50 |
| 149 | 2.00 |
| 196 | 2.50 |

| | |
|-----|-------|
| 223 | 3.00 |
| 261 | 3.50 |
| 298 | 4.00 |
| 335 | 4.50 |
| 372 | 5.00 |
| 410 | 6.00 |
| 447 | 7.00 |
| 484 | 8.00 |
| 521 | 9.00 |
| 558 | 10.00 |
| 595 | 11.00 |
| 633 | 12.00 |
| 670 | 13.00 |
| 707 | 14.00 |
| 744 | 15.00 |

For a relief association or account in which the governing by-laws provide for a lump sum service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum lump sum service pension amount for each year of service credited which may be provided for in the bylaws shall be the greater of the service pension amount provided for in the bylaws on the date of the calculation or the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter:

*Minimum Average Amount
of Available Financing
per Firefighter*

*Maximum Lump Sum Service
Pension Amount Payable
for Each Year of Service*

| | |
|------------|------|
| \$ | \$10 |
| 10 | 20 |
| 14 | 30 |

| | |
|-----|-----|
| 20 | 40 |
| 24 | 50 |
| 28 | 60 |
| 38 | 80 |
| 48 | 100 |
| 58 | 120 |
| 68 | 140 |
| 76 | 160 |
| 86 | 180 |
| 96 | 200 |
| 116 | 240 |
| 134 | 280 |
| 154 | 320 |
| 172 | 360 |
| 192 | 400 |
| 212 | 440 |
| 230 | 480 |
| 250 | 520 |
| 268 | 560 |
| 288 | 600 |
| 308 | 640 |
| 326 | 680 |
| 346 | 720 |
| 364 | 760 |
| 384 | 800 |

| | |
|-----|------|
| 432 | 900 |
| 480 | 1000 |
| 528 | 1100 |
| 576 | 1200 |
| 624 | 1300 |
| 672 | 1400 |
| 720 | 1500 |
| 768 | 1600 |
| 816 | 1700 |
| 864 | 1800 |
| 912 | 1900 |
| 960 | 2000 |

For a relief association or account in which the governing by-laws provide for a monthly benefit service pension as an alternative form of service pension payment to a lump sum service pension at the option of the retiring member, the maximum service pension amount shall be determined using the applicable table contained in this subdivision.

Subd. 4. [DEFINED CONTRIBUTION LUMP SUM SERVICE PENSION.] *If the bylaws governing the volunteer firefighters' relief association or volunteer firefighters' account of a firefighters' relief association so provide exclusively, the relief association or account may pay a defined contribution lump sum service pension in lieu of any defined benefit service pension governed by subdivision 2. An individual account for each firefighter who is a member of the relief association shall be established. To each individual member account shall be credited a right to an equal share of any amounts of fire state aid received by the relief association or account, any amounts of municipal contributions to the relief association or account raised from levies on real estate or from other available revenue sources exclusive of fire state aid and any amounts equal to the share of the assets of the special fund to the credit of any former member who terminated active service with the fire department of the municipality to which the relief association is associated or the independent nonprofit firefighting corporation to which the relief association is a subsidiary prior to meeting the minimum service requirement provided for in subdivision 1*

and has not returned to active service with the fire department or independent nonprofit firefighting corporation for a period no shorter than five years or to the credit of any retired member who retired prior to obtaining a full nonforfeitable interest in the amounts credited to the individual member account pursuant to subdivision 2 and any applicable provision of the bylaws of the relief association. In addition, any interest or investment income earned on the assets of the special fund shall be credited in proportion to the share of the assets of the special fund to the credit of each individual member account. At the time of retirement pursuant to subdivision 1 and any applicable provision of the bylaws of the relief association, a retiring member shall be entitled to that portion of the assets of the special fund to the credit of the member in the individual member account which is nonforfeitable pursuant to subdivision 2 and any applicable provision of the bylaws of the relief association based on the number of years of service to the credit of the retiring member.

Subd. 5. [SERVICE CREDIT MAXIMUM.] No relief association or account to which sections 32 to 40 apply and where the governing bylaws provide for a monthly service pension to a retiring member shall credit any member with service in excess of 30 years; provided, however, that for any member of a relief association or account who, as of the effective date of this act, has received credit for service in excess of 30 years, the limitation on the crediting of further service credit provided for in this subdivision shall apply to any additional years of service occurring after the effective date of this act.

Subd. 6. [PAYMENT OF SERVICE PENSIONS; NONASSIGNABILITY.] The method of calculating service pensions shall be applied uniformly, except as otherwise provided in this section. No service pension shall be paid to any person while the person remains an active member of the respective municipal fire department or nonprofit firefighting corporation and no person who is receiving a service pension shall be entitled to receive any other benefits from the special fund of the relief association or account. No service pension or retirement benefits paid or payable from the special fund of a relief association or account to any person receiving or entitled to receive a service pension or other benefits shall be subject to garnishment, judgment, execution or other legal process and no person entitled to a service pension or other retirement benefits from the special fund of a relief association or account shall have the right to assign any service pension or retirement benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Subd. 7. [DEFERRED SERVICE PENSIONS.] A member of a relief association or account to which this section applies who has completed the lesser of the minimum period of active service with the municipal fire department or independent nonprofit firefighting corporation specified in the bylaws or 20 years of active service with the municipal fire department to

which the relief association or account is directly associated with or the independent nonprofit firefighting corporation of which the relief association is a subsidiary, who has completed at least ten years of active membership in the relief association or account and who separates from active service and membership prior to reaching the age of 50 years or the minimum age for retirement and commencement of a service pension specified in the bylaws governing the relief association or account if that age is greater than the age of 50 years shall be entitled to a deferred service pension to commence upon the former member reaching the age of 50 years or the minimum age specified in the bylaws governing the relief association or account if that age is greater than the age of 50 years and upon the former member making a valid written application. Any relief association or account which provides a lump sum service pension may, when its governing bylaws so provide, pay interest on the deferred lump sum service pension during the period of deferral. If provided for, interest shall be paid at the rate actually earned by the relief association or account, but not to exceed the interest rate specified in section 356.215, subdivision 4, clause (4), and shall be compounded annually based on calendar year balances. The deferred service pension shall be governed by and shall be calculated pursuant to any general statute, special law, relief association articles of incorporation or relief association bylaw provisions applicable as of the date on which the member separated from active service with the fire department or the nonprofit firefighting corporation and active membership in the relief association or account.

Subd. 8. [LUMP SUM SERVICE PENSIONS; INSTALLMENT PAYMENTS.] Any relief association or account, if the governing bylaws so provide, may, at the option of the retiring member and in lieu of a single payment of a lump sum service pension pay a service pension in installments. The election of installment payments shall be irrevocable and shall be made by the retiring member in writing and filed with the secretary of the relief association no later than 30 days prior to the commencement of payment of the service pension. The amount of the installment payments shall be determined so that the present value of the aggregate installment payments computed at an interest rate of five percent, compounded annually, is equal to the amount of the single lump sum payment which would have been made had the installment payments option not been elected. The payment of each installment shall include interest at the rate of five percent, compounded annually on the reserve supporting the remaining installment payments as of the date on which the previous installment payment was paid computed from the date on which the previous installment payment was paid to the date of payment for the current installment payment.

Subd. 9. [LIMITATION ON RETIREMENT BENEFITS OTHER THAN SERVICE PENSION.] Any relief association

or account to which this section applies, if the governing bylaws so provide, may provide retirement coverage for and may pay any one or any combination death, disability, funeral and survivorship benefits which would constitute an authorized disbursement as specified in section 36 subject to the following limitations:

(1) With respect to a relief association or account where the governing bylaws provide for a lump sum service pension to a retiring member, no retirement benefit may be paid to any former member or paid to any person on behalf of any former member subsequent to the former member terminating active service with the municipal fire department to which the relief association or account is directly associated or the independent nonprofit firefighting corporation of which the relief association is a subsidiary, whichever is applicable, and active membership in the relief association or account, and commencing receipt of a service pension as authorized pursuant to this section; and

(2) With respect to any relief association or account, no retirement benefit paid or payable to any member, to any former member or to any person on behalf of any member or former member may exceed in amount the total service pension calculated using the service pension amount specified in the governing bylaws and the years of service credited to the member or former member as of the date the member or former member became entitled to the retirement benefit or the date the member or former member died entitling a survivor to a retirement benefit on behalf of the member or former member, calculated without regard to whether the member or former member attained the minimum amount of service credit specified in the governing bylaws or not and without regard to the percentage amounts specified in subdivision 2.

Subd. 10. [LOCAL APPROVAL OF BYLAW AMENDMENTS; FILING REQUIREMENTS.] Each relief association or account to which this section applies shall file a complete current copy of its governing bylaws with the state auditor on or before July 1, 1980 and shall immediately file a revised copy of its governing bylaws with the state auditor upon the approval of any amendment to its governing bylaws granted by the governing body of the municipality in which the fire department to which the relief association or account is directly associated or by the governing bodies of all municipalities with which the independent nonprofit firefighting corporation of which the relief association is a subsidiary has contracted whichever is applicable. Failure of the relief association to file a copy of the bylaws or any bylaw amendments with the state auditor shall disqualify the municipality from the distribution of any future fire state aid until this filing requirement has been completed. No bylaw amendment which would affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or other retirement benefits or disbursements

other than administrative expenses authorized pursuant to section 69.80 payable from the special fund of the relief association or account shall be effective until it has been ratified by the governing body of the municipality in which the fire department to which the relief association or account is directly associated or by the governing bodies of all municipalities with which the independent nonprofit firefighting corporation of which the relief association is a subsidiary or has contracted, whichever is applicable.

Sec. 34. [424A.03] [UNIFORMITY OF VOLUNTEER FIREFIGHTER SERVICE PENSION AND RETIREMENT BENEFITS.] *Subdivision 1. [LIMITATION ON NONUNIFORMITY OF PENSIONS.] No partially salaried and partially volunteer firefighters' relief association shall provide service pensions to volunteer firefighter members which differ in nature or amount if the difference is based on compensation paid for firefighting services rendered by any firefighter member nor base the service pensions and retirement benefits it provides upon any rate or amount of compensation which is paid for firefighting services.*

Subd. 2. [PENALTIES FOR VIOLATIONS.] Any municipality which has a fire department to which a relief association which violates the provisions of subdivision 1 is directly associated or which contracts with an independent nonprofit firefighting corporation of which a relief association which violates the provisions of subdivision 1 is a subsidiary shall not be certified as qualified for the receipt of fire state aid by the state auditor to the commissioner of insurance, the commissioner of finance and the county auditor pursuant to section 69.021, subdivision 4, shall not be included in the apportionment of fire state aid by the commissioner of insurance to the applicable county auditor pursuant to section 69.021, subdivision 6, and shall not be included in the apportionment of fire state aid by the county auditor to the various municipalities pursuant to section 69.021, subdivision 7.

Subd. 3. [EXCEPTION TO APPLICATION OF LIMITATION AND PENALTY.] The limitation provided for in subdivision 1 shall not apply to any relief association which prior to January 1, 1957, had established a definite service pension formula for members of the partially salaried and partially volunteer firefighters' relief association who are regularly employed firefighters.

Sec. 35. [424A.04] [VOLUNTEER RELIEF ASSOCIATIONS; BOARD OF TRUSTEES.] *Every volunteer firefighters' relief association shall be managed by a board of trustees consisting of nine members. Six trustees shall be elected from the membership of the relief association and three trustees shall be drawn from the officials of the municipality which has a fire department to which the relief association is directly as-*

sociated or the municipality which contracts or the municipalities which contract with the independent nonprofit firefighting corporation of which the relief association is a subsidiary. The ex officio trustees if the relief association is directly associated with the fire department of a municipality shall be the mayor, the clerk or clerk-treasurer, and the chief of the municipal fire department. The ex officio trustees if the relief association is a subsidiary of an independent nonprofit firefighting relief corporation shall be three elected officials of the contracting municipality designated by the governing body of the municipality if only one municipality contracts with the independent nonprofit firefighting corporation, two elected officials of the largest municipality in population and one elected official of the next largest municipality in population designated by the governing bodies of the applicable municipalities if two municipalities contract with the independent nonprofit firefighting corporation, or one elected official of each of the three largest municipalities in population designated by the governing bodies of the applicable municipalities if three or more municipalities contract with the independent nonprofit firefighting corporation. An ex officio trustee shall have all of the rights and duties accorded to any other trustee except the right to be an officer of the board of trustees. A board shall have at least three officers, which shall be a president, a secretary and a treasurer. These officers shall be elected from among the elected trustees by either the full board of trustees or by the membership, as specified in the bylaws, and in no event shall any trustee hold more than one officer position at any one time. The terms of the elected trustees and of the officers of the board shall be specified in the bylaws of the relief association but shall not exceed three years. If the term of the elected trustees exceeds one year, the election of the various trustees elected from the membership shall initially and shall thereafter continue to be staggered on as equal a basis as is practicable.

It shall be the duty of the board of trustees to faithfully administer any provisions of statute or special law applicable to the relief association without prejudice and consistent with the expressed intent of the legislature. The members of the board shall act as trustees with a fiduciary obligation to the state of Minnesota which authorized the creation of the relief association, the taxpayers who aid in its financing and the firefighters who are its beneficiaries.

Sec. 36. [424A.05] [RELIEF ASSOCIATION SPECIAL FUND.] Subdivision 1. [ESTABLISHMENT OF SPECIAL FUND.] Every volunteer firefighters' relief association shall establish a special fund within the relief association.

Subd. 2. [SPECIAL FUND ASSETS AND REVENUES.] The special fund shall be credited with all fire state aid moneys received pursuant to sections 69.011 to 69.051, all taxes levied by or other revenues received from the municipality pursuant to sections 69.771 to 69.776 or any applicable special law requir-

ing municipal support for the relief association, any moneys or property donated, given, granted or devised by any person which is specified for use for the support of the special fund of the relief association and any interest earned upon the assets of the special fund. The treasurer of the relief association shall be the custodian of the assets of the special fund and shall be the recipient on behalf of the special fund of all revenues payable to the special fund. The treasurer shall maintain adequate records documenting any transaction involving the assets or the revenues of the special fund. These records and the bylaws of the relief association shall be public and shall be open for inspection by any member of the relief association, any officer or employee of the state or the municipality or any member of the public, at reasonable times and places.

Subd. 3. [AUTHORIZED DISBURSEMENTS FROM THE SPECIAL FUND.] *Disbursements from the special fund shall not be made for any purpose other than one of the following:*

(1) For the payment of service pensions to retired members of the relief association if authorized and paid pursuant to law and the bylaws governing the relief association;

(2) For the payment of temporary or permanent disability retirement benefits to disabled members of the relief association if authorized and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(3) For the payment of survivor retirement benefits to surviving spouses and surviving children of deceased members of the relief association if authorized by and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(4) For the payment of any funeral benefits to the surviving spouse, or if no surviving spouse, the estate, of the deceased member of the relief association if authorized by law and specified in amount in the bylaws governing the relief association;

(5) For the payment of the fees, dues and assessments to the Minnesota state fire department association and to the state volunteer firefighters' benefit association in order to entitle relief association members to membership in and the benefits of these state associations; and

(6) For the payment of administrative expenses of the relief association as authorized pursuant to section 69.80.

Subd. 4. [INVESTMENTS OF ASSETS OF THE SPECIAL FUND.] *The assets of the special fund shall be invested only in securities authorized by section 69.775.*

Subd. 5. [DEFINITION OF SURVIVING SPOUSE.] *For purposes of this section, section 33, and the governing bylaws of any relief association to which sections 32 to 40 apply, the term "surviving spouse" means any person who was the dependent spouse of a deceased active member or retired former member living with the member at the time of the death of the active member or retired former member for at least one year prior to the date on which the member terminated active service and membership.*

Sec. 37. [424A.06] [RELIEF ASSOCIATION GENERAL FUND.] Subdivision 1. [ESTABLISHMENT OF GENERAL FUND.] *Any volunteer firefighters' relief association may establish and maintain a general fund within the relief association.*

Subd. 2. [GENERAL FUND ASSETS AND REVENUES.] *To the general fund, if established, shall be credited all moneys received from dues, fines, initiation fees, entertainment revenues and any moneys or property donated, given, granted or devised by any person, for unspecified uses. The treasurer of the relief association shall be the custodian of the assets of the general fund and shall be the recipient on behalf of the general fund of all revenues payable to the general fund. The treasurer shall maintain adequate records documentary and transaction involving the assets or the revenues of the general fund. These records shall be open for inspection by any member of the relief association at reasonable times and places.*

Subd. 3. [AUTHORIZED DISBURSEMENTS FROM THE GENERAL FUND.] *Disbursements from the general fund may be made for any purpose authorized by either the articles of incorporation or bylaws of the relief association.*

Subd. 4. [INVESTMENT OF ASSETS OF THE GENERAL FUND.] *The assets of the general fund may be invested in any securities authorized by the bylaws of the relief association.*

Sec. 38. [424A.07] [NONPROFIT FIREFIGHTING CORPORATIONS; ESTABLISHMENT OF RELIEF ASSOCIATIONS.] *Prior to paying any service pensions or retirement benefits pursuant to section 33 or becoming entitled to receive any amounts of fire state aid upon transmittal from a contracting municipality pursuant to section 69.031, subdivision 5, a nonprofit firefighting corporation shall establish a relief association governed by sections 32 to 40.*

Sec. 39. [424A.08] [MUNICIPALITY WITHOUT RELIEF ASSOCIATION; AUTHORIZED DISBURSEMENTS.] *Any qualified municipality which is entitled to receive fire state aid but which has no volunteer firefighters' relief association directly associated with its municipal fire department and does not contract with an independent nonprofit firefighting corporation which has a subsidiary volunteer firefighters' relief*

association, shall deposit the fire state aid in a special account in the municipal treasury. Disbursement from the special account shall not be made for any purpose except:

(1) *Payment of the fees, dues and assessments to the Minnesota state fire department association and to the state volunteer firefighters' benefit association in order to entitle its firefighters to membership in and the benefits of these state associations;*

(2) *Payment of the cost of purchasing and maintaining needed equipment for the fire department; and*

(3) *Payment of the cost for construction, acquisition, repair and maintenance of buildings or other premises to house the fire department.*

Sec. 40. [424A.09] [APPLICATION TO CERTAIN RELIEF ASSOCIATIONS.] *Sections 32 to 40 shall supersede any special law applicable to any municipal volunteer firefighters' relief association or independent nonprofit firefighting corporation specifically authorizing the relief association or nonprofit firefighting corporation to exceed the service pension limitations contained in Minnesota Statutes 1978, Sections 69.06 and 69.691. Any relief association which amended its bylaws to provide for a full prorata service pension amount at the specified retirement age with 15 years service credit or 75 percent of the prorata service pension amount at the specified retirement age with ten years of service pursuant to Minnesota Statutes 1978, Section 69.06 may continue to provide the specified service pension amounts at the applicable years of credited service to any member who has credit for at least ten or 15 years, whichever is the applicable minimum service period specified in the bylaws governing the relief association, on or before December 31, 1979, notwithstanding section 33.*

Sec. 41. [POLICE AND FIRE STATE AID; TRANSFER OF THE FINANCIAL EXAMINATION, REGULATORY, SUPERVISORY AND ENFORCEMENT FUNCTIONS TO STATE AUDITOR.] *On the effective date of this act, the financial examination and audit function of the fire and police state aid programs shall be transferred from the commissioner of insurance to the state auditor. As soon as is practicable following the effective date of this act, all files, records, reports, papers and materials relating to the financial examination and audit function of the fire and police state aid programs in the possession of the commissioner of insurance shall be transferred to the state auditor. On July 1, 1980, the regulatory, supervisory, qualification determination and enforcement functions of the fire and police state aid programs shall be transferred from the commissioner of insurance to the state auditor. As soon as is practicable following July 1, 1980, the balance of all files, records, reports, papers and materials relating to the regulatory, supervisory, qualification determination and enforcement func-*

tions of the fire and police state aid programs in the possession of the commissioner of insurance shall be transferred to the state auditor.

Sec. 42. [STATE AUDITOR; REPORT TO THE LEGISLATURE ON VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.] *Subdivision 1. [REPORTING REQUIREMENTS.] Commencing November 15, 1981 and every two years thereafter, the state auditor shall report to the legislature on the general financial condition of the various volunteer firefighters' relief associations in the state. Two copies of the report shall be filed with the executive secretary of the legislative commission on pensions and retirement and ten copies of the report shall be filed with the director of the legislative reference library.*

Subd. 2. [CONTENTS OF REPORT.] The report shall include the aggregate totals for all volunteer firefighters' relief associations directly associated with the municipal fire departments and all volunteer firefighters' relief associations subsidiary to independent nonprofit firefighting corporations, the aggregate totals by the various benefit types and the individual results for each volunteer firefighters' relief association listed by various benefit types specified in subdivision 3. The following items shall be reported in each instance:

- (1) amount of accrued liability,*
- (2) amount of assets,*
- (3) amount of surplus or unfunded accrued liability,*
- (4) funding ratio,*
- (5) amount of annual accruing liability or normal cost,*
- (6) amount of annual required contribution to amortize the unfunded accrued liability,*
- (7) amount of total required contribution,*
- (8) amount of fire state aid,*
- (9) amount of any municipal contributions,*
- (10) amount of any other non-investment income,*
- (11) amount of investment income,*
- (12) amount of total receipts,*
- (13) amount of administrative expenses,*

- (14) amount of service pension disbursements,
- (15) amount of other retirement benefit disbursements,
- (16) amount of total non-investment related disbursements,
- (17) amount of investments purchased,
- (18) number of active members,
- (19) number of retired members,
- (20) number of deferred members,
- (21) general type and amount of investment securities held,
- (22) amount of fidelity bond of secretary and treasurer,
- (23) amount of service pension,
- (24) minimum retirement age required for commencement of a service pension,
- (25) minimum years of active service credit required for commencement of service pension,
- (26) minimum years of active membership credit required for commencement of service pension,
- (27) type and amount of other retirement benefits, and
- (28) year of incorporation of the volunteer firefighters' relief association.

Subd. 3. [BENEFIT CATEGORIES.] For purposes of compiling the report required by this section, the various benefit types shall be as follows:

(1) volunteer firefighters' relief associations paying a lump sum service pension of:

- (a) less than \$50 per year of service,
- (b) \$50 or more, but less than \$100 per year of service,
- (c) \$100 or more, but less than \$200 per year of service,
- (d) \$200 or more, but less than \$300 per year of service,
- (e) \$300 or more per year of service;

(2) *volunteer firefighters' relief associations paying a monthly benefit service pension of:*

(a) *less than \$2 per month per year of service,*

(b) *\$2 or more per month per year of service;*

(3) *volunteer firefighters' relief associations paying a defined contribution service pension;*

(4) *volunteer firefighters' relief associations paying no service pension.*

Sec. 43. Laws 1963, Chapter 429, Section 1, is amended to read:

Section 1. [CALEDONIA, FIRE DEPARTMENT RELIEF ASSOCIATION PENSIONS.] The fire department relief association of the (VILLAGE) city of Caledonia may pay out of its special fund in a lump sum a service pension (IN AN AMOUNT NOT EXCEEDING \$20 PER YEAR FOR EACH AND EVERY YEAR OF ACTIVE SERVICE, OR) as may be provided by its by laws, *subject to the maximum contained in section 33*, to each of its members who has heretofore retired, who has reached or shall hereafter reach the age of 50 years and who has heretofore done active duty for 15 years or more as a member of the volunteer fire department in the municipality where the association exists.

These pensions shall be uniform in amount, except as herein otherwise provided. No such pension shall be paid to any person while he remains a member of the fire department and no person receiving such pension shall be entitled to other relief from the association. No payments made or to be made by the association to any member on the pension roll shall be subject to judgment, garnishment, execution, or other legal process and no person entitled to such payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 44. Laws 1967, Chapter 575, Section 1, Subdivision 1, is amended to read:

Section 1. [FAIRMONT, CITY OF; FIREFIGHTERS' RELIEF.] Subdivision 1. The (FIREMEN'S) *firefighters'* relief association of the city of Fairmont may pay a volunteer (FIREMAN) *firefighter* who (QUALIFIES UNDER THE TERMS OF MINNESOTA STATUTES, SECTION 69.06, A SERVICE PENSION IN EXCESS OF THE AMOUNTS AUTHORIZED BY SAID SECTION 69.06, AND) *is disabled as defined in the bylaws of the association a disability (BENEFITS) benefit* as authorized by (MINNESOTA STATUTES, SECTION 424.31)

section 36, subdivision 3, in (AMOUNTS OF) an amount equal to \$130 per month.

Sec. 45. Laws 1967, Chapter 575, Section 2, is amended to read:

Sec. 2. The said relief association may provide a pension to the (WIDOW) *surviving spouse* of a volunteer (FIREMAN) *firefighter* who qualifies under the terms of (MINNESOTA STATUTES, SECTION 424.31) *section 36, subdivision 3*, of \$65 per month; provided that if (SHE) *the surviving spouse* remarry, such pension shall cease and terminate as of the date of (HER) remarriage.

In event there are dependent surviving children the relief association may provide for a pension of \$25 per month for each unmarried child up to the time each child reaches the age of 22; provided, the total pension hereunder for the (WIDOW) *surviving spouse* and children of the deceased member shall not exceed \$130 per month. Such pension paid on account of surviving children shall be payable to the surviving (WIDOW) *spouse* of the volunteer (FIREMAN) *firefighter*.

Sec. 46. Laws 1967, Chapter 829, Section 1, is amended to read:

Section 1. [HOPKINS, CITY OF; FIREFIGHTERS' RELIEF ASSOCIATION.] Notwithstanding (THE) *any* provisions of (MINNESOTA STATUTES, CHAPTER 69) *sections 32 to 40 to the contrary*, in the city of Hopkins, service pensions paid to members of the Hopkins volunteer fire department shall be calculated and paid in an amount not exceeding the sum derived by dividing the total amount of fire department relief association funds then available in the relief association by the total number of months of regular membership by all of the then members of the fire department relief association, and thereafter multiplying such product by the number of months of regular membership of the retiring (FIREMAN) *firefighter*.

Sec. 47. Laws 1969, Chapter 526, Section 2a, as added by Laws 1974, Chapter 208, Section 1, is amended to read:

Sec. 2a. [FALCON HEIGHTS, VILLAGE OF; FIREFIGHTERS' RELIEF.] (THE BYLAWS OF THE FIRE DEPARTMENT RELIEF ASSOCIATION OF THE VILLAGE OF FALCON HEIGHTS MAY PROVIDE FOR PAYMENT OF A LUMP SUM SERVICE PENSION TO ANY PERSON WHO HAS PERFORMED ACTIVE DUTY FOR 20 YEARS OR MORE AS A VOLUNTEER FIREMAN OF THE FIRE DEPARTMENT OF THE VILLAGE OF FALCON HEIGHTS AND WHO HAS REACHED THE AGE OF 50 YEARS. FOR ALL SERVICE PRIOR TO JANUARY 1, 1974, THE AMOUNT

OF THE PENSION SHALL NOT EXCEED \$400 FOR EACH FULL YEAR OF SERVICE. FOR ALL SERVICE AFTER JANUARY 1, 1974, THE AMOUNT OF THE PENSION SHALL NOT EXCEED \$600 FOR EACH FULL YEAR OF SERVICE, THE EXACT AMOUNT OF THE PENSION TO BE SET BY VILLAGE ORDINANCE. ANY INCREASE RESULTING IN A BENEFIT IN EXCESS OF \$400 FOR EACH FULL YEAR OF SERVICE SHALL APPLY ONLY TO SERVICE AFTER THE EFFECTIVE DATE OF SUCH AN ORDINANCE PROVIDING FOR AN INCREASE AND NO ORDINANCE SHALL BE CONSIDERED BY THE VILLAGE COUNCIL UNLESS THE REQUEST IS SUPPORTED BY AN ACTUARIAL SURVEY SHOWING THE FISCAL EFFECTS OF THE PROPOSED INCREASE; PROVIDED, HOWEVER, THAT NO PERSON MAY PERFORM ACTIVE DUTY AS A VOLUNTEER FIREMAN IN EXCESS OF 20 YEARS UNLESS HIS SERVICE IS APPROVED JOINTLY BY A MAJORITY OF THE MEMBERS OF THE VILLAGE COUNCIL AND A MAJORITY OF THE MEMBERS OF THE ASSOCIATION, AND) In no event shall any person perform service as a volunteer (FIREMAN) *firefighter* who has reached the age of 65.

Sec. 48. Laws 1969, Chapter 664, Section 1, is amended to read:

Section 1. [DASSEL, VILLAGE OF; FIREFIGHTERS' RELIEF; SERVICE PENSIONS.] Notwithstanding (MINNESOTA STATUTES, SECTION 69.06) *any provisions of sections 32 to 40 to the contrary*, the (FIREFIGHTERS') *firefighters'* relief association of the (VILLAGE) *city* of Dassel may pay a service pension to each of its *retiring* members who has done or hereafter does active duty for ten years or more, but less than 20 years, as a member of the fire department of the (VILLAGE) *city* and who is otherwise eligible to receive a service pension under the laws applicable to that relief association and the by-laws thereof. The amount of the pension payable hereunder is the following percentage of the pension payable to a member with 20 years of service: (a) 20 percent for a member with 10 or more, but less than 15, years of service; (b) 50 percent for a member with 15 years of service; (c) 55 percent for a member with 16 years of service; (d) 60 percent for a member with 17 years of service; (e) 65 percent for a member with 18 years of service; and (f) 70 percent for a member with 19 years of service.

Sec. 49. Laws 1971, Chapter 114, Section 10, is amended to read:

Sec. 10. [NEW HOPE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION; AUTHORIZED DISBURSEMENTS.] Moneys in the pension fund shall be disbursed only for purposes and in the manner authorized by the articles of incorporation or

bylaws of the association and in accordance with (MINNESOTA STATUTES, SECTIONS 424.30 AND 424.31) *section 36*. The funds of the association shall be invested in securities which are permitted (BY LAW) *pursuant to Minnesota Statutes, Section 69.775* as investments for funds of the Minnesota state retirement system and funds of Minnesota (FIREMEN'S) *firefighters'* relief associations and may be invested with the Minnesota supplemental retirement fund.

Sec. 50. Laws 1971, Chapter 127, Section 1, is amended to read:

Section 1. [WILLMAR, CITY OF; FIREFIGHTERS' SERVICE PENSIONS.] (NOTWITHSTANDING THE PROVISIONS OF MINNESOTA STATUTES, SECTION 69.06, OR ANY OTHER LAW TO THE CONTRARY, THE FIRE DEPARTMENT RELIEF ASSOCIATION OF THE CITY OF WILLMAR MAY PROVIDE IN ITS BYLAWS FOR A SERVICE PENSION IN AN AMOUNT NOT EXCEEDING \$400 PER YEAR OF SERVICE PAYABLE AS A LUMP SUM BENEFIT TO A RETIRED FIREMAN AFTER 20 YEARS SERVICE AND AGE 50. THE AMOUNT OF BENEFIT PROVIDED TO A RETIRING FIREMAN SHALL BE DETERMINED BY THE BYLAWS OF THE RELIEF ASSOCIATION, AND THIS AMOUNT SHALL BE WITHIN THE LIMITS PROVIDED BY THIS ACT. THE AMOUNT OF LUMP SUM BENEFITS SO DETERMINED BY THE BYLAWS OF THE RELIEF ASSOCIATION SHALL NOT BE EFFECTIVE UNTIL APPROVED BY THE GOVERNING BODY OF THE CITY OF WILLMAR.)

In the event that a *Willmar* fire department *relief association* member becomes disabled, through sickness or accident, to the extent that his service as an active (FIREMAN) *firefighter* must be terminated, then he shall be entitled, as of the day of disability, to the proportionate share of the *service* pension to which he would have been entitled had he retired on the date of such disability, without regard to the minimum requirements of age and service years.

Sec. 51. Laws 1971, Chapter 140, Section 7, is amended to read:

Sec. 7. [GOLDEN VALLEY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.] Moneys in the pension fund shall be disbursed only for purposes authorized in (MINNESOTA STATUTES, SECTIONS 424.30 AND 424.31) *section 36, subdivision 3* and in the manner authorized by the articles of incorporation or bylaws of the association. Before any moneys in the fund are invested in order to earn income or any change in the bylaws relative to the purpose or manner of disbursement is made, the association shall obtain the approval of the village council of Golden Valley. All moneys credited to the (FIRE-

MEN'S) *firefighters'* pension fund which are not required for current expenses shall be invested in accordance with standards and limitations applicable to investments of the state employees retirement fund as established by statutes.

Sec. 52. Laws 1971, Chapter 214, Section 1, as amended by Laws 1978, Chapter 599, Section 1, Subdivision 1, is amended to read:

Section 1. [WHITE BEAR LAKE, CITY OF; FIREFIGHTERS RELIEF ASSOCIATION.] Subdivision 1. The bylaws of the volunteer firefighters relief association of the city of White Bear Lake may be amended to authorize the payment to a member firefighter (WHO QUALIFIES UNDER THE TERMS OF MINNESOTA STATUTES, SECTION 69.06,) of a (BASE SERVICE PENSION IN EXCESS OF THE AMOUNTS AUTHORIZED BY SECTION 69.06, OR A) disability benefit, either duty or nonduty incurred, as authorized by (MINNESOTA STATUTES, SECTION 424.31, IN AMOUNTS) *section 36, subdivision 3, in an amount not to exceed \$150 per month.*

Sec. 53. Laws 1971, Chapter 214, Section 2, is amended to read:

Sec. 2. [WHITE BEAR LAKE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION; SURVIVOR BENEFITS.] The relief association may provide a pension to the (WIDOW) *surviving spouse* of a volunteer (FIREMAN) *firefighter* (WHO QUALIFIED UNDER THE TERMS OF MINNESOTA STATUTES, SECTION 424.31) *as defined by section 36, subdivision 5,* not to exceed \$65 per month; provided that if (SHE REMARRY) *the surviving spouse remarries,* such pension shall cease and terminate as of the date of (HER) remarriage.

In the event there are dependent surviving children, the relief association may provide for a pension not to exceed \$25 per month for each unmarried child up to the time each child reaches the age of 22; provided the total pension hereunder for the (WIDOW) *surviving spouse* and children of the deceased member shall not exceed \$130 per month. Such pension paid on account of surviving children shall be payable to the surviving (WIDOW) *spouse* of the volunteer (FIREMAN) *firefighter.*

Sec. 54. Laws 1973, Chapter 304, Section 4, is amended to read:

Sec. 4. [COON RAPIDS VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.] Moneys in the pension fund shall be disbursed only for purposes authorized (IN MINNESOTA STATUTES, SECTION 424.31) *pursuant to section 36* and in the manner authorized by the articles of incorporation or bylaws

of the association. Before any moneys in the fund are invested in order to earn income or any change in the bylaws relative to the purpose or manner of disbursement is made, the association shall obtain the approval of the city council of Coon Rapids. All moneys credited to the (FIREMEN'S) *firefighters'* pension fund which are not required for current expenses shall be invested in accordance with standards and limitations applicable to investments of the state employees retirement fund as (ESTABLISHED) *specified* by Minnesota Statutes, Section (69.773) 69.775.

Sec. 55. Laws 1973, Chapter 472, Section 1, as amended by Laws 1976, Chapter 272, Section 1, is amended to read:

Section 1. [WAYZATA, CITY OF; VOLUNTEER FIRE-FIGHTERS' RELIEF ASSOCIATION.] (NOTWITHSTANDING ANY PROVISION OF MINNESOTA STATUTES, SECTION 69.06 TO THE CONTRARY, THE WAYZATA VOLUNTEER FIRE DEPARTMENT RELIEF ASSOCIATION MAY PAY TO ANY FIREMAN RETIRING AFTER JULY 1, 1976 WITH 20 OR MORE YEARS SERVICE AND HAVING ATTAINED THE AGE OF 50, A LUMP SUM BENEFIT NOT IN EXCESS OF \$750 PER YEAR OF SERVICE. THIS) *An amount equal to the lump sum (BENEFIT) service pension which would have been payable to the deceased member had the member retired on the date of death may be (PAYABLE) paid by the Wayzata volunteer fire department relief association to the (WIDOW) surviving spouse or the surviving children of the member in the event that the member dies prior to receiving his lump sum benefit but after completing at least 20 years of service.*

Notwithstanding any contrary provision of section 36, subdivision 5, a ("WIDOW") surviving spouse for purposes of this act is (DEFINED AS) a spouse who became the legally married (WIFE) spouse of a member during or prior to the time the member served on active duty with the fire department and remained such continuously after the marriage until (HIS) the death of the member. The lump sum benefits provided for by (THIS ACT) the bylaws of the association may be paid to any member entitled thereto in addition to any other pension received from other public or private employment.

Sec. 56. Laws 1975, Chapter 237, Section 1, is amended to read:

Section 1. [BROOKLYN PARK VOLUNTEER FIRE-FIGHTERS' RELIEF ASSOCIATION.] (IN LIEU OF THE SERVICE PENSION AS PROVIDED IN MINNESOTA STATUTES, SECTION 424.17,) The (FIREMEN'S) *firefighters'* relief association in the city of Brooklyn Park may provide a (FIREMAN WHO QUALIFIES UNDER THE PROVISIONS OF SECTION 424.17) *member with (A SERVICE PENSION*

OR) a disability pension of not more than (1) a sum equal to \$7 per month per year of service, not to exceed \$175 per month, for life, in conformity with the bylaws of the association or (2) a lump sum payment of up to \$600 for each year of service, not to exceed a total of \$15,000, in conformity with the bylaws of the association.

Sec. 57. Laws 1975, Chapter 237, Section 2, is amended to read:

Sec. 2. Subdivision 1. (IN LIEU OF THE WIDOW'S PENSION PROVIDED IN MINNESOTA STATUTES, SECTION 424.24,) The association may provide a (PENSION) *survivor benefit* to the (WIDOW) *surviving spouse* of a volunteer (FIREMAN WHO QUALIFIES UNDER THE TERMS OF SECTION 424.24) *firefighter as defined by section 36, subdivision 5*, such (PENSION) *survivor benefit* to be paid as the bylaws of the association provide for life, not to exceed \$60 per month, provided that if (SHE) *the surviving spouse* remarries, the pension shall cease as of the date of (HER) remarriage.

Subd. 2. In the event there are surviving children (AS PROVIDED IN SECTION 424.24), the association may provide for a pension for each child up to the time each child reaches the age of not less than 16 years nor more than 22 years if classified as a full time student, not to exceed \$30 per month, or as the bylaws of the association may provide.

Sec. 58. Laws 1976, Chapter 209, Section 1, is amended to read:

Section 1. [ROCKFORD, CITY OF; FIREFIGHTERS' PENSIONS.] Notwithstanding (MINNESOTA STATUTES, SECTION 69.06) *any contrary provision of section 33*, the (FIREMEN'S) *firefighters'* relief association of the city of Rockford may pay a proportionate service pension to each of its members who has done or hereafter does active duty for ten years or more, but less than 20 years, as a member of the fire department of the city and who is otherwise eligible to receive a service pension under the laws applicable to that relief association and the bylaws thereof. The amount of the pension payable hereunder shall be prorated in the ratio that the number of full years of service completed bears to 20 years.

Sec. 59. Laws 1977, Chapter 374, Section 41, is amended to read:

Sec. 41. [COLUMBIA HEIGHTS VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.] *Notwithstanding any contrary provision of section 35*, the governing body of the Columbia Heights fire department relief association volunteer division shall consist of a board of trustees composed of the members of the Columbia Heights city council. The city manager,

clerk-treasurer, chief of the fire department and the public safety director of the city shall be ex officio members of the board of trustees. The ex officio members shall not vote, nor shall they regulate the management or affairs of the division except as provided herein. The board of trustees of the volunteer division shall have the exclusive control and management of all affairs, property, and funds of the volunteer division from whatever source received for the benefit of the volunteer division special fund and shall have authority to carry out the objects and purposes of the volunteer division as set forth in sections 38 to 60.

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

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

Sec. 60. Laws 1977, Chapter 374, Section 50, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding any provision of law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide, upon consent, approval and ratification by written resolution of the Columbia Heights city council by a four-fifths vote for (1) early (**RETIREMENT BENEFITS**) *service pensions* after ten years service in good standing *as authorized pursuant to section 33, subdivision 2*, (2) surviving spouse and/or minor child or children benefits and/or (3) disability benefits for volunteers provided that any such benefits do not exceed 50 percent of \$180 per month per member or per such member's spouse and children.

Sec. 61. Laws 1977, Chapter 374, Section 51, is amended to read:

Sec. 51. The Columbia Heights city council may provide for an increase in benefits paid to members of the paid division or to members of the volunteer division without further special or general legislation by the state, provided the action by the city council complies with the provisions of sections 38 to 60 *and any increase applicable to members of the volunteer division complies with this act*. The city council may increase or decrease the benefits paid to members of the paid division only by increasing or decreasing the monthly salary of a first grade firefighter pursuant to the provisions of Laws 1975, Chapter 424, Section

9. Nothing in sections 38 to 60 shall be construed to give authorization to the city council to increase or decrease benefits of members of the paid division by increasing or decreasing the number or value of "units" as defined in Laws 1975, Chapter 424, for periods of service in the fire department, nor shall the city council be authorized to change the definition of a "unit" or "units".

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

It shall be unlawful for the city of Columbia Heights to contribute any public funds, or to levy taxes for any such increase in benefits paid to members of the paid division or to members of the volunteer division, as the case may be, unless the city council has first complied with the provisions of sections 50 and 51.

Sec. 62. Laws 1977, Chapter 374, Section 57, is amended to read:

Sec. 57. The affairs of the paid division shall be managed by the board of trustees in the manner prescribed by law and the board of trustees of the paid division shall have exclusive control and management of all funds allocated to it under applicable law and received by its treasurer, including the funds derived under the provisions of (MINNESOTA STATUTES, SECTIONS 424.30 AND 424.31) *section 36*, funds derived from the state of Minnesota, and all moneys or property donated, given, granted, or devised for the benefit of the paid division special fund; and such funds when received shall be kept in a separate account in the special fund account of the paid division and never disbursed for any purposes except the following:

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

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

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

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

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

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

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

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

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

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

(ii) \$2,000;

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

In the event that there are not enough paid members available to act as a board of trustees, funds shall be paid to a trustee, as provided in section 58, for the benefit of the beneficiaries of such funds and for purposes consistent with clauses (1) through (6).

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

Sec. 63. Laws 1978, Chapter 685, Section 1, is amended to read:

Section 1. [PLYMOUTH VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.] (NOTWITHSTANDING ANY PROVISION OF MINNESOTA STATUTES, SECTION 69.06, CHAPTER 424, OR ANY OTHER LAW,) The bylaws of the Plymouth firefighter's relief association may be amended to provide for payment of a (SERVICE PENSION OR) disability pension in an amount equal to \$8.50 per month per year of service, to a maximum of \$255 per month, to a firefighter (OTHER-

WISE) qualified pursuant to (SECTION 69.06 AND) the bylaws of the association.

Sec. 64. Laws 1978, Chapter 685, Section 4, is amended to read:

Sec. 4. Notwithstanding (MINNESOTA STATUTES, SECTION 424.31) *any contrary provisions of section 33*, the board of trustees shall consist of six general trustees elected from the membership, and the mayor, city manager, director of finance, and chief of the fire department who shall be ex-officio members of the board with the same rights, privileges and duties as the elected trustees.

Sec. 65. [REPEALER.] *Minnesota Statutes 1978, Sections 69.011, Subdivision 4; 69.04; 69.055; 69.06; 69.22; 69.23; 69.24; 69.66; 69.67; 69.68; 69.691; 424.30; and 424.31; Laws 1959, Chapter 324; Laws 1965, Chapters 592, Section 1; and 598, Section 1; Laws 1967, Chapters 575, Section 1, Subdivision 2; 742, Section 1; 815, Sections 1 and 2, Subdivision 1; and 831; Laws 1969, Chapters 252, Section 1, Subdivisions 1 and 2; 526, Sections 1 and 2; 530; 644, Section 1; 714; 719, Section 1; 877; 1088, Section 2, Subdivision 1; and 1105, Sections 1, 2 and 3; Laws 1971, Chapters 2; 114, Section 3, Subdivision 2; 140, Section 1; 184, Section 1, Subdivisions 1 and 2; 200; and 233; Laws 1973, Chapters 30, Section 1, Subdivision 1; 33; 166; 170; 173; 175; 181; 182; 280; 283, Section 1; 288; 304, Section 1, Subdivision 2; 311; and 464; Laws 1974, Chapters 112; Laws 1975, Chapters 36; 43; 117; 118; 119; 124; 125; 178; 197; 229, Section 1; 306, Section 33, Subdivisions 1 and 2; and 367; Laws 1976, Chapters 71; 97; 100, Section 1, Subdivisions 1 and 3; 206; 208; 214; 267; 272, Section 2; and 288, Section 1; Laws 1977, Chapters 294; 295; and 374, Section 50, Subdivision 1; Laws 1978, Chapters 599, Section 1, Subdivisions 2 and 3; 606; 617, Section 1; 622; 631; 673; 683, Sections 1 and 2, Subdivision 1; 753, Section 2, Subdivisions 1 and 1a; and 754 are repealed.*

Sec. 66. [EFFECTIVE DATE.] *This act shall be effective July 1, 1979.*

The procedure for recognizing assets in excess of accrued liabilities specified in section 26, subdivision 3, clause (2), subclause (c), and the procedure for calculating a new amortization period specified in section 30, subdivision 4, clause (b) may be utilized by any fund covered by an applicable provision for calculations of the financial requirements of, and the minimum obligation of the municipality with respect to the special fund of, the relief association certified during calendar year 1979 and shall be utilized by any relief association covered by an applicable provision for calculations of the financial require-

ments of, and the minimum obligation of the municipality with respect to the special fund of, the relief association certified during the calendar year 1980. To the extent that he deems it to be necessary or practical, the state auditor may specify and issue procedures, forms or mathematical tables for use in performing the calculations required pursuant to section 25 or section 33, subdivision 8.

Nothing in this act shall be construed to reduce the amount of any benefits received by any person receiving on the effective date of this act a service pension or other retirement benefits paid by any volunteer firefighters' relief association or any independent nonprofit firefighting corporation retirement plan or subsidiary relief association."

Delete the title in its entirety and insert:

"A bill for an act relating to retirement; volunteer firefighters' relief associations and independent nonprofit firefighting corporations; providing for a flexible statutory service pension maximum; revising the administration of the fire state aid program; transferring the financial examination, regulatory, supervisory and enforcement functions of the police and fire state aid program to the state auditor; providing a procedure for the recognition of a funding surplus in the calculation of the financial requirements of a relief association and the minimum obligation of a municipality; clarifying the calculation of the time period for the amortization of unfunded accrued liabilities of volunteer firefighters' relief associations; clarifying and updating various ambiguous and obsolete provisions regarding the fire state aid program, the authorization of retirement benefits for volunteer firefighters and the mandated guidelines for the financing of volunteer firefighters' relief associations; amending Minnesota Statutes 1978, Sections 69.011, Subdivisions 1, 2, 3 and 5; 69.021, Subdivisions 1, 2, 4, 5, 6, 7 and 9; 69.031, Subdivisions 1, 3, 4, 5 and 6; 69.051, Subdivisions 1, 2, 3 and 4; 69.77, Subdivision 1; 69.771; 69.772, Subdivisions 1, 2, 3, 4, 5, 6, and by adding a subdivision; 69.773; and 69.774; and Laws 1963, Chapter 429, Section 1; Laws 1967, Chapter 575, Sections 1, Subdivision 1; and 2; 829, Section 1; Laws 1969, Chapter 526, Section 2a, as added; 664, Section 1; Laws 1971, Chapters 114, Section 10; 127, Section 1; 140, Section 7; and 214, Sections 1, as amended, and 2; Laws 1973, Chapters 304, Section 4; and 472, Section 1, as amended; Laws 1975, Chapter 237, Sections 1 and 2; Laws 1976, Chapter 209, Section 1; Laws 1977, Chapter 374, Sections 41, 50, Subdivision 2; 51 and 57; Laws 1978, Chapter 685, Sections 1 and 4; repealing Minnesota Statutes 1978, Sections 69.011, Subdivision 4; 69.04; 69.055; 69.06; 69.22; 69.23; 69.24; 69.66; 69.67; 69.68; 69.691; 424.30; and 424.31; Laws 1959, Chapter 324; Laws 1965, Chapters 592, Section 1; and 598, Section 1; Laws 1967, Chapters 575, Section 1, Subdivision 2; 742, Section 1; 815, Sections 1 and 2, Subdivi-

sion 1; and 831; Laws 1969, Chapters 252, Section 1, Subdivisions 1 and 2; 526, Sections 1 and 2; 530; 644, Section 1; 714; 719, Section 1; 877; 1088, Section 2, Subdivision 1; and 1105, Sections 1, 2 and 3; Laws 1971, Chapters 2; 114, Section 3, Subdivision 2; 140, Section 1; 184, Section 1, Subdivisions 1 and 2; 200; and 233; Laws 1973, Chapters 30, Section 1, Subdivision 1; 33; 166; 170; 173; 175; 181; 182; 280; 283, Section 1; 288; 304, Section 1, Subdivision 2; 311; and 464; Laws 1974, Chapter 112; Laws 1975, Chapters 36; 43; 117; 118; 119; 124; 125; 178; 197; 229, Section 1; 306, Section 33, Subdivisions 1 and 2; and 367; Laws 1976, Chapters 71; 97; 100, Section 1, Subdivisions 1 and 3; 206; 208; 214; 267; 272, Section 2; and 288, Section 1; Laws 1977, Chapters 294; 295; and 374, Section 50, Subdivision 1; Laws 1978, Chapters 599, Section 1, Subdivisions 2 and 3; 606; 617, Section 1; 622; 631; 673; 683, Sections 1 and 2, Subdivision 1; 753, Section 2, Subdivisions 1 and 1a; and 754."

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

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

H. F. No. 944, A bill for an act relating to the state civil service; clarifying language and statutory references; providing for modern methods of personnel data record keeping; clarifying the salary setting authority of the attorney general and the higher education systems; adding and deleting certain job categories in the unclassified civil service; clarifying the rights of classified employees appointed to newly created unclassified positions; providing managerial benefits to department heads and deputies; modifying the expanded certification procedures; modifying promotional procedures; clarifying the appointment process following reallocation of positions; modifying the emergency and temporary appointment provisions; simplifying the time off in emergencies procedure; coordinating human resource planning with biennial budget preparation; authorizing the commissioner to promulgate rules on special expenses and permitting the commissioner of finance to delegate enforcement of expenses to appointing authorities; clarifying continuance of eligibility for health and life insurance benefits for state employees; removing eligibility for health and life insurance benefits from student workers and interns; removing the governor from approving modifications in social security agreements with the secretary of health, education and welfare; amending Minnesota Statutes 1978, Sections 15A.13; 43.01, Subdivisions 10 and 11, and by adding a subdivision; 43.05, Subdivision 2; 43.051, Subdivision 1; 43.055; 43.062, Subdivision 4; 43.064; 43.09, Subdivisions 2 and 2a; 43.12, Subdivision 15; 43.127, Subdivision 6; 43.15, Subdivision 5; 43.17, Subdivisions 3 and 4a; 43.19; 43.20, Subdivisions

3 and 5; 43.227; 43.32, Subdivision 4; 43.327, Subdivisions 2 and 3; 43.44, Subdivision 2; 43.47, Subdivision 2; 355.12; 355.17; 355.207; 355.23, Subdivision 3; 355.286; 355.295; 355.308; 355.45; 355.60; and 355.76.

Reported the same back with the following amendments:

Page 5, delete section 6

Page 7, line 12, after "(5)" insert "*and for classified hearing examiners in the office of hearing examiners*"

Page 7, line 14, strike "and"

Page 7, line 14, after "board" insert "*and the chief hearing examiner*"

Page 9, line 29, after "*workers*" insert "*hired after July 1, 1979*"

Page 11, line 17, after "rights" insert "*, the crime control planning board*"

Page 14, line 22, after "*commissioner*" insert "*. Eligible lists shall be made available upon request to the exclusive representative as defined in sections 179.61 to 179.77*"

Page 15, line 29, reinstate "*higher class*"

Page 16, line 4, delete "*and receives a passing score on an*"

Page 16, delete line 5

Page 16, line 6, delete "*for the class*"

Page 19, line 29, after "*the*" insert "*benefits of the*"

Page 22, line 3, after "*workers*" insert "*hired after July 1, 1979*"

Page 22, after line 9, insert:

Sec. 26. Minnesota Statutes 1978, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of personnel shall meet and negotiate with the exclusive representative of appropriate units in the manner prescribed by sections 179.61 to 179.77; provided, however, that the director of mediation services shall define appropriate units of state employees as all the employees

under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other composition. The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of personnel in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, all positions in the bureau of mediation services, *all hearing examiners in the office of hearing examiners*, employees who work in the personnel offices of an appointing authority in the executive branch and who have access to information subject to use by the appointing authority in meeting and negotiating or who actively participate in the meeting and negotiating on behalf of the state, shall be excluded from any appropriate unit. Regardless of unit determination, the governor may upon the unanimous written request of exclusive representatives of units and appointing authorities direct that negotiations be conducted for one or more appointing authorities in a common proceeding.

Renumber subsequent sections accordingly

Amend the title as follows:

Page 1, line 6, after "attorney general" insert ", the chief hearing examiner"

Page 1, line 26, after "interns;" insert "excluding hearing examiners from appropriate units;"

Page 1, lines 32 and 33, delete "43.051, Subdivision 1;"

Page 1, line 39, after "43.47, Subdivision 2;" insert "179.74, Subdivision 4;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wigley from the Committee on Energy and Utilities to which was referred:

H. F. No. 990, A bill for an act relating to energy; clarifying the procedures for declaring an energy emergency; prescribing the powers of the governor and executive council in an emergency; providing for the issuance of emergency rules by the director of the energy agency; prescribing additional elements of the energy emergency conservation and allocation plan; providing for earth sheltered construction zoning variances; pro-

hibiting local governments from banning earth sheltered construction; requiring certain building energy reports and audits; providing for an adult and post-secondary energy education plan; limiting the time for application for certain variances; providing a method for determining certain efficiencies for air conditioners; prescribing a penalty; appropriating money; amending Minnesota Statutes 1978, Sections 12.02, Subdivision 1; 12.03, Subdivision 4, and by adding a subdivision; 12.21, Subdivisions 1 and 3; 12.28; 12.32; 116H.02, Subdivisions 3 and 5, and by adding subdivisions; 116H.08; 116H.09, Subdivisions 1, 4, and 5; 116H.11; 116H.12, Subdivisions 1a, 1b, 3a, 3b, and 10; 116H.122; 116H.123; 116H.124; 116H.126; 116H.13; 116H.15; 120.78, Subdivision 1; 325.989, by adding a subdivision; 394.25, Subdivision 3; 394.27, Subdivision 7; 462.-357, Subdivisions 1 and 6; and Chapter 116H, by adding a section; repealing Minnesota Statutes 1978, Section 116H.125.

Reported the same back with the following amendments:

Page 6 after line 20 insert:

"Sec. 6. Minnesota Statutes 1978, Section 12.21, is amended by adding a subdivision to read:

Subd. 4. The governor shall propose procedures for annual review by state and local officials of the evacuation plans specified in the licensing of each nuclear fission electrical generating plant. The review shall include, but not be limited to such factors as changes in traffic patterns, population densities, and new construction. Opportunity for full public participation in the annual review shall be provided. Copies of an evacuation plan shall be published, publicized, and distributed to the news media and to the appropriate officials of affected communities, and shall be made available to the general public upon request, at no more than the cost of reproduction."

Page 9, line 14, delete "restrict and"

Page 9, delete lines 15 and 16

Page 9, line 17, delete "other means,"

Page 10, line 7, delete "except that the" and insert "and reviewed by the appropriate standing committees of the legislature. The"

Page 10, line 31, after "plan" delete the rest of the line

Page 10, line 32, delete everything before the period and insert "or any part thereof"

Renumber the sections accordingly:

Page 18, line 23, after "education," insert "*the higher education coordinating board,*"

Page 20, after line 14, insert the following subsections:

"(g) *The cost of energy to residential and rental consumers in relation to their socio-economic status;*

(h) *An assessment of the economic and employment implications of proposed state energy policies;*"

Renumber clauses in sequence

Page 26, after line 20, insert:

"Subd. 3. [APPEAL FROM DECISION OF DIRECTOR.] *The governing body of any city or county may appeal the decision of the director pursuant to subdivision 2 by submitting in writing to the director the reasons for the appeal. No appeal may be considered by the director if received later than three months after notification to the city or county that a mini-audit or maxi-audit shall be performed. The director shall review all appeals and respond to the governing body within one month of receipt of the appeal indicating whether the appeal is granted in full, granted in part, or denied.*"

Renumber subdivisions in sequence

Page 27, after line 32, insert:

"Subd. 3. [APPEAL FROM DECISION OF DIRECTOR.] *Any school district may appeal the decision of the director pursuant to subdivision 2 by submitting in writing to the director the reasons for the appeal. No appeal may be considered by the director if received later than three months after notification to the school district that a mini-audit or maxi-audit shall be performed. The director shall review all appeals and respond to the school district within one month of receipt of the appeal indicating whether the appeal is granted in full, granted in part, or denied.*"

Renumber subdivisions in sequence

Page 30, line 20, after "consider" insert "*the granting,*"

Page 30, line 23, after "granting" insert "*or denying*"

Page 33, after line 13, insert:

"Sec. 19. Minnesota Statutes 1978, Chapter 268, is amended by adding a section to read:

[268.37] [COORDINATION OF RESIDENTIAL WEATHERIZATION PROGRAM.] *Subdivision 1. The department of economic security is the state agency to apply for, receive and disburse federal funds made available to the state by federal law or rules and regulations promulgated thereunder for the purpose of weatherizing residences of low-income persons. The department shall coordinate available federal funds with any state funds appropriated for this purpose.*

Subd. 2. The commissioner shall make grants to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low-income persons. Grant applications shall be submitted in accordance with regulations developed pursuant to 42 U.S.C. 6861-6872 or for any other relevant federal program and rules promulgated by the department.

Subd. 3. The department shall promulgate all rules necessary to administer the grants program by July 1, 1979. The rules shall describe: (a) content of grant applications, (b) application procedures, (c) criteria of eligibility for grants, (d) procedures for the administration of grants, (e) data to be reported by grant recipients, and (f) such other matters as the department may find necessary for the proper administration of the grant program including compliance with relevant federal regulations. Weatherization assistance shall be given to households where the total income does not exceed 125 percent of the poverty level as updated by the office of management and budget poverty guidelines.

Subd. 4. The commissioner shall submit a report to the legislature on March 1, 1980, and March 1, 1981, evaluating the weatherization program. The reports shall describe: (a) the numbers of households weatherized, (b) the average cost per household, (c) any change in energy consumption after weatherization, (d) outreach efforts, and (e) any other information the department feels is relevant including information routinely submitted to the federal government.

Sec. 20. [APPROPRIATION.] There is appropriated from the general fund to the department of economic security the sum of \$4,800,000 for the biennium ending June 30, 1981, for the purposes of section 19."

Renumber the sections accordingly

Page 33, after line 15, insert:

**"ARTICLE IV: FUNDING FOR ENERGY AUDITS AND
CONSERVATION MEASURES**

Section 1. [116H.21] *Subdivision 1. [DEFINITIONS.] As used in sections 2 and 3, the following terms shall have the meanings here given them.*

Subd. 2. "Energy conservation measure" means an installation or modification of an installation in a building which is primarily intended to reduce energy consumption or allow the use of an alternative energy source. The measure must be one which a mini-audit or a maxi-audit of the building, as defined in subdivisions 4 and 5, indicates would reduce the consumption of energy. An "energy conservation measure" as defined in section 302(a)(2) of the National Energy Conservation Policy Act, P.L. 95-619, shall be considered an energy conservation measure as defined herein.

Subd. 3. "Governing body" means the governing body of a statutory or home rule charter city, or county.

Subd. 4. "Maxi-audit" means a detailed engineering analysis of energy saving building improvements, including modifications to building structure; heating, ventilating and air conditioning systems; operation practices; lighting; and other factors that relate to energy use. The primary objective is to quantify the economic and engineering feasibility of energy saving improvements which require capital expenditures or major operational modifications. "Technical assistance" as defined in section 302(a)(17) of the National Energy Conservation Policy Act, P.L. 95-619, shall be considered a maxi-audit.

Subd. 5. "Mini-audit" means a brief, on site, inspection designed to observe and record building energy use systems and related factors. The primary objective is to identify energy saving measures that can be implemented quickly and at low cost. An "energy audit", as defined in section 302(a)(13) of the National Energy Conservation Policy Act, P.L. 95-619, shall be considered a mini-audit.

Subd. 6. "School" means a public school district, or an area vocational-technical institute.

Sec. 2. [116H.22] [FUNDS FOR SCHOOLS AND GOVERNING BODIES.] *Funds to pay part or all of the actual costs of maxi-audits and energy conservation measures performed by or for schools and governing bodies shall be available from legislative appropriation made for that purpose in accordance with the priorities established in section 3.*

Sec. 3. [116H.23] [PRIORITIES FOR FUNDING.] *All applications for funding shall be made to the director of the Minnesota energy agency. Applications shall be accompanied by a report on the energy using characteristics of the building and any other information the director may reasonably require. All*

schools and local governments may apply to the director to receive reimbursement for up to the actual costs of mini-audits or maxi-audits performed pursuant to article III, sections 12 and 13. Notwithstanding any other law to the contrary schools and local governments which submit their maxi-audits or mini-audits to the director prior to or on December 31, 1980 may use the state funds received to pay part of or all of the actual costs of energy conservation measures. In the event that the applicant receives federal funds pursuant to the National Energy Conservation Policy Act, P.L. 95-619, which funds are intended to be used to pay part or all of the costs of a mini-audit or maxi-audit, the applicant shall receive state funds, which, when combined with federal funds received, equal the actual cost of the mini-audit or maxi-audit. If funds are not sufficient to cover the costs of these categories, funds shall be allocated to acceptable applicants in accordance with criteria established by the director of the energy agency, the department of education, and representatives of governing bodies and schools. Such criteria may include, but not be limited to population, number of students, amount of funding requests, condition of facilities, type of facility, and type of energy conservation measure for which funding is requested.

Sec. 4. [APPROPRIATION.] *There is appropriated \$10,000,000 from the general fund to the energy agency for the biennium beginning July 1, 1979 for the purposes of sections 2 and 3 of this article. Of this appropriation, \$692,017 shall be used for program administration. The approved complement of the energy agency shall be increased by 13 unclassified positions while this appropriation is in effect.*

Sec. 5. [DEVELOPMENT AND IMPLEMENTATION OF ENERGY ACCOUNTING SYSTEM; APPROPRIATION.] *There is appropriated from the general fund to the energy agency for the biennium beginning July 1, 1979, \$40,000 to develop an energy accounting system for schools and local governments and to conduct training courses for local government and school personnel on energy accounting methods.*

Sec. 6. [STUDY OF CAPABILITY OF ENERGY MANAGEMENT PERSONNEL; APPROPRIATION.] *There is appropriated from the general fund to the energy agency for the biennium beginning July 1, 1979, \$10,000 to study the level of training and capabilities of local government and school energy management personnel. The energy agency shall prepare a report, which shall be submitted to the legislature by January 1, 1980.*

ARTICLE V: SOLAR ENERGY

Section 1. Minnesota Statutes 1978, Section 16.32, is amended by adding a subdivision to read:

Subd. 4. Plans prepared by the commissioner for a new building or for a renovation of 50 percent or more of an existing building or its energy systems shall include designs which utilize active and passive solar energy systems, earth-sheltered construction, and other alternative energy sources where feasible.

Sec. 2. Minnesota Statutes 1978, Chapter 116H, is amended by adding a section to read:

[116H.1271] [SOLAR ENERGY DEMONSTRATIONS IN STATE-OWNED BUILDINGS.] *Subdivision 1. The commissioner of administration in consultation with the director shall equip four existing state-owned buildings with solar systems that supply hot water or heat. The commissioner shall select for this purpose buildings that are frequented by members of the general public. Such buildings shall be available for public inspection during regular office hours.*

Subd. 2. The commissioner shall monitor the performance of the solar systems for one year after their installation. A copy of records from the monitoring shall be maintained by the participating state building and by the energy agency and shall be available for public inspection during regular office hours. The energy agency shall prepare a report on the results of the demonstration program which shall tabulate and analyze the data obtained from monitoring the solar systems.

Sec. 3. Minnesota Statutes 1978, Section 462A.02, is amended by adding a subdivision to read:

Subd. 10. It is further declared that supplies of conventional energy resources are rapidly depleting in quantity and rising in price and that the burden of these occurrences falls heavily upon persons of low and moderate income. These conditions are adverse to the health, welfare, and safety of the citizens of this state. It is further declared that it is a public purpose to ensure the availability of financing to be used by low and moderate income people to install in their dwellings reasonably priced energy conserving systems using alternative energy resources and equipment.

Sec. 4. **[APPROPRIATION.]** *There is appropriated from the general fund to the energy agency \$25,000 for the fiscal year ending June 30, 1980 to analyze and monitor solar systems in Minnesota, to prepare a program for assistance to persons who install solar systems, and to develop technical and non-technical literature on solar energy for dissemination to Minnesota citizens.*

Sec. 5. **[APPROPRIATION.]** *The sum of \$160,000 is appropriated from the general fund to the commissioner of ad-*

ministration for the purposes of section 2, and shall be available until June 30, 1981. The sum of \$11,400 is appropriated from the general fund to the energy agency for the purposes of section 2, subdivision 2, and shall be available until June 30, 1981.

ARTICLE VI: MUNICIPAL STEAM HEAT SYSTEMS AND OTHER ENERGY PROJECTS

Section 1. Minnesota Statutes 1978, Section 451.09, is amended to read:

451.09 [STEAM HEAT SYSTEMS; DISCONTINUANCE OR CONVERSION.] *Subdivision 1.* Any steam heat system operated by a public utilities board or commission in any home rule charter city may be discontinued in whole or in part at the discretion of such board or commission. Funds may be expended at the discretion of such board or commission to compensate persons to whom service is discontinued for the expense of converting to some other type of heat system. Prior to exercising any of the authority granted by this section, the public utilities board or commission shall obtain the approval of the governing body of the city. The authority granted by this section shall apply notwithstanding any statute, city charter, or other law to the contrary. This (SECTION) *subdivision* shall not apply to Austin, Marshall and Virginia.

Subd. 2. The public utilities board or commission shall inform the energy agency of its plans to discontinue operation at least two years prior to the intended date of discontinuance of operation. If a public utilities board or commission decides to discontinue operation of a steam heat system prior to July 1, 1981, it shall notify the director of the energy agency within 60 days of its decision.

Sec. 2. [COAL RESEARCH AND MONITORING; APPROPRIATION.] *There is appropriated from the general fund to the Minnesota energy agency \$48,000 to monitor coal use in Minnesota during the biennium beginning July 1, 1979. The approved complement of the energy agency shall be increased by one unclassified position while this appropriation is in effect.*

Sec. 3. [DISTRICT HEATING; APPROPRIATION.] *There is appropriated from the general fund to the energy agency \$100,000 to conduct research on district heating systems during the biennium beginning July 1, 1979. The approved complement of the energy agency shall be increased by two unclassified positions while this appropriation is in effect.*

Sec. 4. [ENGINEERING ANALYSES OF EXISTING STEAM HEAT SYSTEMS.] *There is appropriated from the general fund to the energy agency \$50,000 in the biennium be-*

ginning July 1, 1979, to conduct engineering analyses of steam heat systems.

Sec. 5. [DISTRICT HEATING PROJECTS.] *There is appropriated from the general fund to the energy agency \$250,000 for the biennium beginning July 1, 1979, to match federal funding of a Minneapolis-St. Paul district heating system project and to match federal funding of other district heating system projects. These funds shall be released by the commissioner of finance to the energy agency when the federal government issues a letter of intent to finance the project at the rate of \$3 for every \$1 provided by the state.*

Sec. 6. [ELECTRICAL ENERGY ALTERNATIVES STUDY.] *There is appropriated from the general fund to the energy agency \$25,000 for the fiscal year beginning July 1, 1979, to prepare a proposal for a study of alternative methods for the production of electrical energy in Minnesota.*

Further, amend the title as follows:

Line 17, after "conditioners;" insert "providing partial funding to school districts, private nonsectarian schools, post secondary schools, townships, municipalities and counties for energy audits and energy conservation measures; requiring the commissioner of administration to prepare plans for new buildings that utilize alternative energy sources; establishing a state building solar demonstration program; requiring notice to the Minnesota energy agency of the proposed discontinuance of municipal steam heat systems; appropriating funds to the energy agency for various energy related purposes;"

Line 17, after "penalty;" insert "authorizing a weatherization program for low-income persons;"

Lines 17 and 18, delete "appropriating money;"

Line 20, after "and 3" insert ", and by adding a subdivision"

Line 21, after "12.32;" insert "16.32, by adding a subdivision;"

Line 28, after "subdivision 7;" insert "451.09;"

Line 28, after "subdivisions 1 and 6;" insert "462A.02, by adding a subdivision;"

Line 29, delete "a section;" and insert "sections; and Chapter 268, by adding a section;"

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

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

S. F. No. 606, A bill for an act relating to the revisor of statutes; publication of the Minnesota Statutes, Supplement and Session Laws by the revisor; correcting certain obsolete provisions; clarifying certain provisions; amending Minnesota Statutes 1978, Sections 482.09; 482.11; 648.31, Subdivision 1; 648.32; 648.40; and 648.41, Subdivision 1.

Reported the same back with the following amendments:

Page 5, line 15, after the period insert:

"Sec. 7. Minnesota Statutes 1978, Section 487.17, is amended to read:

487.17 [FORCIBLE ENTRY AND UNLAWFUL DETAINER.] Whether or not title to real estate is involved, the county court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section (504.25) 566.175, involving land located wholly or partly within the county court district and of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within the county court district.

Sec. 8. Minnesota Statutes 1978, Section 488A.01, Subdivision 5, is amended to read:

Subd. 5. [FORCIBLE ENTRY AND UNLAWFUL DETAINER OR UNLAWFUL REMOVAL OR EXCLUSION.] Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section (504.25) 566.175, involving land located wholly or in part within Hennepin county and, notwithstanding any provision of subdivision 7 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Hennepin county.

Sec. 9. Minnesota Statutes 1978, Section 488A.18, Subdivision 6, is amended to read:

Subd. 6. [FORCIBLE ENTRY AND UNLAWFUL DETAINER OR UNLAWFUL REMOVAL OR EXCLUSION.] Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section (504.25) 566.175, involving land located wholly or in part

within Ramsey county and, notwithstanding any provision of subdivision 8 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Ramsey county."

Delete the title and insert:

"A bill for an act relating to the operation of state government; publication of the Minnesota Statutes, Supplement and Session Laws by the revisor; correcting certain obsolete provisions; clarifying certain provisions; providing for correction of an erroneous reference with respect to actions for unlawful removal or exclusion; amending Minnesota Statutes 1978, Sections 482.09; 482.11; 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; 648.31, Subdivision 1; 648.32; 648.40; and 648.41, Subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 176, 198, 253, 261, 299, 519, 588, 624, 659, 711, 740, 757, 819, 823, 843 and 944 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 530, 572 and 606 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Pavlak and Novak introduced:

H. F. No. 1183, A bill for an act relating to privacy; eliminating certain restrictions on the release of data to Interpol; repealing Minnesota Statutes 1978, Section 15.1643.

The bill was read for the first time and referred to the Committee on Governmental Operations. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Moe introduced:

H. F. No. 1184, A bill for an act relating to financial reports; requiring the preparation of annual reports on state finances; appropriating money; amending Minnesota Statutes 1978, Sections 16A.055; 16A.50; 16A.55, Subdivision 1; repealing Minnesota Statutes 1978, Section 16A.55, Subdivisions 2 to 9.

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

Berkelman, Jaros, Munger and Lehto introduced:

H. F. No. 1185, A bill for an act relating to the city of Duluth; providing for a temporary demonstration purpose income tax credit to individuals who use the Duluth transit system for work commuting.

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

Patton introduced:

H. F. No. 1186, A bill for an act relating to workers' compensation; replacing the rating bureau with a commission on compensation insurance rates; amending Minnesota Statutes 1978, Sections 79.08; 79.09; 79.10; 79.11; 79.16; 79.17; 79.18; 79.21; 79.22; 79.23; 79.24; 79.25; 79.28; 79.29; 79.30; 79.31; and 176.185, Subdivision 1; repealing Minnesota Statutes 1978, Sections 79.12; 79.13; 79.14; 79.15; 79.26; 79.27; and 79.32.

The bill was read for the first time and referred to the Committee on Governmental Operations. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Casserly, Kroening, Jacobs, Sieben, H., and Anderson, I., introduced:

H. F. No. 1187, A bill for an act relating to taxation; property tax; reducing property taxes on certain homesteads; increasing property tax refunds; amending Minnesota Statutes 1978, Sections 273.122; 273.13, Subdivision 7; 290A.03, Subdivision 11; and 290A.04, Subdivisions 2, 2a and 2b.

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

Faricy and Clark introduced:

H. F. No. 1188, A bill for an act relating to health; authorizing the commissioner of health to establish a research program concerning therapeutic uses of marijuana; establishing requirements for the program; appropriating money.

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

Drew, Fritz, Crandall, Valento and Pavlak introduced:

H. F. No. 1189, A bill for an act relating to retirement; annuities and benefits under certain public retirement plans; appropriating funds.

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

Mehrkens; Dempsey; Anderson, B.; Ludeman and Kempe introduced:

H. F. No. 1190, A bill for an act relating to transportation; requiring the consent of municipalities for certain trunk highway improvements; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the commissioner to lease airspace above and subsurface areas below trunk highway right-of-way; adding new routes to the trunk highway system, and adding new routes in substitution of existing routes; providing for the designation of handicapped parking spaces; authorizing leaves of absence for certain employees under certain conditions; modifying the procedures for approval of plats which include lands abutting trunk highways; amending Minnesota Statutes 1978, Sections 161.172; 161.23, Subdivision 2; 161.43; 161.433, Subdivision 1; 161.44, Subdivision 1; 169.346, Subdivision 2; 174.03, by adding a subdivision; and 505.03, Subdivision 2; repealing Minnesota Statutes 1978, Section 163.07, Subdivision 3.

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

Long, Norton, Searle, Erickson and Johnson, C., introduced:

H. F. No. 1191, A bill for an act relating to education; providing for a center for the older adult learner and for an advisory council on the older adult learner; appropriating money; amending Minnesota Statutes 1978, Section 256.975, Subdivision 2; and Chapter 121, by adding sections.

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

Patton, Moe, Biersdorf and Kaley introduced:

H. F. No. 1192, A bill for an act relating to retirement; increasing employee contributions to local police and firefighters relief associations; amending Minnesota Statutes 1978, Section 69.77, Subdivision 2.

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

Metzen, Biersdorf, Jacobs, Osthoff and Sieben, H., introduced:

H. F. No. 1193, A bill for an act relating to the operation of state government; requiring zero-based budgeting by selected departments.

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

Patton, Biersdorf, Moe, Sarna and Anderson, I., introduced:

H. F. No. 1194, A bill for an act relating to retirement; establishing a new board of directors for the Minnesota state retirement system and the public employees retirement association; abolishing existing boards; transferring records and personnel; amending Minnesota Statutes 1978, Sections 352.03, Subdivisions 4, 6, 7, 9, 10, 11, 14, 15 and 16 and by adding a subdivision; and 353.03, by adding a subdivision; repealing Minnesota Statutes 1978, Sections 352.029, Subdivision 5; 352.03, Subdivisions 1, 1a, and 2; and 353.03, Subdivisions 1, 1a, 2, 3, and 3a.

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

Casserly, Norton, Pavlak, Dean and Munger introduced:

H. F. No. 1195, A bill for an act relating to the environment; authorizing the environmental quality board to require pollution control measures for retail and commercial establishments constructed before 1974 under certain conditions; amending Minnesota Statutes 1978, Chapter 1160, by adding a section.

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

Kostohryz, Simoneau, Pavlak, Dean and Fjoslien introduced:

H. F. No. 1196, A bill for an act relating to veterans; granting certain veterans preference on waiting lists at area vocational-technical institutes.

The bill was read for the first time and referred to the Committee on Education. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Prahl, Otis and Welch introduced:

H. F. No. 1197, A bill for an act relating to retirement; granting survivor benefits to a certain surviving spouse of a deceased member of the public employees retirement association.

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

Fjoslien, McEachern, Wieser, Munger and Wigley introduced:

H. F. No. 1198, A bill for an act relating to wild animals; altering or eliminating certain provisions in regard to the taking, possessing, or transporting of game or fish; amending Minnesota Statutes 1978, Section 97.50, Subdivision 1; 98.45, Subdivision 1; 98.47, Subdivision 1; 100.27, Subdivision 4; 100.29, Subdivisions 7, 14, and 30; and 101.42, Subdivision 18, and by adding a subdivision.

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

Ellingson introduced:

H. F. No. 1199, A bill for an act relating to creditor's remedies; defining property exempt from legal process; amending Minnesota Statutes 1978, Section 550.37, Subdivision 4, and by adding a subdivision.

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

Evans introduced:

H. F. No. 1200, A bill for an act relating to Independent School District No. 22, Detroit Lakes; authorizing it to transfer certain funds from its post-secondary vocational general fund to its post-secondary vocational capital expenditure fund for certain purposes; providing for the duration of the authorization; appropriating money.

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

Carlson, D.; Kahn; Munger and Searles introduced:

H. F. No. 1201, A bill for an act relating to waters; providing for watercraft licensing and safe operation; altering certain definitions; changing license fees; authorizing a temporary certificate; stating the evidentiary effect of certain blood tests; altering certain safety requirements and motor noise limits; providing an outline for distributing water safety enforcement funds; amending Minnesota Statutes 1978, Sections 361.02, Subdivision 7, and by adding a subdivision; 361.03, Subdivisions 3 and 12, and by adding a subdivision; 361.10; 361.12; 361.13, Subdivision 1; 361.141, Subdivision 1; 361.15, Subdivision 1; 361.16, Subdivision 1; 361.17; 361.18; 361.21, Subdivision 2, and by adding a subdivision; 361.215; 361.24; 361.27, Subdivision 1; and 361.29, Subdivision 4; repealing Minnesota Statutes 1978, Section 361.15, Subdivision 2.

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

Sarna, Adams and McEachern introduced:

H. F. No. 1202, A bill for an act relating to outdoor recreation; creating the citizen's advisory sportsmen's council on Minnesota's outdoor recreational resources; prescribing its powers and duties; providing for a surcharge on fish and game licenses to fund the council; appropriating money; repealing Minnesota Statutes 1978, Section 86A.10.

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

Pavlak, Brinkman, Norton, Ludeman and Ellingson introduced:

H. F. No. 1203, A bill for an act relating to insurance; providing for certain group coverages to be continued; amending Minnesota Statutes 1978, Chapter 60A, by adding a section.

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

Fjoslien; Anderson, B.; Anderson, G.; Wieser and Kalis introduced:

H. F. No. 1204, A bill for an act relating to education; establishing a minimum aid payment to certain school districts; expanding the definition of special state aid; appropriating money; amending Minnesota Statutes 1978, Section 124.65; and Chapter 124, by adding a section.

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

Adams and Nelsen, B., introduced:

H. F. No. 1205, A bill for an act relating to public safety; authorizing the crime control planning board to employ two assistant directors in the unclassified service; amending Minnesota Statutes 1978, Section 299A.03, Subdivision 5.

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

Sviggum and Mehrkens introduced:

H. F. No. 1206, A bill for an act relating to energy; encouraging municipalities to use diseased trees as firewood.

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

Sviggum introduced:

H. F. No. 1207, A bill for an act relating to motor vehicles; defining the term "motor vehicle" for the purposes of no-fault automobile insurance; amending Minnesota Statutes 1978, Section 65B.43, Subdivision 2.

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

Swanson, Welch, Rice, Reif and Pavlak introduced:

H. F. No. 1208, A bill for an act relating to health; increasing catastrophic health expense protection in certain cases; directing the commissioner of health to provide training and information about catastrophic health insurance; appropriating money; amending Minnesota Statutes 1978, Sections 62E.52, Subdivision 3a; 62E.53, Subdivision 2; and 62E.54, Subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Tomlinson; Laidig; Sieben, H.; Patton and Biersdorf introduced:

H. F. No. 1209, A bill for an act relating to retirement; hospital and medical benefits for retired or disabled state officials and employees; appropriating funds; amending Minnesota Statutes 1978, Chapter 43, by adding a section.

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

Moe introduced:

H. F. No. 1210, A bill for an act relating to retirement; specifying authorized investments for all public retirement funds; clarifying certain limitations on investments; providing for uniform valuation and reporting of investment securities; specifying a procedure for the recognition of unrealized equity investment appreciation; providing a procedure for the calculation of a uniform rate of return on investments; requiring a report by the state board of investment in order to implement certain investment limitations; amending Minnesota Statutes 1978, Sections 11.16; 11.18, Subdivisions 2, 3, 3a, 4 and 5; 11.19; 11.25, Subdivisions 2, 4, 5, 6, 7, 8, and 16; 69.051, Subdivision 1; 69.77, Subdivision 2; 69.775; 352.061; 352B.05; 353.06; 354.07, Subdivisions 4 and 5; 354A.08; 356.20, Subdivisions 3 and 4, and by adding subdivisions; 422A.05, Subdivisions 1, 2, 3, and 4; 423.389; 423.60; and 490.123, Subdivision 3; and Chapter 356, by adding a section.

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

Redalen, Munger, Searle, Mann and Valan introduced:

H. F. No. 1211, A bill for an act relating to soil and water conservation; imposing duties upon land occupiers to apply and maintain wind and water erosion control systems in accordance with rules of soil and water conservation districts established within guidelines of the state soil and water conservation board.

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

McCarron, Kostohryz, Moe, Byrne and Levi introduced:

H. F. No. 1212, A bill for an act relating to Ramsey County; providing for court and probation services in the county; amending Laws 1974, Chapter 435, by adding a section; repealing Minnesota Statutes 1961, Sections 636.09; 636.10; 636.11; 636.12; 636.14; 636.19; and 636.21; and Laws 1923, Chapter 289, Sections 1, as amended; 2, as amended; 3, as amended; 4, as amended; 6, as amended; 11, as amended; and 13, as amended; and Laws 1965, Chapter 469, Section 8, as amended.

The bill was read for the first time and referred to the Committee on Judiciary. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Kostohryz; Munger; Anderson, D.; Searle and Sieben, H., introduced:

H. F. No. 1213, A bill for an act relating to natural resources; establishing Tettegouche state park; prescribing the powers and duties of the commissioner of natural resources in relation thereto.

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

Nelsen, B., introduced:

H. F. No. 1214, A bill for an act relating to Independent School District No. 786, Bertha-Hewitt; exempting it from certain requirements for obtaining one capital loan from the equalization aid review committee; setting a limit for that loan.

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

Pehler introduced:

H. F. No. 1215, A bill for an act relating to taxation; income tax; changing certain corporate tax rates; amending Minnesota Statutes 1978, Section 290.06, Subdivision 1.

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

Adams; Sieben, H.; Metzen; Friedrich and Ainley introduced:

H. F. No. 1216, A bill for an act relating to liquor; registration of labels; amending Minnesota Statutes 1978, Section 340.62.

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

Murphy introduced:

H. F. No. 1217, A bill for an act relating to the city of Cloquet; appropriating money to reimburse the city for costs incurred by the Cloquet fire department in responding to a trunk highway emergency fire call.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Kroening and Casserly introduced:

H. F. No. 1218, A bill for an act relating to licensed occupations; term of public liability insurance; amending Minnesota Statutes 1978, Section 326.40, Subdivision 2.

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

Moe and Patton introduced:

H. F. No. 1219, A bill for an act relating to retirement; clarifying various ambiguous and erroneous references and provisions affecting various retirement plans and funds; amending Minnesota Statutes 1978, Sections 3A.01, Subdivision 7; 69.031, Subdivision 6; 69.051, Subdivision 1; 69.691, Subdivision 1; 118.01; 275.50, Subdivision 5; 353.36, Subdivision 2; 354.05, Subdivision 25; 354.091; 354.092; 354.094; 354.44, Subdivisions 4, 6 and 7; 354.66; 356.20, Subdivision 2; 356.216; 356.24; 356.-

25; 356.32, Subdivision 1; 356.60, Subdivision 1; 422A.09, Subdivision 3; 422A.32, Subdivisions 1 and 2; 422A.35, Subdivisions 2 and 3; and 490.121, Subdivision 4; repealing Minnesota Statutes 1978, Section 354.55, Subdivision 6; Laws 1978, Chapter 538, Section 6.

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

Moe, Patton and Kaley introduced:

H. F. No. 1220, A bill for an act relating to retirement; metropolitan transit commission-transit operating division employees; clarifying the amortization obligation of the metropolitan transit commission to the Minnesota state retirement system; calculating service credit for certain part time transit operating division employees; clarifying the provision of the minimum disability coverage; providing a retirement annuity to certain former transit operating division employees; providing service credit for certain military service leaves of absence; amending Minnesota Statutes 1978, Sections 352.01, Subdivisions 11 and 16; 473.417; 473.418; and Laws 1978, Chapter 538, Section 21.

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

Moe, Kaley, Patton and Sarna introduced:

H. F. No. 1221, A bill for an act relating to retirement; state employees; miscellaneous amendments to the state employees and unclassified employees retirement plans; amending Minnesota Statutes 1978, Sections 352.03, Subdivisions 1 and 6; 352.113, Subdivisions 1, 4 and 6; 352.115, Subdivisions 8 and 9; 352.12, Subdivision 2; 352.15, Subdivision 1; 352.23; 352D.02, Subdivision 1; 352D.04, Subdivision 2; and 352D.05, Subdivisions 3 and 4; repealing Minnesota Statutes 1978, Sections 352.115, Subdivision 13; 352B.29; 352D.03; and 352D.10.

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

Kroening and Osthoff introduced:

H. F. No. 1222, A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; amending Minnesota Statutes 1978, Chapter 462, by adding a section; repealing Minnesota Statutes 1978, Section 462.431.

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

Kroening, Jacobs, Battaglia, Sarna and Osthoff introduced:

H. F. No. 1223, A bill for an act relating to housing; fixing the maximum debt of the Minnesota housing finance agency; fixing the complement and cost limit of the agency; appropriating money for various housing programs; amending Minnesota Statutes 1978, Section 462A.22, Subdivision 1.

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

Simoneau, Enebo, Begich, Stowell and Rice introduced:

H. F. No. 1224, A bill for an act relating to workers' compensation; establishing a state compensation insurance agency; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Pavlak, Norton, Ellingson, Clark and Johnson, D., introduced:

H. F. No. 1225, A bill for an act relating to insurance; providing for payments of certain expenses incurred in prosecuting a claim.

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

Jude introduced:

H. F. No. 1226, A bill for an act relating to courts; providing that probate court shall have tort action jurisdiction; amending Minnesota Statutes 1978, Section 524.3-105.

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

Jude introduced:

H. F. No. 1227, A bill for an act relating to health; adding a time limit for hearing appeals under the hospitalization and commitment act; amending Minnesota Statutes 1978, Section 253A.21, Subdivision 5.

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

Jude introduced:

H. F. No. 1228, A bill for an act relating to probate; changing procedures for appealing certain orders, judgments and decrees; amending Minnesota Statutes 1978, Section 525.712; repealing Minnesota Statutes 1978, Sections 525.713; and 525.72.

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

Jude introduced:

H. F. No. 1229, A bill for an act relating to judicial commitment; requiring an investigation and report by county welfare prior to filing a commitment petition; amending Minnesota Statutes 1978, Chapter 253A, by adding a section.

The bill was read for the first time and referred to the Committee on Judiciary. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Adams, Jude, Greenfield, Anderson, D., and Wieser introduced:

H. F. No. 1230, A bill for an act relating to state credit unions; clarifying borrowing limitations; amending Minnesota Statutes 1978, Sections 52.09, Subdivision 2; and 52.15.

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

Reif, Valento, Peterson, Reding and Nelsen, M., introduced:

H. F. No. 1231, A bill for an act relating to education; providing that a certain agreement between the state board for community colleges and the Minnesota Community College Faculty Association shall be implemented for the biennium ending June 30, 1979; eliminating the requirement that the board and the association agree upon a different salary schedule for each fiscal year of the biennium; appropriating money; amending Laws 1977, Chapter 449, Section 5, Subdivision 1.

The bill was read for the first time and referred to the Committee on Education. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Rothenberg introduced:

H. F. No. 1232, A bill for an act relating to state government agencies and officials; requiring rules, findings of facts, written opinions, and open precedents in certain circumstances; expanding judicial review of actions of agencies and officials.

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

Pavlak introduced:

H. F. No. 1233, A bill for an act relating to crimes; defining the crime of receiving stolen property; amending Minnesota Statutes 1978, Section 609.53, Subdivision 2.

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

Dean, Otis, Ainley and McEachern introduced:

H. F. No. 1234, A bill for an act relating to newspapers; raising the fees for publishing legal notices; amending Minnesota Statutes 1978, Section 331.08.

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

Jude, Heinitz and Norton introduced:

H. F. No. 1235, A bill for an act relating to real estate; setting effective dates for provisions regulating the validation of foreclosure sales; amending Minnesota Statutes 1978, Section 582.27.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Laidig introduced:

H. F. No. 1236, A bill for an act relating to the town of Forest Lake; exempting it from certain tax levy limitations.

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

Lehto, Murphy, McCarron and Norman introduced:

H. F. No. 1237, A bill for an act relating to aeronautics; providing personal notice of certain airport zoning hearings; amending Minnesota Statutes 1978, Section 360.065, Subdivision 1.

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

Byrne, Jude and Sieben, M., introduced:

H. F. No. 1238, A bill for an act relating to crimes; prohibiting the obtaining or retaining of a child in violation of a court order; prescribing penalties; amending Minnesota Statutes 1978, Section 609.26.

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

Berglin and Eken introduced:

H. F. No. 1239, A bill for an act relating to taxation; providing for an investment tax credit for certain investments in defined economically distressed areas; amending Minnesota Statutes 1978, Chapter 290, by adding a section.

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

Lehto, Munger, Peterson and Crandall introduced:

H. F. No. 1240, A bill for an act relating to natural resources; requiring sales of state timber land to be by sealed bid; amending Minnesota Statutes 1978, Section 90.101.

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

Lehto, McEachern, Luknic, Brinkman and Anderson, D., introduced:

H. F. No. 1241, A bill for an act relating to natural resources; reducing local match required for dam repair and reconstruction grants; authorizing loans for local share of project costs; authorizing sale of bonds for loan program; appropriating money; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 3 and 5, and by adding a subdivision.

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

Enebo and Carlson, L., introduced:

H. F. No. 1242, A bill for an act relating to employment; prohibiting mandatory overtime; providing a penalty.

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

Clark, Reif, Enebo, Schreiber and Otis introduced:

H. F. No. 1243, A bill for an act relating to transportation; establishing a state policy of coordinating public and private programs providing transportation for elderly, handicapped and others with special transportation needs; establishing an inter-agency task force on coordination of special transportation programs; authorizing the commissioner of transportation to adopt and enforce operating standards for special transportation services; exempting services that meet standards from other license and permit requirements; directing the establishment of a demonstration project for coordinating special transportation service in the metropolitan area; providing for state assistance for driver training and insurance and establishing accessibility requirements for paratransit projects; authorizing medical assistance reimbursement to qualified public and private nonprofit providers of special transportation service; requiring certain provisions in the medical assistance reimbursement rules of the department of public welfare; amending Minnesota Statutes 1978, Chapter 174, by adding sections; and Sections 256B.02, Subdivision 8; and 256B.04, Subdivision 12.

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

Rothenberg; Knickerbocker; Sieben, H.; Searle and Anderson, I., introduced:

H. F. No. 1244, A resolution memorializing the Federal Republic of Germany to repeal the statute of limitations for Nazi crimes.

The bill was read for the first time and referred to the Committee on Criminal Justice. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Crandall, Faricy, Jude, Peterson and Sieben, M., introduced:

H. F. No. 1245, A bill for an act relating to crime victims reparations; providing that the record of a claim may be used as evidence by the state on its subrogation claim; providing that the state's right of subrogation shall not limit the claimant's right to recover for pain and suffering; amending Minnesota Statutes 1978, Sections 299B.10; and 299B.14.

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

Swanson, Heinitz, Rice, Brinkman and Reif introduced:

H. F. No. 1246, A bill for an act relating to insurance; providing for changes in the operation and funding of the comprehensive health association; requiring identification of certain insurers; setting premium standards; amending Minnesota Statutes 1978, Sections 62E.02, Subdivision 10, and by adding a subdivision; 62E.04, Subdivision 4; 62E.08; 62E.10; 62E.11; 62E.13, Subdivision 2; 62E.14, Subdivision 1; and Chapter 62E, by adding a section.

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

Schreiber, Adams, Valento, Piepho and Kroening introduced:

H. F. No. 1247, A bill for an act relating to housing; authorizing city housing finance programs; authorizing bond issues for them.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Fjoslien, Kostohryz and Munger introduced:

H. A. No. 16, A proposal for emergency evacuation procedures for nuclear power plant accidents in Minnesota.

The advisory was referred to the Committee on Environment and Natural Resources.

Biersdorf introduced:

H. A. No. 17, A proposal to study the continuation of the state Liquor Control Division as it relates to the Department of Public Safety.

The advisory was referred to the Committee on Commerce, Economic Development and Housing.

Biersdorf and Metzen introduced:

H. A. No. 18, A proposal to study the effects of consumer protection legislation as it relates to the increased cost of consumer goods.

The advisory was referred to the Committee on Commerce, Economic Development and Housing.

Berkelman, Fritz, Norman, Elioff and Crandall introduced:

H. A. No. 19, A proposal requesting the governor to initiate and conduct daily negotiations to resolve the contract dispute for community college employees.

The advisory was referred to the Committee on Education.

Moe and Enebo introduced:

H. A. No. 20, A proposal to study the organizational structure of the Department of Public Service.

The advisory was referred to the Committee on Governmental Operations.

REPORTS FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, designated the committee referral of the following resolution, which resolution was referred to the committee upon objection pursuant to the organizational agreement:

| <i>H.R. No.</i> | <i>Date Referred to Committee</i> | <i>Committee Referral</i> |
|-----------------|---------------------------------------|----------------------------|
| 17 | Mar. 29, 1979 | Labor-Management Relations |

Anderson, I., for the Committee on Rules and Legislative Administration, designated the committee referral of the following bills, which bills were referred to the committee upon objection pursuant to the organizational agreement:

| <i>H.F. No.</i> | <i>Date Referred to Committee</i> | <i>Committee Referral</i> |
|-----------------|---------------------------------------|---|
| 1079 | Mar. 29, 1979 | Taxes |
| 1080 | Mar. 29, 1979 | Environment and Natural Resources |
| 1085 | Mar. 29, 1979 | Governmental Operations |
| 1091 | Mar. 29, 1979 | Environment and Natural Resources |
| 1098 | Mar. 29, 1979 | Judiciary |
| 1099 | Mar. 29, 1979 | Appropriations |
| 1100 | Mar. 29, 1979 | Judiciary |
| 1103 | Mar. 29, 1979 | Judiciary |
| 1106 | Mar. 29, 1979 | Governmental Operations |
| 1119 | Mar. 29, 1979 | Judiciary |
| 1122 | Mar. 29, 1979 | Governmental Operations |
| 1125 | Mar. 29, 1979 | Agriculture |
| 1134 | April 2, 1979 | Criminal Justice |
| 1151 | April 2, 1979 | General Legislation and Veterans Affairs |
| 1160 | April 2, 1979 | Governmental Operations |

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

Senate Concurrent Resolution No. 9, A Senate Concurrent Resolution relating to adjournment.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SENATE CONCURRENT RESOLUTION NO. 9

A Senate Concurrent Resolution relating to adjournment.

Be It Resolved, by the Senate, the House of Representatives concurring, that when either the Senate or the House of Representatives adjourns on Wednesday, April 11, 1979, it may adjourn to any date not later than April 16, 1979.

Anderson, I., moved that Senate Concurrent Resolution No. 9 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 9 was adopted.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 493, A bill for an act relating to the city of Bemidji; authorizing the issuance of bonds authorized at a special election.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONSENT CALENDAR

H. F. No. 384 was reported to the House.

Crandall moved to amend H. F. No. 384, as follows:

Page 1, line 12, after "*nonresident*" insert "*minor*"

Page 1, line 14, strike "*other*"

The motion prevailed and the amendment was adopted.

H. F. No. 384, A bill for an act relating to game and fish; authorizing certain non-resident minors and spouses to be treated as Minnesota residents for the purpose of taking wild game; amending Minnesota Statutes 1978, Section 98.45, Subdivision 6.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|---------------|------------|----------------|
| Aasness | Eken | Kahn | Nelson | Sieben, H. |
| Adams | Elioff | Kaley | Niehaus | Sieben, M. |
| Ainley | Ellingson | Kalis | Norman | Simoneau |
| Albrecht | Enebo | Kelly | Norton | Stadum |
| Anderson, B. | Erickson | Kempe | Novak | Stoa |
| Anderson, D. | Esau | Knickerbocker | Nysether | Stowell |
| Anderson, G. | Evans | Kostohryz | Olsen | Sviggun |
| Anderson, I. | Ewald | Kroening | Onnen | Swanson |
| Anderson, R. | Faricy | Kvam | Osthoff | Thiede |
| Battaglia | Fjoslien | Laidig | Otis | Tomlinson |
| Begich | Forsythe | Lehto | Pavlak | Valan |
| Berglin | Friedrich | Levi | Pehler | Valento |
| Berkelman | Fritz | Long | Peterson | Vanasek |
| Biersdorf | Fudro | Ludeman | Piepho | Voss |
| Blatz | Greenfield | Luknic | Pleasant | Waldorf |
| Brinkman | Halberg | Mann | Prahl | Weaver |
| Byrne | Haukoos | McCarron | Redalen | Welch |
| Carlson, L. | Heap | McDonald | Reding | Welker |
| Casserly | Heinitz | McEachern | Rees | Wenzel |
| Clark | Hoberg | Mehrrens | Reif | Wieser |
| Clawson | Hokanson | Metzen | Rice | Wigley |
| Corbid | Jacobs | Minne | Rose | Wynia |
| Crandall | Jaros | Moe | Rothenberg | Zubay |
| Dean | Jennings | Munger | Sarna | Speaker Searle |
| Dempsey | Johnson, C. | Murphy | Schreiber | |
| Den Ouden | Johnson, D. | Nelsen, B. | Searles | |
| Drew | Jude | Nelsen, M. | Sherwood | |

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

H. F. No. 627, A bill for an act relating to natural resources; authorizing cities to acquire conservation easements; amending Minnesota Statutes 1978, Sections 84.64, Subdivision 1; and 84.65, Subdivision 1.

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

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

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|-------------|---------------|------------|
| Aasness | Carlson, L. | Faricy | Jude | McDonald |
| Adams | Clark | Fjoslien | Kaley | McEachern |
| Ainley | Clawson | Forsythe | Kalis | Mehrrens |
| Albrecht | Corbid | Friedrich | Kelly | Metzen |
| Anderson, B. | Crandall | Fritz | Kempe | Minne |
| Anderson, D. | Dean | Fudro | Knickerbocker | Moe |
| Anderson, G. | Dempsey | Greenfield | Kostohryz | Munger |
| Anderson, I. | Den Ouden | Halberg | Kroening | Murphy |
| Anderson, R. | Drew | Haukoos | Kvam | Nelsen, B. |
| Battaglia | Eken | Heap | Laidig | Nelsen, M. |
| Begich | Elioff | Heinitz | Lehto | Nelson |
| Berglin | Ellingson | Hoberg | Levi | Niehaus |
| Berkelman | Enebo | Hokanson | Long | Norman |
| Biersdorf | Erickson | Jacobs | Ludeman | Norton |
| Blatz | Esau | Jennings | Luknic | Novak |
| Brinkman | Evans | Johnson, C. | Mann | Nysether |
| Byrne | Ewald | Johnson, D. | McCarron | Olsen |

| | | | | |
|----------|------------|------------|-----------|----------------|
| Onnen | Prahl | Searles | Swanson | Welch |
| Osthoff | Redalen | Sherwood | Thiede | Welker |
| Otis | Reding | Sieben, H. | Tomlinson | Wenzel |
| Patton | Rees | Sieben, M. | Valan | Wieser |
| Pavlak | Rice | Simoneau | Valento | Wigley |
| Pehler | Rose | Stadum | Vanasek | Wynia |
| Peterson | Rothenberg | Stoa | Voss | Zubay |
| Piepho | Sarna | Stowell | Waldorf | Speaker Searle |
| Pleasant | Schreiber | Svigum | Weaver | |

The bill was passed and its title agreed to.

H. F. No. 988 was reported to the House.

Swanson moved to amend H. F. No. 988 as follows:

Amend the title as follows:

Page 1, line 2, after "banks;" delete "including safe deposit box"

Page 1, delete line 3

Page 1, line 4, delete "facility;"

The motion prevailed and the amendment was adopted.

H. F. No. 988, A bill for an act relating to banks; altering certain definitions and time limits; amending Minnesota Statutes 1978, Sections 47.51; and 47.54.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|------------|-------------|---------------|------------|
| Aasness | Casserly | Forsythe | Kalis | Metzen |
| Adams | Clark | Friedrich | Kelly | Minne |
| Ainley | Clawson | Fritz | Kempe | Moe |
| Albrecht | Corbid | Fudro | Knickerbocker | Munger |
| Anderson, B. | Crandall | Greenfield | Kostohryz | Murphy |
| Anderson, D. | Dempsey | Halberg | Kroening | Nelsen, B. |
| Anderson, G. | Dren Ouden | Haukoos | Kvam | Nelsen, M. |
| Anderson, I. | Drew | Heap | Laidig | Nelson |
| Anderson, R. | Eken | Heinitz | Lehto | Niehaus |
| Battaglia | Elioff | Hoberg | Levi | Norman |
| Begich | Ellingson | Hokanson | Long | Norton |
| Berkelman | Enebo | Jacobs | Ludeman | Novak |
| Biersdorf | Erickson | Jaros | Luknic | Nysether |
| Blatz | Esau | Jennings | Mann | Olsen |
| Brinkman | Evans | Johnson, D. | McCarron | Onnen |
| Byrne | Ewald | Jude | McDonald | Osthoff |
| Carlson, D. | Faricy | Kahn | McEachern | Otis |
| Carlson, L. | Fjoslien | Kaley | Mehrkens | Patton |

| | | | | |
|----------|------------|-----------|---------|----------------|
| Pavlak | Rice | Simoneau | Valan | Wenzel |
| Pehler | Rose | Stadum | Valento | Wieser |
| Peterson | Rothenberg | Stoa | Vanasek | Wigley |
| Piepho | Schreiber | Stowell | Voss | Wynia |
| Prahl | Searles | Sviggum | Waldorf | Zubay |
| Reding | Sherwood | Swanson | Weaver | Speaker Searle |
| Rees | Sieben, H. | Thiede | Welch | |
| Reif | Sieben, M. | Tomlinson | Welker | |

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

H. F. No. 1029, A bill for an act relating to employments licensed by the state; prescribing certain duties of the board of architecture, engineering, land surveying and landscape architecture; limiting certain rule making powers of the board, and extending the time limit for the making of the rules; amending Minnesota Statutes 1978, Section 326.06.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|---------------|------------|----------------|
| Aasness | Drew | Jude | Nelson | Sherwood |
| Adams | Eken | Kahn | Niehaus | Sieben, H. |
| Ainley | Elioff | Kaley | Norman | Sieben, M. |
| Albrecht | Ellingson | Kalis | Norton | Stadum |
| Anderson, B. | Enebo | Kelly | Novak | Stoa |
| Anderson, D. | Erickson | Kempe | Nysether | Stowell |
| Anderson, G. | Esau | Knickerbocker | Olsen | Sviggum |
| Anderson, I. | Evans | Kroening | Onnen | Swanson |
| Anderson, R. | Ewald | Kvam | Osthoff | Thiede |
| Battaglia | Faricy | Laidig | Otis | Tomlinson |
| Begich | Fjoslien | Lehto | Patton | Valan |
| Berglin | Forsythe | Levi | Pavlak | Valento |
| Berkelman | Friedrich | Long | Pehler | Vanasek |
| Biersdorf | Fritz | Ludeman | Peterson | Voss |
| Blatz | Fudro | Luknic | Piepho | Waldorf |
| Brinkman | Greenfield | Mann | Pleasant | Weaver |
| Byrne | Halberg | McCarron | Prahl | Welch |
| Carlson, D. | Haukoos | McDonald | Redalen | Welker |
| Carlson, L. | Heap | McEachern | Reding | Wenzel |
| Casserly | Heinitz | Mehrkins | Rees | Wieser |
| Clark | Hoberg | Metzen | Reif | Wigley |
| Clawson | Hokanson | Minne | Rice | Wynia |
| Corbid | Jacobs | Moe | Rose | Zubay |
| Crandall | Jaros | Munger | Rothenberg | Speaker Searle |
| Dean | Jennings | Murphy | Sarna | |
| Dempsey | Johnson, C. | Nelsen, B. | Schreiber | |
| Den Ouden | Johnson, D. | Nelsen, M. | Searles | |

The bill was passed and its title agreed to.

S. F. No. 51, A bill for an act relating to liens; enacting the revised uniform federal lien registration act; amending Minnesota Statutes 1978, Sections 272.481; 272.482; 272.483; 272.484; 272.486; and Chapter 272, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|---------------|------------|----------------|
| Aasness | Drew | Kahn | Nelson | Sherwood |
| Adams | Eken | Kaley | Niehaus | Sieben, H. |
| Ainley | Ellingson | Kalis | Norman | Sieben, M. |
| Albrecht | Enebo | Kelly | Norton | Simoneau |
| Anderson, B. | Erickson | Kempe | Novak | Stadum |
| Anderson, D. | Esau | Knickerbocker | Nysether | Stoa |
| Anderson, G. | Evans | Kostohryz | Olsen | Stowell |
| Anderson, I. | Ewald | Kroening | Onnen | Sviggum |
| Anderson, R. | Faricy | Kvam | Osthoff | Swanson |
| Battaglia | Fjoslien | Laidig | Otis | Thiede |
| Begich | Forsythe | Lehto | Patton | Tomlinson |
| Berglin | Friedrich | Levi | Pavlak | Valan |
| Berkelman | Fritz | Long | Pehler | Valento |
| Biersdorf | Fudro | Ludeman | Peterson | Vanasek |
| Blatz | Greenfield | Luknic | Piepho | Voss |
| Brinkman | Halberg | Mann | Pleasant | Waldorf |
| Byrne | Haukoos | McCarron | Prahl | Weaver |
| Carlson, D. | Heap | McDonald | Redalen | Welch |
| Carlson, L. | Heinitz | McEachern | Reding | Welker |
| Casserly | Hoberg | Mehrkens | Rees | Wenzel |
| Clark | Hokanson | Metzen | Reif | Wieser |
| Clawson | Jacobs | Minne | Rice | Wigley |
| Corbid | Jaros | Moe | Rose | Wynia |
| Crandall | Jennings | Munger | Rothenberg | Zubay |
| Dean | Johnson, C. | Murphy | Sarna | Speaker Searle |
| Dempsey | Johnson, D. | Nelsen, B. | Schreiber | |
| Den Ouden | Jude | Nelsen, M. | Searles | |

The bill was passed and its title agreed to.

Valento was excused at 3:20 p.m.

GENERAL ORDERS

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

REPORT OF COMMITTEE OF THE WHOLE

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

H. F. Nos. 656, 389, 31, 103 and 122 which it recommended to pass.

S. F. Nos. 57 and 572 which it recommended progress.

H. F. No. 479 which it recommended to pass with the following amendments:

Offered by Kahn:

Page 1, line 16, delete "normal"

Page 1, line 17, delete "normal"

Offered by Dean and Ewald:

As previously amended, page 1, delete lines 16 to 19 and insert:

"Subd. 3. Among childbirth, family planning and abortion, it is the policy of the state of Minnesota that childbirth and family planning are to be given preference over abortion."

Further amend the title:

Line 4, after "childbirth" insert "and family planning"

H. F. No. 768 which it recommended to pass with the following amendment offered by Ludeman:

Page 2, line 9, delete "\$17.50" and insert "\$22.50"

Page 4, line 11, delete "\$30,000" and insert "\$35,000"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

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

Long moved to amend H. F. No. 479 as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 62D.02, Subdivision 7, is amended to read:

Subd. 7. "Comprehensive health maintenance services" means a package of health services an enrollee has chosen to contract for from a list that may include, emergency care services, inpatient hospital and physician care services, outpatient health

services and preventive health services. No health maintenance organization shall be required to provide any health service which is not specified in the enrollee's evidence of coverage and his health maintenance contract."

The question was taken on the adoption of the amendment and the roll was called. There were 23 yeas and 103 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|------------|-------|----------|--------|
| Casserly | Greenfield | Kelly | Nelson | Stoa |
| Clark | Heinitz | Lehto | Norton | Welker |
| Clawson | Jaros | Levi | Novak | Wynia |
| Dean | Kahn | Long | Otis | |
| Enebo | Kaley | Moe | Simoneau | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|---------------|------------|----------------|
| Aasness | Drew | Johnson, D. | Nysether | Sieben, M. |
| Adams | Eken | Jude | Olsen | Stadum |
| Albrecht | Elioff | Kalis | Onnen | Stowell |
| Anderson, B. | Ellingson | Kempe | Osthoff | Sviggum |
| Anderson, G. | Erickson | Knickerbocker | Patton | Swanson |
| Anderson, I. | Esau | Kostohryz | Pavlak | Thiede |
| Anderson, R. | Evans | Kroening | Pehler | Tomlinson |
| Battaglia | Ewald | Kvam | Peterson | Valan |
| Begich | Faricy | Laidig | Piepho | Valento |
| Berglin | Fjoslien | Ludeman | Pleasant | Vanasek |
| Berkelman | Forsythe | Luknic | Prahl | Voss |
| Biersdorf | Friedrich | Mann | Redalen | Waldorf |
| Blatz | Fritz | McDonald | Reding | Weaver |
| Brinkman | Fudro | McEachern | Rees | Welch |
| Byrne | Halberg | Mehrkens | Reif | Wenzel |
| Carlson, D. | Haukoos | Metzen | Rose | Wieser |
| Carlson, L. | Hoberg | Minne | Sarna | Wigley |
| Corbid | Hokanson | Murphy | Schreiber | Zubay |
| Crandall | Jacobs | Nelsen, B. | Searles | Speaker Searle |
| Dempsey | Jennings | Niehaus | Sherwood | |
| Den Ouden | Johnson, C. | Norman | Sieben, H. | |

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

Dean moved to amend H. F. No. 479, as follows:

Page 1, lines 14 to 19, delete Section 1 of the bill.

The question was taken on the adoption of the amendment and the roll was called. There were 20 yeas and 104 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|---------|------------|--------|--------|
| Berglin | Clawson | Greenfield | Long | Nelson |
| Byrne | Dean | Heinitz | Minne | Norton |
| Casserly | Enebo | Kahn | Moe | Novak |
| Clark | Ewald | Lehto | Munger | Wynia |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|------------|------------|----------------|
| Aasness | Eken | Kalis | Nysether | Sieben, M. |
| Adams | Elioff | Kelly | Olsen | Stadum |
| Ainley | Ellingson | Kempe | Onnen | Stoa |
| Albrecht | Erickson | Kostohryz | Osthoff | Stowell |
| Anderson, B. | Esau | Kroening | Otis | Svigum |
| Anderson, D. | Evans | Kvam | Patton | Swanson |
| Anderson, G. | Fjoslien | Laidig | Pavlak | Thiede |
| Anderson, I. | Forsythe | Levi | Pehler | Valan |
| Anderson, R. | Friedrich | Ludeman | Peterson | Valento |
| Battaglia | Fritz | Luknic | Piepho | Vanasek |
| Begich | Fudro | Mann | Prahl | Voss |
| Berkelman | Halberg | McCarron | Redalen | Waldorf |
| Biersdorf | Haukoos | McDonald | Reding | Weaver |
| Blatz | Heap | McEachern | Rees | Welch |
| Brinkman | Hoberg | Mehrkens | Reif | Welker |
| Carlson, L. | Hokanson | Metzen | Rose | Wenzel |
| Corbid | Jacobs | Murphy | Rothenberg | Wieser |
| Crandall | Jennings | Nelsen, B. | Sarna | Wigley |
| Dempsey | Johnson, C. | Nelsen, M. | Searles | Zubay |
| Den Ouden | Johnson, D. | Niehaus | Sherwood | Speaker Searle |
| Drew | Jude | Norman | Sieben, H. | |

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

Enebo moved to amend H. F. No. 479 as follows:

Page 2, line 7, after "organization" insert "*, except where provided under the terms of an existing collectively bargained agreement*"

Page 2, line 16, after "expense," insert "*except that such notice shall not affect coverage under any collectively bargained agreement*"

Page 2, line 31, after "physician" insert "*, except where such procedures are to be provided under the terms of an existing collectively bargained agreement*"

Page 3, line 3, after "services" insert "*, except that exclusion shall not be an option where an existing collectively bargained agreement provides for such coverage*"

The question was taken on the adoption of the amendment and the roll was called. There were 28 yeas and 96 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|------------|-----------|----------|-----------|
| Berglin | Ewald | Kostohryz | Nelson | Stoa |
| Carlson, L. | Greenfield | Lehto | Norton | Tomlinson |
| Cassery | Heinitz | Levi | Novak | Voss |
| Clark | Jaros | Long | Otis | Wynia |
| Dean | Kahn | Moe | Rees | |
| Enebo | Kaley | Munger | Simoneau | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|-------------|------------|----------------|
| Aasness | Drew | Johnson, C. | Olsen | Stowell |
| Adams | Eken | Johnson, D. | Onnen | Sviggum |
| Ainley | Elioff | Jude | Osthoff | Swanson |
| Albrecht | Ellingson | Kelly | Patton | Thiede |
| Anderson, B. | Erickson | Kempe | Pavlak | Valan |
| Anderson, D. | Esau | Kroening | Pehler | Valento |
| Anderson, G. | Evans | Kvam | Peterson | Vanasek |
| Anderson, I. | Faricy | Laidig | Piepho | Waldorf |
| Anderson, R. | Fjoslien | Ludeman | Pleasant | Weaver |
| Battaglia | Forsythe | Luknic | Prahl | Welch |
| Begich | Friedrich | Mann | Redalen | Welker |
| Biersdorf | Fritz | McDonald | Reif | Wenzel |
| Blatz | Fudro | Mehrkens | Rose | Wieser |
| Brinkman | Halberg | Metzen | Sarna | Wigley |
| Byrne | Haukoos | Minne | Schreiber | Zubay |
| Carlson, D. | Heap | Murphy | Searles | Speaker Searle |
| Corbid | Hoberg | Nelsen, B. | Sherwood | |
| Crandall | Hokanson | Niehaus | Sieben, H. | |
| Dempsey | Jacobs | Norman | Sieben, M. | |
| Den Ouden | Jennings | Nysether | Stadum | |

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

Kahn moved to amend H. F. No. 479 as follows:

Page 1, line 16, delete "normal"

Page 1, line 17, delete "normal"

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

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|---------------|------------|----------------|
| Aasness | Drew | Kahn | Nelson | Searles |
| Adams | Eken | Kaley | Niehaus | Sherwood |
| Ainley | Elioff | Kalis | Norman | Sieben, H. |
| Albrecht | Ellingson | Kelly | Norton | Sieben, M. |
| Anderson, B. | Enebo | Kempe | Novak | Simoneau |
| Anderson, D. | Erickson | Knickerbocker | Nysether | Stadum |
| Anderson, G. | Esau | Kostohryz | Olsen | Stoa |
| Anderson, I. | Evans | Kroening | Onnen | Stowell |
| Battaglia | Ewald | Kvam | Osthoff | Sviggum |
| Begich | Faricy | Laidig | Otis | Swanson |
| Berglin | Fjoslien | Lehto | Patton | Thiede |
| Biersdorf | Fritz | Levi | Pavlak | Tomlinson |
| Blatz | Fudro | Long | Pehler | Valan |
| Brinkman | Greenfield | Ludeman | Peterson | Vanasek |
| Byrne | Halberg | Luknic | Piepho | Voss |
| Carlson, D. | Haukoos | Mann | Pleasant | Waldorf |
| Carlson, L. | Heap | McCarron | Prahl | Weaver |
| Casserly | Heinitz | McDonald | Redalen | Welch |
| Clark | Hoberg | Mehrkens | Reding | Welker |
| Clawson | Hokanson | Metzen | Rees | Wenzel |
| Corbid | Jacobs | Minne | Reif | Wieser |
| Crandall | Jennings | Moe | Rose | Wigley |
| Dean | Johnson, C. | Munger | Rothenberg | Wynia |
| Dempsey | Johnson, D. | Murphy | Sarna | Zubay |
| Den Ouden | Jude | Nelsen, B. | Schreiber | Speaker Searle |

The motion prevailed and the amendment was adopted.

Greenfield moved to amend H. F. No. 479, as amended, as follows:

Page 1, line 16, delete "*Between normal childbirth and abortion,*"

Page 1, line 17, after "*that*" insert "*contraception and*"

Page 1, line 18, delete "*is*" insert "*are*"

The question was taken on the adoption of the amendment and the roll was called. There were 51 yeas and 74 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|------------|---------------|------------|------------|
| Ainley | Ewald | Knickerbocker | Nelson | Sieben, M. |
| Anderson, G. | Forsythe | Kostohryz | Norton | Simoneau |
| Berglin | Friedrich | Lehto | Novak | Stoa |
| Byrne | Greenfield | Levi | Osthoff | Stowell |
| Carlson, L. | Haukoos | Long | Otis | Tomlinson |
| Cassery | Heinitz | McCarron | Pehler | Wynia |
| Clark | Hokanson | Mehrkens | Pleasant | Zubay |
| Clawson | Jaros | Metzen | Prahl | |
| Dean | Jennings | Minne | Rice | |
| Ellingson | Kahn | Moe | Searles | |
| Enebo | Kaley | Munger | Sieben, H. | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|------------|-----------|----------------|
| Aasness | Den Ouden | Kelly | Olsen | Svigum |
| Adams | Drew | Kempe | Onnen | Swanson |
| Albrecht | Elioff | Kroening | Patton | Thiede |
| Anderson, B. | Esau | Kvam | Pavlak | Valan |
| Anderson, I. | Evans | Laidig | Peterson | Valento |
| Battaglia | Fjoslien | Ludeman | Piepho | Voss |
| Begich | Fritz | Luknic | Redalen | Waldorf |
| Berkelman | Fudro | Mann | Reding | Weaver |
| Biersdorf | Heap | McDonald | Rees | Welch |
| Blatz | Hoberg | McEachern | Reif | Welker |
| Brinkman | Jacobs | Murphy | Rose | Wenzel |
| Carlson, D. | Johnson, C. | Nelsen, B. | Sarna | Wieser |
| Corbid | Johnson, D. | Niehaus | Schreiber | Wigley |
| Crandall | Jude | Norman | Sherwood | Speaker Searle |
| Dempsey | Kalis | Nysether | Stadum | |

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

Otis moved to amend H. F. No. 479, as follows:

Page 2, line 7, after "*organization*" insert "*except as provided in section 4*"

Page 2, after line 16, insert

"Sec. 4. Minnesota Statutes 1978, Section 62D.12, is amended by adding a subdivision to read:

Subd. 12. A health maintenance organization which provides the only health service plan available through an employer to his employees shall not eliminate from its coverage elective, induced abortions. The health maintenance organization may, however, refuse to perform elective, induced abortions at its own facilities. If such services are denied at its own facilities, the health maintenance organization shall contract with other providers of health care services to perform elective, induced abortions for its enrollees. A contract made pursuant to this subdivision may be limited to enrollees who are employees of the employers who offer as their sole health plan coverage by the health maintenance organization choosing not to perform elective, induced abortions at its own facilities."

Page 2, line 31, after "physician" delete the semicolon and insert "unless required under section 4. Except as required under section 4,"

Renumber sections in sequence

Further amend the title as follows

Page 1, line 4, after the semicolon delete "eliminating any" and insert "changing"

Page 1, line 8, after the semicolon insert "requiring certain health maintenance organizations choosing not to perform elective, induced abortions to contract with other health care providers to perform them for certain enrollees;"

Page 1, line 11, after the semicolon insert "62D.12, by adding a subdivision;"

The question was taken on the adoption of the amendment and the roll was called. There were 23 yeas and 105 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|------------|----------|--------|----------|
| Berglin | Dean | Jaros | Moe | Otis |
| Carlson, L. | Enebo | Kahn | Munger | Simoneau |
| Cassery | Ewald | Lehto | Nelson | Wynia |
| Clark | Greenfield | Long | Norton | |
| Clawson | Heinitz | McCarron | Novak | |

Those who voted in the negative were:

| | | | | |
|----------|--------------|--------------|-----------|-------------|
| Aasness | Anderson, B. | Anderson, R. | Biersdorf | Carlson, D. |
| Adams | Anderson, D. | Battaglia | Blatz | Corbid |
| Ainley | Anderson, G. | Begich | Brinkman | Crandall |
| Albrecht | Anderson, I. | Berkelman | Byrne | Dempsey |

| | | | | |
|-----------|---------------|------------|------------|----------------|
| Den Ouden | Hokanson | Mann | Peterson | Stowell |
| Drew | Jacobs | McDonald | Piepho | Sviggum |
| Eken | Jennings | McEachern | Prahl | Swanson |
| Elioff | Johnson, C. | Mehrkens | Redalen | Thiede |
| Ellingson | Johnson, D. | Metzen | Reding | Valan |
| Erickson | Jude | Minne | Rees | Valento |
| Esau | Kalis | Murphy | Reif | Vanasek |
| Evans | Kelly | Nelsen, B. | Rose | Voss |
| Faricy | Kempe | Niehaus | Rothenberg | Waldorf |
| Fjoslien | Knickerbocker | Norman | Sarna | Weaver |
| Forsythe | Kostohryz | Nysether | Schreiber | Welch |
| Friedrich | Kroening | Olsen | Searles | Welker |
| Fritz | Kvam | Onnen | Sherwood | Wenzel |
| Fudro | Laidig | Osthoﬀ | Sieben, H. | Wieser |
| Haukoos | Levi | Patton | Seiben, M. | Wigley |
| Heap | Ludeman | Pavlak | Stadum | Zubay |
| Hoberg | Luknic | Pehler | Stoa | Speaker Searle |

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

Enebo moved to amend H. F. No. 479 as follows:

Page 3, after line 3, add a section to read:

"Sec. 5. [EFFECTIVE DATE.] This act shall be effective August 1, 1979, subject to the following exception: The provisions of sections 2, 3 and 4 shall not be effective until January 1, 1980 in the case of collectively bargained health maintenance organization coverage."

The question was taken on the adoption of the amendment and the roll was called. There were 33 yeas and 95 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|------------|---------------|--------|------------|
| Berglin | Enebo | Kelly | Moe | Rees |
| Berkelman | Ewald | Knickerbocker | Munger | Rothenberg |
| Carlson, L. | Greenfield | Kostohryz | Nelson | Simoneau |
| Casserly | Heinitz | Lehto | Norton | Tomlinson |
| Clark | Jaros | Long | Novak | Wynia |
| Clawson | Kahn | McCarron | Otis | |
| Dean | Kaley | Minne | Prahl | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|-------------|------------|----------|
| Aasness | Carlson, D. | Friedrich | Kempe | Niehaus |
| Adams | Corbid | Fritz | Kroening | Norman |
| Ainley | Crandall | Fudro | Kvam | Nysether |
| Albrecht | Dempsey | Halberg | Laidig | Olsen |
| Anderson, B. | Den Ouden | Haukoos | Levi | Onnen |
| Anderson, D. | Drew | Heap | Ludeman | Osthoﬀ |
| Anderson, I. | Elioff | Hoberg | Luknic | Patton |
| Anderson, R. | Ellingson | Hokanson | Mann | Pavlak |
| Battaglia | Erickson | Jacobs | McDonald | Pehler |
| Begich | Esau | Jennings | McEachern | Peterson |
| Biersdorf | Evans | Johnson, C. | Mehrkens | Piepho |
| Blatz | Faricy | Johnson, D. | Metzen | Pleasant |
| Brinkman | Fjoslien | Jude | Murphy | Redalen |
| Byrne | Forsythe | Kalis | Nelsen, B. | Reding |

| | | | | |
|-----------|------------|---------|---------|----------------|
| Reif | Sieben, H. | Sviggum | Vanasek | Wenzel |
| Rose | Sieben, M. | Swanson | Waldorf | Wieser |
| Sarna | Stadum | Thiede | Weaver | Wigley |
| Schreiber | Stoa | Valan | Welch | Zubay |
| Sherwood | Stowell | Valento | Welker | Speaker Searle |

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

Byrne moved to amend H. F. No. 479, as amended, as follows:

Page 1, line 17, after *"that"* insert *"family planning and"*

The question was taken on the adoption of the amendment and the roll was called. There were 46 yeas and 78 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|------------|---------------|------------|-----------|
| Anderson, G. | Dean | Jaros | Moe | Stoa |
| Berglin | Ellingson | Jennings | Munger | Stowell |
| Berkelman | Enebo | Kahn | Nelson | Tomlinson |
| Blatz | Ewald | Kaley | Norton | Vanasek |
| Byrne | Faricy | Knickerbocker | Novak | Wynia |
| Carlson, L. | Forsythe | Kostohryz | Otis | Zubay |
| Casserly | Friedrich | Lehto | Pehler | |
| Clark | Greenfield | Levi | Rice | |
| Clawson | Haukoos | Long | Rothenberg | |
| Crandall | Hokanson | McCarron | Simoneau | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|------------|------------|----------------|
| Aasness | Eken | Kroening | Onnen | Stadum |
| Adams | Elioff | Kvam | Osthoff | Sviggum |
| Ainley | Erickson | Laidig | Patton | Swanson |
| Albrecht | Evans | Ludeman | Pavlak | Thiede |
| Anderson, B. | Fjoslien | Luknic | Peterson | Valan |
| Anderson, D. | Fritz | Mann | Piepho | Voss |
| Anderson, I. | Fudro | McDonald | Prahl | Waldorf |
| Anderson, R. | Halberg | McEachern | Redalen | Weaver |
| Battaglia | Heap | Mehrkens | Reding | Welch |
| Begich | Hoberg | Metzen | Rees | Welker |
| Biersdorf | Jacobs | Minne | Rose | Wenzel |
| Brinkman | Johnson, D. | Murphy | Sarna | Wieser |
| Corbid | Jude | Nelsen, B. | Schreiber | Wigley |
| Dempsey | Kalis | Niehaus | Sherwood | Speaker Searle |
| Den Ouden | Kelly | Norman | Sieben, H. | |
| Drew | Kempe | Nysether | Sieben, M. | |

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

Kahn moved to amend H. F. No. 479, as follows:

Page 2, line 4, after *"death"* insert *"or physical health impairment that might lead to the death of the mother"*

Page 2, line 14, after *"death"* insert *"or physical health impairment that might lead to the death of the mother"*

Page 2, line 30, after "death" insert "or physical health impairment that might lead to the death of the mother"

Page 3, line 2, after "death" insert "or physical health impairment that might lead to the death of the mother"

The question was taken on the adoption of the amendment and the roll was called. There were 26 yeas and 95 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|------------|---------------|-----------|-------|
| Berglin | Enebo | Knickerbocker | Norton | Voss |
| Berkelman | Ewald | Lehto | Novak | Wynia |
| Carlson, L. | Greenfield | Long | Ottis | |
| Casserly | Heinitz | Moe | Stoa | |
| Clark | Jaros | Munger | Stowell | |
| Dean | Kaley | Nelson | Tomlinson | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|-------------|------------|----------------|
| Aasness | Dempsey | Johnson, D. | Nelsen, B. | Sarna |
| Adams | Den Ouden | Jude | Niehaus | Searles |
| Ainley | Eken | Kalis | Norman | Sherwood |
| Albrecht | Elhoff | Kelly | Nysether | Sieben, H. |
| Anderson, B. | Erickson | Kempe | Olsen | Sieben, M. |
| Anderson, D. | Esau | Kostohryz | Onnen | Stadum |
| Anderson, G. | Evans | Kroening | Osthoff | Sviggum |
| Anderson, I. | Faricy | Kvam | Patton | Swanson |
| Anderson, R. | Fjoslien | Laidig | Pavlak | Thiede |
| Battaglia | Forsythe | Levi | Pehler | Valan |
| Begich | Friedrich | Ludeman | Peterson | Waldorf |
| Biersdorf | Fritz | Luknie | Piepho | Weaver |
| Blatz | Fudro | Mann | Pleasant | Welch |
| Brinkman | Halberg | McDonald | Prahl | Welker |
| Byrne | Haukoos | McEachern | Redalen | Wenzel |
| Carlson, D. | Heap | Mehrkens | Reding | Wieser |
| Clawson | Hoberg | Metzen | Rees | Wigley |
| Corbid | Jacobs | Minne | Reif | Zubay |
| Crandall | Jennings | Murphy | Rothenberg | Speaker Searle |

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

The question was taken on the motion to recommend passage of H. F. No. 479, as amended, and the roll was called. There were 109 yeas and 20 nays as follows:

Thos who voted in the affirmative were:

| | | | | |
|--------------|-------------|-----------|-----------|---------------|
| Aasness | Begich | Dempsey | Faricy | Jacobs |
| Adams | Berkelman | Den Ouden | Fjoslien | Jennings |
| Ainley | Biersdorf | Drew | Forsythe | Johnson, C. |
| Albrecht | Blatz | Eken | Friedrich | Johnson, D. |
| Anderson, B. | Brinkman | Elhoff | Fritz | Jude |
| Anderson, D. | Byrne | Ellingson | Fudro | Kalis |
| Anderson, G. | Carlson, D. | Erickson | Haukoos | Kelly |
| Anderson, I. | Clawson | Esau | Heap | Kempe |
| Anderson, R. | Corbid | Evans | Hoberg | Knickerbocker |
| Battaglia | Crandall | Ewald | Hokanson | Kostohryz |

| | | | | |
|-----------|------------|------------|------------|----------------|
| Kroening | Murphy | Pehler | Sarna | Vanasek |
| Kvam | Nelsen, B. | Peterson | Schreiber | Voss |
| Laidig | Neisen, M. | Piepho | Searles | Waldorf |
| Levi | Niehaus | Pleasant | Sherwood | Weaver |
| Ludeman | Norman | Prahl | Sieben, H. | Welch |
| Luknic | Novak | Redalen | Sieben, M. | Welker |
| McCarron | Nysether | Reding | Stadum | Wenzel |
| McDonald | Olsen | Rees | Stoa | Wieser |
| McEachern | Onnen | Reif | Sviggum | Wigley |
| Mehrkens | Osthoff | Rice | Swanson | Zubay |
| Metzen | Patton | Rose | Thiede | Speaker Searle |
| Minne | Pavlak | Rothenberg | Valan | |

Those who voted in the negative were:

| | | | | |
|-------------|------------|-------|--------|-----------|
| Berglin | Dean | Jaros | Long | Norton |
| Carlson, L. | Enebo | Kahn | Moe | Otis |
| Casserly | Greenfield | Kaley | Munger | Tomlinson |
| Clark | Heinitz | Lehto | Nelson | Wynia |

The motion prevailed.

MOTIONS AND RESOLUTIONS

Crandall moved that his name be stricken as an author on H. F. No. 695. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 714. The motion prevailed.

Simoneau moved that the name of Osthoff be added as an author on H. F. No. 757. The motion prevailed.

McEachern moved that his name be stricken as an author on H. F. No. 930. The motion prevailed.

Kaley moved that the name of Reding be added as an author on H. F. No. 1119. The motion prevailed.

Sarna moved that the names of Anderson, I., and Munger be added as authors on H. F. No. 1202. The motion prevailed.

Moe moved that the name of Jude be added as an author on House Advisory No. 20. The motion prevailed.

Dempsey moved that S. F. No. 52 be recalled from the Committee on Judiciary and together with H. F. No. 742, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Casserly moved that H. F. No. 731 be recalled from the Committee on Commerce and Economic Development and Housing and be re-referred to the Committee on Judiciary. The motion prevailed.

Swanson moved that H. F. No. 1246 be recalled from the Committee on Health and Welfare and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 9, 1979. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 9, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

