

## STATE OF MINNESOTA

## SEVENTY-FIRST SESSION - 1979

## FORTY-FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 1, 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	Stoa
Anderson, G.	Esau	Knickerbocker	Nysether	Stowell
Anderson, I.	Evans	Kostohryz	Olsen	Sviggum
Anderson, R.	Ewald	Kroening	Onnen	Swanson
Battaglia	Faricy	Kvam	Osthooff	Thiede
Begich	Fjoslien	Laidig	Otis	Tomlinson
Berglin	Forsythe	Lehto	Patton	Valan
Berkelman	Friedrich	Levi	Pavlak	Valento
Biersdorf	Fritz	Long	Pehler	Vanasek
Blatz	Fudro	Ludeman	Peterson	Voss
Brinkman	Greenfield	Luknic	Piepho	Waldorf
Byrne	Halberg	Mann	Pleasant	Weaver
Carlson, D.	Haukoos	McCarron	Prahl	Welch
Carlson, L.	Heap	McDonald	Redalen	Welker
Casserly	Heinitz	McEachern	Reding	Wenzel
Clark	Hoberg	Mehrkens	Rees	Wieser
Clawson	Hokanson	Metzen	Reif	Wigley
Corbid	Jacobs	Minne	Rice	Wynia
Crandall	Jaros	Moe	Rose	Zubay
Dean	Jennings	Munger	Rothenberg	Speaker Searle
Dempsey	Johnson, C.	Murphy	Sarna	
Den Ouden	Johnson, D.	Nelsen, B.	Schreiber	

A quorum was present.

Stadum was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Stowell 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. 1552, 1553, 990, 1473 and 1274 and S. F. Nos. 579, 704, 1047, 935, 273, 1215, 188, 285, 107, 681, 732, 303, 682, 951, 478, 30, 756, 923, 971, 1002, 133, 722, 332, 1312, 436, 486, 506, 1328, 1338, 333, 1210, 1288, 895, 947, 1051, 1144, 1243 and 1273 have been placed in the members' files.

S. F. No. 923 and H. F. No. 971, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Munger moved that S. F. No. 923 be substituted for H. F. No. 971 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 478 and H. F. No. 1249, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Fjoslien moved that the rules be so far suspended that S. F. No. 478 be substituted for H. F. No. 1249 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1312 and H. F. No. 1350, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Kaley moved that the rules be so far suspended that S. F. No. 1312 be substituted for H. F. No. 1350 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 285 and H. F. No. 500, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Friedrich moved that the rules be so far suspended that S. F. No. 285 be substituted for H. F. No. 500 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

45th Day]

TUESDAY, MAY 1, 1979

1553

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

April 26, 1979

The Honorable Rodney Searle  
Speaker of the House  
3rd Floor State Office Building

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the House for confirmation as required by law:

Robyn Lee Hansen, 1735 Princeton Avenue, St. Paul, Ramsey County, has been appointed by me, effective April 26, 1979, for a term expiring the first Monday in January, 1983.

Sincerely,

ALBERT H. QUIE  
Governor

The communication from the Governor relating to an appointment to the Ethical Practices Board was referred to the Committee on General Legislation and Veterans Affairs.

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

April 30, 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>
	103	44	April 30	April 30
	167	45	April 30	April 30
	186	46	April 30	April 30
	297	47	April 30	April 30
	486	48	April 30	April 30
	523	49	April 30	April 30
	638	50	April 30	April 30
	843	51	April 30	April 30
52		52	April 30	April 30
63		53	April 30	April 30
122		54	April 30	April 30
346		55	April 30	April 30
606		56	April 30	April 30

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 223, A bill for an act relating to education; providing that the early retirement incentive be paid at the time and in the manner agreed upon by a teacher and the board of the employing school district; amending Minnesota Statutes 1978, Section 125.61, Subdivision 4.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

**"ARTICLE I  
FOUNDATION AID**

Section 1. [3.861] [LEGISLATIVE SCHOOL FINANCE STUDY COMMISSION.] *Subdivision 1. [CREATION.] There is hereby created a commission to study school finance.*

*Subd. 2. [NAME, DUTIES.] The name of the commission is the legislative school finance study commission. The commission shall:*

*(a) Study federal, state and local financing of state elementary, middle school, secondary, adult and vocational education;*

*(b) Analyze the revenues, expenditures and financial status of Minnesota school districts;*

*(c) Consider the future revenue needs and resources of Minnesota school districts and plans for meeting the needs;*

*(d) Study power equalization financing for Minnesota school districts;*

*(e) Evaluate the state school aid system;*

*(f) Study other areas relating to the financing of schools in Minnesota including school enrollment, school construction, interdistrict cooperation, staff salaries, administration, and disparities between districts in costs, revenues and taxes;*

*(g) Study, analyze and prepare reports on subjects which the commission is requested to study by the education committees of the legislature;*

*(h) Gather, study, organize and present data on Minnesota schools in a manner that will facilitate comparisons between school districts;*

*(i) Make recommendations to the legislature within the scope of its study, including recommendations on methods and plans for financing education, and file a report of its activities and recommendations with the governor and the legislature by January 15, 1981 and biennially by the same date thereafter.*

*Subd. 3. [MEMBERSHIP.] The commission shall consist of five members of the senate to be appointed by the subcommittee on committees and five members of the house of representatives to be appointed by the speaker. The first members of the commission shall be selected to serve for a term expiring on January 15, 1981. Subsequent members shall be appointed at the commencement of a biennial session of the legislature for a two*

year term beginning January 16 of the year of the appointment. Vacancies on the commission occurring while the legislature is in session shall be filled in the same manner as original appointments to the commission. If the legislature is not in session, vacancies in the membership of the commission shall be filled by the last senate subcommittee on committees or other appointing authority designated by the senate rules in case of a senate vacancy, and by the last speaker of the house, or if he is not available, by the last chairman of the house rules and legislative administration committee in case of a house vacancy.

**Subd. 4. [OFFICE, MEETINGS, OFFICERS.]** *The commission shall maintain an office in the capitol group of buildings in space which the commissioner of administration shall provide. The commission shall hold meetings at the times and places it designates. It shall select a chairman, a vice chairman and other officers from its membership as it deems necessary.*

**Subd. 5. [STAFF.]** *The commission may employ the professional, clerical, and technical assistants it deems necessary in order to perform its duties.*

**Subd. 6. [ASSISTANCE OF OTHER AGENCIES.]** *The commission may request information from a state officer or agency to assist it in carrying out its duties and the officer or agency shall promptly furnish the data requested.*

**Subd. 7. [LEGISLATIVE BILLS FURNISHED.]** *The secretary of the senate and the chief clerk of the house shall provide the commission with a copy of each bill introduced in the legislature concerning school finance.*

**Sec. 2.** Minnesota Statutes 1978, Section 120.075, is amended to read:

**120.075. [ATTENDANCE; PREVIOUS ENROLLMENT; FAMILIES.]** Any pupil who, pursuant to the provisions of Minnesota Statutes 1976, Section 120.065, or Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a, was enrolled on January 1, 1978, in a school district of which he was not a resident may continue in enrollment in that district. *This provision shall also apply to any child who was under school age on January 1, 1978, but who otherwise would have qualified pursuant to those sections on January 1, 1978, for enrollment in a school district of which he was not a resident. This provision shall also apply to any brother or sister of (THAT ENROLLED PUPIL) a qualified pupil who is related to that pupil by blood, adoption or marriage and to any foster child of that pupil's parents. The enrollment of (THAT) any pupil (OR OF THE OTHER QUALIFIED MEMBERS OF HIS FAMILY) pursuant to this section shall remain subject to the provisions of those sections as they read on January 1, 1978. Any district which had a pupil enrolled on January 1, 1978, pursuant to the provi-*

sions of Minnesota Statutes 1976, Section 120.065, or Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a, shall report this fact to the commissioner prior to August 15, 1978.

Sec. 3. Minnesota Statutes 1978, Section 124.01, is amended to read:

124.01 [DEFINITIONS.] *Subdivision 1. For purposes of this chapter, the words defined in section 120.02 have the same meaning and the terms defined in this section have the meanings attributed to them in this section.*

*Subd. 2. "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit specified for use in the computation of foundation aid for a particular school year pursuant to section 124.212 and in the computation of permissible levies for use in that school year. For foundation aid for the 1979-1980 school year, the formula allowance shall be \$1,182. For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the formula allowance shall be \$1,265. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year, the formula allowance shall be \$1,354.*

*Subd. 3. "Basic maintenance mill rate" means the maximum permissible mill rate applicable to the adjusted assessed valuation of a district, specified for use in the computation of foundation aid for a particular school year pursuant to section 124.212 and of permissible levies for use in that school year pursuant to section 275.125, subdivision 2a, clause (1) or (2). For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the basic maintenance mill rate shall be .023. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year, the basic maintenance mill rate shall be .021.*

*Subd. 4. "Equalizing factor" means the ratio of the formula allowance for a particular school year to the basic maintenance mill rate for that school year. For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the equalizing factor shall be \$55,000. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year, the equalizing factor shall be \$64,476.*

Sec. 4. Minnesota Statutes 1978, Section 124.11, Subdivision 4, is amended to read:

*Subd. 4. Estimated elementary and secondary foundation aids shall be paid out on the basis of the latest available information. Except as provided in section 124.212, estimated elementary and secondary foundation aids shall be computed on the basis of all pupil units identified in section 124.17, subdivision 1. An October enrollment count shall be obtained from all school districts. Adjustment for final elementary and secondary*

pupil unit figures shall be made in the final foundation aid distribution in October of the following school year.

Sec. 5. Minnesota Statutes 1978, Section 124.17, Subdivision 1, is amended to read:

**124.17 [DEFINITION OF PUPIL UNITS.]** Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

- (1) In an elementary school:
  - (a) For each handicapped pre-kindergarten (PUPILS) pupil and each handicapped kindergarten pupil, as defined in section 120.03, enrolled in (PROGRAMS) a program approved by the commissioner, (ONE-HALF PUPIL UNIT) a number of pupil units equal to the ratio of the number of hours of education services required in the school year by the pupil's individual education program plan, developed pursuant to the rules of the state board, to 875, but not more than one pupil unit;
  - (b) For kindergarten pupils enrolled in one-half day sessions throughout the school year or the equivalent thereof, one-half pupil unit; and
  - (c) For other elementary pupils, one pupil unit.
- (2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.
- (4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil in clauses (1) and (2) from families receiving aid to families with dependent children or its successor program who is enrolled in the school district on October 1 shall be counted as an additional five-tenths pupil unit. By March 1 of each year the department of public welfare shall certify to the department of education, and to each school district to the extent the information pertains to it, that information concerning children from families with dependent children who were enrolled in the school district on the preceding October 1 which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids may be paid concurrently with other foundation aids.
- (5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds five percent of the total actual pupil units in the district for the same year, as computed in clauses



(1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for purposes of this clause, provided that in districts where the percent of concentration is less than six, no additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further that no such pupil shall be counted as more than one and one-tenth additional pupil units pursuant to clauses (4) and (5). Such weighting shall be in addition to the weighting provided in clauses (1), (2), (3), and (4). School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to primary grade programs and services, particularly to programs and services that involve participation of parents. Each district receiving aids on account of both clauses (4) and (5) shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all such aids received.

(6) Where the total pupil units of a district are used as a multiplier in determining foundation aids and spending and levy limitations and where the the actual number of pupil units has decreased from the prior year, the number of pupil units shall equal the greater of (a) the quotient obtained when the sum of the numbers of actual pupil units in the district for the (TWO) *three* prior years and the current year (AND ONE QUARTER OF THE NUMBER OF ACTUAL PUPIL UNITS IN THE DISTRICT FOR THE THIRD PRIOR YEAR), is divided by (3.25) *four* or (b) the number of actual pupil units for the current year increased by .6 times the difference between the actual pupil units for the prior year and the current year. Only pupil units as computed in clauses (1) and (2) shall be included for purposes of computations made pursuant to this clause. *This clause shall expire June 30, 1980.*

(7) In districts maintaining classified secondary schools where the actual number of pupil units has increased from the prior year (BY TWO PERCENT OR MORE), the additional pupil units over the prior year, as computed in clauses (1) and (2), shall be multiplied times one-tenth for each percent of increase over the prior year and a number of pupil units equal to the product shall be added to the other units for the district. The percent of increase shall be rounded up to the next whole percent for purposes of this clause (, PROVIDED THAT IN DISTRICTS WHERE THE PERCENT OF INCREASE IS LESS THAN TWO, NO ADDITIONAL PUPIL UNITS SHALL BE ADDED TO THE OTHER UNITS FOR THE DISTRICT AND); provided (FURTHER) that the number of pupil units of increase over the prior year shall under no circumstances be multiplied by more than five-tenths. *This clause shall expire June 30, 1980.*

(8) Only pupil units in clauses (1) and (2) shall be used in computing adjusted maintenance cost per pupil unit.

Sec. 6. Minnesota Statutes 1978, Section 124.212, Subdivision 1, is amended to read:

124.212 [FOUNDATION AID.] Subdivision 1. The foundation aid program for school districts for school years (1977-1978) 1979-1980 and (1978-1979) 1980-1981 shall be governed by the terms and provisions of this section.

Sec. 7. Minnesota Statutes 1978, Section 124.212, Subdivision 6c, is amended to read:

Subd. 6c. For the 1979-1980 school year a district shall receive in foundation aid (\$1,155) \$1,182 per pupil unit less 27 mills times the 1977 adjusted assessed valuation of the district, plus the amount of the agricultural tax credit by which 1978 payable 1979 property taxes in the district are reduced pursuant to section 273.132.

Sec. 8. Minnesota Statutes 1978, Section 124.212, Subdivision 7c, is amended to read:

Subd. 7c. For the 1980-1981 school year a district shall receive in foundation aid: (\$1,220)

(1) \$1,265 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less (27) 23 mills times the 1978 adjusted assessed valuation of the district (.) ; plus

(2) the amount of the agricultural tax credit by which 1979 payable 1980 property taxes in the district are reduced pursuant to section 273.132 (.) ; plus

(3) an amount equal to the product obtained by multiplying the ratio of the district's actual levy to its permitted levy in 1979 payable 1980 pursuant to section 18 of this article, times the difference between

(a) the product obtained by multiplying the amount per pupil unit which the district was permitted to levy in 1978 pursuant to Minnesota Statutes 1978, Section 275.125, Subdivisions 6 and 7, times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (6) and (7), in the district in 1979-1980, and

(b) the product obtained by multiplying the amount derived in (a) times the lesser of

(i) one or

(ii) the ratio of the district's 1978 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1979-1980, to the state average 1978 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the state in 1979-1980; plus

(4) an amount equal to the product obtained by multiplying the ratio of the district's actual levy to its permitted levy in 1979 payable 1980 pursuant to section 19 of this article, times the difference between

(a) the sum of the additional amounts the district would receive if pupil units identified in section 124.17, subdivision 1, clauses (6) and (7) were used in addition to the pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the computation in clause (1) of this subdivision and if section 11 of this article were effective in the 1980-1981 school year, and

(b) the product obtained by multiplying

(i) the ratio of the quotient obtained by dividing the amount derived in part (a) of this clause by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1979-1980, to \$55,000, times

(ii) the district's 1978 adjusted assessed valuation; plus

(5) an amount equal to the difference between

(a) the product obtained by multiplying the mill rate levied by the district on its adjusted assessed valuation in 1979 payable 1980 pursuant to section 20 of this article, times \$55,000, times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1979-1980, and

(b) the product obtained by multiplying the mill rate levied by the district on its adjusted assessed valuation in 1979 payable 1980 pursuant to section 20 of this article, times the district's 1978 adjusted assessed valuation.

(6) No district where the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6 and 6a, comprises 60 percent or more of the assessed valuation of the district shall receive an amount of foundation aid pursuant to clause (1) which is less than the following difference:

(a) \$600 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less

(b) the sum of

(i) the amount of the agricultural tax credit by which 1979 payable 1980 property taxes in the district are reduced pursuant to section 273.132, plus

(ii) the amount by which 1979 payable 1980 property taxes in the district are reduced pursuant to section 273.13, subdivisions 6, 7 and 14a, plus

(iii) the amount by which 1979 payable 1980 property taxes in the district are reduced pursuant to section 273.135, plus

(iv) the amount by which 1979 payable 1980 taxes in the district are reduced pursuant to section 273.138, subdivision 6.

Sec. 9. Minnesota Statutes 1978, Section 124.212, is amended by adding a subdivision to read:

Subd. 7d. For the 1981-1982 school year a district shall receive in foundation aid:

(1) \$1,354 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less 21 mills times the 1979 adjusted assessed valuation of the district; plus

(2) the amount of the agricultural tax credit by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.132; plus

(3) an amount equal to the product obtained by multiplying the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 18 of this article, times the difference between

(a) the greater of

(i) the amount derived in subdivision 7c, clause (3), part (a), or

(ii) the product obtained by multiplying the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), in the district in 1980-1981, times the quotient obtained by dividing the amount derived in subdivision 7c, clause (3), part (a), by the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in 1979-1980, and

(b) the product obtained by multiplying the amount derived in part (a) of this clause times the lesser of

(i) one or

(ii) the ratio of the district's 1979 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1980-1981, to the state average 1979 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the state in 1980-1981; plus

(4) an amount equal to the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 19 of this article, times the difference between

(a) the product obtained by multiplying

(i) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1980-1981 times

(ii) 107 percent of the quotient obtained by dividing the amount derived in subdivision 7c, clause (4), part (a), by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1979-1980, and

(b) the product obtained by multiplying the ratio of the amount derived in part (a) (ii) of this clause to \$64,476, times the district's 1979 adjusted assessed valuation; plus

(5) an amount equal to the difference between

(a) the product obtained by multiplying the mill rate levied by the district on its adjusted assessed valuation in 1980 payable 1981 pursuant to section 20 of this article, times \$64,476, times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1980-1981; and

(b) the product obtained by multiplying the mill rate levied by the district on its adjusted assessed valuation in 1980 payable 1981 pursuant to section 20 of this article, times the district's 1979 adjusted assessed valuation.

(6) No district where the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6 and 6a, comprises 60 percent or more of the assessed valuation of the district shall receive an amount of foundation aid pursuant to clause (1) which is less than the following difference:

(a) \$600 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less

(b) the sum of

(i) *the amount of the agricultural tax credit by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.132, plus*

(ii) *the amount by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.13, subdivisions 6, 7 and 14a, plus*

(iii) *the amount by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.135, plus*

(iv) *the amount by which 1980 payable 1981 taxes in the district are reduced pursuant to section 273.138, subdivision 6.*

Sec. 10. Minnesota Statutes 1978, Section 124.212, Subdivision 11, is amended to read:

Subd. 11. (a) *In the calculation of adjusted assessed valuations for 1979 and each year thereafter, the committee shall not increase the adjusted assessed valuation (, EXCLUSIVE OF PROPERTY VALUATION ADDED, IMPROVED, RECLASSIFIED, OR REASSESSED SINCE THE PRIOR ASSESSMENT,) of taxable property for any (SUBSEQUENT YEAR IN ANY) school district over the adjusted assessed valuation established and filed with the commissioner of education for the immediately preceding year by more than (EIGHT PERCENT OVER) the greater of (1) 19 percent of the certified adjusted assessed valuation established and filed with the commissioner of education for the year immediately preceding, or (2) 40 percent of the difference between the district's total adjusted assessed valuation for the current year calculated without the application of this subdivision and the district's certified adjusted assessed valuation established and filed with the commissioner of education for the immediately preceding year.*

(b) *The sales ratio studies published by the department of revenue, or any part thereof, or any copy of the same, or records accumulated in preparation thereof, which are prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids pursuant to this section shall not be admissible in evidence in any proceeding, except that the sales ratio studies shall be admissible as a public record without the laying of a foundation in (1) actions under chapter 278 in the case of property described in section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12; (2) actions brought in the small claims division of the tax court; or (3) in actions for review of the determination of the school aids payable under this section.*

Sec. 11. Minnesota Statutes 1978, Chapter 124, is amended by adding a section to read:

[124.224] [SPARSITY AID.] *Subdivision 1. The sparsity aid program for the 1979-1980 school year shall be governed by the provisions of this section.*

*Subd. 2. [DEFINITIONS.] As used in this section, the terms defined in this subdivision have the meanings given them.*

(a) *"High school" means a secondary school, as defined in Minnesota Statutes, Section 120.05, Subdivision 2, Clause (3), which enrolls pupils in each of grades ten, eleven and twelve. If a district is paired with another district according to the provisions of Minnesota Statutes, Section 122.85, and if there is no secondary school in the district which enrolls pupils in each of grades ten, eleven and twelve, then the commissioner of education shall designate one school in the district as a high school for the purposes of this section.*

(b)(i) *In a school district with only one high school, "secondary average daily membership" means the average daily membership of resident pupils in grades seven through twelve, as defined in section 124.17, subdivision 2;*

(ii) *In a school district with more than one high school, "secondary average daily membership" for a particular high school means the product of the number of resident pupils enrolled in grades seven through twelve in average daily membership in that high school, as defined in section 124.17, subdivision 2, times the ratio of six to the number of grades in that high school.*

(c) *"Attendance area" means the quotient of the total surface area of a district divided by the number of high schools in the district.*

(d) *"Isolation index" means the sum of*

(i) *the distance by the most direct paved roads between a particular high school in a district and the nearest other high school, plus*

(ii) *the square root of one-half the attendance area.*

(e) *"Qualifying high school" means a high school with an isolation index of greater than 18 and with secondary average daily membership of less than 500 in the year for which the aid is to be paid.*

*Subd. 3. [QUALIFICATION.] To qualify for aid under this section in any year, a district must have at least one qualifying high school in the year for which the aid is to be paid.*

*Subd. 4. [COMPUTATION.] A district which qualifies for aid under subdivision 3 shall receive an amount of aid equal to*

*the sum of the amounts determined by computing the following product for each qualifying high school in the district:*

*(a) the foundation aid formula allowance for the school year, multiplied by*

*(b) the secondary average daily membership, multiplied by*

*(c) the quotient obtained by dividing (1) the remainder of 500 minus the secondary average daily membership by (2) the sum of 500 plus the secondary average daily membership, multiplied by*

*(d) the quotient obtained by dividing (1) the remainder of the isolation index minus 18 by (2) the isolation index.*

**Subd. 5. [PAYMENT SCHEDULE.]** *Except as may otherwise be authorized by the commissioner of education to accommodate a flexible school year program, the state shall pay to a qualifying school district 90 percent of its estimated aid for the fiscal year under this section on or before August 31. The final aid distribution shall be made on or before October 31 of the following fiscal year.*

**Subd. 6. [DEPARTMENT OF EDUCATION.]** *All sparsity aid shall be computed and distributed by the state aids section of the department of education.*

**Subd. 7.** *This section shall expire June 30, 1980.*

**Sec. 12.** *Minnesota Statutes 1978, Chapter 124, is amended by adding a section to read:*

**[124.228.] [BASIC SKILLS PROGRAM.]** *Subdivision 1. [PURPOSE.] The legislature finds that (1) all children have the right to achieve their full educational potential, and (2) children from all socio-economic backgrounds deserve the opportunity to receive instruction in the basic skills of listening, speaking, reading, writing and computation in order to be able to function politically, economically and socially in a democratic society. Therefore, the purpose of this section is to establish a program providing leadership, technical assistance, and training in basic skills instruction on a regional basis to school districts and nonpublic schools.*

**Subd. 2. [DEFINITION.]** *For purposes of this section "basic skills" means the abilities to listen, speak, read, write and compute.*

**Subd. 3. [PARTICIPATION.]** *Any district or nonpublic school may participate in the state basic skills program if its governing board adopts a resolution affirming basic skills as*



a priority, designating a local basic skills director, allowing the designated local basic skills director to attend a program of training in the development and maintenance of a high quality basic skills program, agreeing to develop a comprehensive basic skills program in accordance with this training, and designating a curriculum advisory committee established pursuant to section 123.741, subdivision 3, or an equivalent committee in a nonpublic school, as the basic skills program advisory committee. If more districts or nonpublic schools apply than can be served in a particular year, the commissioner shall select participating districts and nonpublic schools.

**Subd. 4. [REGIONAL DIRECTORS.]** The commissioner shall establish a basic skills section in the department which shall employ 11 regional basic skills directors assigned as he sees fit to serve the various educational cooperative service units or portions of those units. These regional directors, in cooperation with the educational cooperative service units, shall provide at least 30 days of training to each local basic skills director in the development and maintenance of high quality basic skills programs according to predetermined criteria of excellence. This training shall cover at least the following subjects: assessment of local basic skills programs, planning a comprehensive basic skills program based on methodologies proven successful through research, and alternative methods of implementing a local basic skills program through inservice training of staff. The department shall reimburse local basic skills directors for any expenses incurred for travel, lodging and meals in order to participate in basic skills training and shall reimburse school districts for 50 percent of any wages paid to substitute teachers employed to replace local basic skills directors while they attend basic skills training.

**Subd. 5. [IN-SERVICE TRAINING.]** Each participating district or nonpublic school shall provide a minimum of 20 hours of inservice training in the instructional process for the basic skills to all teachers who volunteer to participate in the training.

**Sec. 13.** Minnesota Statutes 1978, Section 124.245, Subdivision 2, is amended to read:

**Subd. 2** As used in this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7). Beginning in the 1980-1981 school year, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5).

**Sec. 14.** Minnesota Statutes 1978, Section 275.125, Subdivision 1, is amended to read:

**275.125 [TAX LEVY, SCHOOL DISTRICTS.]** Subdivision 1. Except as may otherwise be provided in this section, the words and phrases defined in (SECTION) sections 124.212 and

124.01 when used in this section shall have the meanings ascribed to them in (SECTION 124.212) *those sections*.

Sec. 15. Minnesota Statutes 1978, Section 275.125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In (1977) 1979, a school district may levy for all general and special school purposes, an amount equal to the amount raised by (28) 23 mills times the (1976) 1978 adjusted assessed valuation of the district.

(2) In (1978) 1980, a school district may levy for all general and special school purposes, an amount equal to the amount raised by (27) 21 mills times the (1977) 1979 adjusted assessed valuation of the district.

(3) For any district levying less than 95 percent of the maximum levy allowable in clauses (1) and (2), beginning with the levy certified in 1978, payable in 1979, the foundation aid to the district for the 1979-1980 school year, and for subsequent levies, foundation aid for subsequent school years, calculated pursuant to section 124.212, shall be reduced to an amount equal to the ratio between the actual levy and the maximum levy allowable under clauses (1) and (2) times the foundation aid to which the district is otherwise entitled for that year. For purposes of computations pursuant to this clause, the maximum levy allowable and the actual levy under clauses (1) and (2) shall be increased by any reduction of this levy which is required by section 275.125, subdivision 9 or any other law.

(4) (a) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held to approve a levy increase which will commence in a specific school year. The question on the ballot shall state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply. If approved, the amount provided by the approved millage applied to each year's taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked by the voters of the district at a subsequent referendum.

(b) A referendum on the question of revoking the increased levy amount authorized pursuant to clause (a) of this clause may be called by the school board and shall be called by the school board upon the written petition of qualified voters of the dis-

trict. The amount approved by the voters of the district pursuant to clause (a) of this clause must be levied at least once before it is subject to a referendum on its revocation for subsequent years. Only one such revocation election may be held to revoke a levy for any specific year and for years thereafter.

(c) A petition authorized by clauses (a) or (b) of this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or 10 percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

(d) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

(e) Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.

Sec. 16. Minnesota Statutes 1978, Section 275.125, Subdivision 2b, is amended to read:

Subd. 2b. (1) (BEGINNING) In 1978, (IN ANY YEAR WHEN) if the amount of the maximum levy allowed for any district by subdivision 2a, clause ((1) OR) (2), exceeds the product of the district's foundation aid formula allowance under section 124.212 for the (CORRESPONDING) 1979-1980 school year times the number of pupil units computed for that district under section 124.17 for (THAT) the 1979-1980 school year, the levy permitted that district by subdivision 2a, clause ((1) OR) (2) shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under subdivision 2a, clause (1) or 107 percent of the sum of the following, but not to exceed the amount raised by the number of mills permitted under subdivision 2a, clause ((1) OR) (2):

(a) the product of the district's foundation aid formula allowance under section 124.212 for the 1978-1979 school year (IN WHICH THE LEVY IS CERTIFIED) times the number of pupil units computed for that district under (SECTIONS) section 124.17 for the 1978-1979 school year (IN WHICH THE LEVY IS CERTIFIED); plus

(b) the district's estimated aid entitlement pursuant to section 124.20 for the 1978 summer school (WHICH BEGINS IN THE SCHOOL YEAR IN WHICH THE LEVY IS CERTIFIED); plus

(c) that district's entitlement, for the 1978-1979 school year (IN WHICH THE LEVY IS CERTIFIED), for transportation

aid pursuant to section 124.222, special education aid pursuant to section 124.32, secondary vocational aid pursuant to section 124.573 and secondary vocational aid for handicapped children pursuant to section 124.574.

(2) If a district levies the full 107 percent of its entitlement under clause (1) for (A) *the 1979-1980 school year* and that amount is less than the amount to which the district would actually have been entitled under sections 124.20, 124.212, 124.222, 124.32, 124.573 and 124.574, for the *1979-1980 school year* (TO WHICH THE LEVY IS ATTRIBUTABLE, THE DISTRICT MAY ADJUST ITS LEVIES IN THE SUCCEEDING YEARS TO MAKE UP THIS DIFFERENCE. THE AMOUNT BY WHICH THE DISTRICT IS ALLOWED TO ADJUST ITS LEVIES IN THE SUCCEEDING YEARS PURSUANT TO THIS CLAUSE SHALL BE RECORDED AS A RECEIVABLE IN THE SCHOOL YEAR TO WHICH THE AIDS ARE ATTRIBUTABLE), *the state shall pay to the district the difference between the amount actually levied pursuant to clause (1) of this subdivision and the amount equal to the district's aid entitlements pursuant to the enumerated aid sections.*

(3) If a district levies pursuant to clause (1) for (A) *the 1979-1980 school year* and the amount levied is greater than the amount to which the district would actually have been entitled under sections 124.20, 124.212, 124.222, 124.32, 124.573 and 124.574, for the *1979-1980 school year* (TO WHICH THE LEVY IS ATTRIBUTABLE), the district shall reduce its (LEVIES) *levy made pursuant to subdivision 2a of this section in (THE SUCCEEDING YEARS) the first year when the amount of the aid entitlement for 1979-1980 is known by the amount of this difference.*

(4) However, if the amount of the difference in clause (2), when calculated as an addition to the original levy for (THAT YEAR) 1978, would have exceeded the amount raised by the millage limitation in subdivision 2a, clause ((1) OR) (2) for (THAT YEAR) 1978, the state shall pay the amount to which the district is entitled under sections 124.20, 124.212, 124.222, 124.32, 124.573 and 124.574, for (THAT) *the 1979-1980 school year*, which exceeds the amount raised by that millage limitation.

(5) If the district is unable to levy the full 107 percent of its entitlement for (A) *the 1979-1980 school year* because of the millage limitation in subdivision 2a, clause ((1) OR) (2), the state shall pay the amount under sections 124.20, 124.212, 124.222, 124.32, 124.573 or 124.574 to which the district is entitled for (THAT) *the 1979-1980 school year* which exceeds the amount raised by that millage limitation.

(6) Prior to the certification of levies in 1978, the commissioner of education shall notify an applicable district that it is subject to the levy limitation of this subdivision and of its

estimated entitlements pursuant to sections 124.20, 124.212, 124.222, 124.32, 124.573 and 124.574. The commissioner shall decide that a district is subject to this levy limitation if it appears reasonably certain that the maximum levy allowed that district pursuant to subdivision 2a, clause ((1 OR) (2) will exceed the district's foundation aid formula allowance times the number of pupil units computed for that district under section 124.17 for (THAT CORRESPONDING) *the 1979-1980 school year*. If, upon the order of the commissioner, the district levies pursuant to this subdivision but the maximum levy allowed that district pursuant to subdivision 2a, clause ((1 OR) (2) would not actually have exceeded the district's foundation aid formula allowance times the number of pupil units computed for that district under section 124.17 for (THAT CORRESPONDING) *the 1979-1980 school year*, the district shall reduce its levy (FOR THE NEXT YEAR) *in the first year when the actual data for the 1979-1980 school year is known* by the amount by which the levy certified pursuant to this subdivision exceeded the amount the district could have levied under subdivision 2a, clause ((1 OR) (2). Also in that case, the district shall receive all aids from the state pursuant to sections 124.20, 124.212, 124.222, 124.32, 124.573 and 124.574 to which it would otherwise have been entitled if its permitted levy had not been computed pursuant to this subdivision.

(7) Any district which is required to compute its permitted levy under this subdivision shall not be eligible to receive aid under sections 124.20, 124.212, 124.222, 124.32, 124.573 and 124.574 for the (CORRESPONDING) *1979-1980 school year* except as authorized by this subdivision.

(8) Nothing within the provisions of this subdivision shall be construed to affect any other levy under this section, including levies made pursuant to subdivision 2a, clause (4), to which a district is otherwise entitled.

(9) A levy made by a district pursuant to the provisions of this subdivision shall be construed to be the levy made by that district *in 1978* pursuant to subdivision 2a, clause ((1 AND) (2), for purposes of statutory cross-reference.

Sec. 17. Minnesota Statutes 1978, Section 275.125, is amended by adding a subdivision to read:

*Subd. 2c. (1) Beginning in 1979, in any year when the amount of the maximum levy limitation for any district under subdivision 2a, clause (1) or (2), exceeds the product of the district's foundation aid formula allowance for the year in which the levy is recognized as revenue times the estimated number of pupil units for that district under section 124.17 for that school year, the levy limitation for that district under subdivision 2a, clause (1) or (2), shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under*

*Minnesota Statutes 1978, Section 275.125, subdivision 2a, clause (1), or the following difference but not to exceed the levy limitation under subdivision 2a, clause (1) or (2):*

*(a) the product of the district's foundation aid formula allowance under section 124.212 for the school year in which the levy is recognized as revenue, times the estimated number of pupil units for that district under section 124.17 for that school year, less*

*(b) the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124.212, subdivision 5a in the school year in which the levy is recognized as revenue.*

*(2) If as a result of using estimates for the computations in clause (1), the levy pursuant to this subdivision is different from the amount which could actually have been levied if actual data had been available, levy limitations in the first year when the actual data is known shall be adjusted to reflect for this difference. The amount of any adjustment to levy limitations pursuant to this clause shall be recognized as revenue in the school year when the levy for which the levy limitation is so adjusted is recognized as revenue.*

*(3) A levy made by a district pursuant to this subdivision shall be construed to be the levy made by that district pursuant to subdivision 2a, clause (1) or (2), for purposes of statutory cross-reference.*

Sec. 18. Minnesota Statutes 1978, Section 275.125, is amended by adding a subdivision to read:

*Subd. 6b. (1) In 1979 any district which qualified in 1978 for an excess levy under Minnesota Statutes 1978, Section 275.125, Subdivisions 6 or 7, may levy an amount equal to the product obtained by multiplying*

*(a) the lesser of*

*(i) one or*

*(ii) the ratio of the district's 1978 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1979-1980, to the state average 1978 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the state in 1979-1980, times*

*(b) the product obtained by multiplying*

(i) the amount per pupil unit which the district was permitted to levy in 1978 under Minnesota Statutes 1978, Section 275.125, Subdivisions 6 and 7, times

(ii) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (6), and (7), in the district in 1979-1980.

(2) in 1980 and each year thereafter, any district which qualified in 1979 for an excess levy under clause (1), shall be allowed to levy an amount equal to the product obtained by multiplying

(a) the lesser of

(i) one or

(ii) the ratio of the district's adjusted assessed valuation in the preceding year per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the school year when the levy is certified, to the state average adjusted assessed valuation in the preceding year per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the school year when the levy is certified, times

(b) the greater of

(i) the amount derived in clause (1), part (b), or

(ii) the product obtained by multiplying the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in the school year when the levy is certified, times the quotient obtained by dividing the amount derived in clause (1), part (b), by the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), in the district in 1979-1980.

Sec. 19. Minnesota Statutes 1978, Section 275.125, is amended by adding a subdivision to read:

Subd. 6c. (1) In 1979 any district may levy an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the quotient obtained by dividing the sum of the additional amounts of aid the district would receive if pupil units identified in section 124.17, subdivision 1, clauses (6) and (7) were used in addition to the pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the computation pursuant to section 124.212, subdivision 7c, clause (1), and if section 11 of this article were effective in the 1980-1981

*school year, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1979-1980, to*

*(ii) \$55,000, times*

*(b) the district's 1978 adjusted assessed valuation.*

*(2) In 1980 and each year thereafter, any district which qualified for a levy under clause (1) may levy an amount equal to the product obtained by multiplying*

*(a) the ratio of the foundation aid formula allowance for the school year to which the levy is attributable pursuant to section 121.904, subdivision 4, to \$1,265, times*

*(b) the ratio of the amount derived in clause (1), part (a) (i), to the equalizing factor for the school year to which the levy is attributable, times*

*(c) the district's adjusted assessed valuation for the preceding year.*

Sec. 20. Minnesota Statutes 1978, Section 275.125, is amended by adding a subdivision to read:

*Subd. 7a. (1) In 1979 each district which levies the maximum permissible amount pursuant to subdivision 2a, clauses (1), (2) and (4), section 18 of this article, and section 19 of this article, may levy an additional amount which shall not exceed the lesser of (a) an amount equal to one mill times the district's 1978 adjusted assessed valuation or (b) the product obtained by multiplying \$55 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1979-1980.*

*(2) In 1980 and each year thereafter, each district which levies the maximum permissible amount pursuant to subdivision 2a, clauses (1), (2) and (4), section 18 of this article, and section 19 of this article, may levy an additional amount which shall not exceed the lesser of (a) an amount equal to two mills times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying (i) two, times (ii) the ratio of the equalizing factor to 1,000, times (iii) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the school year when the levy is certified.*

*(3) By the July 1 before a district certifies any levy pursuant to this subdivision in 1979, in 1980, in any even-numbered year thereafter, or in any odd-numbered year thereafter when the district has not certified a levy pursuant to this subdivision in the*



*preceding year, the board of the district shall hold a public hearing on the need for the proposed levy pursuant to this subdivision. At least three weeks published notice of the hearing in 10 point type, on 12 point body, with a larger headline, shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the amount of the proposed levy in dollars and mills, the net unappropriated fund balance in the district's operating funds as of the June 30 before the levy is certified, and the tax impact of the proposed levy on homesteads with market values of \$30,000 and \$50,000. At the hearing, the district shall present its proposed revenue and expenditure budgets for the next two school years and the net unappropriated fund balances in all district funds as of the June 30 before the levy is certified, and the board shall hear all parties requesting to give testimony for and against the proposed levy. Upon petition within 20 days after the hearing of five percent of the number of voters who voted in the district at the preceding statewide general election, the board shall call a referendum on a reduction of the proposed levy. The petition shall state the number of mills on the district's adjusted assessed valuation by which it proposes to reduce the proposed levy. No petition or referendum shall provide for a reduction of a proposed levy pursuant to this subdivision to a rate less than one mill on the district's adjusted assessed valuation below the rate levied by the district pursuant to this subdivision in the preceding year. The referendum shall be held on a date set by the school board, but no later than the August 20 before the levy is certified. The question on the ballot shall state the maximum amount of the proposed levy, the amount of the proposed reduction of the levy and the amount of the levy if the reduction is approved, in mills on the district's adjusted assessed valuation and in dollars in the first year of the proposed levy. The district may levy the amount provided by the millage proposed by the school board, reduced by any reduction in millage approved at a referendum pursuant to this clause, applied to the preceding year's adjusted assessed valuation until the next even-numbered year. The district is not required to hold a public hearing or call a referendum on a levy pursuant to this subdivision in any odd-numbered year after 1979 which succeeds a year in which a levy is certified pursuant to this subdivision.*

Sec. 21. Minnesota Statutes 1978, Section 275.125, is amended by adding a subdivision to read:

*Subd. 7b. (1) It is the intention of the legislature that the revenue provided by the discretionary levy authorized in section 20 of this article and by the corresponding portion of foundation aid provided in section 8, clause (5), of this article and section 9, clause (5), of this article be used to improve instructional programs in grades kindergarten through 12. If the board of any district with a reasonable general fund balance determines that all or part of this revenue is not needed for this purpose and if this determination is demonstrated by an increase in the district's general fund balance in any fiscal year starting in fiscal*

year 1981, the mill rate used to calculate the authorized discretionary levy and the corresponding portion of foundation aid shall be reduced as provided in this subdivision. For purposes of this subdivision, a "reasonable general fund balance" shall mean \$150 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5).

(2) In any district where the maximum permissible levy pursuant to section 20 of this article in 1981 or in any year thereafter is determined according to clause (2), part (a), of that section, and where the net unappropriated general fund balance has increased between the second June 30 before the levy is certified, and the June 30 before the levy is certified, the maximum permissible levy pursuant to section 20 of this article in that year shall be reduced by an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the quotient obtained by dividing the amount of that increase in the general fund balance by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

No levy reduction pursuant to this clause, however, shall exceed an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the difference obtained by subtracting \$150 from the quotient obtained by dividing the amount of the net unappropriated general fund balance in the district as of the June 30 before the levy is certified, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

(3) In any district where the maximum permissible levy pursuant to section 20 of this article in 1981 or in any year thereafter is determined according to clause (2), part (b), of that section, and where the net unappropriated general fund balance has increased between the second June 30 before the

*levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to section 20 of this article in that year shall be reduced by the amount of that increase in the general fund. No levy reduction pursuant to this clause, however, shall exceed an amount equal to the difference obtained by subtracting*

*(a) the product obtained by multiplying \$150 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, from*

*(b) the amount of the net unappropriated general fund balance in the district as of the June 30 before the levy is certified.*

Sec 22. Minnesota Statutes 1978, Section 275.125, is amended by adding a subdivision to read:

*Subd. 19. (1) Beginning with the 1979 payable 1980 levy, any district which it is estimated will receive an amount of minimum foundation aid pursuant to section 8, clause (6) of this article or its successor provision in the year to which the levy is attributable, shall reduce its levy limitation pursuant to subdivision 2a, clause (1) or (2), by the amount of minimum foundation aid which it is estimated that the district will receive in the year to which the levy is attributable.*

*(2) If as a result of using estimates for the computation in clause (1), a district's levy pursuant to subdivision 2a, clause (1) or (2), is different from the amount which could actually have been levied if actual data had been available, levy limitations pursuant to subdivision 2a, clause (1) or (2), shall be adjusted to reflect for this difference in the first year when the actual amount of minimum foundation aid paid to a district is known. The amount of any adjustment to levy limitations pursuant to this clause shall be recognized as revenue in the school year when the levy for which the levy limitation is so adjusted is recognized as revenue.*

Sec. 23. [DEFICIENCY APPROPRIATION.] *The sum of \$1,160,000 is appropriated from the general fund to the department of education for the year ending June 30, 1979 for the payment of a deficiency in funds available for the payment of foundation aid for 1978 summer school programs. This appropriation shall be added to the amount appropriated and allocated for foundation aid for 1978 summer school programs in Laws 1977, Chapter 447, Article 1, Section 23, Subdivision 2.*

Sec. 24. [APPROPRIATION; SCHOOL FINANCE STUDY COMMISSION.] *There is appropriated from the general fund to the legislative school finance study commission established in section 1 of this article the sum of \$50,000 for each year of*

*the biennium ending June 30, 1981, to pay the expenses incurred by the commission. Any unexpended balance remaining from the appropriation in this section shall not cancel but shall be available for the second year of the biennium.*

**Sec. 25. [REPEALER.]** *Minnesota Statutes 1978, Sections 124.212, Subdivisions 6b and 7b; and 275.125, Subdivisions 6 and 7, are repealed.*

**Sec. 26. [APPROPRIATION.]** *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

**Subd. 2. [FOUNDATION AID.]** *For foundation aid pursuant to section 124.212 there is appropriated:*

*\$648,200,000 . . . . . 1980,*

*\$674,000,000 . . . . . 1981.*

*(a) The appropriation in this subdivision for fiscal year 1980 includes the amount necessary for the payment of the final foundation aid distribution for fiscal year 1979, of which not to exceed \$10,759,100 is for foundation aid for 1979 summer school programs.*

*(b) The appropriation in this subdivision for fiscal year 1981 includes the amount necessary for the payment of the final foundation aid distribution for fiscal year 1980 of which not to exceed \$11,619,900 is for foundation aid for 1980 summer school programs.*

*(c) Any unexpended balance remaining from the appropriation in this subdivision for 1980 shall not cancel but shall be available for the second year of the biennium.*

**Subd. 3. [SPARSITY AID.]** *For sparsity aid pursuant to section 11 of this article there is appropriated:*

*\$1,642,000 . . . . . 1980,*

*\$182,000 . . . . . 1981.*

*If the appropriation amount for this purpose is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriation in this subdivision for this purpose.*

*Subd. 4. [BASIC SKILLS PROGRAM.] For the basic skills program pursuant to section 12 of this article there is appropriated:*

*\$650,000 ..... 1980.*

*\$650,000 ..... 1981.*

*Sec. 27. [EFFECTIVE DATE.] Section 23 of this article shall be effective the day following final enactment.*

## ARTICLE II

### TRANSPORTATION AID

Section 1. Minnesota Statutes 1978, Section 124.222, Subdivision 1a, is amended to read:

**Subd. 1a. [COMPUTATION.]** For the (1977-1978) 1979-1980 school year the state shall pay to each school district for all school transportation and related services for which the district is authorized by law to receive state aid:

(1) The lesser product of either:

(a) The actual net operating cost per eligible pupil transported during the (1978) 1980 fiscal year times the number of eligible pupils transported during the (1978) 1980 fiscal year; or

(b) One hundred (SEVENTEEN) *twenty* percent of the actual net operating cost per eligible pupil transported during the (1976) 1978 fiscal year, times the number of eligible pupils transported during the (1978) 1980 fiscal year;

(2) Minus the amount raised by a levy of one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy collected in calendar year (1977) 1979;

(3) Plus, the amount of depreciation for one year on the school bus fleet computed by the department of education on a straight line basis at the rate of 12 1/2 percent per year of the cost of the fleet;

(4) Plus, the amount of depreciation for one year on school buses reconditioned by the department of corrections. This depreciation shall be computed by the department of education on a straight line basis at the rate of 33 1/3 percent per year of the cost to the district of the reconditioning.

Sec. 2. Minnesota Statutes 1978, Section 124.222, Subdivision 1b, is amended to read:

Subd. 1b. [COMPUTATION.] For the (1978-1979) 1980-1981 school year the state shall pay to each school district for all school transportation and related services for which the district is authorized by law to receive state aid:

(1) The lesser product of either:

(a) The actual net operating cost per eligible pupil transported during the (1979) 1981 fiscal year times the number of eligible pupils transported during the (1979) 1981 fiscal year; or

(b) One hundred (TWENTY-SEVEN) *thirty-one* percent of the actual net operating cost per eligible pupil transported during the (1976) 1978 fiscal year, times the number of eligible pupils transported during the (1979) 1981 fiscal year;

(2) Minus the amount raised by a levy of one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy collected in calendar year (1978) 1980;

(3) Plus, the amount of depreciation for one year on the school bus fleet computed by the department of education on a straight line basis at the rate of 12 1/2 percent per year of the cost of the fleet;

(4) Plus, the amount of depreciation for one year on school buses reconditioned by the department of corrections. This depreciation shall be computed by the department of education on a straight line basis at the rate of 33 1/3 percent per year of the cost to the district of the reconditioning.

Sec. 3. Minnesota Statutes 1978, Section 124.222, Subdivision 2a, is amended to read:

Subd. 2a. [HANDICAPPED PUPIL TRANSPORTATION; COST.] (1) In addition to the amounts authorized in subdivision 1a, if the actual net operating cost per eligible handicapped pupil transported during the (1978) 1980 fiscal year exceeds (127) 130 percent of the actual net operating cost per eligible handicapped pupil transported during the (1976) 1978 fiscal year, the state shall pay to the district 80 percent of the cost for this handicapped transportation in excess of this (127) 130 percent.

(2) In addition to the amounts authorized in subdivision 1b, if the actual net operating cost per eligible handicapped pupil transported during the (1979) 1981 fiscal year exceeds (137) 141 percent of the actual net operating cost per eligible handi-

capped pupil transported during the (1976) 1978 fiscal year, the state shall pay to the district 80 percent of the costs for this handicapped transportation in excess of this (137) 141 percent.

Sec. 4. Minnesota Statutes 1978, Section 124.222, Subdivision 2b, is amended to read:

Subd. 2b. [TRANSPORTATION BETWEEN DISTRICTS.] (FOR THE 1978-1979 SCHOOL YEAR AND THEREAFTER,) The state shall pay 50 percent of the cost of the transportation authorized pursuant to section 124.223, clause (9), but not to exceed a cost of \$100 per pupil. Transportation which receives aid pursuant to this subdivision shall not also receive aid pursuant to subdivisions 1a, 1b or 2a.

Sec. 5. Minnesota Statutes 1978, Section 124.222, Subdivision 6, is amended to read:

Subd. 6. [BASE COST ADJUSTMENTS.] For the purposes of payment of transportation aids in the (1978) 1980 and 1981 fiscal (YEAR AND THEREAFTER) years, the commissioner of education may adjust the base cost per eligible pupil transported during the (1976) 1978 fiscal year to reflect changes in costs resulting from the following:

(a) Alterations in school district boundaries if application is made prior to December 15 of the school year following the year in which the alterations are made;

((B) OMISSIONS IN SCHOOL DISTRICT REPORTS IF APPLICATION IS MADE PRIOR TO DECEMBER 15, 1977;)

((C)) (b) The addition by the district of an authorized transportation aid category if that category of transportation was not provided during the (1976) 1978 fiscal year if application is made prior to December 15 of the school year following the year in which the additional transportation is provided;

((D)) (c) Omissions in school district reports determined by the legislative auditor;

((E)) (d) Increased costs resulting from changes in transportation patterns required by a schoolhouse closing provided that (1) the cost increases can be demonstrated to be a direct result of the closing; (2) the increases result in costs above the formula limitation; and (3) application is made prior to December 15 of the school year following the last school year in which the schoolhouse is open;

((F)) (e) Increased costs resulting from changes in transportation patterns caused by a schoolhouse opening provided that (1) the cost increases can be demonstrated to be a direct result

of the opening; (2) the increases result in costs above the formula limitation; and (3) application is made prior to (DECEMBER 15, 1978 OR) December 15 of the school year following the first school year in which the schoolhouse is open (, WHICHEVER IS LATER).

(IN THE 1978 FISCAL YEAR AND THEREAFTER,) The commissioner shall appropriately adjust the base cost per eligible pupil transported during the (1976) 1978 fiscal year to reflect changes in the treatment of depreciation and qualification for depreciation aid resulting from changes in school bus fleet ownership from district owned and managed to privately owned and contracted or from privately owned and contracted to district owned and managed. Districts shall report any such changes to the commissioner within 60 days of the date the changes are made.

Prior to making any base cost change pursuant to this subdivision, the department shall examine the appropriate factors that relate to the determination of the authorized transportation costs and aid for that district.

Sec. 6. Minnesota Statutes 1978, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]  
(FOR THE 1978-1979 SCHOOL YEAR AND THEREAFTER,) School transportation and related services for which state transportation aid is authorized are:

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

(2) Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

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

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



school and within the school plant, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a;

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

(6) Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident handicapped pupils who are provided special instruction and services on a shared time basis;

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

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

(9) Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

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

Sec. 7. Minnesota Statutes 1978, Section 169.44, Subdivision 1, is amended to read:

169.44 [SCHOOL BUSES; STOP SIGNALS; CONDUCT OF OTHER VEHICLES.] Subdivision 1. [MEETING OR OVERTAKING BUSES; STOP SIGNALS; STOPPING.] The driver of a vehicle upon a street or highway, upon meeting or overtaking from front or rear any school bus which has stopped on the street or highway for the purpose of receiving or discharging any school child or children, shall stop the vehicle not less than 20 feet from the bus when the bus is stopped and is displaying an extended stop signal arm and flashing red signals and shall remain stopped until the school bus driver retracts the stop signal arm and extinguishes the flashing red signals. A failure to stop as required by this subdivision is a misdemeanor. (EVERY SCHOOL BUS WITH A SEATING CAPACITY IN EXCESS OF 16 PERSONS SHALL BE EQUIPPED WITH A STOP SIGNAL ARM, PRE-WARNING FLASHING AMBER SIGNALS AND FLASHING RED SIGNALS.) The stop signal arm of a

*vehicle outwardly equipped and identified as a school bus shall be used in conjunction with the flashing red signals only when the school bus is stopped on a street or highway for the purpose of receiving or discharging any school child or children.*

*Subd. 1a. Every school bus with a seating capacity in excess of 16 persons and every vehicle purchased for delivery after April 1, 1977 for use in the state of Minnesota as a school bus with a seating capacity in excess of ten persons, including the driver, shall be equipped with a stop signal arm, pre-warning flashing amber signals and flashing red signals. Every new school bus purchased for delivery after June 1, 1973, for use in the state of Minnesota as a school bus with a seating capacity in excess of 16 persons and every new vehicle purchased for delivery after April 1, 1977 for use in the state of Minnesota as a school bus with a seating capacity in excess of ten persons, including the driver, shall be of a uniform color, national school bus glossy yellow. Any school bus substantially repainted after June 1, 1973 shall be painted national school bus glossy yellow. Any school bus or vehicle which satisfies these equipment and color requirements and which bears signs containing the words "school bus" as provided in subdivision 3 shall be deemed to be outwardly equipped and identified as a school bus for purposes of this section.*

*Subd. 1b. Vehicles district owned or under contract (HAVING A SEATING CAPACITY OF 16 OR FEWER PERSONS) transporting school children to or from school which are not required to be outwardly equipped and identified as school buses pursuant to subdivision 1a shall comply with state board of education rules and regulations relating to, but not limited to, construction, design, equipment, color, identification, and operation.*

Sec. 8. Minnesota Statutes 1978, Section 169.44, Subdivision 2, is amended to read:

Subd. 2. [LOADING AND UNLOADING PASSENGERS; USE OF SIGNALS.] (a) Drivers of a (SCHOOL BUS WITH A CAPACITY OF MORE THAN 16 PERSONS) *vehicle outwardly equipped and identified as a school bus* shall actuate the pre-warning flashing amber signals of the bus before stopping to load or unload a school child or children at least 300 feet when operating outside an incorporated municipality and at least 100 feet when operating within an incorporated municipality and, upon stopping for such purpose, such drivers shall extend the stop signal arm and actuate the flashing red signals and shall not retract the stop signal arm and extinguish the flashing red signals until loading or unloading is completed and persons who must cross the street or highway are safely across.

(b) School bus drivers shall not actuate the pre-warning flashing amber signals or flashing red signals:

(1) in special school bus loading areas where the bus is entirely off the traveled portion of the road;

(2) in residence or business districts of cities except when directed by the local school administrator;

(3) when a school bus is being used on a highway for purposes other than the actual transportation of school children to or from school or a school approved activity, in which event the words "school bus" on the front and rear of the bus shall be removed or completely concealed; and

(4) at railroad grade crossings.

(c) Where school children must cross the road before boarding or after being discharged from the bus, the driver of a school bus or a school bus patrol may supervise such crossings making use of the standard school patrol flag or signal as approved and prescribed by the commissioner of public safety. When children are alighting from a school bus, and not crossing the road, the driver shall visually ascertain that alighting children shall be a safe distance from the bus before moving the bus.

(d) Vehicles (HAVING A SEATING CAPACITY OF 16 OR FEWER PERSONS) *not outwardly equipped and identified as school buses* shall load or unload school children only from the right hand side of the vehicle, except on a one way street such vehicle shall load or unload school children only from the curb side of the vehicle.

Sec. 9. Minnesota Statutes 1978, Section 169.44, is amended by adding a subdivision to read:

*Subd. 12. [AISLE AND EXIT.] The driver of a school bus shall keep the aisle and emergency exit of a school bus unobstructed and free of objects at all times when children are being transported.*

Sec. 10. Minnesota Statutes 1978, Section 169.44, is amended by adding a subdivision to read:

*Subd. 13. [TRAILER BEHIND A SCHOOL BUS.] A school bus may pull a trailer as defined by section 169.01, subdivision 10, only when traveling to or from co-curricular or extra curricular activities, as defined in section 123.38.*

Sec. 11. Minnesota Statutes 1978, Section 169.44, Subdivisions 5 and 7 are repealed.

Sec. 12. [TRANSPORTATION AID APPROPRIATIONS.] Subdivision 1. *There is appropriated from the general fund*

to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

*Subd. 2. For transportation aid there is appropriated:*

\$87,759,000 . . . . . 1980.

\$91,707,000 . . . . . 1981.

(a) *The appropriation in this subdivision for fiscal year 1980 includes the amount necessary for the payment of the final transportation aid distribution to each district for fiscal year 1979.*

(b) *The appropriation in this subdivision for fiscal year 1981 includes the amount necessary for the payment of the final transportation aid distribution to each district for fiscal year 1980.*

(c) *The appropriations in this subdivision also include not to exceed \$500,000 in each year indicated for transportation aid pursuant to section 124.222, subdivision 2a. These amounts are the total appropriations for this purpose for each year.*

(d) *The appropriations in this subdivision also include not to exceed \$125,000 in 1980 and \$150,000 in 1981 for transportation aid pursuant to section 124.223, clause (9). These amounts are the total appropriations for this purpose for each year.*

*Subd. 3. Any unexpended balance remaining from the appropriations in this section for 1980 shall not cancel but shall be available for the second year of the biennium. If the appropriation amount indicated for either year in subdivision 2, clause (c) or (d) of this section is insufficient for the purpose indicated, the aid for that year for that purpose shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriation for that purpose.*

### ARTICLE III

#### SPECIAL AND COMPENSATORY EDUCATION AID

Section 1. *Notwithstanding the provisions of Minnesota Statutes, Section 120.17, Subdivision 7a, for the 1978-1979 school year, the tuition charged a child's district of residence by the state board of education for providing a program for the child at the Minnesota school for the deaf or the Minnesota braille and sight-saving school shall not exceed \$2,000 for an entire school year or a pro-rated amount based on the portion of the school year for which the child is a resident of the district or is actually in membership in the program.*

Sec. 2. Minnesota Statutes 1978, Section 120.17, Subdivision 3b, is amended to read:

Subd. 3b. [PROCEDURES FOR DECISIONS.] Every district shall utilize at least the following procedures for decisions involving identification, assessment and educational placement of handicapped children:

(a) Parents and guardians shall receive prior written notice of: (1) any proposed formal educational assessment or *proposed denial of a formal educational assessment* of their child; (2) a proposed placement of their child in, transfer from or to or denial of placement in a special education program; or (3) the proposed provision, addition, denial or removal of special education services for their child;

(b) *The district shall not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program or the initial provision of special education services for a child without the prior written consent of the child's parent or guardian; provided the refusal of a parent or guardian to provide this consent may be overridden by the decision in a hearing held pursuant to clause (d) at the district's initiative after at least one attempt to obtain this consent through a conciliation conference held pursuant to clause (c);*

((B)) (c) Parents and guardians shall have an opportunity to meet with appropriate district staff in at least one conciliation conference if they object to any proposal of which they are notified pursuant to clause (a);

((C)) (d) Parents (AND), guardians *and the district* shall have an opportunity to obtain an (INFORMAL) *impartial* due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to: (1) a proposed formal educational assessment or *proposed denial of a formal educational assessment* of their child; (2) the proposed placement of their child in, or transfer of their child to a special education program; (3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program; (4) the proposed provision or addition of special education services for their child; or (5) the proposed denial or removal of special education services for their child.

(AT THE OPTION OF THE SCHOOL BOARD,) The hearing shall take place (EITHER) before (THE SCHOOL BOARD; OR (1) ITS DESIGNEE, (2) A PERSON) *an impartial hearing officer* mutually agreed to by the school board and the parent or guardian (, OR (3) A PERSON APPOINTED BY THE COMMISSIONER. A DECISION PURSUANT TO (1), (2), OR (3) SHALL BE SUBJECT TO REVIEW BY THE SCHOOL

BOARD WITHIN TEN DAYS AT ITS OPTION.) *If the school board and the parent or guardian are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer. The hearing officer shall not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. If the hearing officer requests an independent educational assessment of a child, the cost of the assessment shall be at district expense. The proceedings shall be recorded and preserved, at the expense of the school district, pending ultimate disposition of the action.*

((D)) (e) (WITHIN FIVE DAYS OF A HEARING OR REVIEW) *The decision of the hearing officer pursuant to clause ((C) , THE PERSON OR PERSONS CONDUCTING THE HEARING OR REVIEW) (d) shall (ISSUE A) be rendered not more than 45 calendar days from the date of the receipt of the request for the hearing. A hearing officer may grant specific extensions of time beyond the 45 day period at the request of either party. The (LOCAL) decision (WHICH) of the hearing officer shall be binding on all parties unless appealed to the commissioner by the parent (OR), guardian, or the school board of the district where the child resides pursuant to clause (e).*

The local decision shall:

(1) be in writing;

(2) state the controlling facts upon which the decision is made in sufficient detail to apprise the parties and the commissioner of the basis and reason for the decision;

(3) state whether the special education program or special education services appropriate to the child's needs can be reasonably provided within the resources available to the responsible district or districts;

(4) state the amount and source of any additional district expenditure necessary to implement the decision; and

(5) be based on the standards set forth in subdivision 3a and the rules of the state board.

((E)) (f) Any local decision issued pursuant to clauses ((C) AND) (d) and (e) may be appealed to the commissioner within 15 calendar days of receipt of that written decision, by the parent (OR), guardian, or the school board of the district

*where the child resides. (THE SCHOOL BOARD SHALL BE A PARTY TO ANY APPEAL.)*

If the decision is appealed, a written transcript of the hearing shall be made by the school district and shall be accessible to the parties involved within five *calendar* days of the filing of the appeal. (HOWEVER, FOR APPEALS OF LOCAL DECISIONS ISSUED BY SCHOOL BOARDS OR THEIR DESIGNEES CONCERNING PROPOSALS SET FORTH IN CLAUSE (C) (1), (2), AND (4), NO WRITTEN TRANSCRIPT SHALL BE MADE IF THE PARENT OR GUARDIAN REQUESTS A CHAPTER 15 DUE PROCESS HEARING PURSUANT TO THIS CLAUSE AT THE TIME THE APPEAL IS FILED.) The commissioner shall issue a final decision based on (A) *an impartial* review of the local decision and the entire record within 30 *calendar* days after (RECEIPT OF THE LOCAL DECISION AND THE TRANSCRIPT) *the filing of the appeal*. (HOWEVER, IN APPEALS OF LOCAL DECISIONS ISSUED BY SCHOOL BOARDS OR THEIR DESIGNEES CONCERNING PROPOSALS SET FORTH IN CLAUSE (C) (1), (2) AND (4), A PARENT OR GUARDIAN MAY, AT THE TIME THE APPEAL IS FILED, REQUEST A DUE PROCESS HEARING CONDUCTED PURSUANT TO THE PROVISIONS OF CHAPTER 15. IN THAT CASE THE COMMISSIONER SHALL ISSUE A FINAL DECISION WITHIN 30 DAYS AFTER THAT HEARING AND THE FINAL DECISION SHALL BE BASED ON THE REPORT OF THE HEARING EXAMINER.) *The commissioner shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument; provided any hearing held to seek additional evidence shall be an impartial due process hearing but shall be deemed not to be a contested case hearing for purposes of chapter 15. The commissioner may grant specific extensions of time beyond the 30 day period at the request of any party.*

The final decision shall:

- (1) be in writing;
- (2) include findings and conclusions; and
- (3) be based upon the standards set forth in subdivision 3a and in the rules of the state board.

((F)) (g) The decision of the commissioner shall be final unless appealed by the parent or guardian or school board to the district court of the county in which the school district in whole or in part is located. The scope of judicial review shall be as provided in chapter 15.

(h) *Pending the completion of proceedings pursuant to this subdivision, unless the district and the parent or guardian of the child agree otherwise, the child shall remain in his current*

*educational placement and shall not be denied initial admission to school.*

((G)) (i) The child's school district of residence, if different from the district where the child actually resides, shall receive notice of and may be a party to any hearings or appeals pursuant to this subdivision.

(j) *This subdivision shall expire on June 30, 1981. The department of education shall report to the education committees of the legislature on or before January 1, 1981, on the impact of the amendments made in this subdivision by this act and on the advisability of amending this subdivision to read as it reads in Minnesota Statutes 1978.*

Sec. 3. Minnesota Statutes 1978, Section 120.17, Subdivision 7a, is amended to read:

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

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

(b) When it is determined pursuant to section 128A.05, subdivisions 1 or 2 that the child is entitled to attend either school, the state board shall provide the appropriate educational program for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that *effective for the 1979-1980 school year and thereafter*, the amount of tuition charged shall not exceed (\$2,000) *two times the foundation aid formula allowance of the district for that child for (ANY) an entire school year, or a pro-rated amount based on the portion of the school year for which the child is a resident of the district or is actually in membership in the program. For purposes of this subdivision, "foundation aid formula allowance" shall have the meaning attributed to it in section 124.32, subdivision 1a.* The district of the child's residence shall pay the tuition and may claim foundation aid for the child. All tuition so received shall be deposited in the state treasury.

(c) When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state



board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law;

(d) Notwithstanding the provisions of clauses (b) and (c), the state board may agree to make a tuition charge for less than the amount specified in clause (b) for pupils attending the applicable school who are residents of the district where the institution is located and who do not board at the institution, if that district agrees to make a tuition charge to the state board for less than the amount specified in clause (c) for providing appropriate educational programs to pupils attending the applicable school.

(e) Notwithstanding the provisions of clauses (b) and (c), the state board may agree to supply staff from the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School to participate in the programs provided by the district where the institutions are located when the programs are provided to students in attendance at the state schools.

Sec. 4. Minnesota Statutes 1978, Section 124.212, Subdivision 20, is amended to read:

Subd. 20. No adjustments to foundation aid payments resulting from omissions in school district reports, except those adjustments determined by the legislative auditor, shall be made for any school year after December 15 of the next school year. Any school district educating children who are residents of another school district shall notify the district of residence within 60 days of the date the child is determined by the district to be a nonresident, but not later than October 1 following the end of the school year in which the child is educated. If the district of residence does not receive a notification from the providing district pursuant to this subdivision, it shall not be liable to that district for any tuition billing received after October 1 of the next school year. (IF A COMMISSIONER OF A STATE AGENCY, OR HIS REPRESENTATIVE OR AGENT, OR A COURT OF THE STATE OF MINNESOTA DESIRES TO PLACE A CHILD IN A SCHOOL DISTRICT WHICH IS NOT HIS DISTRICT OF RESIDENCE, THAT COMMISSIONER OR COURT SHALL, PRIOR TO PLACEMENT IF POSSIBLE, NOTIFY THE DISTRICT OF ATTENDANCE, THE DISTRICT OF RESIDENCE, AND THE COMMISSIONER OF EDUCATION OF ITS INTENTION.)

Sec. 5. Minnesota Statutes 1978, Section 124.212, is amended by adding a subdivision to read:

*Subd. 20a. If a state agency or a court of the state desires to place a child in a school district which is not the child's district of residence, that agency or court shall, prior to placement, allow*

*the district of residence an opportunity to participate in the placement decision and notify the district of residence, the district of attendance and the commissioner of education of the placement decision. When a state agency or court determines that an immediate emergency placement is necessary and that time does not permit district participation in the placement decision or notice to the districts of the placement decision prior to the placement, the agency or court may make the decision and placement without that participation or prior notice. The agency or court shall notify the district of residence, the district of attendance and the commissioner of education of an emergency placement within 15 days of the placement.*

Sec. 6. Minnesota Statutes 1978, Section 124.32, Subdivision 1, is amended to read:

124.32 [HANDICAPPED CHILDREN.] Subdivision 1. The state shall pay to any district:

(a) For the employment in its educational program for handicapped children, (60 PERCENT OF THE SALARY OF ESSENTIAL PERSONNEL IN 1977-1978 AND) 69 percent of the salary of essential personnel (IN 1978-1979), but this amount shall not exceed (\$11,500 IN 1977-1978 OR \$12,000 IN 1978-1979) \$15,000 for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district;

(b) Plus five percent of the salaries of essential personnel employed in its educational program for handicapped children, for the purpose of recognizing additional support costs of educational programs for handicapped children.

Sec. 7. Minnesota Statutes 1978, Section 124.32, Subdivision 1a, is amended to read:

Subd. 1a. For purposes of this section, (FOR THE 1977-1978 SCHOOL YEAR, THE FOUNDATION AID FORMULA ALLOWANCE PER PUPIL UNIT SHALL BE THE LESSER OF \$1,030 OR THE GREATER SUM COMPUTED PURSUANT TO SECTION 124.212, SUBDIVISION 6B, CLAUSE (2). THE) *the* foundation aid formula allowance per pupil unit shall be (\$1,095 FOR THE 1978-1979 SCHOOL YEAR, \$1,155) \$1,182 for the 1979-1980 school year, and (\$1,220) \$1,265 for the 1980-1981 school year. (COMPUTATIONS OF FOUNDATION AID FORMULA ALLOWANCES PURSUANT TO THIS SECTION SHALL BE BASED ON THE FOUNDATION AID FORMULA ALLOWANCE PER PUPIL UNIT IN THE CHILD'S DISTRICT OF RESIDENCE.) For the purposes of computing foundation aid formula allowances pursuant to this section, each

handicapped child shall be counted as prescribed in section 124.17, subdivision 1, clause (1) or (2).

Sec. 8. Minnesota Statutes 1978, Section 124.32, Subdivision 5, is amended to read:

Subd. 5. When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay to the resident district not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance in the resident district, for each handicapped child placed in a residential facility. Not more than (\$550,000 FOR 1977-1978 AND \$600,000) *\$700,000* for (1978-1979) *each school year* shall be paid for the purposes of this subdivision. If that amount does not suffice, the aid shall be prorated among all qualifying districts.

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by the state or a public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children within the state.

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children within the state.

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 9. Minnesota Statutes 1978, Section 124.32, Subdivision 7, is amended to read:

Subd. 7. Before May 1 of each year, each district providing special instruction and services to handicapped children shall submit to the commissioner an application for approval of these programs and their budgets for the next school year. The application shall include an enumeration of the costs proposed as eligible for state aid pursuant to this section and of the estimated number and grade level of handicapped children in the district who will receive special instruction and services during the next school year. The application shall also include any other information deemed necessary by the commissioner for the calculation of state aid and for the evaluation of the necessity of the program, the necessity of the personnel to be employed in the program, the amount which the program will receive from grants from federal funds, or special grants from other

state sources, and the program's compliance with the rules and standards of the state board. The commissioner shall review each application in order to determine whether the program and the personnel to be employed in the program are actually necessary and essential to meet the district's obligation to provide special instruction and services to handicapped children pursuant to section 120.17. The commissioner shall not approve aid pursuant to this section for any program or for the salary of any personnel he determines to be unnecessary or unessential on the basis of this review. The commissioner may also withhold all or any portion of the aid for programs which receive grants from federal funds, or special grants from other state sources. On or before July 1 of each year, the commissioner shall approve, disapprove or modify each application, and notify each applying district of his action and of the estimated amount of aid for the programs. The commissioner shall provide procedures for districts to submit additional applications for program and budget approval during the school year, for programs needed to meet any substantial changes in the needs of handicapped children in the district. *Notwithstanding the provisions of section 124.15, the commissioner may modify or withdraw his program or aid approval and withhold aid pursuant to this section at any time when he determines that the program does not comply with the rules and standards of the state board or that any facts concerning the program or its budget differ from the facts presented in the district's approved application.*

Sec. 10. Minnesota Statutes 1978, Section 124.32, Subdivision 10, is amended to read:

Subd. 10. (THE STATE SHALL PAY AID FOR 1977 SUMMER SCHOOL PROGRAMS FOR HANDICAPPED CHILDREN ON THE BASIS OF THE FORMULA APPLICABLE TO THE 1977-1978 SCHOOL YEAR. BEGINNING WITH THE SUMMER OF 1978, THE) *The state shall pay aid for summer school programs for handicapped children on the basis of the sections of Minnesota Statutes providing aid for handicapped children for the preceding school year. On or before March 15 of each year, districts shall submit separate applications for program and budget approval for summer school programs. The review of these applications shall be as provided in subdivision 7. By May 1 of each year, the commissioner shall approve, disapprove or modify the applications and notify the districts of his action and of the estimated amount of aid for the summer school programs. Aid for these programs shall be paid on or before the October 1 after the summer when the programs are conducted.*

Sec. 11. Minnesota Statutes 1978, Section 126.39, Subdivision 10, is amended to read:

Subd. 10. [REPORT.] The state board shall make a report to the legislature, the governor and the public on or before

(SEPTEMBER 1, 1979) *February 1, 1980.* This report shall include the results of the needs assessment, including an evaluation of the pilot programs, the number of children served in programs for each language group; the cost of the program per pupil for each pilot program language group, and program type; the number of children in each school district, language group and program type who, as a result of the bilingual education program, improved their English language ability to such an extent that the program is no longer necessary for those children; and recommendations for legislation including any need for expansion and accompanying plans and cost estimates in the areas of bilingual education.

Sec. 12. Minnesota Statutes 1978, Section 126.40, Subdivision 3, is amended to read:

Subd. 3. [TERMS.] (THE ADVISORY TASK FORCE SHALL EXPIRE AND) The terms, compensation, and removal of members of the advisory task force shall be as provided for in section 15.059, subdivision 6. *Notwithstanding the provisions of section 15.059, subdivision 6, the advisory task force shall expire June 30, 1980.*

Sec. 13. Minnesota Statutes 1978, Section 126.41, Subdivision 1, is amended to read:

126.41 [PILOT PROGRAMS.] Subdivision 1. [GRANTS, PROCEDURES.] For fiscal years 1978, (AND) 1979, and 1980, as part of the needs assessment effort, the state board of education shall make grants to no fewer than three transitional bilingual education programs. At least one pilot bilingual program shall be in a rural area. The board of a local district or a group of boards may submit a proposal for a grant for a transitional bilingual education program. The state board shall prescribe the form and manner of application for grants and no grant shall be made for proposals not complying with the requirements of sections 126.31 to 126.42. (EVERY PROGRAM PROPOSAL SHALL BE SUBMITTED TO THE STATE BOARD NOT LESS THAN SIX MONTHS BEFORE THE PLANNED COMMENCEMENT OF THE PROGRAM; PROVIDED, HOWEVER THAT THIS SIX MONTH REQUIREMENT SHALL NOT APPLY TO SCHOOL DISTRICTS WITH AN EXISTING BILINGUAL EDUCATION PROGRAM ESTABLISHED AND APPROVED PURSUANT TO SECTION 701 ET SEQ., OF TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.) The state board shall submit all proposals to the state advisory task force on bilingual education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Sec. 14. Minnesota Statutes 1978, Section 126.52, Subdivision 10, is amended to read:

Subd. 10. [REPORT.] The state board shall make a report to the legislature, the governor and the public on or before (SEPTEMBER 1, 1979) *February 1, 1980*. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, and recommendations for legislation in the area of American Indian language and culture education.

Sec. 15. Minnesota Statutes 1978, Section 126.53, Subdivision 3, is amended to read:

Subd. 3. (THE ADVISORY TASK FORCE SHALL EXPIRE AND) The terms, compensation, and removal of members of the advisory task force shall be as provided for in section 15.059, subdivision 6. *Notwithstanding the provisions of section 15.059, subdivision 6, the advisory task force shall expire June 30, 1980.*

Sec. 16. Minnesota Statutes 1978, Section 126.54, Subdivision 1, is amended to read:

126.54 [PILOT PROGRAMS.] Subdivision 1. [GRANTS; PROCEDURES.] For fiscal years 1978, (AND) 1979, *and 1980* as part of the needs assessment effort, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of pilot American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by non-sectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. (EVERY PROGRAM PROPOSAL SHALL BE SUBMITTED TO THE STATE BOARD NOT LESS THAN SIX MONTHS BEFORE THE PLANNED COMMENCEMENT OF THE PROGRAM.) The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Sec. 17. Minnesota Statutes 1978, Section 128A.02, Subdivision 6, is amended to read:

Subd. 6. The rules of the state board pursuant to this section shall establish procedures for admission to and discharge from the schools, for decisions on a child's program at the schools and for evaluation of the progress of children enrolled in the schools. These procedures shall guarantee children and their parents appropriate procedural safeguards, including a review of the place-

ment determination made pursuant to sections 120.17 and 128A.05, and the right to participate in educational program decisions. Notwithstanding the provisions of section 15.0411, proceedings concerning admission to and discharge from the schools, a child's program at the schools and a child's progress at the schools shall not be deemed to be contested cases subject to sections 15.041 to 15.052 but shall be governed instead by the rules of the state board pursuant to this section.

Sec. 18. *The state board of education may adopt temporary rules effective for up to 300 days pursuant to section 2 of this article.*

Sec. 19. [REPEALER.] *Minnesota Statutes 1978, Section 120.171, is repealed.*

Sec. 20. [SPECIAL AND COMPENSATORY EDUCATION AIDS; APPROPRIATION.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. For special education aid there is appropriated:*

*\$88,982,300 ..... 1980,*

*\$96,959,200 ..... 1981.*

(a) *The appropriation in this subdivision for fiscal year 1980 includes not to exceed \$11,484,000 for the payment of the final special education aid distribution to each district for fiscal year 1979, of which not to exceed \$4,206,000 is for special education aid for 1979 summer school programs.*

(b) *The appropriation in this subdivision for fiscal year 1981 includes not to exceed \$13,627,700 for the payment of the final special education aid distribution to each district for fiscal year 1980, of which not to exceed \$4,978,000 is for special education aid for 1980 summer school programs.*

(c) *The appropriations in this subdivision include not to exceed \$700,000 in each year for aid pursuant to section 124.32, subdivision 5. These amounts are the total appropriations for this purpose for each year.*

(d) *Any unexpended balance remaining from the appropriations in this subdivision for 1980 shall not cancel but shall be available for the second year of the biennium. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among the qualifying districts and the state shall not be obligated for any*

*amount in excess of the appropriations in this section for these purposes.*

*Subd. 3. For grants to pilot bilingual education programs pursuant to section 126.41, subdivision 1, there is appropriated:*

*\$400,000.....1980.*

*Subd. 4. For grants to pilot American Indian language and culture education programs pursuant to section 126.54, subdivision 1, there is appropriated:*

*\$600,000.....1980.*

**Sec. 21. [EFFECTIVE DATE.]** *Sections 1, 9, 12, 15, and 18 of this article shall be effective the day following final enactment.*

## ARTICLE IV

### COMMUNITY AND ADULT EDUCATION AID PROGRAMS

**Section 1.** Minnesota Statutes 1978, Section 124.26, Subdivision 3, is amended to read:

**Subd. 3.** The state department of education shall reimburse each G.E.D. testing center the sum of (\$10) \$12 for each battery of G.E.D. tests or (\$2) \$2.40 for each individual test administered by that center.

**Sec. 2.** Minnesota Statutes 1978, Section 124.271, Subdivision 2, is amended to read:

**Subd. 2.** In fiscal year (1978 AND EACH YEAR THEREAFTER) 1980, the state shall pay the greater of 50 cents per capita or \$5,000 to each school district which is operating a community school program in compliance with the rules promulgated by the state board and which has levied at least the lesser of \$1 per capita or the maximum permissible certified levy for community services pursuant to section 275.125, subdivision 8, clause (1), for use in that year.

**Sec. 3.** Minnesota Statutes 1978, Section 124.271, is amended by adding a subdivision to read:

**Subd. 2a.** In fiscal year 1981 and each year thereafter, the state shall pay the greater of 75 cents per capita or \$5,000 to each school district which is operating a community school program in compliance with the rules promulgated by the state board and which has levied at least the lesser of \$1 per capita or the maximum permissible certified levy for community services pursuant to section 275.125, subdivision 8, clause (1), for use in that year.



Sec. 4. Minnesota Statutes 1978, Section 124.271, Subdivision 5, is amended to read:

Subd. 5. All community school programs aid shall be distributed by the state aids, statistics and research section of the state department of education. Aid shall be distributed prior to November 1 (, 1976 AND) each year (THEREAFTER).

Sec. 5. Minnesota Statutes 1978, Section 275.125, Subdivision 8, is amended to read:

Subd. 8. (1) In (1977) 1979, and each year thereafter, a district which has established a community school advisory council pursuant to section 121.88, may levy an amount of money raised by the greater of (A) (\$2) \$3 per capita, or (B) the amount certified pursuant to this subdivision in 1976. These levies shall be used for community services including nonvocational adult programs, recreation and leisure time activity programs, and programs contemplated by sections 121.85 to 121.88. For purposes of computing the levy limitation pursuant to this subdivision, the amount certified pursuant to this subdivision in 1976 shall not reflect reductions pursuant to subdivision 9.

(2) A school district shall be authorized to make a levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to make a levy pursuant to this subdivision.

(3) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 6. [DEFICIENCY APPROPRIATION; ADULT EDUCATION AID.] *The sum of \$200,000 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1979 for the payment of a deficiency in funds available for adult education aid pursuant to section 124.26 in that fiscal year. This appropriation shall be added to the sum appropriated for fiscal year 1979 for adult education aid in Laws 1977, Chapter 447, Article IV, Section 7, Subdivision 2.*

Sec. 7. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of educa-*

*tion the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [ADULT EDUCATION AID.] For adult education aid pursuant to section 124.26, subdivision 1, there is appropriated:*

\$829,000 ..... 1980,

\$971,000 ..... 1981.

*(a) The appropriation in this subdivision for fiscal year 1980 includes not to exceed \$65,000 for the payment of the final adult education aid distribution to the districts for fiscal year 1979.*

*(b) The appropriation in this subdivision for fiscal year 1981 includes not to exceed \$76,000 for the payment of the final adult education aid distribution to the districts for fiscal year 1980.*

*Subd. 3. [G.E.D. REIMBURSEMENT AID.] For G.E.D. reimbursement aid pursuant to section 124.26, subdivision 3, there is appropriated:*

\$88,000 ..... 1980,

\$96,800 ..... 1981.

*Subd. 4. [COMMUNITY EDUCATION AID.] For community education aid pursuant to section 124.271, there is appropriated:*

\$2,533,500 ..... 1980,

\$3,443,000 ..... 1981.

*Subd. 5. Any unexpended balance remaining from the appropriations in this section for 1980 shall not cancel but shall be available for the second year of the biennium. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

## ARTICLE V

## VOCATIONAL EDUCATION

Section 1. *Subdivision 1. [PURPOSE.] It is the policy of the state of Minnesota to encourage new and expanding businesses and industries that provide for the employment of its citizens. When industry is considering expansion or relocation an important factor is the availability of a trained labor supply. The purpose of this section is to ensure that Minnesota is competitive with other states in providing training for the expansion of businesses and industries.*

Subd. 2. *[PROCEDURE.] The commissioner of education, in cooperation with the departments of economic development and economic security, shall provide a mechanism whereby businesses and industries that are expanding or relocating shall be assured short term training of needed employees. The department of economic development shall be responsible to attract and to assist industries interested in locating or expanding in Minnesota. The department of economic security shall assist both employers and state citizens toward maximum employment in suitable jobs and shall utilize Comprehensive Employment and Training Act funds whenever appropriate to assist in accomplishing the objective.*

*The division of vocational-technical education of the department of education, in conjunction with the area vocational-technical institutes, shall provide training. A business or industry shall be eligible for employee training programs if it increases its work force by at least ten full-time positions. All programs shall be approved by the commissioner of education within the limits of the funds available for this purpose.*

Sec. 2. Minnesota Statutes 1978, Section 124.561, Subdivision 3a, is amended to read:

Subd. 3a. *[HEARING.] The consolidated public hearing held by the state board pursuant to subdivision 3 shall take place with at least six board members present and shall continue until all interested persons, representatives, and organizations have had an opportunity to be heard. Notice of intention to hold the hearing shall be given at least 20 days prior to the date set for the hearing by United States mail to each district submitting a post-secondary vocational school budget, to other interested persons, representatives, and organizations who register their names with the commissioner of education for that purpose, and in the state register. The department of education shall make available at least one free copy of the proposed disposition of budgets to any person requesting it. Unless the commissioner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at*

every hearing. A transcript of the hearing record shall be made available upon the request of any person, provided that the request is in writing and the cost of preparing the transcript is borne by the requesting person. After allowing written material to be submitted and added to the hearing record for five days after the public hearing ends, the commissioner of education shall proceed as promptly as possible to write a report containing the proposed final disposition of budgets. This report shall contain findings and conclusions based on substantial evidence from the hearing record to support the proposed final disposition. *The report shall state the amount the commissioner assumes each district will expend in the following fiscal year out of any net positive unappropriated balance in its post-secondary vocational-technical general fund.* The report shall be available to all affected school districts upon request for at least 15 days before the state board takes final action on the budgets. Any district which is adversely affected by the proposed final disposition of budgets may demand and shall be given an opportunity to be heard in support of modification of the proposed disposition at the meeting at which the state board takes final action on the budgets; provided, the state board may place reasonable restrictions on the length of time allowed for testimony.

Sec. 3. Minnesota Statutes 1978, Section 124.562, Subdivision 1, is amended to read:

124.562 [POST-SECONDARY VOCATIONAL FOUNDATION AID.] Subdivision 1. A district shall receive post-secondary vocational foundation aid in the amount of (\$2,120) \$2,400 for fiscal year (1978) 1980 and (\$2,240) \$2,565 for fiscal year (1979) 1981, times the number of post-secondary vocational-technical pupils in average daily membership, as defined in subdivision 2, less the sum of (1) any amounts received as tuition and fees for post-secondary vocational-technical pupils, including application fees but not including student activity fees allowed pursuant to section 121.216, and (2) the amount raised by the discretionary levy allowed by section 275.125, subdivision 13, for collection in the calendar year ending in that fiscal year.

Sec. 4. Minnesota Statutes 1978, Section 124.562, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in post-secondary vocational-technical schools shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day (THE) a pupil completes his program and permanently leaves the school, or (THE DATE IT IS OFFICIALLY KNOWN THAT HE HAS LEFT OR HAS BEEN LEGALLY EXCUSED) for a pupil who permanently leaves the school after the fifteenth school day of a quarter without completing his program, the day he is scheduled to complete his program, the day when the school fills the vacancy created by his leaving, or the last day of the quarter dur-

*ing which he permanently leaves the school, whichever occurs first; provided that any pupil (, REGARDLESS OF AGE,) who has been absent from school (WITHOUT A LEGALLY JUSTIFIABLE EXCUSE) for 15 consecutive school days shall be (DROPPED FROM THE ROLL AND CLASSIFIED AS WITHDRAWN) deemed to have permanently left the school; provided further that a pupil who permanently leaves the school on or before the fifteenth school day of a quarter shall be deemed not to have entered the school during that quarter. No pupil who is counted in average daily membership pursuant to this section shall be counted in average daily membership in any district pursuant to section 124.17, subdivision 2, unless he is eligible to earn foundation aid pursuant to section 120.80 or is attending a post-secondary vocational-technical school course on a part time basis in addition to spending six hours per day in a secondary program. Average daily membership for pupils who are enrolled in post-secondary vocational-technical schools, but not including adult vocational pupils, shall equal (a) the sum for all pupils of the number of days of the school year each pupil is enrolled in a post-secondary vocational-technical school in the district, counted from the date of entry until the date of withdrawal as defined in this subdivision, times the number of hours per day each student is enrolled divided by six (b) divided by 175 (; PROVIDED). The number of hours which are counted for average daily membership for any pupil in any one program shall (IN NO EVENT) not exceed the number of hours approved by the state board for completion of the program, except that the commissioner may grant a district permission to count additional hours for membership, not to exceed ten percent of the approved number of hours for the program, if additional hours are necessary for a pupil who is identified by the district as disadvantaged or handicapped to complete the program. For a post-secondary vocational-technical school, the normal school year shall be at least the number of session days required by section 124.19, subdivision 1. In all post-secondary vocational-technical schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours. Exceptions may be made by the local school administration for approved programs provided on a part time or extended day basis to meet (INDIVIDUAL STUDENT) the needs of individual students or classes.*

Sec. 5. Minnesota Statutes 1978, Section 124.563, Subdivision 1, is amended to read:

**124.563 [POST-SECONDARY VOCATIONAL CATEGORICAL AND CAPITAL EXPENDITURE AID.]** Subdivision 1. "Post-secondary vocational categorical aid" means all state and federal funds, exclusive of post-secondary vocational foundation, capital expenditure and debt service aid, apportioned by the state board for vocational education to local school districts for the purpose of assisting in the conduct of post-secondary vocational-technical training. This aid shall be given to districts conducting high cost programs which require funds in addition

to the post-secondary vocational foundation aid provided, including vocational education programs for handicapped or disadvantaged persons and support services necessary to provide vocational education in the least restrictive setting possible. Post-secondary vocational categorical aid shall not be allocated by the state board or expended by a district for any of the purposes for which post-secondary vocational capital expenditure aid is allocated or expended. *In allocating post-secondary vocational categorical aid, the state board shall consider the amount of each district's net positive unappropriated balance in its post-secondary vocational-technical general fund which exceeds 15 percent of the district's post-secondary vocational-technical operational budget for the fiscal year during which allocations are made. For purposes of this computation, the post-secondary vocational-technical general fund balance as of June 30, 1979 and as of June 30 of succeeding years shall be increased by any amount which has been permanently transferred after May 1, 1979, from the post-secondary vocational-technical general fund to the post-secondary vocational-technical capital expenditure fund. The state board shall base its consideration on the amount of the balance which existed as of June 30 of the fiscal year preceding the fiscal year during which allocations are made.*

Sec. 6. Minnesota Statutes 1978, Section 124.565, Subdivision 3, is amended to read:

Subd. 3. Tuition at a post-secondary vocational-technical school for a Minnesota resident pupil shall be (TWO DOLLARS) \$128 per (DAY) quarter in fiscal year 1980 and \$137 per quarter in fiscal year 1981 for each (SCHOOL DAY) quarter the pupil is enrolled; *except that there shall be no charge for tuition for a person who, prior to July 1, 1978, entered active military service in a branch of the armed forces of the United States and who, under the laws in effect at the time of his induction into the armed forces, would be eligible to attend a post-secondary vocational-technical school without payment of tuition.*

Sec. 7. Minnesota Statutes 1978, Section 124.565, Subdivision 4, is amended to read:

Subd. 4. Unless covered by a higher education reciprocity agreement relating to nonresident tuition, entered into by the Minnesota higher education coordinating board and approved by the state board for vocational education, tuition at a post-secondary vocational-technical school for a pupil who is not a resident of Minnesota shall be (FIVE DOLLARS) \$320 per (DAY) quarter in fiscal year 1980 and \$343 per quarter in fiscal year 1981 for each (SCHOOL DAY) quarter the pupil is enrolled.

Sec. 8. Minnesota Statutes 1978, Section 124.565, is amended by adding a subdivision to read:

*Subd. 6. For purposes of the tuition charges established in this section, a quarter shall consist of 60 school days. The state board for vocational education shall adopt rules governing tuition refunds for pupils who withdraw from a post-secondary vocational-technical school before completing a quarter and providing for proportionate tuition charges for quarters which are shorter or longer than 60 days and for pupils enrolled on a part time or extended day basis.*

Sec. 9. Minnesota Statutes 1978, Section 124.572, Subdivision 2, is amended to read:

Subd. 2. (IN THE 1977-1978) *Each school year (AND THEREAFTER), the state shall pay to any district or cooperative vocational center 75 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's adult vocational education programs. In addition, the state shall pay 75 percent of the salaries paid to unlicensed specialists, guest speakers and resource persons for services rendered in an adult vocational education program upon the request and under the supervision of a licensed adult vocational education teacher; provided, no district or center shall receive this aid for more than five appearances per school year per unlicensed person. In addition, the state shall pay 50 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The commissioner may withhold all or any portion of this aid for an adult vocational education program which receives funds from any other source, and in no event shall a district or center receive a total amount of state aid for salaries and travel pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.*

Sec. 10. Minnesota Statutes 1978, Section 124.574, Subdivision 2, is amended to read:

Subd. 2. (IN THE 1978-1979 SCHOOL YEAR AND THEREAFTER,) The state shall pay to any district or cooperative center the greater of:

(a) 50 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children; or

(b) 69 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children, but not to exceed (\$12,000) \$15,000 for the normal school year for each such full time person employed, or

a pro rata amount for a part time person or a person employed for a limited time; plus an additional five percent of the salaries paid such essential licensed personnel.

**Sec. 11. [DEFICIENCY APPROPRIATION; SECONDARY VOCATIONAL EDUCATION AID.]** *The sum of \$1,500,000 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1979, for the payment of a deficiency in funds available for secondary vocational education aid pursuant to section 124.573 in that fiscal year. The appropriation shall be added to the sum appropriated for fiscal year 1979 in Laws 1977, Chapter 447, Article V, Section 20, Subdivision 9.*

**Sec. 12. [APPROPRIATION FOR NEW JOBS.]** *There is appropriated from the general fund in the state treasury to the department of education the sum of \$500,000, or so much of that amount as is necessary, for the purpose of providing short term training programs pursuant to section 1, for the biennium ending June 30, 1981. Of that amount, \$100,000 is immediately available for expenditure; when that amount is spent, and each time an additional amount is spent, the commissioner of education shall report on those expenditures to the legislative advisory commission and the governor. The governor, after consultation with the legislative advisory commission in the manner provided in section 3.30, may make additional amounts, up to \$100,000 at a time, available for expenditure as needed until the total appropriation has been spent.*

**Sec. 13. [APPROPRIATIONS.]** *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

**Subd. 2. [POST-SECONDARY VOCATIONAL FOUNDATION AID.]** *For post-secondary vocational foundation aid pursuant to section 124.562, there is appropriated:*

\$61,735,300 . . . . . 1980,

\$71,708,300 . . . . . 1981.

*The department may not expend for any purpose an amount of the appropriation in this subdivision for fiscal year 1981 which is equal to the amount of the sum of any amounts levied in 1979, payable 1980, by districts for post-secondary vocational-technical purposes pursuant to section 275.125, subdivision 13.*

**Subd. 3. [POST-SECONDARY VOCATIONAL CATEGORICAL AID.]** *For post-secondary vocational categorical aid pursuant to section 124.563, subdivision 1, there is appropriated:*



\$5,569,800 ..... 1980,

\$4,668,100 ..... 1981.

*These appropriations are based on the assumption that the state will spend for post-secondary vocational categorical aid an amount equal to \$6,254,900 in fiscal year 1980 and \$6,886,400 in fiscal year 1981 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

**Subd. 4. [POST-SECONDARY VOCATIONAL CAPITAL EXPENDITURE AID.]** *For post-secondary vocational capital expenditure aid pursuant to section 124.563, subdivision 2, there is appropriated:*

\$9,500,000 ..... 1980,

\$8,500,000 ..... 1981.

**Subd. 5. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.]** *For post-secondary vocational debt service aid pursuant to section 124.564, there is appropriated:*

\$7,733,800 ..... 1980,

\$7,737,600 ..... 1981.

**Subd. 6. [ADULT VOCATIONAL EDUCATION AID.]** *For adult vocational educational aid pursuant to section 124.572, there is appropriated:*

\$6,578,900 ..... 1980,

\$7,015,700 ..... 1981.

*(a) The appropriation in this subdivision for fiscal year 1980 includes not to exceed \$600,630 for the payment of the final adult vocational education aid distribution to each district for fiscal year 1979.*

*(b) The appropriation in this subdivision for fiscal year 1981 includes not to exceed \$664,255 for the payment of the final adult vocational education aid distribution to each district for fiscal year 1980.*

**Subd. 7. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.]** *For veteran farmer cooperative training programs there is appropriated:*

\$1,050,000 ..... 1980,

\$975,000 ..... 1981.

*These appropriations are for state reimbursement for the veteran farmer cooperative training program established under the Veterans Readjustment Benefits Act of 1966, as amended.*

**Subd. 8. [SECONDARY VOCATIONAL EDUCATION AID.]** *For secondary vocational education aid pursuant to section 124.573 there is appropriated:*

\$21,174,300 ..... 1980,

\$22,789,500 ..... 1981.

*(a) The appropriation in this subdivision for fiscal year 1980 includes not to exceed \$1,800,000 for the payment of the final secondary vocational education aid distribution to each district for fiscal year 1979.*

*(b) The appropriation in this subdivision for fiscal year 1981 includes not to exceed \$2,152,700 for the payment of the final secondary vocational education aid distribution to each district for fiscal year 1980.*

**Subd. 9. [AID FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.]** *For aid for secondary vocational education programs for handicapped children pursuant to section 124.574 there is appropriated:*

\$1,829,300 ..... 1980,

\$2,012,200 ..... 1981.

*(a) The appropriation in this subdivision for fiscal year 1980 includes not to exceed \$160,000 for the payment of the final aid distribution to each district pursuant to section 124.574 for fiscal year 1979.*

*(b) The appropriation in this subdivision for fiscal year 1981 includes not to exceed \$185,000 for the payment of the final aid distribution to each district pursuant to section 124.574 for fiscal year 1980.*

*(c) These appropriations are based on the assumption that the state will spend for this purpose an amount at least equal to \$280,340 each year of federal money received for vocational education programs pursuant to the vocational education act of 1963, as amended.*

**Subd. 10.** *Any unexpended balance remaining from the appropriations in this section for 1980 shall not cancel but shall*

*be available for the second year of the biennium. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

Sec. 14. [EFFECTIVE DATE.] *Sections 2, 5, 8, and 11 of this article shall be effective the day following final enactment.*

## ARTICLE VI

### OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1978, Section 123.58, is amended by adding a subdivision to read:

*Subd. 8a. Insofar as possible, educational cooperative service units shall make technical assistance for long-range planning available to school districts upon request and shall establish a common data base for local and regional decision making.*

Sec. 2. Minnesota Statutes 1978, Section 123.937, is amended to read:

123.937 [APPROPRIATION.] There is appropriated annually to the department of education from the general fund of the state treasury the sum of (\$2,479,200) *\$3,250,000* for the purposes of sections 123.931 to 123.937. *If this amount is not sufficient to make the payments required pursuant to sections 123.931 to 123.937, the amount necessary to make these payments is appropriated from the general fund to the department of education.*

Sec. 3. Minnesota Statutes 1978, Section 124.245, Subdivision 1, is amended to read:

124.245 [CAPITAL EXPENDITURE EQUALIZATION AID.] Subdivision 1. The state shall pay a school district the difference by which an amount equal to (\$75) *\$80* per pupil unit in that school year or, in districts where the pupil unit count is increased pursuant to section 124.17, subdivision 1, clause (7), (\$80) *\$85* per pupil unit in that school year, exceeds the amount raised by 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this section in any year, a district must have levied the full 10 EARC mills for use for capital expenditures in that year pursuant to (SECTIONS 124.04 OR) *section 275.125, subdivision 11a.*

Sec. 4. Minnesota Statutes 1978, Chapter 124, is amended by adding a section to read:

[124.247] [PROGRAM FOR THE GIFTED AND TALENTED.] *Subdivision 1. [CITATION.] This section may be cited as the "Education for the Gifted and Talented Act."*

*Subd. 2. [DEFINITIONS.] For the purpose of this section, "gifted and talented" means an elementary or secondary school student who is intellectually gifted or outstanding in school achievement as evidenced by either a score at the 95th percentile or above on a standardized measure of general intelligence or a score at the 95th percentile or above on one or more academic areas on a standardized measure of achievement or by a teacher's recommendation when available tests are, in the opinion of the board of the school district, an inadequate measure of the student's ability.*

*Subd. 3. [AUTHORIZATION.] There is hereby established a program of state aid for gifted and talented students.*

*Subd. 4. [AID COMPUTATION.] A district which establishes a program for gifted and talented students shall receive for this purpose an amount equal to \$30 times the number of gifted and talented students in the district. No more than five percent of the funds received by a district pursuant to this subdivision may be expended for the purpose of administration of the program for gifted and talented students.*

*Subd. 5. [ACCOUNTS.] A district which receives funds under this section shall maintain a separate account for the receipt and disbursement of funds allocated to the district for the purpose of this section, and the funds shall be spent only for the purpose of the program for gifted and talented students.*

*Subd. 6. [AUDIT AND REPORT.] The department of education shall audit annually, on a randomly selected basis, at least five percent of the programs funded pursuant to this section. The department shall submit a report to the 1981 legislature evaluating the effectiveness of the education for the gifted and talented act.*

*Sec. 5. Minnesota Statutes 1978, Section 124.646, Subdivision 1, is amended to read:*

**124.646 [SCHOOL LUNCH AID.]** *Subdivision 1. School districts shall be paid by the state in the amount of (FOUR) 4.9 cents in 1979-1980 and 5.3 cents in 1980-1981 for each full paid student type "A" lunch served to students in the district.*

*Sec. 6. Minnesota Statutes 1978, Section 275.125, Subdivision 11a, is amended to read:*

*Subd. 11a. (a) A school district may levy an amount not to exceed the amount equal to (\$75) \$80 per pupil unit or, in districts where the pupil unit count is increased pursuant to section 124.17, subdivision 1, clause (7), (\$80) \$85 per pupil*

unit. For purposes of computing allowable levies under section 275.125, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4) (,) and (5) (, (6) AND (7)). No levy under this subdivision shall exceed 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year, notwithstanding the provisions of sections 272.64 and 275.49.

(b) The proceeds of the tax may be used only to acquire land, to equip and reequip buildings and permanent attached fixtures, and to pay leasing fees for computer systems hardware, computer terminals and telecommunications equipment, and related proprietary software. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116H.126, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, including but not limited to those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped individuals.

(c) Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the renting or leasing of buildings for school purposes and the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal with respect to the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

*Sec. 7. The amount of any advance made to a school district pursuant to Minnesota Statutes 1978, Section 124.241, before the effective date of this section and still outstanding on June 30, 1979, shall be subtracted from the district's October final*

adjustment payment of foundation aid for the 1978-1979 school year to the extent that it is less than or equal to that payment. Any remaining amount of any advance made under section 124.741 shall be remitted by the district to the department of education on or before December 31, 1979 and shall be deposited in the state treasury.

Sec. 8. [REPEALER.] *Minnesota Statutes 1978, Section 124.241, is repealed.*

Sec. 9. [APPROPRIATION.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30, in the years designated.*

Subd. 2. [ABATEMENT AID.] *For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated:*

\$3,562,500 ..... 1980,

\$3,750,000 ..... 1981.

Subd. 3. [EMERGENCY AID.] *For emergency aid pursuant to section 124.24, there is appropriated:*

\$400,000 ..... 1980.

Subd. 4. [CAPITAL EXPENDITURE EQUALIZATION AID.] *For capital expenditure equalization aid pursuant to section 124.245, there is appropriated:*

\$194,900 ..... 1980,

\$167,000 ..... 1981.

Subd. 5. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] *For educational cooperative service units, there is appropriated:*

\$977,000 ..... 1980,

\$1,015,000 ..... 1981.

(a) *Funds from this appropriation shall be transmitted to ECSU boards of directors for general operations in the amount of \$48,800 per ECSU as defined in section 123.58 in fiscal year 1980 and \$52,250 per ECSU in fiscal year 1981; provided however that the ECSU whose boundaries coincide with the boundaries of development region 11 and the ECSU whose boundaries encompass development regions six and eight shall receive*

\$97,600 in fiscal year 1980 and \$104,500 in fiscal year 1981 for general operations.

(b) Each year, funds from this appropriation shall be transmitted to ECSU boards of directors for technical assistance for long-range planning and data base development pursuant to section 1 of this article and technical assistance for program planning and evaluation pursuant to section 123.742, in the amount of \$40,000 per ECSU; provided however that the ECSU whose boundaries coincide with the boundaries of development region 11 and the ECSU whose boundaries encompass development regions six and eight shall receive \$80,000 each year for these purposes.

**Subd. 6. [SCHOOL LUNCH AID.]** For school lunch aid pursuant to section 124.646 there is appropriated:

\$3,415,000 ..... 1980,

\$3,667,800 ..... 1981.

Any unexpended balance from the appropriations in this subdivision may be expended, in addition to the amounts appropriated in subdivision 7, for food storage and transportation costs for U.S.D.A. donated commodities.

**Subd. 7. [FOOD STORAGE AND TRANSPORTATION.]** For food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:

\$578,800 ..... 1980,

\$665,500 ..... 1981.

**Subd. 8. [GIFTED AND TALENTED STUDENTS.]** For programs for the gifted and talented pursuant to section 4 of this article there is appropriated:

\$600,000 ..... 1980,

\$600,000 ..... 1981.

**Subd. 9.** Any unexpended balance remaining from the appropriations in this section for 1980 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any

*amount in excess of the appropriations in this section for these purposes.*

Sec. 10. [EFFECTIVE DATE.] *Sections 7 and 8 of this article shall be effective the day following final enactment. Section 3 of this article is effective July 1, 1980.*

## ARTICLE VII

### MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 1978, Section 121.912, is amended by adding a subdivision to read:

*Subd. 3. A district in statutory operating debt, as defined in section 121.914, subdivision 2, may transfer annually any positive amount of the general fund account entitled "unappropriated fund balance account from July 1, 1977" to the "appropriated fund balance reserve account for purposes of reducing statutory operating debt," as defined in section 275.125, subdivision 9a, clause (2).*

Sec. 2. Minnesota Statutes 1978, Section 123.34, Subdivision 8, is amended to read:

*Subd. 8. The clerk shall keep a record of all meetings of the district and the board in books provided by the district for that purpose. He shall, within three days after an election notify all persons elected of their election. On or before August (1) 15 of each year he shall file with the board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year. The report together with vouchers and supporting documents shall subsequently be examined by a public accountant or the state auditor, either of whom shall be paid by the school district, as provided in section 121.908, subdivision 3. The board shall by resolution approve the report or require a further or amended report. On or before August 15 of each year, he shall make and transmit to the commissioner certified reports, showing:*

- (1) The condition and value of school property;*
- (2) The revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;*
- (3) The length of school term and the enrollment and attendance by grades; and*
- (4) Such other items of information as may be called for by the commissioner.*



He shall enter in his record book copies of all his reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished him by the clerk pro tem, and keep an itemized account of all the expenses of the district. He shall furnish to the auditor of the proper county, on or before October 10 of each year, an attested copy of his record, showing the amount of money voted by the district or the board for school purposes; draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chairman. Such orders shall state the consideration, payee, and the fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose.

Sec. 3. Minnesota Statutes 1978, Section 123.35, is amended by adding a subdivision to read:

*Subd. 15. When payment of a claim cannot be deferred until the next board meeting without loss to the district of a discount privilege or operational effectiveness, the claim may be paid prior to board approval, providing that the board:*

*(a) Has delegated authority to the clerk or a designated business administrator to make a payment prior to board approval and*

*(b) Requires that payment made prior to board approval be acted upon at the next board meeting. Payment prior to board approval shall not affect the right of the district or a taxpayer to challenge the validity of a claim.*

Sec. 4. Minnesota Statutes 1978, Section 123.58, Subdivision 6, is amended to read:

Subd. 6. [DUTIES AND POWERS OF ECSU BOARD OF DIRECTORS.] The board of directors shall have authority to maintain and operate an ECSU. Subject to the availability of necessary resources, the powers and duties of this board shall include the following:

(a) The board of directors shall submit within 90 days after the filing of the initial petition with the state board of education and by June 1 of each year thereafter to the state board of education and to each participating school district an annual plan which describes the objectives and procedures to be implemented in assisting in resolution of the educational needs of the ECSU. *In formulating the plan the board is encouraged to consider among other things: (1) the number of dropouts of school age*

*in the ECSU area and the reasons for the dropouts; (2) existing programs within participating districts for dropouts and the dropout prone; (3) existing programs of the ECSU for dropouts and the dropout prone and (4) program needs of dropouts and the dropout prone in the area served by the ECSU.*

(b) The ECSU board of directors may provide adequate office, service center, and administrative facilities by lease, purchase, gift, or otherwise, subject to the review of the state board of education as to the adequacy of the facilities proposed.

(c) The ECSU board of directors may employ a central administrative staff and other personnel as necessary to provide and support the agreed upon programs and services. The board may discharge staff and personnel pursuant to provisions of law applicable to independent school districts. ECSU staff and personnel may participate in retirement programs and any other programs available to public school staff and personnel.

(d) The ECSU board of directors may appoint special advisory committees composed of superintendents, central office personnel, building principals, teachers, parents and lay persons.

(e) The ECSU board of directors may employ service area personnel pursuant to licensure standards developed by the state board of education and the board of teaching.

(f) The ECSU board of directors may enter into contracts with school boards of local districts including school districts outside the ECSU area.

(g) The ECSU board of directors may enter into contracts with other public and private agencies and institutions which may include, but are not limited to, contracts with Minnesota institutions of higher education to provide administrative staff and other personnel as necessary to furnish and support the agreed upon programs and services.

(h) The ECSU board of directors shall exercise all powers and carry out all duties delegated to it by participating local school districts under provisions of the ECSU bylaws. The ECSU board of directors shall be governed, when not otherwise provided, by the provisions of law applicable to independent school districts of the state.

(i) The ECSU board of directors shall submit an annual evaluation report of the effectiveness of programs and services to the school districts within the ECSU and the state board of education by September 1 of each year following the school year in which the program and services were provided.

(j) The ECSU board is encouraged to establish cooperative, working relationships with post-secondary educational institutions in the state.

Sec. 5. Minnesota Statutes 1978, Section 123.741, Subdivision 1, is amended to read:

123.741 [EDUCATIONAL POLICY; CURRICULUM ADVISORY COMMITTEES.] Subdivision 1. The school board of each school district in the state shall develop and adopt a written educational policy which establishes educational goals for the district, a process for achieving these goals, and procedures for evaluating and reporting progress toward the goals. The school board shall review this policy each year and adopt revisions which it deems desirable. School boards are encouraged to develop this school district policy and any revisions after consultation with the staff of each school building. *In formulating the policy, the school board of a district is encouraged to consider among other things: (a) the number of dropouts of school age in the district and the reasons for the dropouts; (b) existing programs within the district for dropouts and the dropout prone and (c) program needs of dropouts and the dropout prone.*

Sec. 6. [126.56] [PROGRAM FOR DROPOUTS AND THE DROPOUT PRONE.] Subdivision 1. *The legislature finds that a high school dropout is likely to be unable to function adequately in our complex society and is likely to become a burden to our society. It also finds that certain pupils may be encouraged to remain in school or to return to school and obtain a high school diploma if resources are directed specifically at meeting the needs of those pupils.*

Subd. 2. *There is hereby created a dropout prevention unit in the division of special services within the department of education to conduct activities aimed at reducing the number of high school dropouts. The unit shall:*

(a) *Collect data on dropouts and school dropout programs in Minnesota and the United States;*

(b) *Make data on school dropout programs available to school districts, combinations of districts or ECSU's interested in implementing school dropout prevention programs;*

(c) *Provide technical assistance to districts, combinations of districts or ECSU's interested in implementing school dropout prevention programs;*

(d) *Assist local districts, combinations of districts or ECSU's to obtain federal funds to implement school dropout prevention programs;*

(e) *Submit a report evaluating current school dropout prevention programs and recommending one or more statewide approaches to dropout prevention to the education committees of the legislature by January 15, 1981.*

*Subd. 3. The dropout unit shall call upon staff of local school districts implementing school dropout prevention programs, social agency personnel who work with dropouts and dropout-prone youth, and parents of school dropouts or dropout-prone youth to provide consultation and advice in developing recommendations for statewide school dropout prevention programs.*

**Sec. 7. Minnesota Statutes 1978, Section 471.61, Subdivision 1b, is amended to read:**

**Subd. 1b. [SELF INSURANCE; SCHOOL DISTRICTS.]** Any school district which has entered into a self insurance plan or program prior to March 31, 1978 may elect to continue to provide the benefits authorized by subdivision 1, excluding life and long term disability insurance benefits, through a self insurance plan or program. Any plan or program of self insurance, adopted by a school district, shall provide for the purchase of excess of loss coverage from an insurance company, as defined in section 60A.02, subdivision 4, or a service plan corporation, as defined in section 62C.02, subdivision 6, covering any claims or losses incurred during the period covered by the self insurance plan aggregating in excess of \$500,000, or a lesser amount at the district's option.

This subdivision shall not operate to invalidate any contract providing self insured employee life and long term disability insurance benefits, if the school district entered into the contract prior to March 31, 1978.

This subdivision shall not authorize any school district to provide the benefits authorized by subdivision 1 through a self insurance plan or program after July 1, (1980) 1981.

**Sec. 8. [REPEALER.]** *Minnesota Statutes 1978, Sections 126.16 and 126.18, are repealed.*

**Sec. 9. [APPROPRIATION.]** *There is appropriated from the general fund to the department of education the sum of \$50,000 for the fiscal year ending June 30, 1981, for the dropout prevention unit established in section 6 of this article. This appropriation may be used to hire one professional and one clerical employee beyond the existing complement of the department for this purpose.*

**Sec. 10. [EFFECTIVE DATE.]** *Sections 6 and 9 of this article shall be effective July 1, 1980.*

## ARTICLE VIII

## TEACHER MOBILITY

Section 1. Minnesota Statutes 1978, Section 125.60, Subdivision 1, is amended to read:

125.60 [EXTENDED LEAVES OF ABSENCE.] Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1 (, BUT SHALL NOT INCLUDE SUPERINTENDENTS).

Sec. 2. Minnesota Statutes 1978, Section 125.60, Subdivision 2, is amended to read:

Subd. 2. The board of any district may grant an extended leave of absence without salary to any full time elementary (OR), secondary or area vocational-technical school teacher who has been employed by the district for at least five years and has at least ten years of allowable service, as defined in section 354.05, subdivision 13, or the by-laws of the appropriate retirement association or ten years of full time teaching service in Minnesota public elementary, secondary and area vocational-technical schools. The maximum duration of an extended leave of absence pursuant to this section shall be determined by mutual agreement of the board and the teacher at the time the leave is granted and shall be at least three but no more than five years. An extended leave of absence pursuant to this section shall be taken by mutual consent of the board and the teacher and may be granted only once.

Sec. 3. Minnesota Statutes 1978, Section 125.60, Subdivision 3, is amended to read:

Subd. 3. Except as provided in subdivision 6a, a teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which he is licensed at the beginning of any school year which immediately follows a year of the extended leave of absence, unless he is discharged or placed on unrequested leave of absence or his contract is terminated pursuant to section 125.12 or 125.17 while he is on the extended leave. The board shall not be obligated to reinstate any teacher who is on an extended leave of absence pursuant to this section unless the teacher advises the board of his intention to return before February 1 in the school year preceding the school year in which he wishes to return. The board shall notify the commissioner within 30 days of being notified that a teacher intends to return from an extended leave.

Sec. 4. Minnesota Statutes 1978, Section 125.60, Subdivision 4, is amended to read:

Subd. 4. Any teacher who is reinstated to a teaching position after an extended leave of absence pursuant to this section shall retain seniority and continuing contract rights in the employing district as though he had been teaching in the district during the period when he was on the extended leave; *provided, however, this subdivision shall not be construed to require a board to reinstate a teacher to any particular position or to include the years spent on the extended leave of absence in the determination of a teacher's salary upon his return to teaching in this district.*

Sec. 5. Minnesota Statutes 1978, Section 125.60, is amended by adding a subdivision to read:

*Subd. 6a. No school board shall be obligated to reinstate a teacher who takes a full time or part time position as a teacher in another Minnesota school district while he is on an extended leave of absence pursuant to this section. This subdivision shall not apply to a teacher who is employed as a substitute teacher.*

Sec. 6. Minnesota Statutes 1978, Section 125.60, is amended by adding a subdivision to read:

*Subd. 8. After June 30, 1986, the provisions of this section shall not apply to employees of area vocational-technical schools.*

Sec. 7. Minnesota Statutes 1978, Section 125.61, Subdivision 1, is amended to read:

125.61 [TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.] Subdivision 1. For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who is employed in the public elementary (OR), secondary or area vocational-technical schools in the state, who has not less than 15 total years of full time teaching service in elementary (AND), secondary and area vocational-technical schools, and who has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made.

Sec. 8. Minnesota Statutes 1978, Section 125.61, Subdivision 2, is amended to read:

Subd. 2. A teacher meeting the requirements of subdivision 1 may be offered a contract for termination of services in the employing school district, withdrawal from active teaching service, and payment of an early retirement incentive by the employing school district. An offer may be accepted by the teacher by submitting a written resignation to the school board of the employing district. Applications shall be submitted (PRIOR TO MARCH 1, 1978 IN THE CASE OF A TEACHER RETIRING AT THE END OF THE 1976-1977 SCHOOL YEAR, PRIOR TO MAY 1, 1978 IN THE CASE OF A TEACHER RETIRING AT

THE END OF THE 1977-1978 SCHOOL YEAR, OR, THEREAFTER,) prior to (MAY 1) *June 30* of the school year at the end of which the teacher wishes to retire.

Sec. 9 Minnesota Statutes 1978, Section 125.61, Subdivision 3, is amended to read:

Subd. 3. An eligible teacher who is or will be 55 years of age as of the end of the school year during which an application for an early retirement incentive is made and accepted shall receive an early retirement incentive in the amount of (\$7,500) *\$10,000*. This amount shall be reduced by (\$375) *\$500* for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional (\$1,125) *\$1,500* for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Sec. 10. Minnesota Statutes 1978, Section 125.61, is amended by adding a subdivision to read:

*Subd. 3a. Notwithstanding the provisions of subdivision 3, an eligible teacher who wishes to retire at the end of the 1978-1979 or 1979-1980 school year, who is employed by a school district which is implementing a desegregation plan ordered by a federal court or approved by the state board, and who is offered and accepts an early retirement incentive contract pursuant to subdivision 2, shall receive an early retirement incentive in the amount of \$15,000. This amount shall be reduced by \$750 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$2,250 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.*

Sec. 11. Minnesota Statutes 1978, Section 125.61, Subdivision 4, is amended to read:

Subd. 4. The early retirement incentive shall be paid by the employing school district (IN FOUR EQUAL SUCCESSIVE MONTHLY INSTALLMENTS COMMENCING ON NOVEMBER 1 OF THE YEAR OF RETIREMENT) *at the time and in the manner mutually agreed upon by a teacher and the board.* The state shall reimburse the district for (25) *50* percent of any amount or amounts paid out as an early retirement incentive pursuant to this section, according to the provisions of subdivision 6. An early retirement incentive shall not be paid to any teacher who is discharged by a school district.

Sec. 12. Minnesota Statutes 1978, Section 125.61, is amended by adding a subdivision to read:

*Subd. 4a. Notwithstanding the provisions of subdivisions 1a and 2, a teacher who has entered into an agreement for termination of services and withdrawal from active teaching service with an early retirement incentive may be employed as a substitute teacher after his retirement.*

Sec. 13. Minnesota Statutes 1978, Section 125.61, is amended by adding a subdivision to read:

*Subd. 4b. Any amount of unemployment insurance which the teacher receives and for which the district is required to pay into the unemployment compensation fund pursuant to section 268.06, subdivision 25, at any time after the teacher has entered into an agreement pursuant to subdivision 2, may be deducted by the district from the amount of the teacher's early retirement incentive or recovered by the district from the teacher up to the amount of the early retirement incentive. The district shall pay 50 percent of any amount so deducted or recovered to the department of education and any amount so received by the department shall be deposited in the state treasury.*

Sec. 14. Minnesota Statutes 1978, Section 125.61, is amended by adding a subdivision to read:

*Subd. 7. After June 30, 1986, the provisions of this section shall not apply to employees of area vocational-technical schools.*

Sec. 15. Minnesota Statutes 1978, Section 354.094, Subdivision 3, is amended to read:

*Subd. 3. A member on extended leave of absence pursuant to section 125.60 who does not pay employee contributions into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of this chapter and may not pay employee contributions into the fund in any subsequent year of the leave. Nonpayment of employee contributions into the fund shall not affect the rights or obligations of the teacher or his employing school district under section 125.60.*

Sec. 16. Minnesota Statutes 1978, Section 354.094, Subdivision 6, is amended to read:

*Subd. 6. A member who pays employee contributions and receives allowable service credit in the fund pursuant to this section may not pay employee contributions or receive allowable service credit for the same fiscal year in any other Minnesota public employee pension plan, except a volunteer firefighters' relief association governed by sections 69.771 to 69.776. This subdivision shall not be construed to prohibit a member who pays employee contributions and receives allowable service credit in the fund pursuant to this section in any year from being employed as a substitute teacher by any school district during that*



*year. Notwithstanding the provisions of sections 354.091 and 354.42, a teacher may not pay retirement contributions or receive allowable service credit in the fund for teaching service rendered for any part of any year for which he pays retirement contributions or receives allowable service credit pursuant to sections 354.094 or 354A.091 while on an extended leave of absence pursuant to section 125.60.*

Sec. 17. Minnesota Statutes 1978, Section 354.66, Subdivision 1, is amended to read:

**354.66 [QUALIFIED PART TIME TEACHERS; PARTICIPATION IN FUND.]** Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1 (, BUT SHALL NOT INCLUDE SUPERINTENDENTS).

Sec. 18. Minnesota Statutes 1978, Section 354.66, Subdivision 2, is amended to read:

Subd. 2. A teacher in the public elementary (OR), secondary or area vocational-technical schools of the state who has 20 years or more of allowable service or 20 years or more of full time teaching service in Minnesota public elementary, secondary and area vocational-technical schools may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position.

Sec. 19. Minnesota Statutes 1978, Section 354.66, Subdivision 3, is amended to read:

Subd. 3. For purposes of this section, a part time teaching position shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent thereof as prescribed in section 354.091, and for which the teacher is compensated (AT A RATE) in an amount not exceeding 60 percent of the compensation established by the board for a full time teacher of identical education and experience within the district.

Sec. 20. Minnesota Statutes 1978, Section 354.66, Subdivision 8, is amended to read:

Subd. 8. No teacher shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4 of this section or section 354A.22, subdivision 4, in more than one district at one time. *No teacher shall qualify for the continuation of contributions and accrual of service credit during part time employment in a district pursuant to this section in any year when he also takes a full time or part time teaching position in another Minnesota school district.*

Sec. 21. Minnesota Statutes 1978, Section 354.66, is amended by adding a subdivision to read:

*Subd. 11. After June 30, 1986, the provisions of this section shall not apply to employees of area vocational-technical schools.*

Sec. 22. Minnesota Statutes 1978, Section 354.66, is amended by adding a subdivision to read:

*Subd. 12. Neither subdivision 5 nor subdivision 8 shall be construed to prohibit a teacher who qualifies for the continuation of contributions and accrual of service credit pursuant to this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding the provisions of sections 354.091 and 354.42, a teacher may not pay retirement contributions or receive allowable service credit in the fund for teaching service rendered for any part of any year for which he qualifies for continuation of contributions and accrual of service credit pursuant to sections 354.66 or 354A.22.*

Sec. 23. Minnesota Statutes 1978, Section 354A.091, Subdivision 1, is amended to read:

**354A.091 [TEACHERS ON EXTENDED LEAVE.]** Subdivision 1. Notwithstanding any provision of this chapter or the bylaws of an association relating to salary for contribution purposes or accrual of service credit to the contrary, an elementary (OR), secondary or area vocational-technical school teacher in the public schools of a city of the first class who is granted an extended leave of absence pursuant to section 125.60 may receive allowable service credit toward annuities and other benefits under this chapter for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. The state shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354A.12, for the salary received during the year immediately preceding the leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

Sec. 24. Minnesota Statutes 1978, Section 354A.091, Subdivision 3, is amended to read:

Subd. 3. A member on extended leave of absence pursuant to section 125.60 who does not pay employee contributions into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of this chapter and

the bylaws of the retirement association, and may not pay employee contributions into the fund in any subsequent year of the leave. Nonpayment of employee contributions into the fund shall not affect the rights or obligations of the teacher or his employing school district under section 125.60.

Sec. 25. Minnesota Statutes 1978, Section 354A.091, Subdivision 6, is amended to read:

Subd. 6. A member who pays employee contributions and receives allowable service credit in the fund pursuant to this section may not pay employee contributions or receive allowable service credit for the same fiscal year in any other Minnesota public employee pension plan, except a volunteer firefighters' relief association governed by sections 69.771 to 69.776. *This subdivision shall not be construed to prohibit a member who pays employee contributions and receives allowable service credit in the fund pursuant to this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding the provisions of this chapter or the by-laws of a retirement association, a teacher may not pay retirement contributions or receive allowable service credit in the fund for teaching service rendered for any part of any year for which he pays retirement contributions or receives allowable service credit pursuant to sections 354.094 or 354A.091 while on an extended leave of absence pursuant to section 125.60.*

Sec. 26. Minnesota Statutes 1978, Section 354A.091, is amended by adding a subdivision to read:

*Subd. 7. After June 30, 1986, the provisions of this section shall not apply to employees of area vocational-technical schools.*

Sec. 27. Minnesota Statutes 1978, Section 354A.22, Subdivision 1, is amended to read:

**354A.22 [QUALIFIED PART TIME TEACHERS; PARTICIPATION IN FUND.]** Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1 (**, BUT SHALL NOT INCLUDE SUPERINTENDENTS**).

Sec. 28. Minnesota Statutes 1978, Section 354A.22, Subdivision 2, is amended to read:

Subd. 2. A teacher in the public schools of a city of the first class who has 20 years or more of allowable service *or 20 years or more of full time teaching service in Minnesota public elementary, secondary and area vocational-technical schools may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position.*

Sec. 29. Minnesota Statutes 1978, Section 354A.22, Subdivision 3, is amended to read:

Subd. 3. For purposes of this section, a part time teaching position shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent thereof as prescribed in the appropriate by-laws of the retirement associations covered by chapter 354A, and for which the teacher is compensated (AT A RATE) *in an amount* not exceeding 60 percent of the compensation established by the board for a full time teacher of identical education and experience within the district.

Sec. 30. Minnesota Statutes 1978, Section 354A.22, Subdivision 8, is amended to read:

Subd. 8. No teacher shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4 of this section or section 354.66, subdivision 4, in more than one district at one time. *No teacher shall qualify for the continuation of contributions and accrual of service credit during part time employment in a district pursuant to this section in any year when he also takes a full time or part time teaching position in another Minnesota school district.*

Sec. 31. Minnesota Statutes 1978, Section 354A.22, is amended by adding a subdivision to read:

*Subd. 11. Neither subdivision 5 nor subdivision 8 shall be construed to prohibit a teacher who qualifies for the continuation of contributions and accrual of service credit pursuant to this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding the provisions of this chapter or the by-laws of a retirement association, a teacher may not pay retirement contributions or receive allowable service credit in the funds for teaching service rendered for any part of any year for which he qualifies for continuation of contributions and accrual of service credit pursuant to sections 354.66 or 354A.22.*

Sec. 32. Minnesota Statutes 1978, Section 354A.22, is amended by adding a subdivision to read:

*Subd. 12. After June 30, 1986, the provisions of this section shall not apply to employees of area vocational-technical schools.*

Sec. 33. *Notwithstanding Minnesota Statutes 1978, Section 125.60, Subdivision 7, the commissioner of education shall approve applications of districts for extended leaves of absence which were to begin between June 30, 1978 and the effective date of this section for teachers employed in area vocational-technical schools.*

Sec. 34. *Notwithstanding section 354.094, subdivision 1, payments for the first year of extended leaves of absence granted pursuant to section 33 shall be made on or before June 30, 1979 or on or before two months after the effective date of this section, whichever is later.*

Sec. 35. [APPROPRIATION.] *To meet the state's obligation prescribed in Minnesota Statutes, Sections 125.61, 354.094, 354.66, 354A.091 and 354A.22, there is appropriated from the general fund to the department of education the sum of \$1,247,000 for the fiscal year ending June 30, 1980, and the sum of \$1,532,800 for the fiscal year ending June 30, 1981.*

(a) *Any unexpended balance remaining from the appropriation in this section for fiscal year 1980 shall not cancel but shall be available for the second year of the biennium. If the appropriation amount attributable to either year for the purposes indicated is insufficient, the state shall not be obligated for any amount in excess of the appropriation in this section for this purpose.*

(b) *Notwithstanding the provisions of sections 354.43 and 354A.12, the state's obligation prescribed in Minnesota Statutes, Sections 354.094, 354.66, 354A.091 and 354A.22 shall not be financed out of standing appropriations for the state's obligations pursuant to chapter 354 or 354A.*

Sec. 36. [EFFECTIVE DATE.] *The provisions of this article shall be effective the day following final enactment; except that sections 20 and 30 shall be effective July 1, 1979, and section 5 shall not apply until June 30, 1980, to any teacher who prior to the day following final enactment has taken a full time or part time position as a teacher in a Minnesota school district while on an extended leave of absence. Any school board which approves an early retirement incentive contract and payment pursuant to Minnesota Statutes 1978, Section 125.61, prior to June 30, 1979, may elect to make this payment and receive state reimbursement either pursuant to Minnesota Statutes 1978, Section 125.61, Subdivision 3, or pursuant to section 9 of this article.*

## ARTICLE IX

### COUNCIL ON QUALITY EDUCATION; EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS; PRESCHOOL HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS

Section 1. *Minnesota Statutes 1978, Section 3.9271, Subdivision 1, is amended to read:*

3.9271 [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.] Subdivision 1. *For the (1977-1978)*

1979-1980 and (1978-1979) 1980-1981 school years, the council on quality education shall make grants to no fewer than 22 pilot early childhood and family education programs. Early childhood and family education programs are programs for children before kindergarten and below age six which may include the following: identification of potential barriers to learning, education of parents on child development, libraries of educational materials, family services, education for parenthood programs in secondary schools, in-center activity, home-based programs, and referral services.

Notwithstanding section 3.926, subdivision 2, every early childhood and family education program proposal shall be submitted to the council on quality education not less than six weeks before the planned commencement of the program. These programs or grants shall be as equally distributed as possible among districts in cities of the first class, in suburbs, and outside the seven county metropolitan area. (NO MORE THAN TWO OF THESE PROGRAMS SHALL RECEIVE THESE GRANTS IN ANY ONE SCHOOL DISTRICT.) Each pilot program shall serve one elementary school attendance area in the local school district or (A COMBINATION OF ATTENDANCE AREAS IF DEEMED APPROPRIATE BY THE COUNCIL) *an area within a school district which the council deems appropriate.*

The council on quality education shall prescribe the form and manner of application and shall determine the participating pilot programs. In the determination of pilot programs, programs shall be given preference for their ability to coordinate their services with existing programs and other governmental and nonprofit agencies. The council on quality education shall report on the programs annually to the committees on education of the senate and house of representatives.

Sec. 2. Minnesota Statutes 1978, Section 3.9271, is amended by adding a subdivision to read:

*Subd. 5. Any district which has submitted a proposal to the council on quality education for a pilot early childhood and family education program and has been denied funding for the program is encouraged to apply to the department of education for a grant for the program pursuant to the elementary and secondary education act of 1965, title 4C, as amended.*

Sec. 3. Minnesota Statutes 1978, Section 3.9272, is amended to read:

3.9272 [ADVISORY TASK FORCE ON EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.] The council on quality education shall appoint an advisory task force on early childhood and family education programs. The advisory task force shall be composed of parents of young children

and persons knowledgeable in the fields of health, education and welfare. A majority of the task force shall be parents of young children. The advisory task force shall advise the council in the administration of the early childhood and family education programs. The terms, compensation and removal of members shall be governed by the provisions of section 15.059, subdivision 6. The task force shall expire June 30, (1979) 1981.

Sec. 4. Minnesota Statutes 1978, Section 123.702, Subdivision 1, is amended to read:

123.702 [SCHOOL BOARD RESPONSIBILITIES.] Subdivision 1. Every school board shall provide for a voluntary health and developmental screening program for children once before entering kindergarten (; PROVIDED, THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE SCHOOL BOARDS TO SCREEN CHILDREN WHO ENTER KINDERGARTEN DURING FISCAL YEAR 1978). This screening program shall be established either by one board, by two or more boards acting in cooperation, by educational cooperative service units, by early childhood and family education programs, or by other existing programs. No school board may make this screening examination a mandatory prerequisite to enroll a student. (IN FISCAL YEARS 1978 AND 1979,) The screening programs shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, dental assessments, (AND) the review of health history and immunization status (. IN FISCAL YEAR 1979, THE SCREENING PROGRAMS SHALL INCLUDE AT LEAST THE FOLLOWING ADDITIONAL COMPONENTS TO THE EXTENT THE SCHOOL BOARD DETERMINES THEY ARE FINANCIALLY FEASIBLE:), laboratory tests and nutritional and physical assessments. All screening components shall be consistent with the standards of the state commissioner of health for early and periodic screening programs. No child shall be required to submit to any component of this screening program to be eligible for any other component. *No preschool screening program shall provide laboratory tests, a health history or a physical examination to any child who has been provided with those laboratory tests or a health history or physical examination within the previous 12 months. The school district shall request the results of any laboratory test, health history or physical examination within the 12 months preceding a scheduled preschool screening clinic.*

Sec. 5. Minnesota Statutes 1978, Section 123.702, is amended by adding a subdivision to read:

*Subd. 7. In selecting personnel to implement the preschool screening program, the school district shall give priority first to volunteers and second to persons possessing the minimum quali-*

*fications required by the rules adopted by the state board of education and the commissioner of health.*

Sec. 6. Minnesota Statutes 1978, Section 123.703, Subdivision 1, is amended to read:

123.703 [STATE BOARD OF EDUCATION AND STATE COMMISSIONER OF HEALTH; RESPONSIBILITIES.] Subdivision 1. School boards shall administer the screening programs pursuant to rules adopted by the state board of education. (IN ORDER TO IMPLEMENT THE PROGRAMS FOR THE 1977-1978 SCHOOL YEAR, THE STATE BOARD SHALL, NO LATER THAN AUGUST 15, 1977, ADOPT EMERGENCY RULES IN ACCORDANCE WITH SECTION 15.0412, SUBDIVISION 5.) Prior to the adoption of the rules (AND EMERGENCY RULES), the state board shall solicit information or opinions pursuant to section 15.0412, subdivision 6. (THE NOTICE OF PROPOSED RULE MAKING SHALL BE PUBLISHED IN THE STATE REGISTER NO LATER THAN AUGUST 1, 1977, AND) Copies of the proposed rules (AND EMERGENCY RULES) shall be sent to the state commissioner of health and each school board in the state on or before the date of publication. The state board of education shall consider the standards employed by the state commissioner of health for early and periodic screening programs in drafting the proposed rules. *The rules adopted by the state board of education and the commissioner of health to govern the pre-school screening program shall unconditionally permit registered nurses to perform those components of the screening program that can be performed by a nurse.*

Sec. 7 Minnesota Statutes 1978, Section 123.703, Subdivision 3, is amended to read:

Subd. 3. The state board of education, in cooperation with the state commissioner of health, shall report to the legislature by February 1, (1979) 1980, on the results of the screening programs in accomplishing the purposes specified in section 123.701. *The report shall include information on the rates of children's participation in screening programs, on districts' costs for implementing the various components of the screening program, and on any exemptions granted from screening requirements because of financial infeasibility.*

Sec. 8. Minnesota Statutes 1978, Section 123.705, is amended to read:

123.705 [STATE AID.] The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed (\$13) \$25 per child screened in fiscal year (1978) 1980 and (\$23) \$30 per child screened in fiscal year (1979) 1981.



Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.

Sec. 9. [APPROPRIATION.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [PILOT EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.] For pilot early childhood and family education programs pursuant to section 3.9271 there is appropriated:*

\$880,000 ..... 1980,

\$880,000 ..... 1981.

*Subd. 3. [COUNCIL ON QUALITY EDUCATION VENTURE FUND.] For the venture fund of the council on quality education established pursuant to section 3.925 there is appropriated:*

\$650,000 ..... 1980,

\$650,000 ..... 1981.

*Subd. 4. [PRESCHOOL HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS.] For preschool health and developmental screening programs pursuant to sections 123.701 to 123.705 there is appropriated:*

\$1,375,000 ..... 1980,

\$1,790,000 ..... 1981.

*Subd. 5. Any unexpended balance remaining from the appropriations in this section for 1980 shall not cancel but shall be available for the second year of the biennium. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

## ARTICLE X

### MANAGEMENT INFORMATION SYSTEMS

Section 1. Minnesota Statutes 1978, Section 16.93, is amended to read:

16.93 *Subdivision 1.* [SCHOOL DISTRICTS' PLANS AND BUDGETS.] A school district may expend funds for computerization of administrative, instructional, or other activities only after (FILING ANNUALLY WITH THE STATE DEPARTMENT OF EDUCATION A PLAN AND BUDGET COVERING SUCH ACTIVITIES AND ONLY UPON APPROVAL THEREOF BY THE STATE DEPARTMENT. CRITERIA TO BE USED BY THE DEPARTMENT IN MAKING ITS DETERMINATIONS MUST INCLUDE, BUT ARE NOT LIMITED TO, THE STATE PLAN AS PREPARED BY THE COMMISSIONER OF ADMINISTRATION; POLICIES AND PROGRAMS OF THE INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL; AND COST EFFECTIVENESS CONSIDERATIONS OF THE DEPARTMENT. ALL RESULTING DECISIONS OF THE DEPARTMENT ARE TO BE REPORTED PROMPTLY TO THE COMMISSIONER OF ADMINISTRATION AND THE INTERGOVERNMENTAL COUNCIL) *a regional management information center of which the district is a member submits and obtains approval of an annual plan and budget on behalf of its member districts as provided in subdivision 2. Every school district shall become a member of a regional management information center.*

*Subd. 2.* [REGIONAL PLANS AND BUDGETS.] Any group of two or more school districts may with the approval of the state board of education and the Minnesota educational computing consortium create a regional management information center pursuant to section 471.59 to provide computer services to the member districts. No regional management information center may expend funds for computer activities unless it files an annual plan and budget for its activities with the department of education and the Minnesota educational computing consortium and receives approval of the plan and budget from the department of education and the Minnesota educational computing consortium. Criteria for approving the creation of a regional management information center and the plan and budget of a regional management information center shall include: the provisions of the state computing plan prepared by the Minnesota educational computing consortium; the cost effectiveness of the plan and budget; the effect on existing regional management information centers; the ability of the center in a timely manner to provide information required by the annual data acquisition calendar or by the rules of the state board of education on computer tape which is machine readable using the software designed by the department of education; the ability of the center within 15 calendar days to respond to requests for information based on the data elements in the data element dictionary on computer tape which is machine readable using the software designed by the department of education; and the ability of the center to operate the uniform financial management accounting system using multidimensional accounts and records, as required by the uniform financial accounting and reporting standards for Minnesota school districts adopted by the state board pursuant

to sections 121.90 to 121.92. Every regional center shall make available to its member districts the opportunity to participate fully in the statewide financial reporting, personnel payroll reporting and student reporting information system of the department of education and the Minnesota educational consortium. A regional management information center which is not in existence on the effective date of this section shall not come into existence until the first July 1 of an odd-numbered year after its creation is approved pursuant to this subdivision or until it can be accommodated by state appropriations, whichever occurs first.

**Subd. 3. [REGIONAL SUBSIDIES.]** In any year when a regional management information center's plan and budget are approved pursuant to subdivision 2, the center shall receive a regional reporting subsidy grant from the department of education. The grant shall be in an amount determined in accordance with the formula filed by the department of education with the committees on education and finance of the senate and the committees on education and appropriations of the house of representatives.

**Subd. 4. [STATE BOARD OF EDUCATIONAL DUTIES.]** The state board of education and the Minnesota educational computing consortium shall adopt rules prescribing the criteria for approval of regional plans and budgets and specifying the criteria and the process for determining which data and data elements are included in the data element dictionary and the data acquisition calendar developed pursuant to subdivisions 5 and 6. To the extent permitted by available resources, the commissioner of administration may furnish staff and other assistance to the department of education and the Minnesota educational computing consortium in conjunction with (ITS) their performance of the duties imposed by this section.

**Subd. 5. [DATA ELEMENT DICTIONARY.]** By January 1, 1980, the department of education shall develop a data element dictionary defining all data elements included in the financial reporting, personnel payroll and student reporting information system of the department of education. Except as provided in subdivision 4, the development and modification of the data element dictionary shall be exempt from the rule-making procedures specified in chapter 15.

**Subd. 6. [DATA ACQUISITION CALENDAR.]** By January 1, 1980, the department of education shall develop an annual data acquisition calendar specifying the reports which school districts are required to submit to the department of education and the dates when these reports are due. Except as provided in subdivision 4, the development and modification of the annual data acquisition calendar shall be exempt from the rule-making procedures specified in chapter 15.

Sec. 2. Minnesota Statutes 1978, Section 121.92, Subdivision 2, is amended to read:

Subd. 2. After July 1, 1980, participation in a computer based financial management accounting and reporting system shall be mandatory. The form of this participation shall be (APPEALABLE TO THE COMMISSIONER) *determined as provided in section 16.93.*

Sec. 3. *The state board of education and the Minnesota educational computing consortium may adopt temporary rules as provided in section 15.0412, subdivision 5, pursuant to section 1.*

Sec. 4. [APPROPRIATION.] Subdivision 1. *There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [CONVERSION AID.] *For reimbursement of the costs of converting to the regional management informations system, there is appropriated:*

\$940,000 ..... 1980,

\$410,000 ..... 1981.

Subd. 3. [REGIONAL SUPPORT.] *For support grants for regional management information centers there is appropriated:*

\$2,000,000 ..... 1980.

Subd. 4. [TELECOMMUNICATIONS.] *For reimbursement of telecommunications costs of the regional management information system there is appropriated:*

\$ 800,000 ..... 1980,

\$1,100,000 ..... 1981.

Subd. 5. [MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM.] *For development and support of the management information system of the Minnesota educational computing consortium there is appropriated:*

\$790,500 ..... 1980.

\$776,500 ..... 1981.

Subd. 6. *Any unexpended balance remaining from the appropriations in this section for 1980 shall not cancel but shall be available for the second year of the biennium.*

Sec. 5. [CONTINGENCY APPROPRIATIONS.] *Subdivision 1. [CONVERSION.] There is appropriated from the general fund to the general contingent account the sum of \$300,000 which shall be available until June 30, 1981 and which may be used to fund the additional cost of converting to the regional management information system.*

*Subd. 2. [REGIONAL SUPPORT.] There is appropriated from the general fund to the general contingent account the sum of \$400,000 which shall be available until June 30, 1981, and the sum of \$2,600,000 for the year ending June 30, 1981, for the purpose of support grants for regional management information centers. The appropriation for fiscal year 1981 shall be available for expenditure only with the approval of the governor after consultation with the legislative advisory commission in the manner provided in section 3.30 and only after the legislature has reviewed the formation, structure and functions of the regional management information centers and has determined procedures for funding support grants for regional management information centers for fiscal year 1981.*

## ARTICLE XI

### LIBRARIES

Section 1. Minnesota Statutes 1978, Section 134.30, is amended by adding a subdivision to read:

*Subd. 6. "Multi-county, multi-type library system" means a cooperative network composed of any combination of public libraries, regional public library systems, public school libraries, public or private college or university libraries and any other libraries which share services and resources within a multi-county area.*

Sec. 2. Minnesota Statutes 1978, Section 134.32, Subdivision 5, is amended to read:

*Subd. 5. It may provide grants for interlibrary exchange of books, periodicals, resource material, reference information and the expenses incident to the sharing of library resources and materials including planning, development and operating grants to multi-county, multi-type library systems.*

Sec. 3. Minnesota Statutes 1978, Section 134.33, Subdivision 1, is amended to read:

**134.33 [ESTABLISHMENT GRANTS.]** *Subdivision 1. An establishment grant as described in section 134.32, subdivision 2, shall be made to any regional public library system for the first two state fiscal years after a board of county commissioners has contracted to join that system and has agreed that*

the county will provide the levels of support for public library service specified in this section. In the first year of participation, the county shall provide an amount of support equivalent to (.2) .3 mill times the adjusted assessed valuation of the taxable property of the county as determined by the equalization aid review committee for the second year preceding that calendar year ( ; IN THE SECOND YEAR OF PARTICIPATION, AN AMOUNT EQUIVALENT TO .3 MILL TIMES THE ADJUSTED ASSESSED VALUATION OF THE TAXABLE PROPERTY OF THE COUNTY AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE FOR THE SECOND YEAR PRECEDING THAT CALENDAR YEAR; AND,) or two-thirds of the per capita amount established under provisions of section 134.34, subdivision 1, whichever amount is less. In the (THIRD) second year of participation and in each year thereafter, the county shall provide an amount equivalent to .4 mill times the adjusted assessed valuation of the taxable property of the county as determined by the equalization aid review committee for the second year preceding that calendar year or the per capita amount established under provisions of section 134.34, subdivision 1, whichever is less. The minimum level of support shall be certified annually to the county by the department of education. In no event shall the department of education require any county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for an establishment grant. This section shall not be construed to prohibit any county from providing a higher level of support for public libraries than the level of support specified in this section.

Sec. 4. Minnesota Statutes 1978, Section 134.34, Subdivision 1, is amended to read:

134.34 [REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS; REQUIREMENTS.] Subdivision 1. A regional library basic system support grant shall be made to any regional public library system where there are at least three participating counties and where each participating city and county, except in the first (AND SECOND YEARS) year of participation as provided in section 134.33, is providing for public library service support (IN) the lesser of (a) an amount equivalent to .4 mill times the adjusted assessed valuation of the taxable property of that city or county, as determined by the equalization aid review committee for the second year preceding that calendar year or (b) a per capita amount calculated under provisions of this subdivision. The per capita amount is established for calendar year 1980 as \$3.00. In succeeding calendar years, the per capita amount shall be increased by a percentage equal to one-half of the percentage by which the total state adjusted assessed valuation of property as determined by the equalization aid review committee for the second year preceding that calendar year increases over that total adjusted assessed valuation for the third year preceding that calendar year. The minimum level of support

shall be certified annually to the participating cities and counties by the department of education. A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the department of education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for a regional library basic system support grant. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified in this section.

Sec. 5. Minnesota Statutes 1978, Section 134.34, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of section 134.33 and subdivision 1 of this section, after the (THIRD) *second* year of participation by a city or county, the dollar amount of the minimum level of support for that city or county shall not be required to increase by more than ten percent over the dollar amount of the minimum level of support required of it in the previous year. If a participating city or county which has been providing for public library service support in an amount equivalent to .67 mill times the assessed valuation of the taxable property of that city or county for the year preceding that calendar year would be required to increase the dollar amount of such support by more than ten percent to reach the equivalent of .4 mill times the adjusted assessed valuation of the taxable property of that participating city or county as determined by the equalization aid review committee for the second year preceding that calendar year *or the per capita amount calculated under provisions of section 134.34, subdivision 1*, it shall only be required to increase the dollar amount of such support by ten percent per year until such time as it reaches an amount equivalent to .4 mill times the adjusted assessed valuation of that taxable property as determined by the equalization aid review committee for the second year preceding that calendar year *or the per capita amount calculated under provisions of section 134.34, subdivision 1*.

Sec. 6. Minnesota Statutes 1978, Section 134.35, Subdivision 1, is amended to read:

134.35 [REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS; DISTRIBUTION FORMULA.] Subdivision 1. Any regional public library system which qualifies according to the provisions of section 134.34 may apply for an annual grant for regional library basic system support. The amount of each grant for fiscal year (1979) 1980 and each fiscal year thereafter shall be calculated as provided in this section.

Sec. 7. Minnesota Statutes 1978, Section 134.35, Subdivision 2, is amended to read:

Subd. 2. (SIXTY) *Fifty-five* percent of the available grant funds shall be distributed to provide all qualifying systems an equal amount per capita. Each system's allocation pursuant to this subdivision shall be based on the population it serves.

Sec. 8. Minnesota Statutes 1978, Chapter 134, is amended by adding a section to read:

[134.351] [MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEMS.] *Subdivision 1. [ESTABLISHMENT.] The state board of education, upon the advice of the advisory council to the office of public libraries and interlibrary cooperation, may approve the establishment of multi-county, multi-type library systems and the geographic boundaries of those systems.*

*Subd. 2. [SERVICES.] Each multi-county, multi-type library system is encouraged to develop services including, but not limited to the following: referral of users, intrasystem reciprocal borrowing, cooperative collection development, cooperative reference services, staff development, research and development, cooperative storage facilities, publicity and community relations.*

*Subd. 3. [AGREEMENT.] In order for a multi-county, multi-type library system to qualify for a planning, development or operating grant pursuant to sections 9 and 10 of this article, each participating library in the system shall adopt an organizational agreement providing for the following:*

- (a) Sharing of resources among all participating libraries;*
- (b) Long-range planning for cooperative programs;*
- (c) The development of a delivery system for services and programs;*
- (d) The development of a bibliographic data base; and*
- (e) A communications system among all cooperating libraries.*

*Subd. 4. [GOVERNANCE.] In any area where the boundaries of a proposed multi-county, multi-type library system coincide with the boundaries of the regional library system, the regional library system board shall be designated as the governing board for the multi-county, multi-type library system. In any area where a proposed multi-county, multi-type library system encompasses more than one regional library system, the governing board of the multi-county, multi-type library system shall*



consist of nine members appointed by the cooperating regional library system boards from their own membership in proportion to the population served by each cooperating regional library system. In each multi-county, multi-type library system there shall be established an advisory committee consisting of two representatives of public libraries, two representatives of school media services, one representative of special libraries, one representative of public supported academic libraries, and one representative of private academic libraries. The advisory committee shall recommend needed policy to the system governing board.

Subd. 5. [REPORTS.] Each multi-county, multi-type system receiving a grant pursuant to section 9 or 10 of this article shall provide an annual progress report to the department of education. The department shall report annually to the legislature on all projects funded under sections 9 and 10 of this article.

Sec. 9. Minnesota Statutes 1978, Chapter 134, is amended by adding a section to read:

[134.352] [MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEM; PLANNING GRANTS.] The state board of education may award a one-year planning grant to a multi-county, multi-type library system, to be available during the first year of operation of each system. In awarding a planning grant, the state board shall consider the extra costs incurred in systems located in sparsely populated and large geographic areas.

Sec. 10. Minnesota Statutes 1978, Chapter 134, is amended by adding a section to read:

[134.353] [MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEM DEVELOPMENT GRANT.] The state board of education may provide development and operating grants to multi-county, multi-type library systems in their second and subsequent years of operation. In awarding a development and operating grant, the state board shall consider the extra costs incurred in systems located in sparsely populated and large geographic regions.

Sec. 11. [REPEALER.] Minnesota Statutes 1978, Section 134.33, Subdivision 2, is repealed.

Sec. 12. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30, in the years designated.

Subd. 2. For grants pursuant to sections 134.30 to 134.36 for the provision of library services, there is appropriated:

\$3,591,300 ..... 1980,

\$3,614,300 ..... 1981.

*Subd. 3. For grants pursuant to sections 9 and 10 of this article to multi-county, multi-type library systems, there is appropriated:*

\$125,000 ..... 1980,

\$125,00 ..... 1981.

*Subd. 4. Any unexpended balance remaining from the appropriations in this section for 1980 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated."*

Further, strike the title and insert:

"A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to teachers, school bus drivers, school boards, school districts, educational cooperative service units, the Minnesota educational computing consortium, courts, the commissioner of education, the commissioner of health, the department of education, the state board of education and the state board for vocational education and other state agencies; creating a legislative school finance study commission; changing the method of computing foundation aid and levy limitations; providing aid for sparsely populated school districts, basic skills programs, new jobs programs and programs for gifted and talented students; changing procedures for decisions concerning the education of handicapped children; increasing tuition at area vocational-technical institutes; appropriating money; amending Minnesota Statutes 1978, Sections 3.9271, Subdivision 1, and by adding a subdivision; 3.9272; 16.93; 120.075; 120.17, Subdivisions 3b and 7a; 121.912, by adding a subdivision; 121.92, Subdivision 2; 123.34, Subdivision 8; 123.35, by adding a subdivision; 123.58, Subdivision 6, and by adding a subdivision; 123.702, Subdivision 1, and by adding a subdivision; 123.703, Subdivisions 1 and 3; 123.705; 123.741, Subdivision 1; 123.937; 124.01; 124.11, Subdivision 4; 124.17, Subdivision 1; 124.212, Subdivisions 1, 6c, 7c, 11, 20, and by adding subdivisions; 124.222, Subdivisions 1a, 1b, 2a, 2b and 6; 124.223; 124.245, Subdivisions 1 and 2; 124.26, Subdivision 3; 124.271, Subdivisions 2, 5, and by adding a subdivision; 124.32, Subdivisions 1, 1a, 5, 7 and 10; 124.561, Subdivision 3a; 124.562, Subdivisions 1 and 2; 124.563, Subdivision 1; 124.565, Subdivisions 3, 4, and by adding a subdivision; 124.572, Subdivision 2; 124.574, Subdivision 2; 124.646, Subdivision 1; 125.60, Subdivisions 1, 2, 3, 4, and by adding subdivisions; 125.61, Subdivisions 1, 2, 3, 4, and by adding subdivisions; 126.39, Subdivision 10; 126.40, Subdivision 3;

126.41, Subdivision 1; 126.52, Subdivision 10; 126.53, Subdivision 3; 126.54, Subdivision 1; 128A.02, Subdivision 6; 134.30, by adding a subdivision; 134.32, Subdivision 5; 134.33, Subdivision 1; 134.34, Subdivisions 1 and 2; 134.35, Subdivisions 1 and 2; 169.44, Subdivisions 1, 2, and by adding subdivisions; 275.125, Subdivisions 1, 2a, 2b, 8, 11a, and by adding subdivisions; 354.094, Subdivisions 3 and 6; 354.66, Subdivisions 1, 2, 3, 8, and by adding subdivisions; 354A.091, Subdivisions 1, 3, 6, and by adding a subdivision; 354A.22, Subdivisions 1, 2, 3, 8, and by adding subdivisions; 471.61, Subdivision 1b; and Chapters 124, by adding sections; and 134, by adding sections; repealing Minnesota Statutes 1978, Sections 120.171; 124.212, Subdivisions 6b and 7b; 124.241; 126.16; 126.18; 134.33, Subdivision 2; 169.44, Subdivisions 5 and 7; and 275.125, Subdivisions 6 and 7."

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

The report was adopted.

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

S. F. No. 363, A bill for an act relating to crimes; requiring reporting of firearm discharges by security guards.

Reported the same back with the following amendments:

Page 2, line 10, after "employment" insert ", other than for training purposes,"

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:

S. F. No. 607, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1978, Section 152.15, by adding a subdivision.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1552 and 1553 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 923, 478, 1312, 285, 363 and 607 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Enebo; Sieben, H.; Anderson, I; Norton and Voss introduced:

H. F. No. 1554, A bill for an act relating to the operation of state government; raising salaries and salary ranges for certain executive branch employees, metropolitan agency officers, judges and judicial branch employees; eliminating achievement awards for commissioners and deputy commissioners; amending Minnesota Statutes 1978, Sections 15A.081; 15A.083, Subdivisions 1, 2 and 4; 43.062, Subdivision 3; and 43.067, Subdivision 4; repealing Minnesota Statutes 1978, Sections 15A.083, Subdivision 4a; and 43.069.

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

Schreiber introduced:

H. F. No. 1555, A bill for an act relating to taxation; repealing limited market valuation of real property for property tax purposes over a two year period; providing that the flexible homestead base value be related to average home construction costs; changing class 3b, 3c and 3cc classification ratios; changing determination and amount of state paid agricultural credit; providing state paid environmental credit; amending Minnesota Statutes 1978, Sections 273.11, Subdivision 2; 273.122; 273.13, Subdivisions 4, 6, 6a and 7; 273.132; and 273.17, Subdivision 1.

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

Heinitz; Carlson, L.; Kalis and Onnen introduced:

H. F. No. 1556, A bill for an act relating to health; changing provisions related to depreciation allowances for certain nursing homes; altering the definition of the term net asset value; removing certain restrictions on the recognition of interest expenses related to capital indebtedness of nursing homes; amending Minnesota Statutes 1978, Sections 256B.42, Subdivision 5; 256B.43, Subdivision 1; and 256B.44.

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

Osthoff, Tomlinson and Carlson, L., introduced:

H. F. No. 1557, A bill for an act relating to elections; requiring disclosure of campaign financing information for all county, city and school district elections; requiring disclosure of economic interests by candidates and elected officials of all counties and certain cities and school districts; requiring candidates to form a principal campaign committee; imposing duties on the ethical practices board, county auditors, municipal clerks and chief administrative officers of certain school districts; superseding other general or special laws, charter provisions and local ordinances; imposing late filing fees and criminal penalties; amending Minnesota Statutes 1978, Sections 210A.01, Subdivisions 1, 3, 8 and 9; 210A.05, Subdivision 1; 210A.16; 210A.37; 290.09, Subdivision 2; and Chapter 210A, by adding sections; repealing Minnesota Statutes 1978, Sections 210A.01, Subdivisions 5 and 6; 210A.22 to 210A.33; and Laws 1977, Chapter 131.

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

Ewald, Adams, Ainley, Sarna and Biersdorf introduced:

H. F. No. 1558, A bill for an act relating to economic development; creating a small business finance agency with authority to borrow to provide loans for pollution control projects; appropriating money.

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

Voss, Anderson, D., and Kahn introduced:

H. F. No. 1559, A bill for an act relating to the department of administration; requiring the commissioner of administration to prepare a budget for computer services; requiring that competitive bids be solicited for the development or operation for computer systems; repealing Minnesota Statutes 1978, Section 16.07, Subdivision 14.

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

Peterson; Anderson, G.; Carlson, D.; Nelsen, B., and Mann introduced:

H. F. No. 1560, A bill for an act relating to agriculture; regulating wholesale produce dealers; amending Minnesota Statutes 1978, Sections 27.001; 27.01; 27.03; 27.04; 27.041; 27.05; 27.06; and Chapter 27, by adding a section.

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

Casserly, Novak, Berglin, Blatz and Halberg introduced:

H. F. No. 1561, A bill for an act relating to taxation; delayed assessment of value added by restoration, preservation, and rehabilitation of historically designated buildings.

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

### 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 Senate File, herewith transmitted:

S. F. No. 1351.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1351, A bill for an act relating to metropolitan government; providing for financing of metropolitan sports facilities; authorizing a revised site determination and establishing conditions for issuance of bonds; providing for appointment of members of the metropolitan sports facilities commission; exempting events sponsored at the metropolitan sports center from the three percent admission tax; appropriating money; amending Minnesota Statutes 1978, Sections 473.553, Subdivisions 2 and 4; 473.581, Subdivisions 2, 3, as amended, 4, as amended, and 5, as amended; 473.595, Subdivision 1; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Section 473.568.

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

### CONSENT CALENDAR

S. F. No. 466, A bill for an act relating to counties; providing for the use of certain tax-forfeited lands; regulating the terms of small timber sales; amending Minnesota Statutes 1978, Section 282.04, 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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1388, A bill for an act relating to Hennepin County; establishing an unclassified civil service position of chief civil deputy sheriff; amending Laws 1965, Chapter 855, Section 7, Subdivision 2, as amended.

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

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

Those who voted in the affirmative were:

Aasness	Battaglia	Cassery	Enebo	Fritz
Adams	Begich	Clark	Erickson	Fudro
Ainley	Berglin	Clawson	Esau	Greenfield
Albrecht	Berkelman	Corbid	Evans	Halberg
Anderson, B.	Biersdorf	Crandall	Ewald	Haukoos
Anderson, D.	Blatz	Den Ouden	Faricy	Heap
Anderson, G.	Brinkman	Drew	Fjoslien	Heinitz
Anderson, I.	Byrne	Eken	Forsythe	Hoberg
Anderson, R.	Carlson, L.	Elioff	Friedrich	Hokanson

Jacobs	Long	Niehaus	Redalen	Swanson
Jaros	Ludeman	Norman	Reding	Thiede
Jennings	Luknic	Norton	Rees	Tomlinson
Johnson, D.	Mann	Novak	Reif	Valan
Jude	McCarron	Nysether	Rose	Valento
Kahn	McDonald	Olsen	Rothenberg	Voss
Kaley	McEachern	Onnen	Sarna	Waldorf
Kalis	Mehrkens	Osthoff	Schreiber	Weaver
Kempe	Metzen	Otis	Searles	Welch
Knickerbocker	Minne	Patton	Sherwood	Welker
Kostohryz	Moe	Pavlak	Sieben, H.	Wenzel
Kroening	Munger	Pehler	Sieben, M.	Wieser
Kvam	Murphy	Peterson	Simoneau	Wigley
Laidig	Nelsen, B.	Piepho	Stoa	Wynia
Lehto	Nelsen, M.	Pleasant	Stowell	Zubay
Levi	Nelson	Prahl	Sviggum	Speaker Searle

The bill was passed and its title agreed to.

### SPECIAL ORDERS

H. F. No. 870, A bill for an act relating to education; requiring that certain schools provide a prospective student with a school catalog before accepting the student; providing in certain cases for tuition refunds from private business, trade, and correspondence schools that do not use written contracts; providing for certain exemptions under the private business, trade and correspondence school act; amending Minnesota Statutes 1978, Sections 141.25, Subdivision 9; 141.271, Subdivision 3, and by adding a subdivision; and 141.35.

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

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

Those who voted in the affirmative were:

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



Sieben, H.	Sviggunn	Valento	Welker	Zubay
Sieben, M.	Swanson	Voss	Wenzel	Speaker Searle
Simoneau	Thiede	Waldorf	Wieser	
Stoa	Tomlinson	Weaver	Wigley	
Stowell	Valan	Welch	Wynia	

The bill was passed and its title agreed to.

H. F. No. 546, A bill for an act relating to insurance; prohibiting discrimination in the sale of automobile insurance solely on the basis of a disability; amending Minnesota Statutes 1978, Section 65B.13; repealing Minnesota Statutes 1978, Section 65B.131.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1394, A resolution memorializing the Legislature and Governor of the state of Wisconsin to amend the Wisconsin statute governing tuition reciprocity payments.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Ewald was excused between the hours of 2:25 p.m. and 3:25 p.m.

H. F. No. 772, A bill for an act relating to highways; allowing private landowners to install drainage tiles in highway right-of-way; amending Minnesota Statutes 1978, Section 160.20, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Esau	Jacobs	Ludeman
Adams	Byrne	Evans	Jennings	Luknic
Ainley	Carlson, D.	Fjoslien	Johnson, C.	Mann
Albrecht	Carlson, L.	Forsythe	Johnson, D.	McCarron
Anderson, B.	Clark	Friedrich	Jude	McDonald
Anderson, D.	Crandall	Fritz	Kaley	McEachern
Anderson, G.	Dean	Fudro	Kalis	Mehrkens
Anderson, R.	Dempsey	Halberg	Kelly	Metzen
Battaglia	Den Ouden	Haukoos	Knickerbocker	Moe
Begich	Drew	Heap	Kroening	Murphy
Berkelman	Eken	Heinitz	Kvam	Nelsen, B.
Biersdorf	Elioff	Hoberg	Laidig	Nelsen, M.
Blatz	Erickson	Hokanson	Levi	Nelson

Niehaus	Pavlak	Rose	Swanson	Welker
Norman	Pehler	Sarna	Thiede	Wenzel
Norton	Piepho	Schreiber	Valan	Wieser
Olsen	Prahl	Searles	Valento	Wigley
Onnen	Redalen	Sieben, H.	Voss	Zubay
Osthoff	Rees	Sieben, M.	Waldorf	Speaker Searle
Otis	Reif	Simoneau	Weaver	
Patton	Rice	Sviggum	Welch	

Those who voted in the negative were:

Anderson, I.	Enebo	Kostohryz	Nysether	Stowell
Berglin	Faricy	Lehto	Peterson	Tomlinson
Casserly	Greenfield	Long	Reding	Vanasek
Clawson	Jaros	Minne	Rothenberg	Wynia
Corbid	Kahn	Munger	Sherwood	
Ellingson	Kempe	Novak	Stoa	

The bill was passed and its title agreed to.

H. F. No. 852, A bill for an act relating to schools; requiring school boards to allow official representatives of military forces reasonable access to certain school facilities for recruitment presentations; amending Minnesota Statutes 1978, Section 123.36, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Nelsen, M.	Sieben, M.
Adams	Eken	Jude	Niehaus	Simoneau
Ainley	Elioff	Kaley	Norman	Stoa
Albrecht	Enebo	Kalis	Olsen	Stowell
Anderson, B.	Erickson	Knickerbocker	Onnen	Sviggum
Anderson, D.	Esau	Kostohryz	Otis	Swanson
Anderson, G.	Evans	Kroening	Patton	Thiede
Anderson, I.	Fjoslien	Kvam	Pavlak	Tomlinson
Battaglia	Forsythe	Laidig	Pehler	Valan
Begich	Friedrich	Lehto	Peterson	Valento
Berkelman	Fritz	Levi	Piepho	Voss
Biersdorf	Fudro	Long	Prahl	Weaver
Blatz	Halberg	Ludeman	Redalen	Wenzel
Brinkman	Haukoos	Luknic	Reding	Wieser
Carlson, D.	Heap	Mann	Rees	Wigley
Carlson, L.	Heinitz	McCarron	Reif	Zubay
Clawson	Hoberg	McEachern	Rothenberg	Speaker Searle
Crandall	Hokanson	Mehrken	Sarna	
Dean	Jacobs	Metzen	Schreiber	
Dempsey	Jennings	Minne	Searles	
Den Ouden	Johnson, C.	Nelsen, B.	Sieben, H.	

Those who voted in the negative were:

Anderson, R.	Byrne	Clark	Ellingson	Greenfield
Berglin	Casserly	Corbid	Faricy	Jaros

Kahn	Munger	Nysether	Sherwood	Wynia
Kelly	Murphy	Osthoff	Vanasek	
Kempe	Nelson	Pleasant	Waldorf	
McDonald	Norton	Rice	Welch	
Moe	Novak	Rose	Welker	

The bill was passed and its title agreed to.

H. F. No. 1126, A bill for an act relating to state parks; authorizing the acquisition of certain lands for Afton State Park by eminent domain.

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

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Adams	Ellingson	Kempe	Olsen	Sieben, M.
Anderson, B.	Enebo	Knickerbocker	Onnen	Simoneau
Anderson, D.	Faricy	Kostohryz	Osthoff	Stoa
Anderson, I.	Fjoslien	Kroening	Otis	Stowell
Battaglia	Forsythe	Kvam	Patton	Swanson
Begich	Fritz	Laidig	Pavlak	Tomlinson
Berglin	Fudro	Lehto	Pehler	Valan
Berkelman	Greenfield	Levi	Peterson	Valento
Biersdorf	Halberg	Long	Piepho	Vanasek
Blatz	Heap	Luknic	Prahl	Voss
Brinkman	Heinitz	McCarron	Reding	Waldorf
Byrne	Hoberg	McEachern	Rees	Weaver
Carlson, L.	Hokanson	Mehrkens	Reif	Welch
Casserly	Jacobs	Minne	Rice	Wenzel
Clark	Jaros	Munger	Rose	Wieser
Clawson	Johnson, C.	Murphy	Rothenberg	Wigley
Crandall	Jude	Nelson	Sarna	Wynia
Dean	Kahn	Niehaus	Schreiber	Zubay
Dempsey	Kaley	Norman	Searles	Speaker Searle
Drew	Kalis	Norton	Sherwood	
Eken	Kelly	Novak	Sieben, H.	

Those who voted in the negative were:

Aasness	Corbid	Evans	Mann	Nysether
Ainley	Den Ouden	Haukoos	McDonald	Redalen
Albrecht	Eloff	Jennings	Moe	Sviggum
Anderson, R.	Erickson	Johnson, D.	Nelsen, B.	Thiede
Carlson, D.	Esau	Ludeman	Neisen, M.	Welker

The bill was passed and its title agreed to.

H. F. No. 797 was reported to the House.

Clawson moved to amend H. F. No. 797, as follows:

Page 3, line 2, delete "means a" and insert "includes any"

Page 3, line 4, delete "involving any of" and insert "not included within the provisions of clause (c)."

Page 3, delete lines 5 through 18

Page 3, line 19, delete "includes any" and insert "means a"

Page 3, line 21, delete "not included" and insert "constituting a petty misdemeanor as defined in section 609.02, subdivision 4a."

Page 3, delete line 22

The motion prevailed and the amendment was adopted.

H. F. No. 797, A bill for an act relating to juveniles; juvenile traffic offenders; requiring prosecution of juveniles who commit minor traffic offenses under laws controlling adult offenders; amending Minnesota Statutes 1978, Sections 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivision 3; and 260.193.

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

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

Those who voted in the affirmative were:

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

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

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Faricy              Fritz

The bill was passed and its title agreed to.

H. F. No. 450 was reported to the House.

#### POINT OF ORDER

Voss raised a point of order pursuant to rule 5.7 that H. F. No. 450 be re-referred to the Committee on Appropriations. The Speaker ruled the point of order not well taken.

## POINT OF ORDER

Eken raised a point of order pursuant to rule 5.8 that H. F. No. 450 be re-referred to the Committee on Governmental Operations. The Speaker ruled the point of order well taken and that H. F. No. 450 be re-referred to the Committee on Governmental Operations.

Biersdorf and Sarna were excused at 3:50 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. No. 458 which it recommended be placed at the bottom of General Orders.

H. F. No. 944 which it recommended to pass with the following amendments:

Offered by Heinitz:

Page 22, line 25, after "of" insert "*the*" and after "state" strike "employees"

Offered by Heinitz:

Page 14, line 13, delete "*Eligible lists*" and insert "*Where the vacancy to be filled is in a position covered by a collective bargaining agreement, the appointment list*"

Offered by Anderson, G.:

Page 22, after line 31, insert:

"Sec. 26. Minnesota Statutes 1978, Section 223.02, is amended to read:

223.02 [LICENSE; BOND.] No person shall sell, or receive, or solicit shipments of such commodities for sale, without first obtaining a license from the department of (PUBLIC SERVICE) *agriculture* to carry on the business of a commission

merchant, and filing with the department a corporate surety bond to the state for the benefit of such consignors, approved by the department, and conditioned for the faithful discharge of his duties as such commission merchant and full compliance with all the laws of the state and rules of the department relative thereto. If the license authorizes the sale of grain the bond shall not be for a less sum than \$25,000 for each separate municipality in which the commission merchant maintains an office for the conduct of such business. If the license only authorizes the sale of hay and straw the bond shall be not less than \$8,000. In either case the department may at any time require such an additional amount of bond as it may deem necessary to protect the consignors.

Sec. 27. Minnesota Statutes 1978, Section 229.01, Subdivision 2, is amended to read:

Subd. 2. [PUBLIC HAY TRACKS.] The department of (PUBLIC SERVICE) *agriculture* shall designate at convenient places on the several lines of railway entering terminal points in this state, tracks to be known as public hay tracks. The different railway companies either separately or jointly are hereby required to provide suitable tracks to meet the requirements of this chapter. Such public hay tracks may be established on each individual line of railway, or they may be so established as to serve for two or more railways.

Sec. 28. Minnesota Statutes 1978, Section 229.07, is amended to read:

229.07 [WEIGHERS AND INSPECTORS; APPEALS; RE-INSPECTION AND FINAL REVIEW.] The department of (PUBLIC SERVICE) *agriculture* shall appoint a suitable number of persons to perform such weighing and inspecting of hay and straw. Such weighers and inspectors shall be under the immediate supervision of the department. In case of dissatisfaction of any interested person with the official acts of any inspector, reinspection may be had upon application to the department. A final appeal from the decision of the department may be made to the board of final review, to be provided for by the department under the rules it shall establish. The decision of such board of review shall be final, provided the department may provide suitable rules for the cancelation of any certificate of inspection issued upon original inspection, reinspection or upon final review when it appears that owing to the manner in which cars of hay or straw were loaded it was impossible for the inspector to obtain a fair sample.

Sec. 29. Minnesota Statutes 1978, Section 232.01, Subdivision 1, is amended to read:



232.01 [LOCAL GRAIN WAREHOUSES.] Subdivision 1. All elevators, flour, cereal and feed mills, malhous'es or warehouses in which grain belonging to persons other than the warehouseman is received for storage, situate at any location other than Minneapolis, St. Paul or Duluth, shall be known as public local grain warehouses and shall be under the supervision and subject to the inspection of the department of (PUBLIC SERVICE) *agriculture*. Provided, however, that nothing herein contained shall be construed as applying to public terminal warehouses as defined in section 233.01, subdivision 3.

Sec. 30. Minnesota Statutes 1978, Section 233.01, Subdivision 1, is amended to read:

233.01 [DEFINITIONS.] Subdivision 1. [DEPARTMENT.] Wherever the term "department" is used in this chapter it shall be construed to mean the department of (PUBLIC SERVICE) *agriculture* of the state of Minnesota.

Sec. 31. Minnesota Statutes 1978, Section 233.03, is amended to read:

233.03 [DUTIES OF WAREHOUSEMEN.] Every warehouseman shall receive for storage and shipment as far as the capacity of his warehouse will permit, all grain in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. All grain shall be inspected on receipt and stored with other grain of the same grade except as herein otherwise provided. At the time of the receipt of the grain, the warehouseman shall issue and deliver to the owner or consignee a warehouse receipt in the following form:

Warehouse Receipt No. .... Elevator Co.  
....., Minn., 19  
The ..... Elevator  
Company has received in store in its elevator known as  
situated at  
Minnesota, for storage from ..... bushels of  
owner, ..... which has been duly  
inspected by a duly authorized inspector of grain appointed by  
the department of (PUBLIC SERVICE) *agriculture* of Minne-  
sota, or licensed by the Secretary of Agriculture of the United  
States, and has been graded by the inspector as No.  
and is that grade. This grain, or an equal amount of grain of the  
same kind and grade, is deliverable upon the return of this re-  
ceipt properly endorsed by the owner above named and the pay-  
ment of all lawful charges; in case of grain stored separately in  
a special bin, at the request of the owner or consignee, the  
identity of such grain will be preserved while in store and the

grain will be delivered as such separate lot or parcel, in accordance with the law, upon surrender of the receipt. Loss by fire, heating or the elements is at the owner's risk.

Countersigned by

Secretary

The ..... Elevator Company  
conducts this elevator as a public terminal warehouse and receives and stores therein grain of others for hire.

..... bushels ..... grade.

By

STUB RECORD

Initial Car No. Bushels

Receipt No. .... 19 .....

Received in store from

Bushels ..... Lbs. .... Grade .....

Car No. .... Bushels .... Car No. .... Bushels

The receipts shall be consecutively numbered and delivered to the owner immediately upon receipt of each lot or parcel of grain, giving the true and correct grade and weight thereof. The manner of receipt of such grain shall be stated in the receipt, and with the number and distinctive mark of each car, and the name of each barge or other vessel. The failure to issue such receipt as directed or the issuance of any warehouse receipt differing in form or language from that prescribed shall be a misdemeanor; provided that such warehouse receipt at the request of the owner or consignee, may provide for delivery of the grain represented thereby to the depositor, or any other specified person, and may have printed or stamped thereon the words "non-negotiable."

Sec. 32. Minnesota Statutes 1978, Section 234.02, is amended to read:

234.02 [CONSTRUCTION OF TERMS.] As used in this chapter, unless the context clearly evidences a contrary intention, the following terms shall be construed, respectively:

(1) Any local supervisory board of individual producers appointed by the department of (PUBLIC SERVICE) *agriculture* under the provisions of this chapter;

(2) Any person whose duty it shall be under the provisions of this chapter to inspect, measure, and seal any granary, crib, bin, or other receptacle for the storage of grain;

(3) Any certificate or receipt evidencing the storage of grain under the provisions of this chapter and any rules or regulations promulgated thereunder shall be considered to be used herein in the same connection as the words "document of title," as defined in the uniform commercial code, section 336.1-201(15);

(4) Any person or persons (whether individuals, corporations, partners or copartners) who shall have title to and possession of any grain stored under the provisions of this chapter shall be construed to have been used herein in the same connection as the word "warehouseman," as defined in the uniform commercial code, section 336.7-102(1) (h).

Sec. 33. Minnesota Statutes 1978, Section 234.10, is amended to read:

234.10 [SEALS.] Seals employed hereunder shall be furnished by the department and shall contain the following language:

"Sealed by authority State of Minnesota, Department of (PUBLIC SERVICE) *Agriculture*.

Any person tampering with this seal or removing any grain herein shall be subject to a fine and imprisonment as provided by law.

Consecutive No. .... "

Sec. 34. Minnesota Statutes 1978, Section 235.01, is amended to read:

235.01 [SUPERVISION OVER GRAIN.] The department of (PUBLIC SERVICE) *agriculture* shall exercise general supervision over the grain interests of the state and of buying, selling, handling, and storage of grain, and of the management of public warehouses and public grain markets, including chambers of commerce, boards of trade, and grain exchanges; investigate, on complaint or upon its own motion, all cases of fraud and in-

justice in the grain trade, unfair practices, or unfair discrimination in the buying or selling of grain; have the power to compel the discontinuance of such unfair practices or unfair discrimination; and make all proper rules and regulations for carrying out and enforcing the provisions of all laws of the state relating to such subjects.

Sec. 35. Minnesota Statutes 1978, Section 236.01, Subdivision 5, is amended to read:

Subd. 5. "Department" means the Minnesota department of (PUBLIC SERVICE) agriculture.

Sec. 36. *The duties, personnel complement of six persons, and appropriation involved in discharging the duties of the department of public service under Minnesota Statutes, Chapters 223, 229, 232, 233, 234, 235, and 236 are transferred to the department of agriculture as of July 1, 1979. Nothing herein shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.*

Renumber the remaining sections

Further, amend the title, as follows:

Page 1, line 31, after ";" insert "transferring certain duties and personnel involved in the sale, storage, and transportation of certain agricultural products from the department of public service to the department of agriculture;"

Page 2, line 1, after "Subdivision 4;" insert "223.02; 229.01, Subdivision 2; 229.07; 232.01, Subdivision 1; 233.01, Subdivision 1; 233.03; 234.02; 234.10; 235.01; 236.01, Subdivision 5;"

H. F. No. 859 which it recommended to pass with the following amendments:

Offered by Heinitz:

Page 2, after line 15, insert:

Sec. 3. Minnesota Statutes 1978, Section 48.185 is amended by adding a subdivision to read:

*"Subd. 4. Any bank or savings bank that operates a bank credit card program providing for a periodic finance charge not to exceed one and one-half percent per month with no additional annual charge shall also have available to the debtor a plan providing for a periodic finance charge not to exceed one percent per month with an additional annual charge of up to \$15 per*

*year. Any bank or savings bank that operates more than one bank credit card program may comply with this subdivision by having available to the debtor under at least one bank credit card program a plan providing for a periodic finance charge not to exceed one percent per month and an additional charge of up to \$15 per year and under at least one other bank credit card program a plan providing for a periodic charge not to exceed one and one-half percent per month with no additional annual charge."*

Renumber subsequent sections accordingly.

Amend the title as follows:

Line 6, after "3" insert "and by adding a subdivision"

Offered by Heinitz:

Strike the first Heinitz amendment

Page 2, line 21, delete "national"

Page 2, line 27, delete "national"

Page 2, line 29, delete "national"

Page 2, line 33, delete "national"

S. F. No. 779 which it recommended to pass with the following amendment offered by Blatz and Johnson, C.:

Strike everything after the enacting clause and inserting in lieu thereof:

"Section 1. Minnesota Statutes 1978, Chapter 221, is amended by adding a section to read:

[221.81] [BUILDING MOVER REGULATIONS.] Subdivision 1. [DEFINITION.] "Building mover" means any person, corporation, or other entity engaged in the business of raising, supporting off the foundation, and moving buildings, excluding mobile homes.

Subd. 2. [LICENSE.] All building movers operating in Minnesota shall be licensed by the commission.

Subd. 3. [LICENSE APPLICATION.] To obtain a license to operate as a building mover an applicant shall file a petition with the commission specifying the name and address of its officers and other information as the commission may reasonably require. The commission shall issue the license upon compliance

by the applicant with bonding and insuring requirements set by rule of the department and payment of a fee. A license once granted shall continue in full force and effect, subject to annual renewal fees and compliance with bonding and insuring requirements, unless revoked or suspended.

Subd. 4. [LICENSE REVOCATION, SUSPENSION, DENIAL.] The commission, after notice and a hearing, may revoke, suspend or deny a license for:

- (a) failure to pay application or renewal fees;
- (b) failure to comply with bonding and insuring requirements;
- (c) conduct of the applicant or license holder which impairs useage of public highways, roads, streets, or utilities;
- (d) conduct of the applicant or license holders which endangers the health and safety of users of the public highways, roads, streets or utilities; or
- (e) a course of conduct of the applicant or license holder which demonstrates unsafe or hazardous operation of the business.

Subd. 5. [RULES.] The department shall promulgate rules establishing bonding and insuring requirements.

Subd. 6. [LOCAL REGULATION.] No license to move buildings, bond or insurance coverage shall be required by a political subdivision of the state other than the license, bond and insurance coverage issued or required by the commission or department. A political subdivision or the department may require a permit which reasonably regulates the routing, movement, parking or speed limit for a building mover operating on streets or roads within the jurisdiction of the political subdivision or highways within the jurisdiction of the department. Neither the state nor a political subdivision may regulate rates charged by building movers."

Further amend the title:

Line 3, delete "providing for penalties;"

Offered by McCarron:

As previously amended, in subdivision 6, after "regulates the" and before "routing" insert "hours,"

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:

The question was taken on the motion to recommend passage of H. F. No. 859, as amended, and the roll was called. There were 73 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Adams	Ellingson	Kalis	Otis	Swanson
Ainley	Erickson	Knickerbocker	Patton	Thiede
Albrecht	Esau	Kvam	Paylak	Tomlinson
Anderson, B.	Evans	Levi	Peterson	Valan
Anderson, G.	Ewald	Ludeman	Piepho	Valento
Anderson, R.	Fjoslien	Luknic	Pleasant	Vanasek
Berkelman	Forsythe	Mann	Redalen	Welch
Biersdorf	Friedrich	Mehrkens	Reif	Welker
Blatz	Haukoos	Metzen	Rothenberg	Wenzel
Brinkman	Heap	Nelsen, B.	Schreiber	Wieser
Casserly	Heinitz	Niehaus	Searles	Wigley
Corbid	Hoberg	Norman	Sherwood	Zubay
Crandall	Jennings	Norton	Stoa	Speaker Searle
Dean	Johnson, D.	Olsen	Stowell	
Den Ouden	Kaley	Onnen	Sviggum	

Those who voted in the negative were:

Anderson, I.	Elioff	Kahn	Moe	Rice
Battaglia	Enebo	Kelly	Murphy	Rose
Begich	Faricy	Kempe	Nelsen, M.	Sarna
Berglin	Fritz	Kostohryz	Nelson	Sieben, H.
Byrne	Fudro	Kroening	Novak	Sieben, M.
Carlson, D.	Greenfield	Laidig	Nysether	Simoneau
Carlson, L.	Halberg	Lehto	Osthoff	Voss
Clark	Hokanson	McCarron	Pehler	Waldorf
Clawson	Jacobs	McDonald	Prahl	Weaver
Drew	Johnson, C.	McEachern	Reding	Wynia
Eken	Jude	Minne	Rees	

The motion prevailed.

### MOTIONS AND RESOLUTIONS

McCarron moved that the name of Osthoff be added as an author on H. F. No. 948. The motion prevailed.

Ewald moved that his name be stricken as an author on H. F. No. 724. The motion prevailed.

## ADJOURNMENT

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, May 2, 1979.

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