

## STATE OF MINNESOTA

## SEVENTY-FIRST SESSION - 1979

## FIFTY-FOURTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 15, 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.	Sherwood
Adams	Eken	Kahn	Nelson	Sieben, H.
Ainley	Elioff	Kaley	Niehaus	Sieben, M.
Albrecht	Ellingson	Kalis	Norman	Simoneau
Anderson, B.	Enebo	Kelly	Norton	Stadum
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	Osthoff	Thiede
Begich	Fjoslien	Laidig	Otis	Tomlinson
Berglin	Forsythe	Lehto	Patton	Valan
Berkelman	Friedrich	Levi	Pehler	Valento
Biersdorf	Fritz	Long	Peterson	Vanasek
Blatz	Fudro	Ludeman	Piepho	Voss
Brinkman	Greenfield	Luknic	Pleasant	Waldorf
Byrne	Halberg	Mann	<b>Prahl</b>	Weaver
Carlson, D.	Haukoos	McCarron	Redalen	Welch
Carlson, L.	Heap	McDonald	Reding	Welker
Casserly	Heinitz	McEachern	Rees	Wenzel
Clark	Hoberg	Mehrkens	Reif	Wieser
Clawson	Hokanson	Metzen	Rice	Wigley
Corbid	Jacobs	Minne	Rose	Wynia
Crandall	Jaros	Moe	Rothenberg	Zubay
Dean	Jennings	Munger	Sarna	Speaker Searle
Dempsey	Johnson, C.	Murphy	Schreiber	
Den Ouden	Johnson, D.	Nelsen, B.	Searles	

A quorum was present.

Pavlak was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Levi 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. 928, 1467, 703, 1241, 1584 and 1550 and S. F. Nos. 1218, 1199, 808, 74, 1166 and 332 have been placed in the members' files.

S. F. No. 1199 and H. F. No. 1221, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Moe moved that the rules be so far suspended that S. F. No. 1199 be substituted for H. F. No. 1221 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

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

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

Reported the same back with the following amendments:

Page 3, line 14, delete "*executive*" and insert "*central*"

Page 3, line 22, delete "*These members*"

Page 3, delete line 23

Page 6, delete lines 3 and 4

Page 7, line 24, delete "60" and insert "75"

Page 7, line 26, delete "60" and insert "75"

Page 11, line 12, delete "60" and insert "75"

Page 15, line 20, after "*business*" insert "*in the same manner and amount as the commissioner of personnel authorizes for state employees*"

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 866, A bill for an act relating to peace officers; regulating part-time and reserve officers; providing an appropriation; amending Minnesota Statutes 1978, Section 626.84; and Chapter 626, by adding sections.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 626.84, is amended to read:

626.84 [DEFINITIONS.] For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them:

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

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

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

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

(f) "*Part-time officer*" means an individual whose services are utilized by law enforcement agencies no more than an average of 14 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency.

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency.

Sec. 2. Minnesota Statutes 1978, Section 626.841, is amended to read:

626.841 [BOARD MEMBERS.] The board of peace officer standards and training shall be composed of the following 11 members:

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

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

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

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

(e) Two members to be appointed by the governor from among the general public.

A chairman shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 3. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8461] [PART-TIME OFFICERS; POLICY.] The legislature finds and declares that it is necessary to establish minimum training requirements for part-time officers in certain specified areas to maximize protection of the rights and safety of the public and to minimize liability on the part of Minnesota counties and municipalities. The legislature further finds that part-time officers are most effectively utilized as a supplement

to regular, fully trained and licensed, peace officers and does not encourage the use of part-time officers when needs for service would otherwise justify the use of full-time officers.

Sec. 4. [CURRENT PART-TIME OFFICERS.] Subdivision 1. [ELIGIBILITY.] No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before the effective date of this act if that individual has within six months of the effective date of this act failed to provide proof to the board that he has met board selection requirements in effect on January 1, 1979 relating to minimum medical qualifications, past criminal record, and psychological screening; provided that the board shall grant a reasonable extension of time to satisfy the requirements of this subdivision to any law enforcement agency that shows satisfaction of selection standards within six months would impose financial hardship.

Subd. 2. [FIRST AID, FIREARMS.] No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before the effective date of this act if, within 12 months of the effective date of this act, that individual has failed to provide proof to the board that he has successfully completed a board certified course, or a professionally recognized program, in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force.

Subd. 3. [PART-TIME LICENSE.] No law enforcement agency shall continue to utilize the services of any individual appointed or employed as a part-time officer on or before the effective date of this act, if, within 24 months of the effective date of this act, that individual has not successfully passed a board part-time officer licensing examination.

Sec. 5. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8462.] [COMPETENCY REQUIREMENTS.] Part-time officer licensing examinations shall be designed to insure competency in the following areas reasonably achievable in courses within a total hourly maximum of 54 hours:

- (a) Law of arrest, including probable cause;
- (b) Law of search and seizure;
- (c) Confessions and interrogations, oral and written;
- (d) Law and rules of evidence;

- (e) *Minnesota criminal code;*
- (f) *Juvenile law;*
- (g) *General principles of criminal investigations;*
- (h) *Crime scene search and investigation;*
- (i) *Preservation and collection of crime scene evidence;*
- (j) *Traffic enforcement, including accident investigation.*

*Upon request, the board shall provide to any sheriff or chief of police lesson plans and instructional materials reasonably necessary to conduct classes in the required areas of study. Nothing herein shall be construed to prohibit a requirement for more comprehensive training imposed by a local law enforcement agency.*

Sec. 6. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8463] [PART-TIME OFFICER REPLACEMENTS.]  
*Any individual appointed or employed as a part-time officer to a position which was filled by a part-time officer in the year 1978 owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that:*

(a) *Within 6 months of his appointment he has satisfied the selection standards of the board then in effect;*

(b) *Within 12 months of his appointment he has successfully met the training requirements of section 4, subdivision 2;*

(c) *Within 24 months of his appointment he has successfully passed a board part-time officer licensing examination.*

*A law enforcement agency may designate personnel as part-time officer replacements who shall be subject to the training requirements of this section notwithstanding the fact that the personnel are appointed to positions which were not filled by part-time officers in the year 1978. Provided that the number of personnel so designated shall not exceed a number equal to 10 percent of the positions filled by part-time officers during the year 1978, rounded to the next highest whole number.*

Sec. 7. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8464] [NEW PART-TIME POSITIONS.] *Except as otherwise provided in section 6, any individual appointed or employed as a part-time officer to a position which was not filled by a part-time officer in the year 1978 shall meet the training and licensing requirements of the board then in effect for full-time peace officers.*

Sec. 8. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8465] [SUPERVISION OF PART-TIME OFFICERS.]  
Subdivision 1. *No law enforcement agency shall utilize the services of a part-time officer unless the part-time officer exercises his powers and duties under the supervision of a licensed peace officer designated by the chief law enforcement officer. Supervision may be via radio communications. With the consent of the county sheriff, the designated supervising officer may be a member of the county sheriff's department.*

Subd. 2. [PART-TIME LICENSE, RESTRICTION.] *Any individual licensed by the board as a part-time officer shall be eligible for appointment or employment anywhere in the state as a part-time officer but not as a peace officer unless he meets board training and licensing requirements then in effect for peace officers.*

Subd. 3. [EMERGENCY APPOINTMENT.] *Upon application of a law enforcement agency the board shall exempt from the provisions of this section the number of individuals necessary to secure and maintain the public safety in the case of an emergency arising from a natural disaster, civil disorder, fire, explosion, or similar catastrophic event; provided that no exemption shall be valid for a period exceeding 30 days. In the event the emergency requires an exemption immediately, the director or in case of his absence, the chief law enforcement officer of the municipality or township, or the sheriff of the county in which the emergency has arisen, shall grant an exemption which shall be valid only until the board has met and approved or rejected the application, but in no event shall an exemption granted by the director, the chief law enforcement officer of the municipality or township, or a county sheriff, be valid for a period exceeding seven days.*

Sec. 9. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to read:

[626.8466] [RESERVE OFFICERS.] *Notwithstanding any provision of this chapter or rule of the board to the contrary, no reserve officer shall be subject to mandatory training, licensing, or continuing education requirements except as may be established by the agency utilizing the services of the reserve officer.*

Sec. 10. [APPROPRIATION.] *There is appropriated to the Minnesota board of peace officer standards and training the sum of \$10,000 from the general fund to implement and administer the provisions of this act during the biennium ending June 30, 1981.*

Sec. 11. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Amend the title as follows:

Delete the title in its entirety and insert:

*"A bill for an act relating to peace officers; regulating part-time officers; appropriating money; amending Minnesota Statutes 1978, Sections 626.84 and 626.841; and Chapter 626, by adding sections."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 978, A bill for an act relating to taxation; clarifying the method of computing the agricultural credit; clarifying distribution of tax on transmission lines; changing penalties for late payment of property taxes; changing filing requirements for royalty tax; eliminating certain deductions for inheritance tax; clarifying penalties; providing procedures for payment of tax on special fuel; clarifying refund procedures; providing procedure for refunding excise taxes; providing deed tax meters for certain counties; appropriating money; defining certain powers of the commissioner of revenue; amending Minnesota Statutes 1978, Sections 10A.31, Subdivision 5; 272.70; 273.13, Subdivision 6; 273.42; 279.01; 287.27, by adding a subdivision; 291.07; Subdivisions 1, 2 and 3; 292.111, Subdivision 2; 296.12, by adding a subdivision; 296.18, Subdivision 5; 297.01, Subdivision 14; 297.03, Subdivision 8; 299.05; 299.08; 340.485, Subdivision 1; 340.492; 357.021, Subdivision 1a; 477A.04, Subdivision 2; Chapter 270, by adding sections; Chapter 299, by adding a section; Chapter 340, by adding a section; repealing Minnesota Statutes 1978, Sections 299.03 and 299.06.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

*"Section 1. Minnesota Statutes 1978, Section 10A.25, Subdivision 2, is amended to read:*



Subd. 2. In a year in which an election is held for an office sought by a candidate, no expenditures shall be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf of that candidate which expenditures and approved expenditures result in an aggregate amount in excess of the following:

(a) For governor and lieutenant governor, running together, 12 1/2 cents per capita or \$600,000, whichever is greater;

(b) For attorney general, 2 1/2 cents per capita or \$100,000, whichever is greater;

(c) For secretary of state, state treasurer and state auditor, separately, 1 1/4 cents per capita or \$50,000, whichever is greater;

(d) For state senator, (20) 27 cents per capita or (\$15,000) \$20,000, whichever is greater;

(e) For state representative, (20) 27 cents per capita or (\$7,500) \$10,000, whichever is greater.

Sec. 2. Minnesota Statutes 1978, Section 10A.31, Subdivision 5, is amended to read:

Subd. 5. In each calendar year the moneys in each party account and the general account shall be allocated to candidates as follows:

(a) 21 percent for the offices of governor and lieutenant governor together;

(b) 3.6 percent for the office of attorney general;

(c) 1.8 percent each for the offices of secretary of state, state auditor and state treasurer;

(d) In each calendar year during the period in which state senators serve a four year term, 23 1/3 percent for the office of state senator and 46 2/3 percent for the office of state representative;

(e) In each calendar year during the period in which state senators serve a two year term, 35 percent each for the offices of state senator and state representative;

(f) To assure that moneys will be returned to the counties from which they were collected, and to assure that the distribution of those moneys rationally relates to the support for particular parties or for particular candidates within legislative dis-

tricts, moneys from the party accounts for legislative candidates shall be distributed as follows:

Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election shall receive moneys from his party account set aside for candidates of the state senate or state house of representatives, whichever applies, according to the following formula;

For each county within his district the candidate's share of the dollars allocated in that county to his party account and set aside for that office shall be:

(a) The sum of the votes cast in the last general election in that part of the county in his district for all candidates of his party (i) whose names appeared on the ballot in each voting precinct of the state and (ii) for the state senate and state house of representatives, divided by

(b) The sum of the votes cast in that county in the last general election for all candidates of his party (i) whose names appeared on the ballot in each voting precinct in the state and (ii) for the state senate and state house of representatives, multiplied by

(c) The amount in his party account allocated in that county and set aside for the candidates for the office for which he is a candidate.

The sum of all the county shares calculated in the formula above is the candidate's share of his party account.

In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.

For any party under whose name no candidate's name appeared on the ballot in each voting precinct in the state in the last general election, "last general election" means the last general election in which the name of a candidate of that party appeared on the ballot in each voting precinct in the state.

If in a district there was no candidate of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives was unopposed, the vote for that office for that party shall be the average vote of all the remaining candidates of that party in each county of that district whose votes are included in the sums in clauses (a) and (b). The average vote shall be added to the sums in clauses (a) and (b) before the calculation is made for all districts in the county.

*In those particular circumstances where the formula cannot be applied because of lack of data, the commissioner of revenue may devise an alternate formula to achieve the purpose stated in clause (f) of this subdivision.*

Moneys from any party account not distributed in any election year shall be returned to the general fund of the state. Moneys from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided in this subdivision.

Sec. 3. Minnesota Statutes 1978, Chapter 270, is amended by adding a section to read:

[270.28] [LOCATION FOR FILING REPORTS OR RETURNS.] *Notwithstanding any law to the contrary, the commissioner may provide that any report or return required to be filed with him may be filed at his office in St. Paul or various other locations within this state.*

Sec. 4. Minnesota Statutes 1978, Chapter 270, is amended by adding a section to read:

[270.29] [PENALTY FOR UNHONORED CHECKS.] *In any case where a check presented to the commissioner of revenue or to a county treasurer for payment of taxes, penalty, or interest is not honored by a taxpayer's bank because of nonsufficient funds on deposit in the taxpayer's account, a penalty of \$10 or ten percent of the face value of the check, whichever is less, shall be added to the tax, penalty or interest. This penalty shall be in addition to any other penalty which may be imposed by any other statute. The commissioner or the county board may abate this penalty if it can be shown that enforcement of the penalty would be unjust or inequitable. In the case of any penalty imposed under this section because a check presented to the county treasurer was not honored by a taxpayer's bank, the amount of penalty collected shall be retained by the county and deposited in the general revenue fund of the county.*

Sec. 5. Minnesota Statutes 1978, Section 272.70, is amended to read:

272.70 [AVAILABILITY OF ASSESSOR'S FIELD CARDS.] Upon request of the owner of a homestead, the assessor shall furnish the owner with a copy of the field card relating to the most recent appraisal of the property. The assessor may charge the owner a fee to meet the cost of furnishing the copy of the field card.

*The term "field card" means that card on which the assessor records his observations and opinions with respect to the piece of property which was assessed. Except as provided by*

*this section, the assessors' field cards shall be classified as private data as defined in section 15.162; provided, however, that the assessor shall allow a property owner to review a reasonable number of field cards on comparable properties with the same classification and provided further that the assessor shall make field cards available to government officials in the conduct of their official duties. "Government officials" includes, but is not limited to, the commissioner of revenue, the county board, the local board of review, and zoning officers.*

Sec. 6. Minnesota Statutes 1978, Section 273.13, Subdivision 6, is amended to read:

Subd. 6. [CLASS 3B.] Agricultural land, except as provided by class 1 hereof, and which is used for the purposes of a homestead shall constitute class 3b and shall be valued and assessed at 18 percent of the market value thereof in 1977, for taxes payable in 1978, and at 16 percent thereafter. The property tax to be paid on class 3b property as otherwise determined by law not exceeding 120 acres less any reduction received pursuant to (SECTION) sections 273.132 and 273.135, regardless of whether or not the market value is in excess of the homestead base value, shall be reduced by 45 percent of the tax; provided that the amount of said reduction shall not exceed \$325. Valuation subject to relief in 1977 for taxes payable in 1978 shall be limited to 120 acres of land, most contiguous surrounding, or bordering the house occupied by the owner as his dwelling place, and, such other structures as may be included thereon utilized by the owner in an agricultural pursuit. For taxes levied in 1978 payable 1979 and subsequent years, valuation subject to relief shall be limited to 160 acres of land, most contiguous surrounding, or bordering the house occupied by the owner as his dwelling place, and such other structures as may be included thereon utilized by the owner in an agricultural pursuit. If the market value is in excess of the homestead base value, the amount in excess of that sum shall be valued and assessed at 31 percent of its market value in 1977, for taxes payable in 1978, and at 30 percent thereafter. The first \$12,000 market value of each tract of real estate which is rural in character and devoted or adaptable to rural but not necessarily agricultural use, used for the purpose of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law.

Agricultural land as used herein, and in section 273.132, shall mean contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land and land included in federal farm programs.

Real estate of less than ten acres used principally for raising poultry, livestock, fruit, vegetables or other agricultural prod-

ucts, shall be considered as agricultural land, if it is not used primarily for residential purposes.

Sec. 7. Minnesota Statutes 1978, Section 273.42, is amended to read:

273.42 [RATE OF TAX; ENTRY AND CERTIFICATION; CREDIT ON PAYMENT.] The property set forth in section 273.37, subdivision 2, consisting of transmission lines, and distribution lines not taxed as provided in sections 273.38, 273.40 and 273.41 shall be taxed at the average rate of taxes levied for all purposes throughout the county and shall be entered on the tax lists by the county auditor against the owner thereof and certified to the county treasurer at the same time and in the same manner that other taxes are certified, and, when paid, shall be credited, 35 percent to the general revenue fund of the county, 50 percent to the general school fund of the county, and 15 percent to the townships (WITHIN THE COUNTY) in which the lines are located, *except that for taxes levied in 1981 payable in 1982 and in subsequent years, shall be credited, 50 percent to the general revenue fund of the county and 50 percent to the townships in which the lines are located.* The amount available for distribution to the townships shall be divided among the townships in the same proportion that the length of transmission line in each township bears to the total length of transmission line in the townships in the county, except that if a payment to a town exceeds (TEN) 25 percent of the town's levy for the preceding year, the excess amount shall be paid to the county. *For purposes of the distribution of taxes in this section "transmission line" means a line of 100 kilovolts or more.*

Sec. 8. Minnesota Statutes 1978, Section 274.13, Subdivision 1, is amended to read:

274.13 [COUNTY BOARD OF EQUALIZATION.] Subdivision 1. (a) The county commissioners, or a majority of them, with the county auditor, or, if he cannot be present, the deputy county auditor, or, if there be no such deputy, the clerk of the district court, shall form a board for the equalization of the assessment of the property of the county, including the property of all cities whose charters provide for a board of equalization. The board shall meet annually, on (JULY 1) *the date specified in section 274.14*, at the office of the auditor and, each member having taken an oath fairly and impartially to perform his duties as such, shall examine and compare the returns of the assessment of property of the several towns or districts, and equalize the same so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its market value, subject to the following rules:

(1) The board shall raise the valuation of each tract or lot of real property which in its opinion is returned below its market value to such sum as is believed to be the market value there-

of; first, giving notice of intention to do so to the person in whose name it is assessed, if a resident of the county, which notice shall fix a time and place when and where a hearing will be had;

(2) The board shall reduce the valuation of each tract or lot which in its opinion is returned above its market value to such sum as is believed to be the market value thereof;

(3) The board shall raise the valuation of each class of personal property which in its opinion is returned below its market value to such sum as is believed to be the market value thereof; and shall raise the aggregate value of the personal property of individuals, firms, or corporations, when it believes that such aggregate valuation, as returned, is less than the market value of the taxable personal property possessed by such individuals, firms, or corporations, to such sum as it believes to be the market value thereof; first giving notice to such persons of intention to do so, which notice shall fix a time and place when and where a hearing will be had;

(4) The board shall reduce the valuation of each class of personal property enumerated in section 273.49 which is returned above its market value to such sum as it believes to be the market value thereof; and, upon complaint of any party aggrieved, the board shall reduce the aggregate valuation of the personal property of such individual, or of any class of personal property for which he is assessed, which in its opinion has been assessed at too large a sum, to such sum as it believes was the market value of his personal property of such class;

(5) The board shall not reduce the aggregate value of all the property of its county, as submitted to the county board of equalization, with the additions made thereto by the auditor as in this chapter required, by more than one percent of the whole valuation thereof; but the board may raise the aggregate valuation of such real property, and of each class of personal property, of the county, or of any town or district thereof, when it believes the same is below the market value of the property, or class of property, to such aggregate amount as it believes to be the market value thereof;

(6) The board shall change the classification of any property which in its opinion is not properly classified.

(b) If a person, other than a public utility, mining company or the metropolitan airport commission for which the original assessments are determined by the commissioner of revenue, fails to appear in person, by counsel, or by written communication before the county board after being duly notified of the board's intent to raise the assessment of his property, or if a person fails to appeal a decision of the board of review as described in section 274.01 subsequent to his appearance before the local

board, he may not appear before the commissioner of revenue as provided for in section 270.11, subdivisions 5 and 6, to contest the valuation.

Sec. 9. Minnesota Statutes 1978, Section 274.14, is amended to read:

**274.14 [LENGTH OF SESSION; RECORD.]** The county board of equalization or the special board of equalization appointed by it may continue in session and adjourn from time to time commencing on (JULY 1) *the first Monday following the fourth day of July* and ending on or before (JULY 15) *the tenth following working day*, when it shall adjourn and no action taken subsequent to (JULY 15) *that day* shall be valid unless a longer session period is approved by the commissioner of revenue. The commissioner may extend the session period to (JULY 31) *August 10* but no action taken by the county board of review after the extended termination date shall be valid. The county auditor shall keep an accurate record of the proceedings and orders of the board, which record shall be published in the same manner as other proceedings of county commissioners. A copy of such published record shall be transmitted to the commissioner of revenue, with the abstract of assessment required by section 274.16.

Sec. 10. Minnesota Statutes 1978, Section 279.01, is amended to read:

**279.01 [DUE DATE, PENALTIES, INTEREST.]** On June first, of each year, with respect to property actually occupied and used as a homestead by the owner of the property, a penalty of three percent shall accrue and thereafter be charged upon all unpaid taxes on real estate on the current lists in the hands of the county treasurer, and a penalty of seven percent on non-homestead property. Thereafter, for both homestead and non-homestead property, on the first day of each month, up to and including November first following, an additional penalty of one percent for each month shall accrue and be charged on all such unpaid taxes. When the taxes against any tract or lot exceed \$10, one-half thereof may be paid prior to June first; and, if so paid, no penalty shall attach; the remaining one-half shall be paid at any time prior to November first following, without penalty; but, if not so paid, then a penalty of (EIGHT) *four* percent shall accrue thereon for homestead property and a penalty of (TWELVE) *four* percent on non-homestead property. *Thereafter, for homestead property, on the first day of each month, up to and including January 1 following, an additional penalty of two percent for each month shall accrue and be charged on all such unpaid taxes. Thereafter, for non-homestead property, on the first day of each month, up to and including January 1 following, an additional penalty of four percent for each month*

*shall accrue and be charged on all such unpaid taxes. If one-half of such taxes shall not be paid prior to June first, the same may be paid at any time prior to November first, with accrued penalties to the date of payment added, and thereupon no penalty shall attach to the remaining one-half until November first following; provided, also, that the same may be paid in installments as follows: One-fourth prior to April first; one-fourth prior to June first; one-fourth prior to September first; and the remaining one-fourth prior to November first, subject to the aforesaid penalties. Where the taxes delinquent after November first against any tract or parcel exceed \$40, they may be paid in installments of not less than 25 percent thereof, together with all accrued penalties and costs, up to the next tax judgment sale, and after such payment, penalties, interest, and costs shall accrue only on the sum remaining unpaid. Any county treasurer who shall make out and deliver or countersign any receipt for any such taxes without including all of the foregoing penalties therein, shall be liable to the county for the amount of such penalties.*

Sec. 11. Minnesota Statutes 1978, Section 287.27, is amended by adding a subdivision to read:

*Subd. 3. At the request of any county the commissioner shall review the volume of stamps used by that county in the two preceding years. If in his opinion, there is sufficient volume of stamps used in the county, the commissioner may provide for installation of a tax meter machine and reimburse the county for the costs of installation, maintenance and rental charges for the machine. There is hereby appropriated from the state treasury to the commissioner an amount sufficient to make the payments required by this subdivision.*

Sec. 12. Minnesota Statutes 1978, Chapter 291, is amended by adding a section to read:

[291.48] [PUBLICITY OF RETURNS; INFORMATION.]

*It shall be unlawful for the commissioner or any other public official, employee or former employee to divulge or otherwise make known in any manner any particulars set forth or disclosed in any report or return required by chapters 291 or 292 or information acquired while examining or auditing any taxpayer's liability for taxes thereunder, except in connection with a proceeding involving taxes due under chapters 291 or 292 from the taxpayer making such return. The commissioner may furnish a copy of any return or report to any official of the United States or any state having duties to perform in respect to the assessment or collection of any inheritance, estate, or gift tax, if such taxpayer is required by the laws of the United States or of such state to make a return therein. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and the contents thereof. Any*



*person violating the provisions of this section shall be guilty of a gross misdemeanor.*

*The return of a decedent or donor shall, upon written request, be open to inspection by or disclosure to (a) the administrator, executor, or trustee of his estate, and (b) any heir at law, next of kin, or beneficiary under the will, of such decedent, or a donee of property, but only if the commissioner finds that such heir, next of kin, beneficiary, or donee has a material interest which will be affected by information contained therein.*

Sec. 13. Minnesota Statutes 1978, Section 296.12, is amended by adding a subdivision to read:

*Subd. 11. [QUALIFIED BULK PURCHASERS.] Notwithstanding any other provision of law to the contrary, the commissioner of revenue may allow any bulk purchaser who receives special fuel in bulk storage for subsequent delivery into the supply tank of passenger automobiles or other licensed vehicles operated by him to purchase such bulk special fuel on a tax paid basis from any supplier licensed as a distributor under section 296.06. Bulk purchasers qualifying under this provision must become registered in a manner approved by the commissioner but shall be exempt from the license requirements. Accumulating meters are not required for any person registered under this subdivision if the special fuel will not be subsequently delivered into the supply tank of a licensed vehicle with a gross weight of 9,000 pounds or more. The user must provide the distributors who supply him special fuel in bulk with his state assigned registration number. Every licensed distributor who sells or delivers special fuel on a tax paid basis to persons registered under this provision must report on or before the 23rd day of each month such sales made during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner. The report shall contain such information as the commissioner may require.*

Sec. 14. Minnesota Statutes 1978, Section 296.18, Subdivision 5, is amended to read:

*Subd. 5. [AVIATION GASOLINE AND SPECIAL FUEL TAX REFUND CLAIMS, REQUIREMENTS.] Any distributor or other person claiming to be entitled to any refund provided for in subdivision 4 shall receive such refund upon filing with the commissioner a (VERIFIED) claim in such form, containing such information, and accompanied by such invoices or other proof as the commissioner shall require. The claim shall set forth, among other things, the total number of gallons of aviation gasoline or special fuel for aircraft use upon which the claimant has directly or indirectly paid the excise tax provided for in sections 296.02, subdivision 2, or 296.025, subdivision 2, during the calendar year, which has been received, stored, or withdrawn*

from storage by him in this state and not sold or otherwise disposed of to others. If the commissioner be satisfied that the claimant is entitled to the refund, he shall approve the claim and transmit it to the commissioner of finance, and it shall be paid as provided for in section 296.421, subdivision 2. All claims for refunds under this subdivision shall be made on or before April 15 following the end of the calendar year for which the refund is claimed. Claims for aviation gasoline and special fuel tax refund filed within 15 days beyond the due date prescribed by this subdivision shall be honored by the commissioner less a penalty of 25 percent of the amount of the approved claim.

Sec. 15. Minnesota Statutes 1978, Section 297.01, Subdivision 14, is amended to read:

Subd. 14. "Subjobber" means any person who (BUYS) *acquires* stamped cigarettes and sells them to persons other than ultimate consumers, and any licensed distributor who delivers to and sells or distributes stamped cigarettes from a place of business other than that for which he has obtained his distributor's license.

Sec. 16. Minnesota Statutes 1978, Section 297.03, Subdivision 8, is amended to read:

Subd. 8. [RESALE OR TRANSFER OF STAMPS PROHIBITED.] No distributor shall resell or transfer any stamps purchased by him from the commissioner. Any distributor who has on hand at the time of discontinuing the business of selling cigarettes any uncanceled stamps may return them to the commissioner and receive a refund of the amount paid for the stamps. Stamps which have become mutilated or unfit for use, or are affixed to cigarettes being returned to the manufacturer, or are affixed to packages which, or the contents of which, have become damaged and unfit for sale, shall be replaced by the commissioner, upon application by the distributor owning the stamps or cigarettes if an investigation discloses that the stamps have not evidenced a taxable transaction, after compliance with rules, regulations, or orders of the commissioner designed to prevent use of the stamps replaced. *In lieu of replacing the stamps, the commissioner, at his discretion, may refund the amount paid for the stamps.*

Sec. 17. Minnesota Statutes 1978, Section 299.05, is amended to read:

299.05 [ASSESSMENT BY COMMISSIONER.] Upon the receipt by the commissioner of revenue of the report provided for in section (299.03) 299.04, he shall determine, from such information as he may possess, or obtain, whether the same is correct, or otherwise; and, if found correct, he shall determine therefrom the amount of tax due from (SUCH) *each* person,

enter the amount thereof in his records, make his assessment of taxes due thereon from (SUCH) *each* person, and the amount that has been paid thereon; and, on or before June 30, of each year, demand payment from (SUCH) *each* person. The commissioner of revenue shall have power, in case he shall deem the report incorrect, or in case the report is not made and filed with the commissioner as provided in section (299.03) 299.04, to make his findings as to the amount of such taxes due after hearing upon notice to the person interested, and his findings shall have the same effect as the determination of the amount of such taxes upon a report made as hereinbefore provided.

A person subletting land for the use of which he received royalty shall be required to pay taxes only on the difference between the amount of royalty paid by him and the amount received.

Sec. 18. Minnesota Statutes 1978, Section 299.08, is amended to read:

**299.08 [LIEN; PAYMENT OF TAX.]** The situs of royalty, for all purposes of this chapter, shall be in this state; and the tax herein provided for shall be a specific lien from the time the royalty accrues upon all and singular the right, title, and interest of the person to whom such royalty is payable, in and to the land, for permission to explore, mine, take out, and remove ore on which the royalty is paid, and shall be a specific lien upon such royalties as they accrue. Every person paying royalty to another which is subject to tax hereunder, upon which the royalty tax has not been paid, shall withhold the amount of the tax upon such royalty and remit the same to the commissioner of revenue at the time the royalty is paid. Such payment shall operate to discharge to that extent the liability of the person paying such royalty to the royalty recipient. In addition thereto, he shall withhold any additional amounts certified pursuant to section 299.012, subdivision 3. At the time of such payment he shall file with the commissioner of revenue a report thereof on forms to be prescribed by the commissioner of revenue. If any person paying royalty to another shall fail to withhold the tax thereon (OR THE PENALTY IMPOSED BY SECTION 299.06, AFTER NOTICE THEREOF AS THEREIN PROVIDED,) and pay the same to the commissioner of revenue, he shall be liable for the amount of such tax (AND PENALTY,) with interest at the rate of 12 percent per annum from the time the same should have been paid, to be recovered in an action by the attorney general for and on behalf of the state. The commissioner of revenue, may, upon petition of any royalty payor or recipient, upon such conditions as he may impose, permit the paying of the tax in one annual payment instead of as such royalty accrues, in which case such annual payment shall be made at such times as the commissioner of revenue directs, not later than June 30 of the year following the accrual of the royalty. No such extension of time

shall be granted unless, as one of the conditions thereof, the royalty payor shall guarantee the payment of the tax.

In the event the royalty is paid in ore instead of in cash the tax provided for herein shall be a specific lien upon the ore apportioned to the royalty recipient; or, if such ore be not apportioned, upon the royalty recipient's interest in the ore mined, and such ore shall not be shipped from this state unless:

(1) The royalty tax be paid; or

(2) A bond be given to secure such payment, upon a form and with sureties approved by the commissioner of revenue, in an amount 25 percent in excess of his estimate of the tax; or

(3) The estimated amount of the tax, such estimate to be made by the commissioner of revenue, be deposited with the state treasurer as security for such payment; or

(4) The payment of the tax be guaranteed or secured in some other manner satisfactory to the commissioner of revenue.

Sec. 19. Minnesota Statutes 1978, Chapter 299, is amended by adding a section to read:

[299.085] [AUDIT AND ADJUSTMENT.] *If the amount of tax determined by the commissioner is subsequently found to be erroneous, the commissioner may, at any time within three years from the date the tax is certified as provided in section 299.05, redetermine the amount thereof. No such redetermination shall be made increasing the tax unless the person from whom the additional amount is due is given ten days written notice thereof and an opportunity to be heard thereon. If an order is made increasing the tax, the same proceedings shall be had as provided for royalty taxes originally determined and certified. Any person who has paid a royalty tax may apply to the commissioner within the time herein limited for a redetermination of the tax, and if the commissioner determines that the tax has been overpaid, he shall make and file an order determining the amount of such overpayment and credit it against royalty taxes otherwise payable by the person who has overpaid the amount as so determined or the commissioner may, at his discretion, refund the amount of such overpayment to the person who has overpaid the amount. If the tax is increased, interest at the rate specified in section 270.75 from the date payment should have been made shall be determined and paid; if the tax is reduced, interest at the rate of six percent per annum from the date of overpayment shall be allowed. There is hereby appropriated from the state treasury to the commissioner an amount sufficient to make the payments required by this section.*

Sec. 20. Minnesota Statutes 1978, Section 340.485, Subdivision 1, is amended to read:

340.485 [TAXES ON WINES AND SPIRITUOUS LIQUORS.] Subdivision 1. [MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.] The tax on wines and spirituous liquors, on which the excise tax has not been previously paid, shall be paid to the commissioner of revenue by persons having on file with the commissioner of revenue a sufficient bond as provided in subdivision 2 on or before the tenth day of the month following the month in which the first sale is made in this state by a licensed manufacturer or wholesaler. Every such person liable for any tax on wines or spirituous liquors imposed by section 340.47 shall file with the commissioner of revenue on or before the tenth day of the month following first sale in this state by a licensed manufacturer or wholesaler a return in such form and showing such information as the commissioner of revenue shall by rule prescribe, and shall keep records and render reports as the commissioner of revenue shall by rule prescribe. If the excise tax is not paid when due, there shall be added to the tax an amount equivalent to five percent per month from the date the tax became due until paid up to a maximum of 25 percent. *The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid until paid.* If any person files a false or fraudulent return, there shall be added to the tax a sum equivalent to 100 percent of the amount of the tax evaded or attempted to be evaded. Any person liable for any tax on wines or spirituous liquors not having on file a sufficient bond shall pay the tax within 24 hours after first sale in this state. The commissioner of revenue shall pay all moneys received in the general fund. The commissioner of revenue may certify to the commissioner of public safety any failure to pay taxes when due as a violation of a statute relating to the sale of intoxicating liquor for possible revocation or suspension of license under section 340.135.

Sec. 21. Minnesota Statutes 1978, Section 340.492, is amended to read:

340.492 [MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.] The commissioner of revenue shall issue rules adopting the reporting method for paying and collecting the excise tax on fermented malt beverages. The rules shall require reports to be filed with and the excise tax to be paid to the commissioner on or before the fifteenth day of the month following the month in which the importation into or the first sale is made in this state, whichever first occurs. If the excise tax is not paid when due, there shall be added to the amount of the tax as penalty a sum equivalent to (TEN) five percent (THEREOF) *per month from the date the tax became due until paid up to a maximum of 25 percent,*

and in addition thereto interest on the tax and penalty at the rate (OF ONE PERCENT A MONTH OR MAJOR PORTION THEREOF) *specified in section 270.75* from the date the tax became due until paid. The commissioner shall deposit all moneys received in the funds as provided by section 340.47, subdivision 2.

Sec. 22. Minnesota Statutes 1978, Section 477A.04, Subdivision 2, is amended to read:

Subd. 2. Beginning in calendar year (1980) 1982 and subsequent years, an assessment district shall be penalized according to the following schedule:

(a) \$1 per capita if the coefficient of dispersion in assessments for the preceding year is more than 10 percent but less than 12.5 percent;

(b) \$3 per capita if the coefficient of dispersion in assessments for the preceding year is at least 12.5 percent but no more than 15 percent.

(c) \$5 per capita if the coefficient of dispersion in assessments for the preceding year is greater than 15 percent.

Sec. 23. [REPEALER.] *Minnesota Statutes 1978, Sections 299.03 and 299.06 are repealed.*

Sec. 24. [EFFECTIVE DATE.] *Sections 6 and 7 are effective for taxes levied in 1979 and subsequent years. Section 12 is effective the day following final enactment. Section 13 is effective July 1, 1980. The rest of this act is effective July 1, 1979.*

Further, delete the title and insert:

"A bill for an act relating to taxation; clarifying the method of computing the homestead credit; clarifying distribution of tax on transmission lines; changing penalties for late payment of property taxes; changing filing requirements for royalty tax; clarifying penalties; providing procedures for payment of tax on special fuel; clarifying refund procedures, providing procedure for refunding excise taxes; providing deed tax meters for certain counties; appropriating money; defining certain powers of the commissioner of revenue; delaying the assessment dispersion penalty; amending Minnesota Statutes 1978, Sections 10A.25, Subdivision 2; 10A.31, Subdivision 5; 272.70; 273.13, Subdivision 6; 273.42; 274.13, Subdivision 1; 274.14; 279.01; 287.27, by adding a subdivision; 296.12, by adding a subdivision; 296.18, Subdivision 5; 297.01, Subdivision 14; 297.03, Subdivision 8; 299.05; 299.08; 340.485, Subdivision 1; 340.492; 477A.04, Subdivision 2; Chapter 270, by adding sections; Chapter

291, by adding a section; Chapter 299, by adding a section; repealing Minnesota Statutes 1978, Sections 299.03 and 299.06."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firefighter's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, upon receipt of the state aid and tax attributed to insurance premiums reported on the Minnesota Aid to Police Premium Report, shall disburse the state aid in the following manner.

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

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all police officers are members of the fund, the total state aid

shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall (ALSO BE CONTRIBUTED TO THE PUBLIC EMPLOYEES POLICE AND FIRE FUND AND CREDITED IN THE MANNER TO BE SPECIFIED BY THE BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION) *be retained in the municipal treasury for expenditure for such law enforcement purposes as the governing body shall determine; or*

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

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall (ALSO BE CONTRIBUTED TO THE PUBLIC EMPLOYEES POLICE AND FIRE FUND AND CREDITED IN THE MANNER TO BE SPECIFIED BY THE BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION) *be retained in the municipal treasury for expenditure for such law enforcement purposes as the governing body shall determine.*

Sec. 2. Minnesota Statutes 1978, Section 69.77, Subdivision 2, is amended to read:

Subd. 2. Subdivision 1 does not apply to an association enumerated in subdivision 1a under the following circumstances:

(1) Each member of the association pays into the retirement funds of the association during his term of covered employment from and after January 1, (1970) 1981, a contribution for retirement and survivorship benefits of not less than (SIX) *eight* percent of the maximum rate of salary from which retirement



and survivorship credits and amounts of benefits are determined, and that such contributions of a member are deducted from his salary by his governmental employer, transmitted to the association, and deposited to the credit of the proper fund thereof, provided that to avoid undue increase in the amount of employee contributions in any one year, any increase in the amount of contributions required by this section may be spread over several years, but the increase in rate of contribution in each year commencing in (1970) 1981 shall not be less than one percent until the appropriate levels of required employee contributions have been reached. This paragraph shall not apply to members who are volunteer firefighters, provided that the local governing body shall have given their approval to the exemption following consideration of the most recent actuarial survey.

(2) The officers of the association determine on or before the date established by the municipality, which shall not be later than September 1 and shall not be earlier than August 1, of each year the financial requirements and minimum obligation of the association for the following calendar year in accordance with the following requirements:

The financial requirements shall be based on the most recent actuarial survey prepared in accordance with sections 356.215, subdivision 4 and 356.216.

The normal level cost expressed as a percent of covered payroll determined from the actuarial survey shall be applied to the estimated covered payroll of the membership for the following year to determine the dollar amount of normal cost for said following year.

To the dollar amount of normal cost thus determined shall be added the amount of one year's interest at five percent on the amount of the (deficit) unfunded liability found by the actuarial survey of the fund.

The total of these two amounts represents the financial requirements of the association for the following year.

Except as otherwise provided in this paragraph, the minimum obligation of the governmental subdivision shall be the financial requirements of the association less member contributions herein provided from covered salary and less one year's estimated receipts expected from the state of Minnesota through state collected insurance premium taxes or other state aids. The minimum obligation may, by vote of the governing body of the governmental subdivision, be reduced to the amount levied in the preceding year for purposes of the association, plus the following percentage of the difference between that levy and the amount of the minimum obligation determined without benefit of this sentence: for the levy made in 1971, 10 percent; in 1972, 20 percent; in 1973, 30 percent; in 1974, 40 percent; in 1975, 50 per-

cent; in 1976, 60 percent; in 1977, 70 percent; in 1978, 80 percent; and in 1979, 90 percent. Commencing with the levy made in 1980, there shall be no reduction in the minimum obligation pursuant to this paragraph.

(3) The foregoing determination of the obligation of a governmental subdivision shall be submitted to its governing body not later than September 1 of each year so that it may ascertain if it has been prepared in accordance with law.

(4) The governmental subdivision shall provide and pay as promptly as funds are available to the association at least the amount of the minimum obligation each year. Any portion of this amount not paid to the association at the end of any calendar year shall be increased at the rate of six percent per annum until so paid. On September 1 of any year the unpaid amount subject to interest shall be added to the obligation of the governmental subdivision.

(5) The governmental subdivision shall provide in its annual budget at least its minimum obligation and may levy taxes for the payment thereof without limitation as to rate or amount and irrespective of limitations imposed by other provisions of law upon the rate or amount of taxation when the balance of any fund of the association has attained a specified level; the levy of such taxes shall not cause the amount of other taxes levied or to be levied by the governmental subdivision, which are subject to any such limitation, to be reduced in any amount whatsoever. If the governmental subdivision does not include the full amount of the minimum obligation in its levy for any year, the officers of the association shall certify that amount to the county auditor, who shall spread a levy in the amount of such obligation.

(6) Moneys paid by the governmental subdivision to the association in excess of the minimum amount so required shall be applied to the reduction in the unfunded liabilities of the association.

(7) The funds of the association shall be invested in securities which are proper investments for funds of the Minnesota state retirement system, except that up to \$10,000 may be invested in the stock of any one corporation in any account of such small size that the three percent stock limitation applicable to the Minnesota state retirement system would necessitate a lesser investment. Securities held by the association before July 1, 1971, which do not meet the requirements of this paragraph may be retained after that date if they were proper investments for the association on April 28, 1969. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board of investment under the provisions of section 11.21, pro-

vided that there be no share account described in section 11.18, subdivision 2, or in the fixed-return account described in section 11.18, subdivision 3a, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental retirement fund may be invested in the growth share account described in section 11.18, subdivision 3.

(8) The association shall procure an actuarial survey showing the condition of its fund pursuant to section 356.216 as of December 31, 1978, and shall procure an actuarial survey every two years thereafter. The association shall also procure a quadrennial experience study pursuant to section 356.216 as of December 31, 1978, and shall procure a quadrennial experience study every four years thereafter. A copy of the actuarial survey and the quadrennial experience study shall be filed with the director of the legislative reference library, the governing body of the municipality in which the association is organized, the executive secretary of the legislative commission on pensions and retirement, and the commissioner of insurance, not later than June 1 of the following year.

Sec. 3. Laws 1955, Chapter 75, Section 10, Subdivision 3, as added by Laws 1969, Chapter 138, Section 1, is amended to read:

Subd. 3. Each member of the association who is a regular, full time (FIREMAN) *firefighter* shall pay into the retirement funds of the association during his term of covered employment, for retirement, disability, and survivor benefits, a contribution of (SIX) *eight* percent of his salary. The contributions shall be deducted from his salary by the city of Moorhead, transmitted to the association, and deposited to the credit of the proper fund thereof. The contributions of a member who is a volunteer (FIREMAN) *firefighter* shall be in an amount prescribed by the bylaws and shall be paid to the treasurer of the association, who shall place the same in a special fund to the credit of the individual (FIREMAN) *firefighter*. No member shall be required to make contributions to the association for any term of service in excess of (30) *35* years.

Sec. 4. Laws 1955, Chapter 75, Section 14, Subdivision 2, as added by Laws 1965, Chapter 190, Section 1, renumbered and amended by Laws 1969, Chapter 138, Section 1, and amended by Laws 1975, Chapter 120, Section 1, is amended to read:

Subd. 2. [MOORHEAD, CITY OF; FIREFIGHTERS' RELIEF FUNDS AND PENSIONS.] The funds of the association shall be invested in securities that are designated by Minnesota Statutes, Section 11.16, as legal investments for funds of the state employees retirement association. The investment of such funds shall be subject to all the restrictions provided in Minnesota Statutes, Section 11.16, except that the percentage of the funds which may be invested in common and preferred stocks in any year is not restricted, and up to (\$20,000) *\$10,000* may

be invested in the stock of any one corporation. The advice of a trust company concerning investments shall be given with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. The trust company shall have the duty to advise the association relative to the sale, conveyance, and exchange of such securities, and investment and reinvestment of funds, when it deems it desirable to do so. The trust company shall sell securities upon request of the association, when the association determines that funds are needed for the (FIREMEN'S) *fire-fighter's* relief association.

Sec. 5. Laws 1955, Chapter 75, Section 16, as amended by Laws 1965, Chapter 190, Section 1, and renumbered and amended by Laws 1969, Chapter 138, Section 1, and Laws 1975, Chapter 120, Section 2, is amended to read:

Sec. 13. The amounts paid to the relief association by the state and city, including deductions from (FIREMEN'S) *fire-fighters'* salaries together with the earnings on the special fund, and set aside as the "association special fund" shall be appropriated and disbursed only for:

(a) the payment of survivors' benefits to widows and orphans of members of the association,

(b) the payment of disability or service pensions to members of the association,

(c) the payment of premiums on the official bonds of officers of the association,

(d) the payment of salaries to the officers of the association but not to exceed (\$500) \$2,000 per year in total of all salaries,

(e) necessary administrative expenses including, but not limited to, actuarial, auditing, trustee's fees, and legal expenses,

(f) the payment of dues to the Minnesota volunteer (FIREMEN'S) *firefighters'* benefit association.

Sec. 6. Laws 1955, Chapter 75, Section 14, Subdivision 1, as added by Laws 1969, Chapter 138, Section 1, and amended by Laws 1975, Chapter 120, Section 3, is amended to read:

Sec. 14. Subdivision 1. [RETIREMENT BENEFIT; FULL TIME FIREFIGHTERS.] The basic retirement benefit for a full time (FIREMAN) *firefighter* shall be 50 percent of the average salary of the (FIREMAN DURING THE LAST TEN

YEARS OF EMPLOYMENT. FOR ALL YEARS OF EMPLOYMENT PRIOR TO THE CALENDAR YEAR 1967, THE AVERAGE SALARY FOR SUCH EMPLOYMENT SHALL BE THE SALARY PAID TO SAID FIREMAN DURING THE CALENDAR YEAR 1967. A FIREMAN WHO HAS BEEN A MEMBER OF THE RELIEF ASSOCIATION FOR NOT LESS THAN 20 YEARS SHALL BE ELIGIBLE TO RETIRE AT THE CONCLUSION OF 20 YEARS OF EMPLOYMENT AS A FULL TIME FIREMAN; OR AT THE CONCLUSION OF A PERIOD OR PERIODS WITH THE FIRE DEPARTMENT AS A REGULAR FULL TIME FIREMAN EQUAL TO TEN YEARS AND A COMBINED RECORD OF ACTIVE SERVICE WITH THE FIRE DEPARTMENT AS A REGULAR FULL TIME FIREMAN AND VOLUNTEER FIREMAN EQUAL TO 20 YEARS, IF HE WAS ON JANUARY 1, 1965, A MEMBER OF THE ASSOCIATION. FOR EVERY YEAR OF SERVICE IN EXCESS OF 20 YEARS, THE RETIREMENT BENEFIT SHALL INCREASE BY ONE HALF OF ONE PERCENT OF THE AVERAGE SALARY FOR THE LAST TEN YEARS OF EMPLOYMENT, SAID TOTAL RETIREMENT BENEFIT NOT TO EXCEED, HOWEVER, 55 PERCENT OF THE AVERAGE SALARY FOR THE LAST TEN YEARS OF EMPLOYMENT) *firefighter based on the average salary of the highest five successive years of service. A firefighter shall be eligible to retire at the conclusion of 20 or more years of service as a full time firefighter; or at the conclusion of a period or periods of service with the fire department as a full time firefighter and a volunteer firefighter totaling 20 or more years, provided at least ten years of such service are as a full time firefighter, if he was a member of the association on January 1, 1965. Retirement shall be based on 2-1/2 percent per year of average salary for 20 years of service and two percent per year thereafter, to a maximum of 35 years. The minimum age at which retirement benefits may be drawn is the age of 55 years, except that a member with 18 years of service on July 1, 1967, may draw retirement benefits at the age of 50 years.*

Sec. 7. Laws 1955, Chapter 75, Section 14, Subdivision 2, as added by Laws 1969, Chapter 138, Section 1, is amended to read:

Subd. 2. [RETIREMENT BENEFIT; VOLUNTEER FIREFIGHTERS.] A member of said association, who has completed a period or periods of service within the fire department as a volunteer (FIREMAN) *firefighter* equal to 20 years or more; or a member of said association who is not eligible for the maximum service pension, but who has served as a volunteer (FIREMAN) *firefighter* and as a regular full time (FIREMAN) *firefighter*, the combined record of service with the fire department as a regular full time (FIREMAN) *firefighter* and as a volunteer (FIREMAN) *firefighter* being equal to 20 years, shall after he has arrived at the age of 60 years and has retired

from the payroll of the fire department, be entitled to receive a service pension of (\$40) \$48 per month.

Sec. 8. Laws 1955, Chapter 75, Section 14, Subdivision 4, as added by Laws 1969, Chapter 138, Section 1, is amended to read:

Subd. 4. [DEFERRED ANNUITY.] A member of the association may elect to withdraw from membership upon termination of his employment as a full time or volunteer (FIREMAN) *firefighter*. In case of withdrawal from membership the association shall refund the member's contributions, *plus interest thereon at the rate of three percent compounded annually*, except that on the request of a withdrawing member with four or more years of membership credit, the association shall, in lieu of a refund, issue to him a deferred pension certificate providing for pension payments to commence at the time he would be entitled to receive a retirement pension if he had continued his membership in the association. *A member first becoming such after July 1, 1979 shall not acquire a vested interest in a deferred pension until completion of ten years of service.*

The amount of the monthly payments under the deferred pension certificate shall be the proportion of the monthly pension to which he would be entitled if he had the necessary minimum age and minimum years of service for retirement at the time of withdrawal, as his actual years of service at the time of withdrawal bear to the minimum years of service required for retirement. The monthly annuity payments shall commence upon the date the withdrawing member would have first been entitled to a retirement annuity had he continued his employment.

In the case of the death before commencement of payments to a holder of a deferred pension certificate, his contributions on which the certificate was based shall be paid to his surviving spouse, if living, otherwise to his designated beneficiary, if any, otherwise to his heirs. *The surviving spouse or a person appointed by the court to act for any minor children may elect to take a retirement annuity based on a regular survivor's benefit on the proportion of the monthly pension to which the person would have been entitled under the deferred pension certificate on the date of death.*

Sec. 9. Laws 1955, Chapter 75, Section 14, Subdivision 5, as added by Laws 1969, Chapter 138, Section 1, is amended to read:

Subd. 5. [DISABILITY BENEFIT.] If a member of the association who is a full time (FIREMAN) *firefighter* becomes totally and permanently disabled from (PERFORMING) *being able to perform* his duties as a (FIREMAN) *firefighter* he shall

be paid a disability benefit for the term of his disability equal to the retirement benefit which he would have received under subdivision 1 if he had retired with 20 years of service on the date he becomes disabled and were on that date at least 55 years of age. If he has not then been employed by the fire department for (TEN) *five* years, the average salary for the years during which he was employed shall be used in computing the benefit to which he is entitled. If a member of the association who is a volunteer (FIREMAN) *firefighter* becomes totally and permanently disabled from performing his duties as a (FIREMAN) *firefighter* he shall be paid a disability benefit for the term of his disability in such amount, not to exceed \$150 per month, as the bylaws of the association may prescribe.

Determination of disability shall be made by a physician designated by the Moorhead city council, at association expense. Should either the council or the member not be satisfied with the decision of the physician engaged by the council, the matter shall be referred to a board of three physicians, one selected by the council, one selected by the member, and the third to be selected by the two physicians so selected. In default of the two physicians so selected to agree upon a third, the third shall be appointed within one month by the chief judge of the judicial district in which the city of Moorhead is located. The decision of the board of physicians shall be final. The costs of the panel of physicians shall be paid by the city. Their determination, however, shall not be construed to prevent the member from bringing action against the association to recover disability benefits.

Disability benefits shall commence 90 days after the date of the disability except that where the member is receiving salary continuation under *injury on duty*, annual or sick leave provisions of his employment with the city of Moorhead, the disability benefits shall commence on the date the *injury on duty*, annual or sick leave terminates, not to commence, however, less than 90 days from the date of disability. Disability payments hereunder shall be reduced by the amount, if any, which a member receives by way of (WORKMEN'S) *workers'* compensation benefits.

Sec. 10. Laws 1955, Chapter 75, Section 14, Subdivision 6, as added by Laws 1969, Chapter 138, Section 1, and as amended by Laws 1975, Chapter 120, Section 4, is amended to read:

Subd. 6. [SURVIVOR BENEFIT.] Upon the death of a member before retirement or upon the death of a member who was disabled and receiving disability benefits at the time of his death or upon the death of a retired member, his surviving dependent spouse and dependent children under the age of 18 shall receive the monthly benefit provided below:

(a) If the member was a full time (FIREMAN) *firefighter* prior to his death, disability, or retirement, the surviving de-

pendent spouse shall receive 30 percent of the member's average monthly salary for the six months prior to his death, disability or retirement, and each dependent child shall receive ten percent of the member's average monthly salary for the six months prior to his death, disability or retirement.

(b) If the member was a volunteer (FIREMAN) *firefighter* prior to his death, disability, or retirement, the surviving dependent spouse shall receive \$40 per month and each dependent child shall receive such amount not less than \$15 per month as the board of trustees of the association may prescribe.

The payment to a surviving dependent spouse shall terminate upon her remarriage. The payment to a surviving dependent child may continue to the age of 22, provided the surviving dependent child is a full time student. The total amount of survivor benefits to all the dependent children and the dependent spouse of any one deceased member shall not exceed the sum of (\$400) *\$450* per month. Payments for the benefit of a dependent child shall be made to the surviving parent, or if there be none, to the legal guardian of the child.

No allowance for disability shall be made unless notice of such disability and application on account thereof shall be made on behalf of the disabled member to the secretary of the association within 30 days after the beginning of such disability.

Sec. 11. Laws 1955, Chapter 75, Section 14, as added by Laws 1969, Chapter 138, Section 1, is amended by adding a subdivision to read:

*Subd. 7. [ESCALATION PROHIBITED.] No benefits payable pursuant to this section shall be altered by reason of change in salary or other benefits paid to active members of the association. Any member who is retired prior to July 1, 1979 upon either a retirement annuity or disability annuity, shall receive a 20 percent increase in said annuity commencing July 1, 1979. Any survivor who was receiving or was entitled to receive benefits on July 1, 1979, shall receive a 20 percent increase in said benefits commencing July 1, 1979.*

Sec. 12. Laws 1955, Chapter 75, Section 19, as amended by Laws 1965, Chapter 190, Section 1, renumbered and amended by Laws 1969, Chapter 138, Section 1, is amended to read:

Sec. 16. If a member, subsequent to his entry into the service of such fire department, has served in the military forces of the United States during any war or emergency or entered the employment of the government of the United States and in such service rendered fire prevention service during any war or emergency and has returned after his honorable discharge from such service and resumed active duty in said fire department, the period of his absence in such service of the United



States shall not be deducted in computing the period of service for the purpose of any benefit under Laws 1955, Chapter 75, as amended, but shall be construed and counted as a part and portion of his active duty in said fire department, provided that credit allowed for such service shall not exceed a total of five years. Any such member, who was a full time regular (FIREMAN) *firefighter* at the time of his entry into government service, who seeks credit for such military service shall, upon his return to employment in the department, pay into the association's special fund for each year of military service, prior to January 1, 1965, three percent of his last full year's salary paid by the city; and for each year of such service subsequent to January 1, 1965, six percent of such salary; *and for each year of service subsequent to July 1, 1979, eight percent of such salary.* If such member be a volunteer member of the fire department at the time of his entry into government service, he shall pay into the association's special fund the sum prescribed in the bylaws.

Sec. 13. Laws 1967, Chapter 775, Section 2, is amended to read:

Sec. 2. [MEMBER'S CONTRIBUTIONS.] Each member of the Association shall pay into the retirement funds of the Association during his term of covered employment, for retirement, disability and survivor benefits, a contribution of (6) *eight percent of his total salary.* The contributions shall be deducted from his salary by the City of Moorhead, transmitted to the Association, and deposited to the credit of the proper fund thereof. For the purposes of this section, covered employment shall be (30) *35 years*, so that no member shall be required to make contributions to the Association for any term of employment in excess of (30) *35 years.*

Sec. 14. Laws 1967, Chapter 775, is amended by adding a section to read:

Sec. 3a. [RETIREMENT ANNUITY UPON SEPARATION FROM PUBLIC SERVICE.] *Upon separation from public service, any member of the association who has attained the age of at least 55 years and who has received credit for not less than ten years of allowable service is entitled upon application to a retirement annuity. The annuity shall be determined by multiplying the average of the highest salary earned as a police officer upon which employee contributions were paid for any five successive years of allowable service by two and one-half percent per year of allowable service for the first 20 years of service and two percent per year of allowable service thereafter, to a maximum of 35 years.*

Sec. 15. Laws 1967, Chapter 775, Section 4, is amended to read:

Sec. 4. [DEFERRED ANNUITY.] A member of the Association may elect to withdraw from membership upon termination of his employment as a (POLICEMAN) *police officer*. In case of withdrawal from membership the Association shall refund the member's contributions *plus interest thereon at the rate of three percent compounded annually*, except that on the request of a withdrawing member with (4) *four* or more years of membership credit *who was employed prior to July 1, 1979, or a member with ten or more years of membership credit who was employed on or after July 1, 1979*, the Association shall, in lieu of a refund, issue to him a deferred pension certificate providing for pension payments to commence at the time he would be entitled to receive a retirement pension if he had continued his membership in the Association.

The amount of the monthly payments under the deferred pension certificate shall be the proportion of the monthly pension to which he would be entitled if he had the necessary minimum age and minimum years of service for retirement at the time of withdrawal, as his actual years of service at the time of withdrawal bear to the minimum years of service required for retirement. The monthly annuity payments shall commence upon the date the withdrawing member would have first been entitled to a retirement annuity had he continued his employment.

In the case of the death before commencement of payments to a holder of a deferred pension certificate, his contributions on which the certificate was based shall be paid to his surviving spouse, if living, otherwise to his designated beneficiary, if any, otherwise to his heirs. *The surviving spouse or a person appointed by the court to act for any minor children may elect to take a retirement annuity based on a regular survivor's benefit on the proportion of the monthly pension to which the person would have been entitled under the deferred pension certificate on the date of death.*

Sec. 16. Laws 1967, Chapter 775, Section 5, is amended to read:

Sec. 5. [DISABILITY BENEFIT.] Should a member of the Association become totally and permanently disabled from performing his duties as a police officer for the City of Moorhead, he shall be paid a disability benefit for the term of his life (IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:)

(0 TO 10 YEARS OF MEMBERSHIP, \$75 PER MONTH)

(10 TO 11-1/2 YEARS OF MEMBERSHIP, 11/20 OF HIS RETIREMENT ANNUITY)

(11-1/2 TO 12-1/2 YEARS OF MEMBERSHIP, 12/20 OF HIS RETIREMENT ANNUITY)

(12-1/2 TO 13-1/2 YEARS OF MEMBERSHIP, 13/20 OF HIS RETIREMENT ANNUITY)

(13-1/2 TO 14-1/2 YEARS OF MEMBERSHIP, 14/20 OF HIS RETIREMENT ANNUITY)

(14-1/2 TO 15-1/2 YEARS OF MEMBERSHIP, 15/20 OF HIS RETIREMENT ANNUITY)

(15-1/2 TO 16-1/2 YEARS OF MEMBERSHIP, 16/20 OF HIS RETIREMENT ANNUITY)

(16-1/2 TO 17-1/2 YEARS OF MEMBERSHIP, 17/20 OF HIS RETIREMENT ANNUITY)

(17-1/2 TO 18-1/2 YEARS OF MEMBERSHIP, 18/20 OF HIS RETIREMENT ANNUITY)

(18-1/2 TO 19-1/2 YEARS OF MEMBERSHIP, 19/20 OF HIS RETIREMENT ANNUITY)

(19-1/2 TO 20 YEARS OR MORE OF MEMBERSHIP, HIS RETIREMENT ANNUITY) *equal to the annuity which he would have received under section 2 of this act if he had retired with 20 years of service on the date he became disabled and was on that date at least 55 years of age. If he has not been employed by the police department of the City of Moorhead for five years, the average salary for the years during which he was employed shall be used in computing the benefit to which he is entitled.*

Determination of disability shall be made by a physician designated by the council, at Association expense. Should either the council or the member not be satisfied with the decision of the physician engaged by the council, the matter shall be referred to a board of three physicians, one selected by the council, one selected by the member, and the third to be selected by the two physicians so selected. In default of the two physicians so selected to agree upon a third, the third shall be appointed within one month by the chief judge of the judicial district in which the City of Moorhead is located. The decision of the board of physicians shall be final. The costs of the panel of physicians shall be paid by the city. Their determination, however, shall not be construed to prevent the member from bringing action against the Association to recover disability benefits.

Disability benefits shall commence 90 days after the date of the disability except that where the member is receiving salary continuation under *injury on duty provisions*, annual or sick leave provisions of (HIS) employment with the City of Moorhead, the disability benefits shall commence on the date the *injury on duty or annual or sick leave terminates*, not to com-

mence, however, less than 90 days from the date of disability. Disability payments hereunder shall be reduced by the amount, if any, which a member receives by way of (WORKMEN'S) *workers' compensation benefits.*

Sec. 17. Laws 1967, Chapter 775, Section 6, is amended to read:

Sec. 6. [SURVIVOR BENEFIT.] Upon the death of a member before retirement or upon the death of a member who was disabled and receiving disability benefits at the time of (HIS) death or upon the death of a retired member, (HIS) *the* surviving dependent spouse and dependent children under the age of 18 shall receive the monthly benefit provided below:

(a) Surviving dependent spouse, (\$75 PER MONTH OR 50 PERCENT OF THE EARNED RETIREMENT AT) *30 percent of the member's average salary during the most recent six months of employment prior to the date of death.*

(b) Each dependent child, (\$20 PER MONTH) *ten percent of the member's average monthly salary during the most recent six months of employment prior to the date of death.*

The payment to a surviving dependent spouse shall terminate upon (HER) remarriage. The payment to a surviving dependent child may continue to the age of 22, provided the surviving dependent child is a full-time student. *Total survivor benefits to the dependent spouse and all the dependent children of any one deceased member shall not exceed the sum of (\$100) \$450 per month. Payments for the benefit of a dependent child shall be made to the surviving parent or, if none, to the legal guardian of the child.*

Sec. 18. Laws 1967, Chapter 775, Section 7, is amended to read:

Sec. 7. [NO ESCALATION.] No benefits payable hereunder shall be altered by reason of change in salary or other benefits paid to active members of the Association. Any member who has retired prior to (THE EFFECTIVE DATE OF THIS ACT) *July 1, 1979*, upon either (HIS) a retirement annuity or (HIS) disability annuity, shall (CONTINUE TO) receive (THE SAME MONTHLY BENEFIT WHICH HE WAS RECEIVING ON THE EFFECTIVE DATE OF THIS ACT) *a 20 percent increase in said annuity commencing July 1, 1979.* Any survivor who was receiving or was entitled to receive benefits on (THE EFFECTIVE DATE OF THIS ACT) *July 1, 1979* shall (CONTINUE TO) receive (THE SAME BENEFITS HE WAS RECEIVING OR ENTITLED TO RECEIVE ON THE EFFECTIVE DATE OF THIS ACT) *a 20 percent increase in said benefits commencing July 1, 1979.*

Sec. 19. Laws 1973, Chapter 432, Section 2, is amended by adding a subdivision to read:

*Subd. 2a. When, due to retirement or termination of active duty, there remain insufficient active members of the association to fill the board positions specified by subdivision 2, board members retiring or terminating shall be replaced by recipient beneficiaries of the association elected by the recipient beneficiaries and approved by the city council. When the last active member of the association retires or terminates from active duty, the funds of the association shall become a trust fund managed by a board of trustees composed of recipient beneficiaries. The moneys in the trust fund shall not revert to the city until all obligations of the association are paid.*

Sec. 20. Laws 1973, Chapter 432, Section 3, Subdivision 1, is amended to read:

Sec. 3. [SOURCES OF FUNDS.] Subdivision 1. Funds of the association shall be derived from the following sources:

- (a) Gifts made for such purpose.
- (b) Rewards received by members.
- (c) Moneys coming into the hands of members remaining unclaimed for six months.
- (d) Proceeds from sales of property coming into the hands of members and remaining unclaimed for three months, which property shall be sold by the chief of police.
- (e) Contributions of members in an amount equal to (SIX) *the member contribution to the public employees police and fire fund plus an amount equal to one quarter of one percent of the monthly salary of a top grade patrolman (, WHICH SHALL BE INCREASED BY ONE-HALF OF ONE PERCENT EFFECTIVE JANUARY 1, 1974 AND AGAIN IN IDENTICAL INCREMENTS ON JANUARY 1 OF EACH YEAR THEREAFTER UNTIL SUCH TIME AS THE MEMBER'S PERCENTAGE OF CONTRIBUTION SHALL EQUAL THAT OF A MEMBER OF THE PUBLIC EMPLOYEES POLICE AND FIRE FUND, AFTER WHICH TIME THE PERCENTAGE OF CONTRIBUTION SHALL REMAIN EQUAL TO THAT OF A MEMBER OF THE PUBLIC EMPLOYEES POLICE AND FIRE FUND.)*
- (f) Moneys not in any police fund continuing to be maintained by the association and all interest thereon or gains therefrom.
- (g) Any other income allowed by law.

Sec. 21. Laws 1973, Chapter 432, Section 6, Subdivision 1, is amended to read:

Sec. 6. [BENEFITS.] Subdivision 1. The association shall grant pensions or benefits payable from the policemen's pension fund to any member or to any widow or to any child under 18 years of age or any member from the time and for the following purposes:

When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving

(1) a widow, who was his legally married wife, residing with him, and who was married while or prior to the time he was on the payroll of the police department; and who, in case the deceased member was a service or deferred pensioner, was legally married to the member at least one year before his retirement from the police department; or

(2) a child or children, who were living while the deceased was on the payroll of the police department or born within ten months after the decedent was withdrawn from such payroll, the widow and child, or children, shall be entitled to a pension, or pensions, as follows:

(a) To the widow, a pension of (18) 24 units per month, for her natural life; but if she remarry the pension shall cease as of the date of the remarriage.

(b) To each child, a pension of six units per month until the child reaches the age of 18 years.

The total pensions hereunder for the widow and children of a deceased member shall not exceed 36 units per month.

Sec. 22. [PENSION COVERAGE FOR BLOOMINGTON POLICE CHIEF.] *Notwithstanding Minnesota Statutes, Section 353.64, Subdivision 1, or any other general or special law to the contrary, the person employed by the city of Bloomington on the effective date of this act as chief of police shall be a member of the public employees police and fire fund established by Minnesota Statutes, Sections 353.63 to 353.68 and not of the local police relief association. Any employee contributions made to the local policemen's relief association shall be transferred to the public employees police and fire fund. In addition an amount which together with the amount transferred is equal to the total employer and employee contributions pursuant to Minnesota Statutes, Section 353.65, which would have been required by the public employees police and fire fund during the period between initial employment as chief of police and the effective date of this act, shall be paid by the city into the public employees police*

*and fire fund, which shall credit the chief of police with service as a member for this period only upon receipt of the required amounts.*

**Sec. 23. [PUBLIC EMPLOYEES POLICE AND FIRE FUND; MEMBERSHIP FOR CERTAIN EMPLOYEES OF THE CITY OF ST. ANTHONY.]** *Any person who is a full time employee of the public works department of the city of St. Anthony who has as part of his duties as an employee of the city the secondary responsibility of providing service as a firefighter and who was a full time firefighter employed by the fire department of the city of St. Anthony until July 9, 1973, shall be deemed to be an employee serving on less than a full time basis as a firefighter within the meaning of Minnesota Statutes, Section 353.64, Subdivisions 1 and 3. If the governing body of the city of St. Anthony adopts a resolution declaring the position which that person holds to be that of a firefighter for pension purposes as authorized by section 353.64, subdivision 1, that person shall be a member of the public employees police and fire fund established pursuant to Minnesota Statutes, Sections 353.63 to 353.657 and 353.68.*

**Sec. 24. [ST. CLOUD POLICE RELIEF ASSOCIATION; ADDITIONAL REQUIRED MUNICIPAL CONTRIBUTION.]** *In addition to any municipal contribution required pursuant to Minnesota Statutes, Section 69.77, the city of St. Cloud shall make an additional municipal contribution to the St. Cloud police relief association in an amount equal to one-quarter of one percent of the monthly salary of a top grade patrol officer.*

**Sec. 25.** *The senate and house committees on governmental operations shall study the benefit levels, administration and funding level of police and firefighter relief associations. They shall report their findings and recommendations in the form of proposed legislation to the legislature on or before January 1, 1980.*

**Sec. 26. [REPEALER.]** *Laws 1967, Chapter 775, Section 3, is repealed.*

**Sec. 27. [EFFECTIVE DATE.]** *Section 1 of this act shall be effective January 1, 1981. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 26 of this act shall be effective upon approval by the city council of the city of Moorhead and upon compliance with Minnesota Statutes, Section 645.021. Sections 19, 20, 21 and 24 of this act shall be effective upon approval by the city council of the city of St. Cloud and upon compliance with Minnesota Statutes, Section 645.021. Section 22 of this act shall be effective upon approval by the city council of the city of Bloomington and upon compliance with Minnesota Statutes, Section 645.021. Section 23 of this act shall be effective upon approval by the city council of the city of St. Anthony and upon*

*compliance with Minnesota Statutes, Section 645.021. Section 24 of this act is effective upon final enactment."*

Further, delete the title and insert:

"A bill for an act relating to retirement; disposition of state police aid to municipalities and counties; increasing employee contributions to local police and firefighters relief associations; modifying benefits and contributions of the Moorhead firefighters relief association; modifying benefits and contributions to the Moorhead police relief association; modifying the survivor benefits of and increasing member and municipal contributions to the St. Cloud police relief association, providing pension coverage by the public employees police and fire fund for the Bloomington police chief; providing for the membership of certain employees of the city of St. Anthony in the public employees police and fire fund; amending Minnesota Statutes 1978, Sections 69.031, Subdivision 5; and 69.77, Subdivision 2; Laws 1955, Chapter 75, Section 10, Subdivision 3; 14, Subdivision 2; 14, Subdivisions 1, 2, 4, 5, 6 and by adding a subdivision; 16; and 19; as added, amended or renumbered; Laws 1967, Chapter 775, Sections 2; 4; 5; 6; 7; and by adding a section; Laws 1973, Chapter 432, Sections 2, by adding a subdivision; 3, Subdivision 1; and 6, Subdivision 1; repealing Laws 1967, Chapter 775, Section 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1253, A bill for an act relating to the metropolitan council; providing for the acquisition and betterment of regional recreation open space; authorizing the issuance of Minnesota state general obligation bonds; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. [OUTDOOR RECREATION BONDING.] To provide the money appropriated by this act from the state building fund, the commissioner of finance, upon request of the governor, shall sell and issue bonds of the state in the amount of \$48,065,000 in the manner and upon the terms prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and the Minnesota Constitution, Article XI, Sections 4 to 7.

Sec. 2. [METROPOLITAN AREA RECREATION OPEN SPACE; APPROPRIATION FOR ACQUISITION AND DE-



VELOPMENT.] \$27,000,000 is appropriated from the Minnesota state building fund to the state planning agency for payment to the metropolitan council, established under Minnesota Statutes, Section 473.123. The state planning agency shall transfer the amount to the metropolitan council, upon receipt of a certified copy of a council resolution requesting payment. The appropriation shall be used to pay the cost of the acquisition and betterment by the metropolitan council and local governmental units of regional recreation open space in accordance with the council's policy plan, as provided in Minnesota Statutes, Sections 473.301 to 473.341 including relocation costs and tax equivalents required to be paid by sections 473.315 and 473.341. Of the amount appropriated by this section, the metropolitan council may expend no more than \$200,000 for staff and independent professional services necessary to acquire and better open space and for the performance of duties of the metropolitan council under this section.

Sec. 3. The following sums are appropriated from the state building fund to the commissioner of natural resources for the acquisition and betterment of public outdoor recreation lands and capital improvements described as follows, respectively:

(1) For acquisition of state trails listed and described in Minnesota Statutes, Section 85.015, and pursuant to Minnesota Statutes, Section 84.029, Subdivision 2 ..... \$ 750,000

(2) For betterment of state trails ..... 1,800,000

No further expenditure of money for development of the Luce Line trail west of the east end of Winsted city limits shall be made until the commissioner of natural resources has prepared a comprehensive management plan covering development of the trail, submitted the plan to the senate agriculture and natural resources committee, to the house environment and natural resources committee, the house appropriations committee, and the senate finance committee for the purpose of consultation, and received their recommendations thereon. The recommendations are advisory only.

(3) For betterment of public land and improvements needed for skiing, hiking and bicycling within state parks and recreation areas listed and described in sections 85.012 and 85.013 and state forests, as listed and described in section 89.021 ..... 1,105,000

(4) For acquisition of state forests listed and described in Minnesota Statutes, Section 89.021 ... 2,000,000

(5) For betterment of state forests, priority to be given to the Richard J. Dorer memorial hardwood forest ..... 180,000

(6) For acquisition of fishing management lands including riparian rights and other interests therein needed for management of waters for primary wildlife use and benefit and for access to fishing waters pursuant to Minnesota Statutes, Section 97.48, Subdivisions 8, 11 and 15 ..... 1,008,000

(7) For acquisition of wildlife management areas pursuant to Minnesota Statutes, Section 97.48, Subdivision 13 and Section 97.481 ..... 4,000,000

(8) For betterment of such wildlife management areas ..... 500,000

(9) For acquisition of natural and scientific areas designated pursuant to Minnesota Statutes, Section 84.033 ..... 538,000

(10) For costs of staff and independent professional services necessary for the acquisition and betterment of the lands and improvements described above ..... 2,081,500

(11) For acquisition of lands to provide access for the public to public waters outside the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver ..... 1,500,000

(12) For development and improvement of lands, owned by the state or any of its subdivisions, which give the public free access to and use of public waters outside the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver ..... 1,000,000

Sec. 4. Lands shall be acquired by the commissioner of administration upon request of the commissioner of natural resources and in accordance with the policies established in Minnesota Statutes, Sections 86A.01 to 86A.09. Those acquired for each unit of the outdoor recreation system shall be suited for the purpose of that unit and suited for management in accordance with the principles applicable to it. The commissioner of natural resources shall submit semiannual work progress reports to the legislative commission on Minnesota resources, in the form requested by the commission, and shall submit a work program to the commission and request its recommendation thereon before expending any funds appropriated by this act for any purpose. The commission's recommendation shall be advisory only. Failure to respond to a request within 60 days after receipt shall be deemed a negative recommendation.

Sec. 5. [BICYCLE TRAIL GRANTS.] Subdivision 1. The sums set forth in this section are appropriated to the commissioner of transportation for the purposes indicated.

Subd. 2. For betterment of public land and improvements needed for state bicycle trails primarily on existing road rights of way, pursuant to Minnesota Statutes, Section 160.265, Subdivision 1. .... 1,000,000

Subd. 3. Local bicycle trail grants, pursuant to section 160.265, subdivision 2. .... 2,000,000

Subd. 4. Of the amounts appropriated by subdivision 2 of this section, not more than 15 percent, and of the amounts appropriated by subdivision 3 of this section, not more than five percent, may be expended by the commissioner for staff and independent professional services needed for the grant program.

Sec. 6. [GRANTS FOR PARKS AND TRAILS.] Subdivision 1. The state planning agency shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be identical to that required by the legislative commission on Minnesota resources for grants-in-aid for recreation open space of regional significance. The program shall be administered so as to ensure the maximum possible use of available federal money.

Subd. 2. The sum of \$1,600,000 is appropriated from the state building fund to the state planning agency for the purposes of this section. \$1,000,000 of this appropriation shall be used for grants for acquisition of parks and trails, \$600,000 of this appropriation shall be used for grants for betterment of parks, trails, conservatories, zoos and other special use facilities.

Sec. 7. [TRAIL ACQUISITION CRITERIA; PUBLIC MEETINGS.] Subdivision 1. In the acquisition of land for the purposes of section 3, clause (1) in addition to the criteria stated in Minnesota Statutes, Section 86A.05, Subdivision 4, Clause (b), the commissioner shall also give priority to land acquisition which maximizes the number of potential users and minimizes adverse effect on adjoining agricultural land.

Subd. 2. Whenever under this act the commissioner of natural resources intends to acquire lands described in subdivision

1, he shall cause notice of such intention to be given by prominent notices published in newspapers of general circulation in each county where the land is to be acquired and by notification to each county board. The notice shall specify the land to be acquired and the purposes for public use of such land; the statutes and regulations under which the commissioner intends to act; the name, address and telephone number of a person to be contacted for information in the office of the commissioner; and the date, time and place where a public meeting shall be held on the proposed acquisition at which any person may speak and present evidence on the appropriateness of the acquisition. A public meeting with an adequate public record kept shall be held in each county where land is to be acquired not less than 30 nor more than 90 days after the publication of the notice. Following the public meeting or meetings, the commissioner shall determine whether to proceed with the acquisition and issue a written order stating that decision.

Subd. 3. Judicial review shall be available of the commissioner's decision in the manner provided in Minnesota Statutes, Sections 15.0424, 15.0425, and 15.0426. Judicial review shall not delay the commissioner's acquisition, but no development shall occur until after a final judicial determination. If the court determines the commissioner lacks authority to acquire, the land shall be sold as surplus property in the manner provided by law.

Sec. 8. Minnesota Statutes 1978, Section 97.49, Subdivision 3, is amended to read:

Subd. 3. A sum equal to: (1) 35 percent of the gross receipts from all special use permits and leases of lands acquired for public hunting grounds and game refuges, or (2) 50 cents per acre on purchased land actually used for public hunting grounds and game refuges, or (3) three-quarters of one percent of the appraised value of purchased land actually used for public hunting grounds and game refuges, whichever amount is the greater, shall be paid out of the game and fish fund annually to the county in which said lands are located, to be distributed by the county treasurer among the county and the respective towns and school districts wherein such grounds and refuges lie, on the same basis as if the payments were received as taxes on such lands, payable in the current year, but this provision shall not apply to state trust fund lands or any other state lands not purchased for game refuge and public hunting ground purposes. The county's share of the proceeds shall be deposited in the county general revenue fund. For the purpose of determining the applicability of payments pursuant to clause (3) above, the appraised value of the lands acquired shall be deemed to be the purchase or acquisition price thereof during the first five years following acquisition. After the expiration of five years from the date of acquisition or, in the case of lands acquired prior to July 1, 1974, within 90 days after the effective date of

*this act, and thereafter at five year intervals, a current appraisal of the land shall be made by the appropriate county assessor, and shall govern payments.*

*Sec. 9. There is appropriated for fiscal year 1981 from the game and fish fund to the commissioner of natural resources the sum of \$400,000 or so much thereof as may be required, for the purpose of making payments to counties pursuant to section 8.*

*Sec. 10. [TETTEGOUCHE STATE PARK.] Subdivision 1. Tettegouche state park is established in Lake county.*

*Subd. 2. The commissioner of natural resources is authorized to acquire by gift or purchase the lands for Tettegouche state park. Those lands commonly referred to as Tettegouche camp and presently the subject of an option agreement between the owners of Tettegouche camp and the Nature Conservancy may be acquired for a sum not to exceed \$880,000 plus the actual expenses of the Nature Conservancy in negotiating and acquiring the option in an amount not to exceed \$10,000 and any actual interest costs that arise between the time the option is exercised by the Nature Conservancy and the land is acquired by the commissioner. Any land which now is tax-forfeited land and is located within the boundaries of Tettegouche state park is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The transfer of such tax-forfeited land is effective only after an amount equal to the fair market value of the land is paid by the commissioner to the county. Any money appropriated for state park land acquisition may be expended for this payment related to tax-forfeited land. The county auditor shall apportion this money in the manner provided in Minnesota Statutes, Section 282.08 for the apportionment of proceeds from the sale of tax-forfeited lands. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state and shall transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes. All lands within the boundaries of Baptism River state park as it exists on the effective date of this act and which have been acquired for state park purposes are hereby incorporated into and made a part of Tettegouche state park. The previous designation of such lands as Baptism River state park shall be discontinued by the commissioner within three years of the effective date of this act. All lands acquired for Tettegouche state park shall be administered in the same manner as provided for other state parks and shall be perpetually dedicated for such use.*

*Subd. 3. When the privately owned Tettegouche camp is acquired for inclusion within Tettegouche state park, and when, as a result of the acquisition, taxes are no longer assessed against*

*the tract or improvements thereon, the following amount shall be paid by the commissioner of natural resources to Lake county for distribution to the taxing districts: In the first year after taxes are last required to be paid on the property, 90 percent of the last required payment; in the second year, 80 percent; in the third year, 70 percent; in the fourth year, 60 percent; in the fifth year, 50 percent; in the sixth year, 40 percent; in the seventh year, 30 percent; in the eighth year, 20 percent; and in the ninth year, 10 percent. The commissioner shall make such payments from any money appropriated for state park maintenance and operation. The county auditor shall certify to the commissioner of natural resources the total amount due to a county on or before March 30 of the year in which money must be paid pursuant to this section. Money received by a county pursuant to this subdivision shall be distributed to the various taxing districts in the same proportion as the levy of the taxing district bears to the total levy on the property in the last year taxes were required to be paid on the property.*

Subd. 4. (a) *The commissioner shall offer for sale in the manner provided by law or declare surplus for sale in the manner provided by law lands outside the boundaries of Tettegouche State Park on the open market valued at not less than \$888,000 or, in the event the lands known as the Tettegouche camp are valued for purposes of federal matching funds at a higher amount, that higher value. In addition to lands outside the park boundaries, the commissioner may also sell any lands within the park boundaries located in township 57 north, range 7 west located north and west of C.S.A.H. 4 in partial satisfaction of the requirement to sell lands on the open market. Upon such sale, the park boundaries shall be modified to exclude any parcels sold. In no case shall the amount of land offered for sale exceed 3,400 acres in total area. All lands offered for sale shall be located in Lake county, to offset the removal from the tax rolls of those private lands acquired for Tettegouche State Park after the effective date of this act.*

(b) *The commissioner shall select lands for sale that minimize impact on timber production and public recreation and have maximum potential for private development with minimum public costs or allow consolidation of ownership. The commissioner shall consult with the Lake county board before offering lands for sale or declaring lands surplus. Prior to September 1, 1979, the commissioner shall identify the lands to be offered for sale and submit a list of these lands to the legislative commission on Minnesota resources. The commissioner may modify this list thereafter with the approval of the legislative commission on Minnesota resources.*

*Non-trust fund lands identified for sale shall be certified to the commissioner of administration not later than November 1, 1979 and the commissioner shall cause these lands to be offered*

for sale in the manner required by law, except that such lands shall not be offered first to other state agencies, the University of Minnesota, county government or other local governmental units. The commissioner shall offer any trust fund lands identified for sale not later than January 1, 1980. Minnesota Statutes, Sections 89.01 and 92.45 shall not apply to or limit sales of land under this section. The commissioner shall not acquire the private Tettegouche camp from the Nature Conservancy until all lands identified for sale have been either certified to the commissioner of administration as surplus for sale or first advertised for sale by the commissioner.

(c) Upon request of Lake County, the commissioner shall offer for exchange or sale, in the manner provided by law, lands necessary and appropriate for a road right-of-way on state land located in township 62 north, range 11 west, section 14.

Subd. 5. The following described lands are located within the boundaries of Tettegouche State Park:

In township 57 north, range 7 west.

All of the southeast quarter, northeast quarter and southeast quarter of the northwest quarter of section 31.

All of the southwest quarter of the southwest quarter of section 32.

In township 56 north, range 8 west.

That part of the southeast quarter of the southeast quarter of section 1 lying southeasterly of C.S.A.H. 4.

All of government lot 7, section 12.

In township 56 north, range 7 west.

All of sections 5, 7, and 8.

All of the northeast quarter, northwest quarter, southeast quarter, northwest quarter of the southwest quarter, and the south half of the southwest quarter of section 9.

All of the southwest quarter and the west half of the southeast quarter of section 4.

All that part of section 6 lying southeasterly of C.S.A.H. 4.

All of the southwest quarter, west half of the southeast quarter, southeast quarter of the northwest quarter, and southwest quarter of the northeast quarter of section 10.

*All of government lots 1, 2, and 3 and the northwest quarter of the northwest quarter of section 14. All of the northeast quarter, east half of the northwest quarter, and northwest quarter of the southeast quarter of section 15.*

*All of government lot 1 of section 15 except the following described parcel:*

*Beginning at the water line of Lake Superior on the north and south line between government lots 1 and 2 in said section 15; thence north 5 degrees west, 7 chains; thence north 61 degrees east, 3 chains and 57 links; thence north 47 degrees east, 3 chains and 25 links; thence south 30 degrees east to the water line of Lake Superior; thence westerly along said water line to the point of beginning.*

*All of the north half of the northeast quarter and the northeast quarter of the northwest quarter of section 18.*

*All of the north half of the northwest quarter and the northwest quarter of the northeast quarter of section 17.*

*Subd. 6. In the next edition of Minnesota Statutes the revisor of statutes is directed to delete "Subd. 3. Baptism River State park Lake county." from section 85.012, and to insert "Subd. 55a. Tettegouche state park, Lake county." in section 85.012.*

*Subd. 7. The commissioner shall lease land, not to exceed 400 acres, inside the boundaries of Tettegouche State Park, on such terms as he deems proper, giving due consideration to insuring the protection of natural resources, for use as an environmental learning center to be constructed and operated by a nonprofit group. In no event shall the lease term exceed 40 years. If an environmental learning center is established, the commissioner shall manage the park in a manner consistent with its use by the environmental learning center.*

*Subd. 8. Provisions of this section shall not be effective until a public hearing preceded by adequate public notice has been held in the city of Silver Bay. Following the public meeting or meetings, the commissioner shall determine whether to proceed with the acquisition and issue a written order stating that decision.*

*Subd. 9. This section is effective the day following its enactment."*

*Delete the title in its entirety and insert:*

*"A bill for an act relating to open space and recreation; providing for the acquisition and betterment of open space lands, state trails, forests, fish and wildlife management, natural and scientific areas, and accesses to public waters; payments to counties in lieu of taxes on public hunting grounds and game*



refuges; establishing Tettegouche State Park; prescribing the powers and duties of the commissioner of natural resources in relation to Tettegouche State Park; authorizing the issuance of bonds; appropriating money; amending Minnesota Statutes 1978, Section 97.49, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1499, A bill for an act relating to minerals; providing for notice and opportunity for hearing prior to forfeiture for failure to file a statement of severed mineral interest, and amending certain laws related thereto; validating certain statements; amending Minnesota Statutes 1978, Sections 93.55; 273.13, Subdivision 2a; and Chapter 93, by adding a section.

Reported the same back with the following amendments:

Page 2, line 5, after "notice" insert "*shall be served in the same manner as provided for the service of summons in a civil action to determine adverse claims under chapter 559 and*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

S. F. No. 1328, A bill for an act relating to labor; authorizing commissioner of labor and industry to seek restraining orders against certain violators of child labor laws; amending Minnesota Statutes 1978, Section 181A.08, by adding a subdivision.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 866, 978, 1192, 1253 and 1499 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1199 and 1328 were read for the second time.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

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

House Concurrent Resolution No. 7, A house concurrent resolution relating to the observance of Vietnam Veterans' Awareness Week.

Reported the same back with the following amendments:

Page 1, line 14, delete "unfairly"

Page 1, line 20, delete "and,"

Page 1, delete line 21

Page 2, delete lines 1 and 2

Page 2, line 3, delete "people of the United States to serve in such conflict;"

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

HOUSE CONCURRENT RESOLUTION NO. 7

A house concurrent resolution relating to the observance of Vietnam Veterans' Awareness Week.

*Whereas*, members of the Armed Forces of the United States who served in Southeast Asia during the Vietnam Conflict performed such service under the most trying conditions because of the lack of domestic support for the conflict and because of the nature of the conflict itself; and,

*Whereas*, the battlefield performance of America's soldiers, sailors, marines and airmen during the Vietnam Conflict was by all measures the equal of that of their counterparts in previous conflicts; and,

*Whereas*, an adverse image has often been attached to the nature of the Vietnam Conflict; and,

*Whereas*, in an effort to focus the appropriate attention, gratitude, and awareness of those who so unselfishly gave of them-

selves for their nation, the Minnesota Vietnam Veterans' Recognition Committee is coordinating activities for the week of May 28;

*Therefore,*

*Be it Resolved* by the House of Representatives of the State of Minnesota, the Senate concurring:

(1) The Governor of the State of Minnesota is urged and requested to issue a proclamation designating the seven day period beginning May 28 as "Vietnam Veterans' Week" and calling upon the people of the state of Minnesota and interested groups and organizations to observe such period with appropriate ceremonies and activities.

(2) The Governor of the State of Minnesota is also urged and requested to initiate and coordinate appropriate ceremonies and activities within the executive branch for the observance of such period.

(3) The Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution and transmit it to the Governor.

Swanson moved that House Concurrent Resolution No. 7 be now adopted. The motion prevailed and House Concurrent Resolution No. 7 was adopted.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dean, Fjoslien, Rothenberg, Long and Vanasek introduced:

H. F. No. 1597, A bill for an act relating to solid waste pollution; requiring beverage containers to have certain refund values after a certain date; establishing and regulating local redemption centers; providing penalties.

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

Battaglia; Anderson, I.; Begich and Elioff introduced:

H. F. No. 1598, A bill for an act relating to the operation of state government; regulating acquisitions of real property by state agencies and departments; requiring local approval by county boards of commissioners.

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

Searles, Kvam, Brinkman, Berkelman and Evans introduced:

H. F. No. 1599, A bill for an act relating to taxation; income; reducing income tax rates; amending Minnesota Statutes 1978, Section 290.06, Subdivision 2c.

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

Stadum, Eken, Levi, Johnson, C., and Esau introduced:

H. F. No. 1600, A bill for an act relating to education; authorizing a discretionary levy for school districts for certain purposes; repealing laws relating to pilot early childhood and family education programs; appropriating money; amending Minnesota Statutes 1978, Section 275.125, by adding a subdivision; repealing Minnesota Statutes 1978, Sections 3.9271; 3.9272; 3.9273; 3.9274; and 3.9275.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 748, A bill for an act relating to retirement; actuarial reporting law; implementing a procedure to extend the period for the amortization of unfunded liabilities in the event of changes in actuarial assumptions or increases in annuities and benefits; amending Minnesota Statutes 1978, Sections 356.215, Subdivision 4; 356.22, Subdivision 2; 422A.08, Subdivision 2; and 422A.39, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1386, A bill for an act relating to the city of St. Paul; fixing the rate of the franchise fee for utility supplies to residential dwellings.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 340, A bill for an act relating to the town of Leota in Nobles county; authorizing the establishment of a detached banking facility.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 487, A bill for an act relating to education; authorizing school districts to discontinue certain grades and provide instruction by contract with other districts; providing for calculation of aids, levies and tuition agreements; providing for the employment rights of teachers in participating districts; amending Minnesota Statutes 1978, Sections 122.41; 122.43, Subdivision 1; 122.44, Subdivision 1; and Chapter 122, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 487 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 487, A bill for an act relating to education; authorizing school districts to discontinue certain grades and provide instruction by contract with other districts; providing for calculation of aids, levies and tuition agreements; providing for the employment rights of teachers in participating districts; amending Minnesota Statutes 1978, Sections 122.41; 122.43, Subdivision 1; 122.44, Subdivision 1; and Chapter 122, by adding a section.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 810, A bill for an act relating to motor vehicles; providing for taxing and registering modified vehicles manufactured prior to 1949; regulating storage of modified vehicles and requiring certain equipment; providing for use of original plates on certain vehicles; amending Minnesota Statutes 1978, Section 168.10.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Fudro moved that the House concur in the Senate amendments to H. F. No. 810 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 810, A bill for an act relating to motor vehicles; providing for taxing and registering modified vehicles manufactured prior to 1949; regulating storage of modified vehicles

and requiring certain equipment; providing for use of original plates on certain vehicles; providing that private motor vehicle mileage allowances be set locally; authorizing county auditor to appoint deputy registrar without regard to registrar's county of residence; providing for revocation of dishonored instrument; amending Minnesota Statutes 1978, Sections 168.10; 168.33, Subdivision 2; and 471.665, Subdivision 1.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Swanson moved that the House concur in the Senate amendments to H. F. No. 988 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 988, A bill for an act relating to banks; altering certain definitions relating to detached facilities; amending Minnesota Statutes 1978, Section 47.51.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, D.	Haukoos	Jennings	Pehler	Welker
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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



H. F. No. 1444, A bill for an act relating to the cities of McGregor and Heron Lake; authorizing the issuance of bonds for the acquisition and betterment of a municipal fire hall and community center; legalizing proceedings precedent to the issuance of certain general obligation bonds and excluding the bonds from the computation of net debt.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Nelsen, M., moved that the House concur in the Senate amendments to H. F. No. 1444 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1444, A bill for an act relating to the city of McGregor; authorizing the issuance of bonds for the acquisition and betterment of a municipal fire hall and community center.

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

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

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Nelsen, B.	Searles
Adams	Eken	Jude	Nelsen, M.	Sherwood
Ainley	Elioff	Kahn	Nelson	Sieben, H.
Albrecht	Ellingson	Kaley	Niehaus	Simoneau
Anderson, B.	Enebo	Kalis	Norman	Stadium
Anderson, D.	Erickson	Kelly	Norton	Stoa
Anderson, G.	Esau	Kempe	Novak	Stowell
Anderson, I.	Evans	Kostohryz	Nysether	Sviggum
Anderson, R.	Ewald	Kroening	Olsen	Swanson
Battaglia	Faricy	Kvam	Onnen	Thiede
Begich	Fjoslien	Laidig	Osthoff	Tomlinson
Berglin	Forsythe	Lehto	Otis	Valan
Berkelman	Friedrich	Levi	Patton	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
Dean	Jaros	Moe	Rose	Zubay
Dempsey	Jennings	Munger	Rothenberg	Speaker Searle
Den Ouden	Johnson, C.	Murphy	Sarna	

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

Mr. Speaker:

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Laidig moved that the House concur in the Senate amendments to H. F. No. 1029 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1029, A bill for an act relating to employments licensed by the state; prescribing certain duties of the board of architecture, engineering, land surveying and landscape architecture; limiting certain rule making powers of the board, and extending the time limit for the making of the rules; amending Minnesota Statutes 1978, Section 326.06; and Laws 1978, Chapter 577, Section 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Den Ouden      Haukoos      Jennings      Ludeman

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

Mr. Speaker:

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

H. F. No. 227, A bill for an act relating to insurance; regulating homeowner's insurance; requiring insurers to disclose and file information; prescribing certain procedures for an insurer's refusal to renew or to write homeowner's insurance; prohibiting redlining; amending Minnesota Statutes 1978, Section 72A.20, Subdivision 1; and Chapter 65A, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Casserly moved that the House concur in the Senate amendments to H. F. No. 227 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 227, A bill for an act relating to insurance; regulating homeowner's insurance; requiring insurers to disclose and file information; prescribing certain procedures for an insurer's refusal to renew or to write homeowner's insurance; prohibiting redlining; amending Minnesota Statutes 1978, Sections 62A.02, Subdivision 3; 65A.35, Subdivision 5; 72A.20; 72A.23, Subdivision 1; and Chapter 65A, by adding sections.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Biersdorf	Den Ouden	McDonald	Sviggum	Wigley
Dempsey	Kvam	Peterson	Welker	

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

Mr. Speaker:

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

H. F. No. 954, A bill for an act relating to counties; providing for the time for certain welfare board activities; amending Minnesota Statutes 1978, Sections 393.04; and 393.08.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Nysether moved that the House concur in the Senate amendments to H. F. No. 954 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 954, A bill for an act relating to counties; providing for the time for certain welfare board activities; amending

## Minnesota Statutes 1978, Sections 393.04; and 393.08.

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

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1324, A bill for an act relating to arson; fire loss information; authorizing certain agencies to request and receive from insurance companies information relating to fire losses; providing for immunity to insurance companies providing fire loss information; providing for confidentiality of released information; providing for testimony in matters under litigation; providing for penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Drew moved that the House concur in the Senate amendments to H. F. No. 1324 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1324, A bill for an act relating to arson; fire loss information; authorizing certain agencies to request and receive from insurance companies information relating to fire losses; providing for immunity to insurance companies providing fire loss information; providing for confidentiality of released information; providing for testimony in matters under litigation; providing for penalties.

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

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 607, A bill for an act relating to public employment labor relations; permitting firefighters to use certain grievance procedures; amending Minnesota Statutes 1978, Section 179.70, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Zubay moved that the House concur in the Senate amendments to H. F. No. 607 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 607, A bill for an act relating to public employment labor relations; permitting certain public employees to use certain grievance procedures; amending Minnesota Statutes 1978, Section 179.70, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1101, A bill for an act relating to motor vehicles; providing for the issuance of handicapped license plates; amending Minnesota Statutes 1978, Section 168.021, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kelly moved that the House concur in the Senate amendments to H. F. No. 1101 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1101, A bill for an act relating to motor vehicles; providing for the issuance of handicapped license plates; amending Minnesota Statutes 1978, Section 168.021, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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



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

Mr. Speaker :

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

H. F. No. 430, A bill for an act relating to elections; allowing employees of the state or its political subdivisions to serve as election judges; amending Minnesota Statutes 1978, Section 204A.18, Subdivision 3; repealing Minnesota Statutes 1978, Section 204A.17, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Carlson, L., moved that the House concur in the Senate amendments to H. F. No. 430 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 430, A bill for an act relating to elections; allowing employees of the state or its political subdivisions to serve as election judges; amending Minnesota Statutes 1978, Section 204A.18, Subdivision 3; repealing Minnesota Statutes 1978, Section 204A.17, Subdivision 5.

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

The question was taken on the repassage of the bill and the roll was called. There were 78 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kahn	Murphy	Sieben, H.
Anderson, G.	Ellingson	Kaley	Nelsen, M.	Sieben, M.
Anderson, I.	Enebo	Kelly	Nelson	Simoneau
Battaglia	Evans	Kempe	Norton	Stoa
Begich	Faricy	Kostohryz	Novak	Swanson
Berglin	Friedrich	Kroening	Osthoff	Tomlinson
Berkelman	Fudro	Laidig	Otis	Vanasek
Blatz	Greenfield	Lehto	Patton	Voss
Brinkman	Heinitz	Long	Pehler	Waldorf
Byrne	Hoberg	Mann	Prahl	Weaver
Carlson, L.	Hokanson	McCarron	Reding	Welch
Casserly	Jacobs	McEachern	Rice	Wenzel
Clark	Jaros	Metzen	Rose	Wynia
Clawson	Johnson, C.	Minne	Sarna	Zubay
Corbid	Johnson, D.	Moe	Schreiber	
Eken	Jude	Munger	Searles	

Those who voted in the negative were:

Aasness	Drew	Kalis	Olsen	Stowell
Ainley	Erickson	Kvam	Onnen	Sviggum
Albrecht	Esau	Levi	Peterson	Thiede
Anderson, B.	Fjoslien	Ludeman	Piepho	Valan
Anderson, D.	Forsythe	Luknie	Pleasant	Valento
Biersdorf	Fritz	McDonald	Redalen	Welker
Crandall	Halberg	Mehrkens	Reif	Wieser
Dean	Haukoos	Niehaus	Rothenberg	Wigley
Dempsey	Heap	Norman	Sherwood	
Den Ouden	Jennings	Nysether	Stadum	

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

Mr. Speaker:

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

H. F. No. 370, A bill for an act relating to hospitals; providing for payment of election judges; providing hospital board members with travel and other expenses incurred in the performance of their duties; authorizing hospital boards to set compensation for board members; amending Minnesota Statutes 1978, Section 447.32, Subdivision 4, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 370 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 370, A bill for an act relating to hospitals; providing for payment of election judges; providing hospital board members with travel and other expenses incurred in the performance of their duties; authorizing hospital boards to set compensation for board members; amending Minnesota Statutes 1978, Section 447.32, Subdivision 4, and by adding a subdivision; and Laws 1961, Chapter 115, Section 2, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those voted in the affirmative were:

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

Those who voted in the negative were:

Dean	Fritz	Kostohryz	Pleasant	Thiede
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

H. F. No. 198, A bill for an act relating to tort liability; requiring political subdivisions to indemnify officers and employees for certain judgments and settlements; amending Minnesota Statutes 1978, Section 466.07, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Faricy moved that the House concur in the Senate amendments to H. F. No. 198 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 198, A bill for an act relating to tort liability; requiring political subdivisions to indemnify officers and em-

ployees for certain judgments and settlements; amending Minnesota Statutes 1978, Section 466.07, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1065, A bill for an act relating to state government; regulating meetings, indemnification and appointment of the investment advisory council and annual reports of the state board of investment; amending Minnesota Statutes 1978, Sections 11.117, Subdivisions 4 and 6; 11.118 and 11.145.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Enebo moved that the House concur in the Senate amendments to H. F. No. 1065 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1065, A bill for an act relating to state government; regulating meetings, indemnification and appointment of the investment advisory council and annual reports of the state board of investment; amending Minnesota Statutes 1978, Sections 11.117, Subdivisions 4 and 6; 11.118 and 11.145.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Jennings      Patton

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 677, A bill for an act relating to courts; providing for the interest rate on verdicts and judgments; amending Minnesota Statutes 1978, Sections 549.09 and 550.36.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Faricy moved that the House concur in the Senate amendments to H. F. No. 677 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 677, A bill for an act relating to courts; providing for the interest rate on verdicts and judgments; amending Minnesota Statutes 1978, Sections 549.09 and 550.36.

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

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

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelson	Sieben, M.
Adams	Eken	Kaley	Niehaus	Simoneau
Ainley	Elioff	Kalis	Norman	Stadum
Albrecht	Ellingson	Kelly	Norton	Stoa
Anderson, B.	Enebo	Kempe	Novak	Stowell
Anderson, D.	Erickson	Knickerbocker	Nysether	Swiggum
Anderson, G.	Esau	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	Pehler	Vanasek
Berkelman	Fritz	Long	Peterson	Voss
Biersdorf	Fudro	Ludeman	Piepho	Waldorf
Blatz	Greenfield	Luknic	Pleasant	Weaver
Brinkman	Halberg	Mann	Prahl	Welch
Byrne	Haukoos	McCarron	Redalen	Welker
Carlson, D.	Heap	McDonald	Reding	Wenzel
Carlson, L.	Heinitz	McEachern	Rees	Wieser
Casserly	Hoberg	Mehrrens	Reif	Wigley
Clark	Hokanson	Metzen	Rice	Wynia
Clawson	Jacobs	Minne	Rose	Zubay
Corbid	Jaros	Moe	Rothenberg	Speaker Searle
Crandall	Jennings	Munger	Sarna	
Dean	Johnson, C.	Murphy	Schreiber	
Dempsey	Johnson, D.	Nelsen, B.	Searles	
Den Ouden	Jude	Nelsen, M.	Sherwood	

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

Mr. Speaker:

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

H. F. No. 99, A bill for an act relating to criminal procedure; providing immunity from liability for peace officers who make good faith domestic assault arrests; amending Minnesota Statutes 1978, Section 629.341.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Nelson moved that the House concur in the Senate amendments to H. F. No. 99 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 99, A bill for an act relating to criminal procedure; providing immunity from liability for peace officers who make good faith domestic assault arrests; amending Minnesota Statutes 1978, Section 629.341.

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

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Welker  
Wenzel

Wieser  
Wigley

Wynia

Zubay

Speaker Searle

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

Mr. Speaker:

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

H. F. No. 1329, A bill for an act relating to aeronautics; providing representation for affected communities on airport zoning boards; regulating the process of airport zoning; directing the metropolitan airports commission to consider a certain alternative; amending Minnesota Statutes 1978, Sections 360.061, Subdivision 3; 360.063, Subdivision 3; 360.065; and 473.608, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Lehto moved that the House refuse to concur in the Senate amendments to H. F. No. 1329, that the Speaker shall appoint 2 members and the Chairman of the Committee on Rules and Legislative Administration shall appoint 2 members to a conference committee, and that the House requests that a conference committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 686, A bill for an act relating to public health; permitting use of plastic water well casings in additional counties; amending Minnesota Statutes 1978, Section 156A.031, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Corbid moved that the House refuse to concur in the Senate amendments to H. F. No. 686, that the Speaker shall appoint 2 members and the Chairman of the Committee on Rules and Legislative Administration shall appoint 2 members to a conference committee, and that the House requests that a conference committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.



Mr. Speaker:

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

H. F. No. 1495, A bill for an act relating to taxation; providing for an ad valorem tax on railroads in lieu of the gross earnings tax; repealing limited market value; changing homestead base value; decreasing classification ratios on certain property; establishing a new category for certain residential nonhomestead property; increasing homestead credit percentages and maximum amounts; increasing agricultural aid credit; extending 3cc classification to qualifying mobile homeowners; extending 3cc classification to the surviving spouse of certain deceased veterans, blind and disabled persons; changing income sources and requirements for owners of 3cc property; allowing homestead owned by joint tenant to qualify for 3cc classification; providing for deferred assessment of value added by historical preservation; providing an exclusion of \$12,000 for pension income; excluding pensions of nonresidents from gross income; expanding the taxable net income brackets for individuals, estates and trusts; increasing personal, dependent, special credits and credits for certain low income taxpayers; providing for inflation adjustment to income tax and property tax refund brackets and credits; providing residential energy credit; allowing use of lump sum distribution tax computation for certain severance pay; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions; making certain changes in the minimum tax and in the treatment of small business corporations; allowing a ten year carryback of products liability losses; allowing adjustments to basis; allowing deductions for employer contributions to simplified employee plans; excluding from income certain payments to members of the armed services; increasing the maximum income tax credit for political contributions; providing an income tax deduction for certain political contributions; conforming individual deductions for business expenses, taxes, disaster losses, medical expenses and charitable contributions to federal deductions; removing certain limitations on the dependent care credit; standardizing the personal, dependent and special credits; increasing the standard deduction; updating the definition of income for property tax refund purposes; expanding inheritance and gift tax exemptions and credits; establishing a presumption of contribution by a spouse in property held jointly with the decedent; adjusting homestead exemption for inheritance tax purposes; providing a tax credit for feedlot and pollution control equipment; providing an income tax credit to a Minnesota resident for income taxes paid to a province or territory of Canada; reducing the income tax rate applicable to corporations; clarifying the purposes for which an additional property tax levy by governmental subdivisions is authorized;

authorizing an additional property tax levy by governmental subdivisions in certain cases; providing for the calculation of tax levy limitations for governmental subdivisions; clarifying the taxable status of Title II property owned by a non-profit entity; providing that the commissioner of revenue shall administer and enforce the Minnesota unfair cigarette sales act; reducing the sales tax on newsprint and ink; excluding certain feminine hygiene products from the sales tax; exempting from the sales tax the furnishing of water and sewer services for residential use; providing for municipal regulation of subdivisions; providing penalties; appropriating money; amending Minnesota Statutes 1978, Sections 270.06; 272.02, Subdivision 1; 273.11; 273.122; 273.13, Subdivisions 4, 6, 6a, 7, 14a and 19; 273.132; 273.17, Subdivision 1; 275.11, Subdivision 2; 275.50, Subdivisions 5 and 6; 275.51, by adding a subdivision; 275.52, Subdivisions 2 and 5; 290.01, Subdivision 20; 290.032, by adding a subdivision; 290.06, Subdivisions 1, 2c, 3c, 3d, 9, 9a, 11, and by adding subdivisions; 290.067, Subdivisions 1 and 2; 290.081; 290.09, Subdivisions 2, 4, 5, 10, 15, 28, and by adding a subdivision; 290.091; 290.095, by adding a subdivision; 290.14; 290.17, Subdivision 2; 290.21, Subdivision 3; 290.26, Subdivision 2; 290.971, Subdivisions 1, 3 and 6; 290.972, Subdivisions 1, 3, and 5; 290A.03, Subdivisions 3, 11 and 13; 290A.04, Subdivisions 2, 2a, 2b, 3, and by adding a subdivision; 291.01, Subdivision 4; 291.05; 291.065; 292.04; 292.07, Subdivisions 1, 5, and by adding a subdivision; 295.02; 297A.01, Subdivision 3; 297A.14; 297A.25, Subdivision 1; 462.358, by adding subdivisions; 462.36, Subdivision 1; Chapters 270, by adding sections; 272, by adding a section; 273, by adding a section; and 298, by adding a section; repealing Minnesota Statutes 1978, Sections 275.51, Subdivision 3d; 290.06, Subdivisions 3e and 12; 290.21, Subdivision 3a; 290.971, Subdivision 5; 295.01, Subdivisions 2 and 3; 295.02; 295.03; 295.04; 295.05; 295.12; 295.13; 295.14; and 462.352, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House refuse to concur in the Senate amendments to H. F. No. 1495, that the Speaker shall appoint 3 members and the Chairman of the Committee on Rules and Legislative Administration shall appoint 3 members to a conference committee, and that the House requests that a conference committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1476.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 758

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 975.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1010.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 960.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 961.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 1476, A bill for an act relating to banks; authorizing certain additional facilities for banks; amending Minnesota Statutes 1978, Section 47.52.

The bill was read for the first time.

Blatz moved that S. F. No. 1476 and H. F. No. 573, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 758, A bill for an act relating to motor vehicles; providing for special license plates for former prisoners of war;

prescribing penalties; amending Minnesota Statutes 1978, Chapter 168, by adding a section.

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

S. F. No. 975, A bill for an act relating to cemeteries; providing for the preservation of burial grounds; eliminating obsolete provisions; imposing penalties; appropriating money; amending Minnesota Statutes 1978, Section 307.08; repealing Minnesota Statutes 1978, Section 149.07.

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

S. F. No. 1010, A bill for an act relating to elections; regulating the financing of political campaigns and disclosure of economic interests by certain candidates and elected officials in Hennepin County; imposing duties on the ethical practices board, county election officials and city clerks; superseding other special laws, home rule charters and local ordinances; imposing late filing fees and criminal penalties; repealing Laws 1977, Chapter 131.

The bill was read for the first time.

Carlson, L., moved that S. F. No. 1010 and H. F. No. 1550, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 960, A bill for an act relating to retirement; various retirement funds; providing for a proportionate annuity at age 65 or older with one year of service; increasing the maximum earnings amount for a re-employed annuitant; clarifying applications for refunds from the Minnesota state retirement system; providing an occupational disability benefit in the Minnesota state retirement system correctional employees retirement plan; establishing qualifications for the executive director of the teachers retirement association; requiring annuitants and benefit recipients of the teachers retirement association to file quarterly evidence of receipt cards; removing the requirement for dependency for entitlement to certain refunds from the teachers retirement association; clarifying the amortization obligation of the metropolitan transit commission to the Minnesota state retirement system; calculating service credit for certain part time transit operating division employees covered by the Minnesota state retirement system; clarifying the provision of minimum disability coverage by the metropolitan transit commission; providing a retirement annuity from the Minnesota state retirement system to certain former transit operating division employees; providing for a purchase of service credit of certain military service leaves of absence for transit operating division employees; amending Minnesota Statutes 1978, Sections 352.01, Subdivisions 11 and 16; 352.115, Subdivision 10; 352.22, Subdi-

visions 1 and 10; 352.95; 353.37, Subdivision 1; 354.05, Subdivision 2; 354.06, Subdivision 2; 354.44, Subdivisions 1a, 5 and by adding a subdivision; 354.47, Subdivision 1; 354A.21; 356.32, Subdivision 1; 473.417; 473.418; and Laws 1978, Chapter 538, Section 21; repealing Minnesota Statutes 1978, Section 352.22, Subdivision 11.

The bill was read for the first time.

Patton moved that S. F. No. 960 and H. F. No. 915, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 961, A bill for an act relating to retirement; volunteer firefighters' relief associations and independent nonprofit firefighting corporations; providing for a flexible statutory service pension maximum; providing a procedure for the recognition of a funding surplus in the calculation of the financial requirements of a relief association and the minimum obligation of a municipality; clarifying the calculation of the time period for the amortization of unfunded accrued liabilities of volunteer firefighters' relief associations; clarifying and updating various ambiguous and obsolete provisions regarding the fire state aid program, the authorization of retirement benefits for volunteer firefighters and the mandated guidelines for the financing of volunteer firefighters' relief associations; amending Minnesota Statutes 1978, Sections 69.771; 69.772, Subdivisions 1, 2, 3, 4, 5, 6, and by adding a subdivision; 69.773; and 69.774; and Laws 1963, Chapter 429, Section 1; Laws 1967, Chapters 575, Sections 1, Subdivision 1; and 2; 829, Section 1; Laws 1969, Chapters 526, Section 2a, as added; 664, Section 1; Laws 1971, Chapters 114, Section 10; 127, Section 1; 140, Section 7; and 214, Sections 1, as amended, and 2; Laws 1973, Chapters 304, Section 4; and 472, Section 1, as amended; Laws 1975, Chapter 237, Sections 1 and 2; Laws 1976, Chapter 209, Section 1; Laws 1977, Chapter 374, Sections 41; 50, Subdivision 2; 51; and 57; Laws 1978, Chapter 685, Sections 1 and 4; repealing Minnesota Statutes 1978, Sections 69.04; 69.055; 69.06; 69.22; 69.23; 69.24; 69.66; 69.67; 69.68; 69.691; 424.30; and 424.31; Laws 1959, Chapter 324; Laws 1965, Chapters 592, Section 1; and 598, Section 1; Laws 1967, Chapters 575, Section 1, Subdivision 2; 742, Section 1; 815, Sections 1 and 2, Subdivision 1; and 831; Laws 1969, Chapters 252, Section 1, Subdivisions 1 and 2; 526, Sections 1 and 2; 530; 644, Section 1; 714; 719, Section 1; 877; 1088, Section 2, Subdivision 1; and 1105, Sections 1, 2 and 3; Laws 1971, Chapters 2; 114, Section 3, Subdivision 2; 140, Section 1; 184, Section 1, Subdivisions 1 and 2; 200; and 233; Laws 1973, Chapters 30, Section 1, Subdivision 1; 33; 166; 170; 173; 175; 181; 182; 280; 283, Section 1; 288; 304, Section 1, Subdivision 2; 311; and 464; Laws 1974, Chapters 112; Laws 1975, Chapters 36; 43; 117; 118; 119; 124; 125; 178; 197; 229, Section 1; 306, Section 33, Subdivisions 1 and 2; and 367; Laws

1976, Chapters 71; 97; 100, Section 1, Subdivisions 1 and 3; 206; 208; 214; 267; 272, Section 2; and 288, Section 1; Laws 1977, Chapters 294; 295; and 374, Section 50, Subdivision 1; Laws 1978, Chapters 599, Section 1, Subdivisions 2 and 3; 606; 617, Section 1; 622; 631; 673; 683, Sections 1 and 2, Subdivision 1; 753, Section 2, Subdivisions 1 and 1a; and 754.

The bill was read for the first time.

Reding moved that S. F. No. 961 and H. F. No. 928, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### SPECIAL ORDERS

S. F. No. 831 was reported to the House.

Ellingson moved to amend S. F. No. 831, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1967, Chapter 721, Section 2, as amended by Laws 1969, Chapter 885, Section 1; Laws 1971, Chapter 954, Section 1; and Laws 1973, Chapter 473, Section 1, is amended to read:

Sec. 2. [HENNEPIN COUNTY; PARK RESERVE DISTRICT; TAX LEVY.] To provide funds for the purposes of the Hennepin county park reserve district as set forth in its annual budget, in lieu of the levies authorized by any other special law for such purposes, the board of county commissioners of Hennepin county upon approval of each annual budget may levy taxes on all the taxable property in the county and park district at a rate not exceeding (.67) 1.0 mill on the assessed valuation thereof. To provide funds for the acquisition and betterment of park properties and facilities of the district in accordance with plans filed by it under Minnesota Statutes, Section 398.19, upon request of the board of park district commissioners by a resolution or resolutions regularly adopted by a majority of all members thereof, the board of county commissioners of Hennepin county may, in addition to bonds issued by the county for this purpose before January 1, 1973, by resolution issue and sell general obligation bonds of the county in the manner provided in Minnesota Statutes, Sections 475.60 to 475.753, in an aggregate amount not exceeding \$2,500,000. Taxes for the payment of the principal of an interest on such bonds shall be assessed and extended upon all taxable property in the county. Such bonds shall not be subject to the limitations of Minnesota Statutes, Sections 475.51 to 475.59, but the maturity years and amounts and interest rates of each series of bonds shall be fixed so that the maximum amount of principal and interest to become due in any year

on the bonds authorized by this law and all bonds issued by the county for the purposes of the district before January 1, 1973, shall not exceed an amount equal to three tenths of one mill times the assessed value of all taxable property in the county as last finally equalized before the issuance of the new series."

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to the Hennepin county park reserve district; regulating tax levies; amending Laws 1967, Chapter 721, Section 2, as amended."

The motion prevailed and the amendment was adopted.

Heinitz moved to amend S. F. No. 831, as amended by the Ellingson amendment, as follows:

Page 2, after line 19, insert:

"Sec. 2. [HENNEPIN COUNTY PARK RESERVE DISTRICT; COMMISSIONERS.] *Subdivision 1. Effective January 1, 1983, and notwithstanding any provision of Minnesota Statutes, Sections 398.02 to 398.04 to the contrary, the board of park district commissioners of the Hennepin county park reserve district shall consist of seven commissioners elected or appointed as provided in this section.*

*Subd. 2. Park district commissioners shall be elected without party designation at the same time and in the same manner as county commissioners. One park district commissioner shall be elected from each of the county commissioner districts established pursuant to Minnesota Statutes, Chapter 375.*

*Subd. 3. The term of office of each elected park district commissioner shall be four years and until a successor is elected and qualifies except that the term of office of each park district commissioner elected at the general election held in the year of a federal census shall be two years and until a successor is elected and qualifies, and the term of office of each park district commissioner elected at the general election following any redistricting of the county commissioner districts, from those districts in which county commissioners are being elected to fill four year terms, shall be two years and until a successor is elected and qualifies.*

*Subd. 4. Notwithstanding any law to the contrary, until January 1, 1983, the park district commissioners of the Hennepin county park reserve district shall continue to be appointed and vacancies shall continue to be filled as provided in Laws 1963, Chapter 883, Section 1. On January 1, 1983, the terms of office*

of all commissioners appointed pursuant to Laws 1963, Chapter 883, Section 1, shall expire and the first elected commissioners shall take office. Thereafter park district commissioners shall be elected and vacancies shall be filled as provided in this section.

*Subd. 5. If a vacancy on the board of park district commissioners occurs on or after January 1, 1983, the board of park district commissioners shall appoint a successor to fill the unexpired term.*

**Sec. 3. [REPEALER.]** *Laws 1963, Chapter 883, Section 2, is repealed, effective January 1, 1983."*

Page 2, line 24, after "levies;" insert "providing for an elected board of park commissioners;"

Page 2, line 25, after "amended" insert " ; repealing Laws 1963, Chapter 883, Section 2"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 71 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Hokanson	Olsen	Sviggum
Adams	Ellingson	Jennings	Onnen	Thiede
Ainley	Erickson	Johnson, C.	Peterson	Valan
Albrecht	Esau	Johnson, D.	Piepho	Valento
Anderson, B.	Evans	Kaley	Pleasant	Weaver
Anderson, D.	Ewald	Kelly	Redalen	Welker
Anderson, G.	Fjoslien	Knickerbocker	Rees	Wenzel
Anderson, R.	Forsythe	Kvam	Reif	Wieser
Berkelman	Fritz	Laidig	Rose	Wigley
Biersdorf	Fudro	Ludeman	Rothenberg	Zubay
Blatz	Greenfield	Luknic	Sarna	Speaker Searle
Brinkman	Haukoos	McDonald	Schreiber	
Clawson	Heap	Mehrrens	Searles	
Dempsey	Heinitz	Nelsen, B.	Sherwood	
Den Ouden	Hoberg	Niehaus	Stowell	

Those who voted in the negative were:

Anderson, I.	Dean	Kempe	Nelsen, M.	Rice
Battaglia	Eken	Kostohryz	Nelson	Sieben, H.
Begich	Elioff	Kroening	Norman	Sieben, M.
Berglin	Enebo	Lehto	Norton	Stadum
Byrne	Faricy	Long	Novak	Stoa
Carlson, D.	Halberg	Mann	Nysether	Swanson
Carlson, L.	Jacobs	McEachern	Osthoff	Tomlinson
Casserly	Jaros	Metzen	Otis	Voss
Clark	Jude	Minne	Patton	Waldorf
Corbid	Kahn	Moe	Pehler	Wynia
Crandall	Kalis	Murphy	Prahl	



The motion prevailed and the amendment was adopted.

S. F. No. 831, A bill for an act relating to the Hennepin county park reserve district; regulating tax levies; reaffirming the requirement that the environmental quality board make its decisions by a majority vote; permitting certain requests for reconsideration of board decisions; amending Laws 1967, Chapter 721, Section 2, as amended; and Minnesota Statutes 1978, Section 116D.04, Subdivision 3.

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 53 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Ainley	Ewald	Jude	Olsen	Valan
Anderson, B.	Fjoslien	Kelly	Onnen	Valento
Anderson, D.	Forsythe	Knickerbocker	Pleasant	Vanasek
Anderson, G.	Greenfield	Laidig	Reif	Voss
Berkelman	Heap	Lehto	Rose	Weaver
Blatz	Heinitz	Ludeman	Rothenberg	Welker
Carlson, L.	Hoberg	McEachern	Schreiber	Wenzel
Dempsey	Hokanson	Minne	Searles	Wynia
Eken	Jaros	Munger	Stoa	Zubay
Ellingson	Johnson, C.	Murphy	Swanson	
Evans	Johnson, D.	Nelsen, B.	Tomlinson	

Those who voted in the negative were:

Aasness	Corbid	Jacobs	Metzen	Rees
Adams	Crandall	Jennings	Moe	Rice
Albrecht	Dean	Kahn	Nelsen, M.	Sarna
Anderson, I.	Den Ouden	Kaley	Nelson	Sherwood
Anderson, R.	Drew	Kalis	Niehaus	Sieben, H.
Battaglia	Elioff	Kempe	Norman	Sieben, M.
Begich	Enebo	Kostohryz	Novak	Stadum
Berglin	Erickson	Kroening	Nysether	Stowell
Biersdorf	Esau	Kvam	Osthoff	Sviggum
Brinkman	Faricy	Long	Otis	Thiede
Byrne	Friedrich	Luknic	Patton	Waldorf
Carlson, D.	Fritz	Mann	Pehler	Wieser
Casserly	Fudro	McCarron	Peterson	Wigley
Clark	Halberg	McDonald	Piepho	Speaker Searle
Clawson	Haukoos	Mehrkins	Redalen	

The bill was not passed, as amended.

S. F. No. 549 was reported to the House.

Welker and Fjoslien moved to amend S. F. No. 549, the unofficial engrossment, as follows:

Page 4, after line 18, insert:

*"(j) Analysis of the applicability of the state building code."*

Page 8, after line 22, insert:

*"Sec. 2. Notwithstanding any other provision of law to the contrary, a county that is not a metropolitan county as defined by section 473.121, Subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the state building code prior to January 1, 1977, that no portion of the state building code except the building requirements for handicapped persons shall apply within its jurisdiction.*

*The county board may, and upon petition therefor signed by voters equal in number to at least five percent of those voting in the last general election shall submit to the voters at a regular or special election the question of adopting the building code. The question on the ballot shall be stated substantially as follows:*

*"Shall the state building code be adopted in ..... County?"*

*If the majority of the votes cast on the proposition is in the negative, the state building code shall not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code prior to January 1, 1977, except the building requirements for handicapped persons shall apply.*

*Nothing in this section shall preclude a home rule charter or statutory city or town that did not adopt the state building code prior to January 1, 1977, from adopting and enforcing the state building code within its jurisdiction."*

Further, amend the title:

Line 3, after the semicolon insert "providing for referenda on adoption of the state building code;"

A roll call was requested and properly seconded.

#### POINT OF ORDER

Tomlinson raised a point of order pursuant to rule 3.9 that the Welker and Fjoslien amendment was not in order.

The Speaker submitted the following question to the House:

*"Is it the judgment of the House that the point of order is well taken?"*

A roll call was requested and properly seconded.

The roll was called and there were 41 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Adams	Faricy	Kostohryz	Olsen	Tomlinson
Berglin	Forsythe	Kroening	Osthoff	Vanasek
Byrne	Fudro	Levi	Otis	Voss
Carlson, L.	Greenfield	Long	Pehler	Waldorf
Casserly	Jacobs	Moe	Rice	Wynia
Clark	Jaros	Nelson	Sarna	
Clawson	Kahn	Norman	Sieben, H.	
Corbid	Kelly	Norton	Simoneau	
Enebo	Kempe	Novak	Stoa	

Those who voted in the negative were:

Aasness	Eken	Jude	Nelsen, M.	Stadum
Ainley	Elioff	Kaley	Niehaus	Stowell
Albrecht	Erickson	Kalis	Nysether	Svigum
Anderson, B.	Esau	Knickerbocker	Onnen	Swanson
Anderson, G.	Evans	Kvam	Patton	Thiede
Anderson, R.	Ewald	Laidig	Peterson	Valan
Battaglia	Fjoslien	Lehto	Piepho	Valento
Begich	Friedrich	Ludeman	Pleasant	Welker
Berkelman	Fritz	Luknic	Prahl	Wenzel
Biersdorf	Halberg	Mann	Redalen	Wieser
Blatz	Haukoos	McDonald	Rees	Wigley
Brinkman	Heap	McEachern	Reif	Zubay
Carlson, D.	Heinitz	Mehrkens	Rose	Speaker Searle
Crandall	Hoberg	Metzen	Rothenberg	
Dempsey	Hokanson	Minne	Schreiber	
Den Ouden	Jennings	Murphy	Searles	
Drew	Johnson, D.	Nelsen, B.	Sherwood	

It was the judgment of the House that the point of order was not well taken.

Corbid moved to amend the Welker amendment to S. F. 549, as follows:

To the amendment:

In section two after "*electors*" insert a period and delete: "*residing outside of municipalities that have adopted the state building code prior to January 1, 1977,*"

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

Speaker pro tem Heinitz was called to the Chair.

Enebo moved to amend the Welker amendment to S. F. No. 549, the unofficial engrossment, as follows:

In the first paragraph, after "*persons*" and before "*shall*" insert "*and public buildings*"

Fourth paragraph of Section 2, after "*persons*" and before "*shall*" insert "*and public buildings*"

A roll call was requested and properly seconded.

The question was taken on the Enebo amendment to the Welker amendment and the roll was called. There were 60 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Adams	Ellingson	Kempe	Norman	Rothenberg
Anderson, G.	Enebo	Kroening	Novak	Schreiber
Anderson, I.	Ewald	Lehto	Olsen	Sieben, H.
Berglin	Faricy	Long	Onnen	Sieben, M.
Biersdorf	Fudro	McEachern	Osthoff	Simoneau
Byrne	Greenfield	Metzen	Otis	Stoa
Carlson, L.	Hokanson	Minne	Pehler	Swanson
Casserly	Jacobs	Moe	Piepho	Tomlinson
Clark	Jaros	Munger	Prahl	Vanasek
Clawson	Jude	Murphy	Reding	Waldorf
Corbid	Kahn	Nelsen, M.	Rees	Welch
Dempsey	Kelly	Nelson	Rice	Wynia

Those who voted in the negative were:

Aasness	Den Ouden	Heap	Mann	Stadum
Ainley	Drew	Heinitz	McDonald	Stowell
Albrecht	Eken	Hoberg	Mehrkens	Sviggum
Anderson, B.	Elioff	Jennings	Nelsen, B.	Thiede
Anderson, D.	Erickson	Johnson, C.	Niehaus	Valan
Anderson, R.	Esau	Johnson, D.	Nysether	Valento
Battaglia	Evans	Kaley	Patton	Welker
Begich	Fjoslien	Kalis	Peterson	Wenzel
Berkelman	Forsythe	Knickerbocker	Pleasant	Wieser
Blatz	Friedrich	Kvam	Redalen	Wigley
Brinkman	Fritz	Levi	Reif	Zubay
Carlson, D.	Halberg	Ludeman	Searles	Speaker Searle
Crandall	Haukoos	Luknic	Sherwood	

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

The question recurred on the Welker amendment and the roll was called. There were 86 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Evans	Johnson, C.	McCarron
Ainley	Brinkman	Fjoslien	Johnson, D.	McDonald
Albrecht	Carlson, D.	Forsythe	Jude	McEachern
Anderson, B.	Clawson	Friedrich	Kaley	Mehrkens
Anderson, D.	Crandall	Fritz	Kalis	Metzen
Anderson, G.	Dempsey	Halberg	Knickerbocker	Minne
Anderson, I.	Den Ouden	Haukoos	Kvam	Moe
Anderson, R.	Drew	Heap	Laidig	Murphy
Battaglia	Eken	Heinitz	Levi	Nelsen, B.
Begich	Elioff	Hoberg	Ludeman	Nelsen, M.
Berkelman	Erickson	Hokanson	Luknic	Niehaus
Biersdorf	Esau	Jennings	Mann	Norman

Nysether	Reding	Searles	Valan	Wigley
Onnen	Rees	Sherwood	Valento	Zubay
Peterson	Reif	Stadum	Welch	
Piepho	Rose	Stowell	Welker	
Prahl	Rothenberg	Sviggum	Wenzel	
Redalen	Schreiber	Thiede	Wieser	

Those who voted in the negative were:

Adams	Enebo	Kroening	Osthoff	Swanson
Berglin	Faricy	Lehto	Otis	Tomlinson
Byrne	Fudro	Long	Pleasant	Vanasek
Carlson, L.	Greenfield	Munger	Rice	Voss
Casserly	Jacobs	Nelson	Sarna	Waldorf
Clark	Jaros	Norton	Sieben, H.	Wynia
Corbid	Kahn	Novak	Simoneau	
Ellingson	Kelly	Olsen	Stoa	

The motion prevailed and the amendment was adopted.

#### POINT OF ORDER

Voss raised a point of order pursuant to rule 5.7 that S. F. No. 549, as amended, be re-referred to the Committee on Appropriations.

The Speaker pro tem ruled the point of order not well taken.

S. F. No. 549, A bill for an act relating to local government; requiring additional local participation in consolidation procedures; amending Minnesota Statutes 1978, Section 414.041.

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 87 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Johnson, D.	Nelsen, M.	Stadum
Ainley	Elioff	Jude	Niehaus	Stowell
Albrecht	Erickson	Kaley	Norman	Sviggum
Anderson, B.	Esau	Kalis	Nysether	Thiede
Anderson, G.	Evans	Kempe	Onnen	Valan
Anderson, I.	Ewald	Knickerbocker	Peterson	Valento
Anderson, R.	Fjoslien	Kvam	Piepho	Vanasek
Battaglia	Forsythe	Laidig	Pleasant	Weaver
Begich	Friedrich	Levi	Prahl	Welch
Biersdorf	Fritz	Ludeman	Redalen	Welker
Blatz	Halberg	Luknic	Reding	Wenzel
Brinkman	Haukoos	Mann	Rees	Wieser
Carlson, D.	Heap	McDonald	Reif	Wigley
Clawson	Heinitz	McEachern	Rose	Zubay
Crandall	Hoberg	Mehrkens	Rothenberg	Speaker Searle
Dempsey	Hokanson	Minne	Schreiber	
Den Ouden	Jennings	Murphy	Searles	
Drew	Johnson, C.	Nelsen, B.	Sherwood	

Those who voted in the negative were:

Adams	Ellingson	Kelly	Novak	Simoneau
Berglin	Enebo	Kroening	Olsen	Stoa
Berkelman	Faricy	Lehto	Osthoff	Swanson
Byrne	Fudro	Long	Otis	Tomlinson
Carlson, L.	Greenfield	Moe	Pehler	Voss
Casserly	Jacobs	Munger	Rice	Waldorf
Clark	Jaros	Nelson	Sieben, H.	Wynia
Corbid	Kahn	Norton	Sieben, M.	

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

#### ANNOUNCEMENT BY THE SPEAKER AND THE CHAIRMAN OF THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

The Speaker and the Chairman of the Committee on Rules and Legislative Administration announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1495:

Sieben, H.; Anderson, I.; Tomlinson; Kvam; Searles; and Dempsey.

#### SPECIAL ORDERS, Continued

S. F. No. 843 was reported to the House.

Jaros moved to amend S. F. No. 843 as follows:

Page 1, line 13, after "*weight*" insert "*brewed and bottled outside the United States of America,*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 58 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Drew	Kostohryz	Norton	Sieben, H.
Battaglia	Eken	Lehto	Novak	Sieben, M.
Begich	Ellingson	Levi	Olsen	Simoneau
Berglin	Ewald	Long	Osthoff	Stadum
Berkelman	Forsythe	Mann	Otis	Stowell
Blatz	Hokanson	McCarron	Patton	Swanson
Byrne	Jacobs	Metzen	Pehler	Tomlinson
Carlson, L.	Jaros	Minne	Peterson	Vanasek
Casserly	Johnson, C.	Munger	Prahl	Voss
Clark	Kahn	Murphy	Sarna	Wynia
Corbid	Kempe	Nelsen, M.	Schreiber	
Dean	Knickerbocker	Nelson	Searles	

Those who voted in the negative were:

Aasness	Den Ouden	Jude	Norman	Thiede
Adams	Elioff	Kaley	Nysether	Valan
Ainley	Erickson	Kalis	Onnen	Valento
Albrecht	Esau	Kroening	Piepho	Waldorf
Anderson, B.	Evans	Kvam	Pleasant	Weaver
Anderson, D.	Fjoslien	Laidig	Redalen	Welch
Anderson, I.	Fritz	Ludeman	Reding	Welker
Anderson, R.	Fudro	Luknic	Rees	Wenzel
Biersdorf	Halberg	McDonald	Reif	Wieser
Brinkman	Haukoos	McEachern	Rose	Wigley
Carlson, D.	Heap	Mehrkens	Rothenberg	Zubay
Clawson	Heinitz	Moe	Sherwood	Speaker Searle
Crandall	Jennings	Nelsen, B.	Stoa	
Dempsey	Johnson, D.	Niehaus	Svigum	

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

Jaros moved that S. F. No. 843 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 1312, A bill for an act relating to unemployment compensation; providing for conformity with federal requirements; altering certain definitions; altering certain provisions as to employer contributions; altering provisions as to deductions from benefits; altering provisions as to between term denial of benefits to certain educational employees; altering certain provisions for disqualification from benefits; altering certain appeal provisions; removing limitation on certain reciprocal benefit arrangements; amending Minnesota Statutes 1978, Sections 268.04, Subdivisions 10, 12 and 23; 268.06, Subdivisions 5, 8, 21, 22, and by adding a subdivision; 268.08, Subdivisions 3 and 4, and 6, as amended; 268.09, Subdivisions 1, 2 and 3; 268.10, Subdivision 2; 268.12, Subdivision 13; 268.13, Subdivision 2; and 268.18, Subdivisions 1 and 2.

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

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

Those who voted in the affirmative were:

Aasness	Biersdorf	Dempsey	Forsythe	Jaros
Adams	Blatz	Den Ouden	Friedrich	Jennings
Ainley	Brinkman	Drew	Fritz	Johnson, C.
Albrecht	Byrne	Eken	Fudro	Johnson, D.
Anderson, B.	Carlson, D.	Elioff	Greenfield	Jude
Anderson, D.	Carlson, L.	Ellingson	Halberg	Kahn
Anderson, G.	Casserly	Enebo	Haukoos	Kaley
Anderson, I.	Clark	Erickson	Heap	Kalis
Battaglia	Clawson	Esau	Heinitz	Kelly
Begich	Corbid	Ewald	Hoberg	Kempe
Berglin	Crandall	Faricy	Hokanson	Knickerbocker
Berkelman	Dean	Fjoslien	Jacobs	Kostohryz

Kroening	Minne	Osthoff	Sarna	Vanasek
Kvam	Moe	Otis	Schreiber	Voss
Laidig	Munger	Patton	Searles	Waldorf
Lehto	Murphy	Pehler	Sherwood	Weaver
Levi	Nelsen, B.	Peterson	Sieben, H.	Welch
Long	Nelsen, M.	Piepho	Sieben, M.	Welker
Ludeman	Nelson	Pleasant	Simoneau	Wenzel
Luknic	Niehaus	Prahl	Stadum	Wieser
Mann	Norman	Redalen	Stoa	Wigley
McCarron	Norton	Reding	Stowell	Wynia
McDonald	Novak	Rees	Swanson	Zubay
McEachern	Nysether	Reif	Thiede	Speaker Searle
Mehrkens	Olsen	Rice	Tomlinson	
Metzen	Onnen	Rose	Valento	

Those who voted in the negative were.

Anderson, R.

The bill was passed and its title agreed to.

S. F. No. 186 was reported to the House.

There being no objection, S. F. No. 186 was continued on Special Orders for one day.

Speaker Searle resumed the chair.

S. F. No. 228 was reported to the House.

Pehler moved to amend S. F. No. 228, the unofficial engrossment, as follows:

Page 2, line 25, after "*only*," insert "*and within 1200 feet at*"

The motion prevailed and the amendment was adopted.

S. F. No. 228, A bill for an act relating to intoxicating liquor; places where sales are forbidden; amending Minnesota Statutes 1978, Section 340.14, Subdivision 3.

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 106 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Adams	Begich	Byrne	Dean	Ellingson
Ainley	Berglin	Carlson, L.	Dempsey	Enebo
Anderson, B.	Berkelman	Casserly	Den Ouden	Evans
Anderson, G.	Biersdorf	Clark	Drew	Ewald
Anderson, I.	Blatz	Clawson	Eken	Faricy
Battaglia	Brinkman	Crandall	Elioff	Fjoslien



Forsythe	Kalis	Minne	Redalen	Valento
Fritz	Kempe	Moe	Reding	Vanasek
Fudro	Knickerbocker	Munger	Rees	Voss
Greenfield	Kostohryz	Murphy	Reif	Waldorf
Halberg	Kvam	Nelsen, M.	Rice	Weaver
Haukoos	Laidig	Nelson	Rothenberg	Welch
Heap	Lehto	Norman	Sarna	Welker
Heinitz	Levi	Norton	Schreiber	Wenzel
Hoberg	Long	Novak	Searles	Wieser
Hokanson	Ludeman	Nysether	Sieben, H.	Wigley
Jacobs	Luknic	Osthoff	Sieben, M.	Wynia
Jaros	Mann	Otis	Simoneau	Zubay
Jennings	McCarron	Patton	Stoa	
Johnson, C.	McEachern	Pehler	Stowell	
Jude	Mehrkins	Peterson	Swanson	
Kahn	Metzen	Piepho	Tomlinson	

Those who voted in the negative were:

Aasness	Kelly	Nelsen, B.	Stadum	Thiede
Carlson, D.	Kroening	Onnen	Swiggum	Speaker Searle
Erickson	McDonald	Sherwood		

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

S. F. No. 233, A bill for an act relating to the city of Faribault; authorizing subletting of certain property leased from the state; directing disposition of rentals therefrom; amending Laws 1977, Chapter 245, Section 1, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Schreiber	Stadum	Tomlinson	Weaver	Wynia
Searles	Stoa	Valan	Welch	Zubay
Sherwood	Stowell	Valento	Welker	Speaker Searle
Sieben, H.	Sviggum	Vanasek	Wenzel	
Sieben, M.	Swanson	Voss	Wieser	
Simoneau	Thiede	Waldorf	Wigley	

The bill was passed and its title agreed to.

Hokanson was excused from 3:30 p.m. to 5:00 p.m.

S. F. No. 427, A bill for an act relating to warehouses; excepting persons storing certain items on a seasonal basis from requirements applied to warehousemen; amending Minnesota Statutes 1978, Section 281.01, Subdivision 5.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

S. F. No. 117, A bill for an act relating to special acts passed in accordance with the Constitution, Article XII, Section 2; requiring local approval in certain cases; amending Minnesota Statutes 1978, Sections 645.021 and 645.023, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

#### ANNOUNCEMENT BY THE SPEAKER AND THE CHAIRMAN OF THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

The Speaker and the Chairman of the Committee on Rules and Legislative Administration announced the appointment of the following members of the House to a Conference Committee on H. F. No. 60:

Wieser, Den Ouden, Prahl, and Begich.

The Speaker and the Chairman of the Committee on Rules and Legislative Administration announced the appointment of the following members of the House to a Conference Committee on H. F. No. 248:

Wieser, Sviggum, Brinkman, and Wenzel.

### SPECIAL ORDERS, Continued

S. F. No. 622 was reported to the House.

There being no objection, S. F. No. 622 was continued on Special Orders for one day.

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

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

The bill was passed and its title agreed to.

S. F. No. 607 was reported to the House.

There being no objection, S. F. No. 607 was continued on Special Orders for one day.

Sieben, H., moved that the remaining bills on Special Orders for today be continued for one day immediately preceding General Orders. The motion prevailed.

## GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

## MOTIONS AND RESOLUTIONS

Halberg moved that H. F. No. 1094 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

Patton moved that S. F. No. 1128 be recalled from the Committee on Governmental Operations and together with H. F. No. 1192, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Sherwood moved that the House conferees on H. F. No. 13 be discharged, that new conferees be appointed on the part of the House, that the Speaker shall appoint 2 members and the Chairman of the Committee on Rules and Legislative Administration shall appoint 2 members to the Conference Committee, and that the Senate be requested to discharge its Conference Committee and appoint new conferees. The motion prevailed.

## PROTEST AND DISSENT

We, the undersigned members of the Minnesota House of Representatives, submit this petition of protest and dissent to be entered in the Journal of the House.

We are protesting and dissenting the action taken by the DFL members of the House in two cases. First, we protest and dissent against the motion to require the House Committee on General Legislation and Veterans Affairs to meet and report by 6:00 p.m. Wednesday, May 16 on the election contest of Rep. Robert Pavlak and to further request the full house to act at 6:00 p.m. Wednesday, May 16 whether or not the committee has acted. Second, we protest and dissent the motion offered by Rep. Irv Anderson and Rep. Harry Sieben forbidding Rep. Pavlak from voting on any substantive or procedural votes relative to the issue of his election contest. This motion was ill-conceived in that it overruled the Speaker of the House who had earlier stated that he would rule upon Rep. Pavlak's eligibility to vote in these cases.

We believe that these actions were injurious to Rep. Pavlak and further that his rights to due process and equal protection of the law so stated under the 14th amendment of the United States Constitution have been denied.

Sally Olsen	Gilbert Esau
Dwaine Hoberg	Glen Sherwood
Bob Haukoos	Tony Stadum
Elton R. Redalen	K.J. McDonald
Merlyn O. Valan	Paul Thiede
Jim Heap	Don Valento
Tom Rees	Raymond J. Albrecht
Lyle Mehrkens	Joe T. Niehaus
Marnie Luknic	Adolph L. Kvam
David M. Jennings	Bill Peterson
Connie Levi	Tony Onnen
Ray Welker	Bruce Nelsen
John Drew	Ray O. Pleasant
John L. Weaver	Delbert F. Anderson
Dick Kaley	Donald L. Friedrich
Dave Fjoslien	Paul D. Aasness
Mike Fritz	Doug Ewald
Robert W. Reif	William D. Dean
Steve Sviggum	John A. Ainley
Elliott Rothenberg	Cal R. Ludeman
O. J. Heinitz	Jim Evans
William A. Crandall	Gary W. Laidig
Jim Norman	Bill Schreiber
Kathleen Blatz	Warren T. Stowell
Bob Searles	Wendell O. Erickson
Dean E. Johnson	Mary Forsythe
Terry Dempsey	Chuck Halberg
Mark Piepho	John Rose
John S. Biersdorf	Doug Carlson
Dick Wigley	Bob Anderson
Al Wieser, Jr.	Rod Searle
Myron Nysether	Jerry Knickerbocker
Ken Zubay	

## ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, May 16, 1979. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, May 16, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

