

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1979

FIFTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 18, 1979

The House of Representatives convened at 10:15 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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	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. Kelly 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. 1605, 1606, 869, 38, 1578, 381, 946, 866 and 1253 and S. F. Nos. 474, 765 and 481 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

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

May 17, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1979 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1979	Date Filed 1979
144		91	May 17	May 17
276		92	May 17	May 17
660		93	May 17	May 17
708		94	May 17	May 17
980		95	May 17	May 17
1392		96	May 17	May 17
	148	97	May 17	May 17
	713	98	May 17	May 17
	715	99	May 17	May 17
	823	100	May 17	May 17

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1979</i>	<i>Date Filed 1979</i>
	859	101	May 17	May 17
	969	102	May 17	May 17
1519		103	May 17	May 17

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

May 17, 1979

The Honorable Rod Searle
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<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1979</i>	<i>Date Filed 1979</i>
988		104	May 17	May 17

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

CALL OF THE HOUSE

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

Aasness	Albrecht	Anderson, G.	Battaglia	Berkelman
Adams	Anderson, B.	Anderson, I.	Begich	Biersdorf
Ainley	Anderson, D.	Anderson, R.	Berglin	Blatz

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

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

The hour of 10:30 a.m. having arrived, the matter contained in the Anderson, I., and Sieben, H., motion which was adopted by the House on Monday, May 14, 1979 and amended on Wednesday, May 16, 1979, was reported to the House.

REPORT ON ELECTION CONTEST

Report of the Committee on the matter of Election Contest of Robert Pavlak, Contestee and James Scheibel et al, Contestants:

Swanson, from the Committee on General Legislation and Veterans Affairs, having considered the Pavlak Election Contest which was referred to it by the House of Representatives, made the following report: no recommendation.

MINORITY REPORT

We, the undersigned, being a minority of the Committee on General Legislation and Veterans Affairs, make the following report on its findings, conclusions and recommendations with regard to the Pavlak-Kempe election contest case: strike the report of the Committee on General Legislation and Veterans Affairs and substitute the following:

On Monday, May 14, 1979, a communication was received from the Minnesota Supreme Court regarding the Scheibel, et al.—Pavlak election contest. The communication was referred,

by motion, to the Committee on General Legislation and Veterans Affairs.

An initial meeting of the committee was held on Tuesday, May 15, 1979, commencing at 10:15 A.M. At that time, the committee received the records of the election contest including transcripts of the trial court, the decision of the trial judge, the briefs, papers and records in the Supreme Court and the Factual and Legal Conclusions of the Supreme Court and its Opinion.

At the same time the parties were called and appeared through their respective counsel, Alan W. Weinblatt for Contestants and Patrick H. O'Neill for the Contestee and their appearances were recorded. Contestants, through their counsel, submitted their evidence.

Thereafter, at 7:15 P.M. on May 15, 1979, the committee reconvened for the presentation of the Contestee's evidence by his counsel. The hearing was delayed by Mr. O'Neill's service, upon the chairman, of an ex parte Temporary Restraining Order issued by Otis H. Godfrey, a Judge of the Ramsey County District Court.

The Temporary Restraining Order was vacated May 16, 1979 at 10:15 a.m. by unanimous order of the Minnesota Supreme Court and, thereupon, the committee reconvened at 11:30 A.M. on May 16, 1979 at which time the Contestee's evidence was submitted.

A bi-partisan delegation of committee members personally visited with Contestee, Robert Pavlak, and received his statement and answers to their questions, all of which was transcribed and made part of the record of the committee.

The committee reconvened on May 17, 1979 at 9:15 A.M. at which time copies of the exhibits from the Supreme Court were received and distributed to the committee members along with the transcript of Mr. Pavlak's statement, after which counsel for the Contestants opened the argument and closed the same after the Contestee had been heard. Each counsel stated that there was no additional data that he had to bring before the committee.

Based upon the evidence adduced at the foregoing public hearings, the transcripts and exhibits from the trial court and Supreme Court, the briefs of counsel to the Supreme Court, the transcript of Contestee's statement and the Opinion of the Minnesota Supreme Court, the undersigned find, conclude and determine as follows:

FINDINGS OF FACT

I

Robert Pavlak, Contestee, Arnold Kempe and Tom Kreager were candidates for election to the office of State Representative in Legislative District 67A of Ramsey and Dakota Counties at the General Election held on Tuesday, November 7, 1978.

II

Robert Pavlak, Contestee, received 4,454 votes and was issued a certificate of election. Arnold Kempe received 4,133 votes and Tom Kreager received 335 votes.

III

On Saturday, November 4, 1978, the *St. Paul Pioneer Press-Dispatch* published an editorial which stated: "We have seen nothing to dispute his (Pavlak's) research report on Kempe that shows the incumbent voted 4 times in 1967-68—this out of more than 300 opportunities."

IV

The Journal of the House for the 1977-78 Legislative Session shows that Representative Arnold Kempe voted 1,469 times out of 1,798 roll call votes during that session.

V

Contestee, Robert Pavlak, having served as a member of the House of Representatives during the legislative sessions of 1967, 1969, 1971 the extra session of 1971 and the 1973-74 session, was familiar with the quantity of roll call votes taken during a legislative session.

VI

Robert Pavlak knew on November 4, 1978 that the editorial statement that Arnold Kempe voted only 4 times in the 1977-78 legislative session out of more than 300 opportunities was false.

VII

The above editorial was discussed by Robert Pavlak with his campaign manager and 6,000 reprints of the editorial were prepared on November 4, 1978. Prior to reprinting the editorial, the portion thereof which contained the false statement was encircled to highlight it.

VIII

Testimony before the District Court was that at least 1,800 to 1,900 reprints of the editorial were distributed. Robert Pavlak told the committee that all of his campaign brochures were distributed.

IX

The false statement was with respect to the personal and political character and acts of Arnold Kempe.

X

The reprinting and distribution by Robert Pavlak and his campaign committee of the false statement was designed to and tended to elect Robert Pavlak and defeat Arnold Kempe, both candidates for election to the office of State Representative from District 67A.

XI

The distribution by Contestee of the editorial reprint containing the false statement was a deliberate, serious and material violation of Minnesota Statutes Section 210A.04, a part of Minnesota Election Law.

XII

Contestee, Robert Pavlak, provided the original research on Arnold Kempe's voting record from which the editorial was written to William G. Sumner, editor of the *St. Paul Dispatch-Pioneer Press*. The editorial cited Pavlak's research report as being the source of its statement. Robert Pavlak knew that, as stated, the statement that, "We have seen nothing to dispute his research report that shows Kempe voted 4 times in 1967-68—this out of more than 300 opportunities.", was false, but reprinted and distributed it anyway.

XIII

The deliberate, serious and material violation by Robert Pavlak of the Minnesota Fair Campaign Practices Act was not with respect to a trivial or unimportant matter; was not committed without the knowledge of the candidate and was not committed in good faith. It is therefore not unjust or unlawful that Robert Pavlak should forfeit the office.

RECOMMENDATIONS

We, the undersigned, upon the foregoing findings of fact, find, conclude and determine that:

1. Contestee, Robert Pavlak, committed a deliberate, serious and material violation of the provisions of the Minnesota Election Law not excused by the provisions of Minnesota Statutes Section 210A.38.

2. Robert Pavlak was not legally elected and is not entitled to retain the seat as Representative from Legislative District 67A, Counties of Dakota and Ramsey in the State House of Representatives.

3. That there is a vacancy in the office of Representatives from Legislative District 67A, Counties of Dakota and Ramsey and that this vacancy be certified to the Honorable Albert H. Quie, Governor of the State of Minnesota in order that he may issue a writ of election as provided for by law so that the vacancy may be filled.

JAMES I. RICE

RICHARD J. KOSTOHRYZ

C. THOMAS OSTHOFF

Rice moved that the minority report on the election contest be substituted for the majority report and that the minority report be now adopted.

A roll call was requested and properly seconded.

POINT OF ORDER

Halberg raised a point of order pursuant to Article IV, Section 7, of the Minnesota Constitution that the motion to adopt the minority report requires a two-thirds vote. The Speaker ruled the point of order well taken.

Faricy appealed the decision of the Chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?"

The roll was called and there were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, D.	Blatz	Dean	Drew
Ainley	Anderson, R.	Carlson, D.	Dempsey	Erickson
Albrecht	Biersdorf	Crاندall	Den Ouden	Esau

Evans	Jennings	Nelsen, B.	Reif	Valento
Ewald	Johnson, D.	Niehaus	Rose	Weaver
Fjoslien	Kaley	Norman	Rothenberg	Welker
Forsythe	Knickerbocker	Nysether	Schreiber	Wieser
Friedrich	Kvam	Olsen	Searles	Wigley
Fritz	Laidig	Onnen	Sherwood	Zubay
Halberg	Levi	Peterson	Stadum	Speaker Searle
Haukoos	Ludeman	Piepho	Stowell	
Heap	Luknic	Pleasant	Sviggum	
Heinitz	McDonald	Redalen	Thiede	
Hoberg	Mehrkens	Rees	Valan	

Those who voted in the negative were:

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

It was the judgment of the House that the decision of the Speaker should not stand.

The question recurred on the motion of Rice to substitute the minority report for the majority report and to adopt the minority report.

The roll was called and there were 67 yeas and 66 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Aasness	Anderson, D.	Blatz	Dean	Drew
Ainley	Anderson, R.	Carlson, D.	Dempsey	Erickson
Albrecht	Biersdorf	Crandall	Den Ouden	Esau

Evans	Jennings	Nelsen, B.	Reif	Valento
Ewald	Johnson, D.	Niehaus	Rose	Weaver
Fjoslien	Kaley	Norman	Rothenberg	Welker
Forsythe	Knickerbocker	Nysether	Schreiber	Wieser
Friedrich	Kvam	Olsen	Searles	Wigley
Fritz	Laidig	Onnen	Sherwood	Zubay
Halberg	Levi	Peterson	Stadum	Speaker Searle
Haukoos	Ludeman	Piepho	Stowell	
Heap	Luknic	Pleasant	Sviggum	
Heinitz	McDonald	Redalen	Thiede	
Hoberg	Mehrkens	Rees	Valan	

The motion of Rice prevailed and the minority report was substituted for the majority report and the minority report was adopted.

CALL OF THE HOUSE LIFTED

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

Sieben, H., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

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

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 996, A bill for an act relating to commerce; creating a business assistance center within the department of economic development; appropriating money; amending Minnesota Statutes 1978, Sections 161.321, Subdivision 1; 362.42; and Chapter 362, by adding sections.

Reported the same back with the following amendments:

Page 3, delete lines 23 to 25

Page 3, line 26, delete "(e)" and insert "(d)"

Page 3, line 29, delete "(f)" and insert "(e)"

Page 4, line 1, delete "(g)" and insert "(f)"

Page 4, delete lines 32 and 33

Page 5, line 1, delete "(d)" and insert "(c)"

Page 5, line 3, delete "(e)" and insert "(d)"

Page 5, line 8, delete "(f)" and insert "(e)"

Page 5, line 11, delete "(g)" and insert "(f)"

Page 7, delete lines 4 to 11

Further amend the title as follows:

Page 1, line 4, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1605 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the State of Minnesota, Voss moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1605 be given its third reading and be placed upon its final passage. The motion prevailed.

Voss moved that the rules of the House be so far suspended that H. F. No. 1605 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 1605 was reported to the House.

Den Ouden moved to amend H. F. No. 1605 as follows:

Page 6, line 29, delete "10,075,000" and insert "9,900,000"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 48 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Den Ouden	Fjoslien	Hokanson
Albrecht	Carlson, D.	Drew	Friedrich	Jennings
Anderson, R.	Crandall	Esau	Fritz	Johnson, D.
Biersdorf	Dempsey	Evans	Heap	Kaley

Kelly	Minne	Redalen	Stowell	Welker
Kempe	Niehaus	Rees	Sviggunn	Wieser
Ludeman	Norman	Rose	Thiede	Wigley
Luknic	Nysether	Rothenberg	Valan	Wynia
McDonald	Piepho	Sherwood	Valento	
Mehrken	Prahl	Stadum	Welch	

Those who voted in the negative were:

Adams	Corbid	Johnson, C.	Murphy	Schreiber
Ainley	Dean	Jude	Nelsen, B.	Sieben, H.
Anderson, B.	Eken	Kahn	Nelson	Sieben, M.
Anderson, D.	Elioff	Knickerbocker	Norton	Simoneau
Anderson, G.	Ellingson	Kostohryz	Novak	Stoa
Anderson, I.	Enebo	Kroening	Olsen	Swanson
Battaglia	Erickson	Kvam	Onnen	Tomlinson
Begich	Ewald	Laidig	Osthoff	Vanasek
Berglin	Faricy	Lehto	Otis	Voss
Berkelman	Forsythe	Levi	Patton	Waldorf
Brinkman	Greenfield	Long	Pehler	Weaver
Byrne	Haukoos	Mann	Peterson	Wenzel
Carlson, L.	Heinitz	McCarron	Reding	Speaker Searle
Casserly	Hoberg	Metzen	Reif	
Clark	Jacobs	Moe	Rice	
Clawson	Jaros	Munger	Sarna	

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

H. F. No. 1605, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building bonds; appropriating money, and authorizing a special levy

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 117 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Fjoslien	Kalis	Munger
Adams	Carlson, L.	Forsythe	Kelly	Murphy
Ainley	Casserly	Fritz	Knickerbocker	Nelsen, B.
Albrecht	Clark	Fudro	Kostohryz	Nelsen, M.
Anderson, B.	Clawson	Greenfield	Kroening	Nelson
Anderson, D.	Crandall	Haukoos	Kvam	Niehaus
Anderson, G.	Dean	Heap	Laidig	Norman
Anderson, I.	Drew	Heinitz	Lehto	Norton
Anderson, R.	Eken	Hoberg	Long	Novak
Battaglia	Elioff	Hokanson	Luknic	Olsen
Begich	Ellingson	Jacobs	Mann	Onnen
Berglin	Enebo	Jaros	McCarron	Osthoff
Berkelman	Erickson	Johnson, C.	McEachern	Otis
Biersdorf	Esau	Johnson, D.	Mehrken	Patton
Blatz	Evans	Jude	Pehler	Peterson
Brinkman	Ewald	Kahn	Minne	Piepho
Byrne	Faricy	Kaley	Moe	

Prahl	Sarna	Stadum	Vanasek	Wigley
Redalen	Schreiber	Stoa	Voss	Wynia
Reding	Searles	Sviggum	Waldorf	Zubay
Reif	Sherwood	Swanson	Weaver	Speaker Searle
Rice	Sieben, H.	Tomlinson	Welch	
Rose	Sieben, M.	Valan	Welker	
Rothenberg	Simoneau	Valento	Wenzel	

Those who voted in the negative were:

Corbid	Friedrich	Ludeman	Pleasant	Thiede
Dempsey	Jennings	McDonald	Rees	Wieser
Den Ouden	Kempe	Nysether	Stowell	

The bill was passed and its title agreed to.

SECOND READING OF HOUSE BILLS, Continued

H. F. No. 1606 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the State of Minnesota, Norton moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1606 be given its third reading and be placed upon its final passage. The motion prevailed.

Norton moved that the rules of the House be so far suspended that H. F. No. 1606 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 1606, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; authorizing purchase and sale of public lands and buildings; appropriating money.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

SECOND READING OF HOUSE BILLS, Continued

H. F. No. 996 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clawson introduced:

H. F. No. 1607, A bill for an act relating to taxation; providing for expiration of tax expenditure devices; establishing procedures for analysis and review of tax expenditure devices prior to enactment or extension.

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

Pehler, Kvam and Norton introduced:

H. F. No. 1608, A bill for an act relating to transportation; requiring the commissioner of transportation to approve certain county state-aid highway and municipal state-aid street projects and state-aid funding therefor under certain conditions.

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

Wynia; Kelly; Anderson, R.; Faricy and Jennings introduced:

H. F. No. 1609, A bill for an act relating to insurance; prohibiting certain unfair discriminatory practices; prohibiting discrimination on the basis of sex, marital status or occupation as a homemaker; providing remedies; amending Minnesota Statutes 1978, Chapter 72A, by adding a section.

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

Casserly, Schreiber, Voss, Norton and Wynia introduced:

H. F. No. 1610, A bill for an act relating to metropolitan government; providing for solid waste disposal planning; permitting designation of waste districts; amending Minnesota Statutes 1978, Sections 473.121, by adding a subdivision; 473.149, Subdivision 3, and by adding a subdivision; 473.516; 473.803; 473.811, Subdivisions 1 and 5; 473.823, Subdivision 3, and by adding a subdivision; 473.851; 473.852, Subdivision 8; 473.855; 473.858, by adding a subdivision; 473.859; and 473.862, Subdivision 1.

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

Biersdorf introduced:

H. F. No. 1611, A bill for an act relating to taxes; permitting changes in local mill levies when approved in elections; amending Minnesota Statutes 1978, Section 275.58.

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

Schreiber, Levi, Vanasek, Sviggum and McEachern introduced:

H. F. No. 1612, A bill for an act relating to agriculture; providing for agricultural preserves; providing property tax relief; appropriating money.

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

Clawson, Corbid, Brinkman and Wieser introduced:

H. F. No. 1613, A resolution memorializing the President and Congress to repeal regulation Q restricting the interest rates which financial institutions may pay on certain deposits.

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

Sarna and Patton introduced:

H. F. No. 1614, A bill for an act relating to retirement; authorizing the Minneapolis teachers retirement fund association to permit the purchase of military service credit by certain members.

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

Kalis introduced:

H. F. No. 1615, A bill for an act relating to probate; allowing claims based on certain medical assistance to be made against the homestead of decedent; amending Minnesota Statutes 1978, Sections 525.145; and 525.16.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Biersdorf, Osthoff, Sarna and Friedrich introduced:

H. A. No. 40, A proposal to examine the cost of advertising as it relates to consumer goods sold at retail.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 792, A bill for an act relating to claims against the state; providing for claims arising out of various restitution programs to be heard by the legislature; amending Minnesota Statutes 1978, Section 3.738, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McCarron moved that the House concur in the Senate amendments to H. F. No. 792 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 792, A bill for an act relating to claims against the state; providing for claims arising out of various restitution programs to be heard by the legislature; amending Minnesota Statutes 1978, Section 3.738, Subdivision 1; and Chapter 3, by adding a section.

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

The question was taken on the repassage of the bill and the roll was called. There were 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	Mehrrens	Reif	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. 107, A bill for an act relating to constables; exempting certain constables from licensing requirements; amending Minnesota Statutes 1978, Section 367.41, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lehto moved that the House concur in the Senate amendments to H. F. No. 107 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 107, A bill for an act relating to constables; exempting certain constables from licensing requirements; amending Minnesota Statutes 1978, Section 367.41, Subdivision 2.

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 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, I. Fritz

Niehaus

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. 123, A bill for an act relating to crimes; prohibiting solicitation or inducement concerning prostitution, promoting the prostitution of a person, receiving profit derived from prostitution, engaging in prostitution, and patronizing a prostitute; limiting defenses to prosecution; establishing rules of evidence; establishing immunity from prosecution for certain testimony; providing penalties; amending Minnesota Statutes 1978, Sections 626.556, Subdivision 2; and 626A.05, Subdivision 2; repealing Minnesota Statutes 1978, Section 609.32.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Nelson moved that the House concur in the Senate amendments to H. F. No. 123 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 123, A bill for an act relating to crimes; prohibiting solicitation or inducement concerning prostitution, promoting the prostitution of a person, receiving profit derived from prostitution, engaging in prostitution, and patronizing a prostitute; limiting defenses to prosecution; establishing rules of evidence; establishing immunity from prosecution for certain testimony; providing penalties; amending Minnesota Statutes 1978, Sections 626.556, Subdivision 2; and 626A.05, Subdivision 2; repealing Minnesota Statutes 1978, Section 609.32.

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
Adams

Ainley
Albrecht

Anderson, B.
Anderson, D.

Anderson, G.
Anderson, I.

Anderson, R.
Battaglia

Begich	Ewald	Knickerbocker	Norton	Sieben, M.
Berglin	Faricy	Kostohryz	Novak	Simoneau
Berkelman	Fjoslien	Kroening	Nysether	Stadum
Biersdorf	Forsythe	Kvam	Olsen	Stoa
Blatz	Friedrich	Laidig	Onnen	Stowell
Brinkman	Fritz	Lehto	Osthoff	Swiggum
Byrne	Fudro	Levi	Otis	Swanson
Carlson, D.	Greenfield	Long	Patton	Thiede
Carlson, L.	Halberg	Ludeman	Pehler	Tomlinson
Casserly	Haukoos	Luknic	Peterson	Valan
Clark	Heap	Mann	Piepho	Valento
Clawson	Heinitz	McCarron	Pleasant	Vanasek
Corbid	Hoberg	McDonald	Prahl	Voss
Crandall	Hokanson	McEachern	Redalen	Waldorf
Dean	Jacobs	Mehrkens	Reding	Weaver
Dempsey	Jaros	Metzen	Rees	Welch
Den Ouden	Jennings	Minne	Reif	Welker
Drew	Johnson, C.	Moe	Rice	Wenzel
Eken	Johnson, D.	Munger	Rose	Wieser
Elioff	Jude	Murphy	Rothenberg	Wigley
Ellingson	Kahn	Nelsen, B.	Sarna	Wynia
Enebo	Kaley	Nelsen, M.	Schreiber	Zubay
Erickson	Kalis	Nelson	Searles	Speaker Searle
Esau	Kelly	Niehaus	Sherwood	
Evans	Kempe	Norman	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. 907, A bill for an act relating to retirement; judges retirement fund; including the conciliation court of the city of Duluth in certain provisions governing judicial retirement; transferring the obligations and assets of the county and probate court judges survivors' account to the judges retirement fund; amending Minnesota Statutes 1978, Sections 490.121, Subdivision 2; and 490.124, Subdivision 8; repealing Minnesota Statutes 1978, Section 490.12, Subdivisions 7 and 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 907, 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. 277, A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; amending Minnesota Statutes 1978, Sections 18.023, Subdivisions 1 and 3a; and 275.50, Subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Pleasant moved that the House concur in the Senate amendments to H. F. No. 277 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 277, A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; amending Minnesota Statutes 1978, Sections 18.023, Subdivisions 1 and 3a; and 275.50, Subdivision 6.

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 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Sviggum	Valan	Waldorf	Wenzel	Zubay
Swanson	Valento	Weaver	Wieser	Speaker Searle
Thiede	Vanasek	Welch	Wigley	
Tomlinson	Voss	Welker	Wynia	

Those who voted in the negative were:

Corbid Niehaus

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. 555, A bill for an act relating to crimes; specifying the crime of offering substances purporting to be prohibited for sale; creating a new category of offense for assault; reclassifying assaults by degrees; specifying the crime of interference with privacy; reclassifying the pecuniary categories of the crime of theft; redefining certain felonies; authorizing agents of the bureau of criminal apprehension to obtain search warrants; clarifying the locus of venue; providing penalties; amending Minnesota Statutes 1978, Sections 609.02, by adding subdivisions; 609.11; 609.25, Subdivision 2; 609.341, Subdivision 3, and by adding a subdivision; 609.343; 609.344; 609.345; 609.52, Subdivision 3; 609.562; 609.563; 609.595, Subdivision 1; 611.033; 626.05, Subdivision 2; 626.11; 626.13; 627.01; Chapters 152, by adding a section; and 609, by adding sections; repealing Minnesota Statutes 1978, Sections 246.43; 609.22; and 609.225.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Crandall moved that the House concur in the Senate amendments to H. F. No. 555 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 555, A bill for an act relating to crimes; specifying the crime of offering substances purporting to be prohibited for sale; creating a new category of offense for assault; reclassifying assaults by degrees; specifying the crime of interference with privacy; reclassifying the pecuniary categories of the crime of theft; redefining certain felonies; authorizing agents of the bureau of criminal apprehension to obtain search warrants; clarifying the locus of venue; providing penalties; amending Minnesota Statutes 1978, Sections 609.02, by adding subdivisions; 609.11; 609.25, Subdivision 2; 609.341, Subdivisions 3

and 13, and by adding a subdivision; 609.343; 609.344; 609.345; 609.52, Subdivision 3; 609.562; 609.563; 609.595, Subdivision 1; 611.033; 626.05, Subdivision 2; 626.11; 626.13; 627.01; Chapter 609, by adding sections; repealing Minnesota Statutes 1978, Sections 246.43; 609.116; 609.22; and 609.225.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Nelsen, B.	Schreiber
Adams	Drew	Jude	Nelsen, M.	Searles
Ainley	Eken	Kahn	Nelson	Sherwood
Albrecht	Eloff	Kaley	Niehaus	Sieben, H.
Anderson, B.	Ellingson	Kalis	Norman	Sieben, M.
Anderson, D.	Enebo	Kelly	Norton	Simoneau
Anderson, G.	Erickson	Kempe	Novak	Stadum
Anderson, I.	Esau	Knickerbocker	Nysether	Stoa
Anderson, R.	Evans	Kostohryz	Olsen	Stowell
Battaglia	Ewald	Kroening	Onnen	Sviggum
Begich	Faricy	Laidig	Osthoff	Swanson
Berglin	Fjoslien	Lehto	Otis	Thiede
Berkelman	Forsythe	Levi	Patton	Tomlinson
Biersdorf	Friedrich	Long	Pehler	Valento
Blatz	Fritz	Ludeman	Peterson	Vanasek
Brinkman	Fudro	Luknic	Piepho	Voss
Byrne	Greenfield	Mann	Pleasant	Waldorf
Carlson, D.	Halberg	McCarron	Prahl	Weaver
Carlson, L.	Haukoos	McDonald	Redalen	Welch
Casserly	Heap	McEachern	Reding	Welker
Clark	Heinitz	Mehrkens	Rees	Wenzel
Clawson	Hoberg	Metzen	Reif	Wieser
Corbid	Hokanson	Minne	Rice	Wigley
Crandall	Jacobs	Moe	Rose	Wynia
Dean	Jennings	Munger	Rothenberg	Zubay
Dempsey	Johnson, C.	Murphy	Sarna	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. 877, A bill for an act relating to insurance premium finance companies; authorizing finance charges at rates permitted by the general usury provisions; amending Minnesota Statutes 1978, Section 59A.09, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kelly moved that the House concur in the Senate amendments to H. F. No. 877 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 877, A bill for an act relating to insurance premium finance companies; authorizing finance charges at rates permitted by the general usury provisions; amending Minnesota Statutes 1978, Section 59A.09, 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 125 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fritz	Kroening	Osthoff	Prahl	Rice
Kempe				

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. 1309, A bill for an act relating to mobile homes; regulating space and lot rentals and leases; regulation of mobile home parks; prohibiting unreasonable park rules and regulations; requiring notice; specifying grounds for eviction and access; prohibiting retaliatory conduct; amending Minnesota Statutes 1978, Sections 327.20, by adding a subdivision; 327.42, Subdivision 2, and by adding subdivisions; 327.43, Subdivision 2, and by adding a subdivision; 327.44; and Chapter 327, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Voss moved that the House concur in the Senate amendments to H. F. No. 1309 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1309, A bill for an act relating to mobile homes; regulating space and lot rentals and leases; regulation of mobile home parks; prohibiting unreasonable park rules and regulations; requiring notice; specifying grounds for eviction and access; prohibiting retaliatory conduct; amending Minnesota Statutes 1978, Sections 327.20, by adding a subdivision; 327.42, Subdivision 2, and by adding subdivisions; 327.43, Subdivision 2, and by adding a subdivision; 327.44; and Chapter 327, 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 123 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Ainley	Fritz	Nelsen, B.	Osthoff	Welker
Dempsey	Ludeman	Nysether		

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. 1238, A bill for an act relating to crimes; prohibiting the obtaining or retaining of a child in violation of a court order; prescribing penalties; amending Minnesota Statutes 1978, Section 609.26.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Byrne moved that the House concur in the Senate amendments to H. F. No. 1238 and that the bill be repassed as amended by the Senate. The motion prevailed.

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

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	Albrecht	Anderson, G.	Battaglia	Berkelman
Adams	Anderson, B.	Anderson, I.	Begich	Biersdorf
Ainley	Anderson, D.	Anderson, R.	Berglin	Blatz

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

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

Sieben, H., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

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

Erickson was excused while in conference committee.

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 643, A bill for an act relating to marriage; eliminating certain information from the marriage license application; defining terms; requiring personal service in a dissolution; providing for the court's findings in an uncontested dissolution; providing mutual restraining orders pending a dissolution; providing additional relevant factors for making custody determina-

tions and for awarding maintenance; permitting retroactive modification of support and maintenance orders for inability to pay; amending Minnesota Statutes 1978, Sections 517.03; 517.08, Subdivision 1a; 518.07; 518.09; 518.10; 518.13; 518.135, Subdivision 2; 518.155; 518.156; 518.165; 518.17, Subdivision 1; 518.175, Subdivision 1; 518.176; 518.54, Subdivision 5; 518.55; 518.551; 518.552, Subdivision 2; 518.58; 518.64, Subdivision 2; 518.66; and Chapter 518, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Faricy moved that the House concur in the Senate amendments to H. F. No. 643 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 643, A bill for an act relating to marriage; providing for procedures and remedies in actions for dissolution and legal separation; defining terms; requiring personal service in a dissolution; providing for the court's findings in an uncontested dissolution; providing mutual restraining orders pending a dissolution; providing additional relevant factors for making custody determinations and for awarding maintenance; permitting retroactive modification of support and maintenance orders for inability to pay; providing penalties; amending Minnesota Statutes 1978, Sections 517.03; 518.005, Subdivision 3; 518.06, Subdivisions 1 and 3; 518.07; 518.09; 518.10; 518.12; 518.13; 518.145; 518.155; 518.156; 518.165; 518.166; 518.17, Subdivision 1; 518.175, Subdivisions 1 and 3; 518.176; 518.18; 518.27; 518.54, Subdivision 5; 518.55; 518.551; 518.552; 518.58; 518.611; 518.612; 518.62; 518.64, Subdivision 2; 518.66; 518A.09, Subdivision 1; and Chapter 518, by adding sections; repealing Minnesota Statutes 1978, Sections 518.135 and 518.16.

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 107 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Adams	Biersdorf	Crandall	Ewald	Heap
Ainley	Blatz	Dean	Faricy	Heinitz
Anderson, B.	Brinkman	Dempsey	Forsythe	Hoberg
Anderson, G.	Byrne	Drew	Friedrich	Hokanson
Anderson, R.	Carlson, L.	Eken	Fritz	Jaros
Battaglia	Casserly	Elioff	Fudro	Jennings
Begich	Clark	Ellingson	Greenfield	Johnson, C.
Berglin	Clawson	Enebo	Halberg	Johnson, D.
Berkelman	Corbid	Evans	Haukoos	Jude

Kahn	Mann	Norton	Reif	Vanasek
Kaley	McCarron	Novak	Rice	Voss
Kalis	McEachern	Olsen	Rose	Waldorf
Kelly	Mehrkens	Osthoff	Rothenberg	Weaver
Kempe	Metzen	Otis	Sarna	Welch
Knickerbocker	Minne	Patton	Schreiber	Welker
Kostohryz	Moe	Pehler	Searles	Wenzel
Kvam	Munger	Peterson	Sieben, H.	Wynia
Laidig	Murphy	Piepho	Sieben, M.	Zubay
Lehto	Nelsen, B.	Pleasant	Simoneau	Speaker Searle
Levi	Nelsen, M.	Redalen	Stoa	
Long	Nelson	Reding	Swanson	
Ludeman	Norman	Rees	Tomlinson	

Those who voted in the negative were:

Aasness	Fjoslien	Nysether	Stadum	Wieser
Albrecht	Kroening	Onnen	Sviggen	Wigley
Den Ouden	McDonald	Prahl	Thiede	
Esau	Niehaus	Sherwood	Valento	

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 219.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 219

A bill for an act relating to state government; abolishing achievement awards for commissioners and deputy constitutional officers; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 6; 43.062, Subdivision 3; and 43.067, Subdivision 4; repealing Minnesota Statutes 1978, Section 43.069.

May 16, 1979

The Honorable Edward J. Gearty
President of the Senate

The Honorable Rod Searle
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 219, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 219 be further amended as follows:

Page 2, line 24, delete "110" and insert "105"

Further, amend the title as follows:

Page 1, line 2, after "state" insert "and local"

Page 1, line 3, after "for" insert "state"

Page 1, line 4, after "officers;" insert "modifying salary limitations on employees of certain political subdivisions;"

We request adoption of this report and repassage of the bill.

Senate Conferees: TOM A. NELSON, JOHN C. CHENOWETH and ROBERT O. ASHBACH.

House Conferees: LEO J. REDING, STEPHEN G. WENZEL, GILBERT D. ESAU and KENNETH P. ZUBAY.

Reding moved that the report of the Conference Committee on S. F. No. 219 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 219, A bill for an act relating to state government; abolishing achievement awards for commissioners and deputy constitutional officers; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 6; 43.062, Subdivision 3; and 43.067, Subdivision 4; repealing Minnesota Statutes 1978, Section 43.069.

The bill was read for the third time, as amended by Conference, 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 1 nay as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Otis

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

Mr. Speaker:

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

S. F. No. 917

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. 129.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 917, A bill for an act relating to workers' compensation; changing certain insurance rate making procedures; increasing the membership of the workers' compensation court of appeals; directing certain studies; providing for certain schedules and lists; increasing certain staff; relocating workers' compensation court of appeals; changing availability amounts for certain benefits; changing rehabilitation procedures; changing certain presumptions; changing basis for attorneys' fees; changing notice provisions; establishing a workers' compensation reinsurance association; transferring self-insuring duties to the commissioner of insurance; establishing a reopened case fund; establishing a voluntary group self-insurance association; appropriating money; amending Minnesota Statutes 1978, Sections 79.01, Subdivision 2, and by add-

ing subdivisions; 79.095; 79.10; 79.21; 79.22, by adding a subdivision; 79.25; 175.006, Subdivision 1; 175.08; 176.011, Subdivisions 9 and 15; 176.021, Subdivision 3; 176.061, Subdivision 5; 176.081, Subdivision 5; 176.101, Subdivisions 1, 3 and 4; 176.111, Subdivision 1; 176.131, Subdivisions 3, 10 and by adding a subdivision; 176.135, by adding a subdivision; 176.141; 176.155, Subdivision 2; 176.179; 176.181, Subdivision 2, and by adding a subdivision; 176.191; 176.231, Subdivisions 1 and 2; 176.235, Subdivision 1; 176.241; 176.271; 176.391, Subdivision 2; 176.521, Subdivision 1; Chapters 79, by adding sections; and 176, by adding a section; repealing Minnesota Statutes 1978, Sections 79.05; 79.06; 79.07; 175.092; and 176.101, Subdivision 7.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Simoneau moved that the rule therein be suspended and an urgency be declared so that S. F. No. 917 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Simoneau moved that the rules of the House be so far suspended that S. F. No. 917 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 917 was read for the second time.

Simoneau moved to amend S. F. No. 917 as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 79.01, is amended by adding subdivisions to read:

Subd. 6. [ASSOCIATION.] "Association" or "rating association" means the Workers' Compensation Insurers Rating Association of Minnesota.

Subd. 7. [INTERESTED PARTY.] Interested party means any person or association acting on behalf of its members who is directly affected by a change in the schedule of rates and includes the staff of the insurance division.

Subd. 8. [SCHEDULE OF RATES.] Schedule of rates means the rate level applicable to the various industry groupings or classes, including the risk classifications thereunder upon which the determination of workers' compensation premiums are based, including but not limited to all systems for merit or experience rating, retrospective rating, and premium discount.

Sec. 2. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.071] [RATES; HEARINGS.] *Subdivision 1. The commissioner shall adopt a schedule of workers' compensation insurance rates for use in this state for each classification under which business is written. The schedule of rates shall not be excessive, inadequate, or unfairly discriminatory. In adopting a schedule of rates, the commissioner may act on the written petition of the association or any other interested party requesting that a hearing be held for modification of the schedule of rates. The commissioner may include the expense of a reasonable charge for the services of an agent of record for the service of rejected risks as set forth in sections 79.24 to 79.27.*

Subd. 2. Upon receipt of a petition requesting a hearing for modification of an existing schedule of rates, the commissioner shall determine whether the petition sufficiently sets forth facts which show that the existing schedule of rates is excessive, inadequate, unfairly discriminatory, or otherwise in need of modification so as to indicate the need to hold a hearing. The commissioner may decline to grant a hearing if the association has failed to provide information requested by previous orders modifying the schedule of rates provided that the request was not unreasonable. The commissioner may accept or reject the petition for a hearing and shall give notice of his determination to the petitioning party within 30 days of receipt of the petition. In the event the commissioner rejects the petition, the petitioning party shall be notified of the reasons for the rejection.

Subd. 3. If the commissioner accepts the petition for hearing, the commissioner shall order a hearing with respect to matters set forth in the petition requesting modification of the schedule of rates. The hearing shall be held pursuant to the contested case procedures set forth in sections 15.0411 to 15.052, provided that the burden of proof shall be on the petitioning party and the hearing examiner may admit documentary and statistical evidence accepted and relied upon by an expert whose field of expertise may have some relevance to workers' compensation rate matter without the requirement of traditional evidentiary foundation. Within 30 days after the close of the hearing record, the hearing examiner shall transmit to the commissioner the entire record of the hearing, including the transcript, exhibits, and all other material properly accepted into evidence, together with the finding of facts, conclusions, and recommended order as the hearing examiner shall make. The time for filing the report may be extended by the chief hearing examiner for good cause.

Subd. 4. The commissioner may accept, reject, or modify, in whole or in part, matters raised in the petition for modification of the schedule of rates or matters raised in the findings and

recommendations of the hearing examiner; provided that the commissioner's determination shall be based upon substantial evidence.

Subd. 5. The commissioner shall make a final determination with respect to adoption of a schedule of rates within 90 days after receipt of the hearing examiner's report. In the event that the commissioner fails to act within the 90 day period, the findings, conclusions, and recommended order of the hearing examiner shall become a final order of the commissioner.

Subd. 6. The commissioner is authorized to hire a consulting actuary and other experts as he deems necessary to assist in the hearing for modification of the schedule of rates. The costs of conducting the hearing provided under subdivision 3, including the costs of hiring a consulting actuary and other experts, shall be assessed against the rating association and its members.

Subd. 7. The office of hearing examiners, upon approval of the chief hearing examiner, is authorized to hire consultants necessary to assist the hearing examiner assigned to a given workers' compensation rate proceeding.

Sec. 3. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.072] [PETITION FOR REHEARING.] Subdivision 1. Any interested party may petition the commissioner for rehearing and reconsideration of a determination made pursuant to section 2. The petition for rehearing and reconsideration shall be served upon the commissioner and all parties to the rate hearing within 30 days after service of the commissioner's final order. The petition shall set forth factual grounds the petitioning party deems to exist in support of its petition. Any interested party adversely affected by a petition for review and reconsideration shall be afforded 15 days to respond to factual matters so alleged in the petition.

Subd. 2. At his discretion, the commissioner may grant a rehearing upon the filing of a petition under subdivision 1. Upon rehearing, the commissioner may limit the scope of factual matters which shall be subject to rehearing and reconsideration. The rehearing shall be subject to the provisions of section 2.

Subd. 3. Following rehearing, the commissioner may modify the terms of the initial order adopting a change in the schedule of rates upon a determination that adequate factual grounds exist to support modification. Adequate factual grounds shall include, but need not be limited to, erroneous testimony by any witness or party to the hearing, material change in Minnesota loss or expense data occurring after petition for modification of the schedule of rates has been filed, or any other mistake of

fact which has a substantial effect upon the schedule of rates adopted in the initial order of the commissioner.

Sec. 4. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.073] [JUDICIAL REVIEW.] *Final orders of the commissioner pursuant to sections 2 and 3 are subject to judicial review by writ of certiorari brought in the district court in Ramsey County by any interested party of record adversely affected thereby. The operation of the commissioner's order shall not be suspended during such review; provided that in the event of a judicial determination against the validity of the commissioner's order, any subsequent order shall be modified so as to give effect to the court's ruling. For purposes of further judicial review, the commissioner shall be deemed to be an aggrieved party to the extent that his orders are modified or set aside by the district court.*

Sec. 5. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.074] [DISCRIMINATION.] Subdivision 1. [RATES.] *One rate is unfairly discriminatory in relation to another if it clearly fails to reflect equitably the differences in expected losses, expenses, and the degree of risk. Rates are not unfairly discriminatory because different premiums result for policyholders with like loss exposures but different expense factors, or like expense factors but different loss exposures, so long as the rates reflect the differences with reasonable accuracy.*

Subd. 2. [DIVIDENDS.] *Dividend plans shall not be deemed to be unfairly discriminatory where different premiums result for different policyholders with similar loss exposures but different expense factors, or where different premiums result for different policyholders with similar expense factors but different loss exposures, so long as the respective premiums reflect the differences with reasonable accuracy. Every insurer referred to in section 79.20 who issues participating policies shall file with the commissioner a true copy or summary as the commissioner shall direct of its participating dividend rates as to policyholders. The commissioner may study such participating dividend rates and make recommendations to the legislature concerning possible basis for unfair discrimination.*

Sec. 6. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.075] [AUTOMATIC ADJUSTMENT OF RATES.] *The commissioner shall, by rule, establish a formula by which a schedule of rates may be automatically adjusted to reflect benefit changes which have been mandated by operation of law subse-*

quent to the most recent change in the statewide schedule of rates. This adjustment shall also reflect the annual change in the maximum weekly compensation made pursuant to section 176.101, an adjustment in the assessment rate for the financing of the special fund, and the annual adjustment made pursuant to section 176.645. Any automatic adjustment made pursuant to this subdivision shall be effective on October 1 or as soon thereafter as possible and shall not otherwise be subject to sections 15.0411 to 15.052.

At each rate hearing held pursuant to section 2 or rehearing pursuant to section 3, following an automatic adjustment, the commissioner shall review the rate adjustment to assure that the schedule of rates adopted subsequent to the adjustment are not excessive, inadequate, or unfairly discriminatory. If the commissioner finds that the schedule of rates adopted subsequent to the adjustment are excessive, inadequate, or unfairly discriminatory, the commissioner shall order appropriate remedial action.

Sec. 7. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.076] [RATE REVISION ORDER; EFFECT.] Subdivision 1. Following adoption of a revised schedule of rates pursuant to sections 2 or 3, the revised rates shall be applicable to new and renewal policies issued after the effective date of the commissioner's final order.

Subd. 2. The revised schedule of rates shall be applied to all insureds and prospective insureds pursuant to the provisions of the workers' compensation rating manual adopted by the association and approved by the commissioner, provided that the manual:

(1) Shall be deemed to have met the applicable requirements of sections 15.0411 to 15.052 as of the effective date of sections 2 and 3.

(2) Shall not be amended except by a contested case proceeding held pursuant to sections 2 and 3.

Subd. 3. Subdivision 2, clause (1), shall not apply to those parts of the manual which concern the (1) basis of premium found in part VI of the most recent manual; (2) standard exceptions found in part VIII, paragraph 8, of the most recent manual; (3) experience rating plan; and (4) rules for division of payroll. These parts of the manual shall be approved by the commissioner of insurance pursuant to section 2; provided, however, that subdivision 2, clause (1), shall apply to these parts of the manual if no petition is made pursuant to section 2 within 90 days of the effective date of this section. Workers' compensation premiums charged to insureds during the pendency of the

proceedings held pursuant to the petition shall be based on the current manual.

Sec. 8. Minnesota Statutes 1978, Section 79.095, is amended to read:

79.095 [APPOINTMENT OF ACTUARY.] The commissioner shall employ the services of a casualty actuary experienced in worker's compensation whose duties shall include but not be limited to investigation of complaints by insured parties relative to rates, rate classifications, or discriminatory practices of an insurer. *The salary of the actuary employed pursuant to this section is not subject to the provisions of section 43.067.*

Sec. 9. Minnesota Statutes 1978, Section 79.10, is amended to read:

79.10 [REVIEW OF ACTS OF INSURERS.] (THE COMMISSIONER, UPON ITS OWN MOTION OR UPON THE WRITTEN COMPLAINT OF ANY PERSON HAVING A DIRECT INTEREST, MAY REVIEW THE ACTS OF ANY INSURER, BUREAU, OR AGENT SUBJECT TO THE PROVISIONS OF SECTIONS 79.01 TO 79.23, AND MAKE FINDINGS AND ORDERS REQUIRING COMPLIANCE WITH THE PROVISIONS THEREOF. NOT LESS THAN TEN DAYS NOTICE OF THIS REVIEW BEFORE THE COMMISSIONER SHALL BE GIVEN TO THE PARTIES INTERESTED IN ITS FINDINGS OR ORDERS SHALL BE MADE AFTER A HEARING BEFORE IT AND IS SUBJECT TO A REVIEW BY A WRIT OF CERTIORARI BROUGHT IN THE SUPREME COURT. THE OPERATION OF THE COMMISSIONER'S ORDER IS SUSPENDED DURING SUCH REVIEW, BUT IN THE EVENT OF FINAL DETERMINATION AGAINST AN INSURER ANY OVERCHARGE MADE DURING THE PENDENCY OF THE PROCEEDINGS SHALL BE REFUNDED TO THE PERSON ENTITLED THERETO. ALL WRITTEN COMPLAINTS UNDER THIS SECTION SHALL BE VERIFIED AND MAY BE UPON INFORMATION AND BELIEF OF THE PERSON COMPLAINING. A COPY OF THE COMPLAINT SHALL BE SERVED UPON THE INSURER, BUREAU, OR PERSON AGAINST WHOM THE COMPLAINT IS DIRECTED AND EACH PARTY IN INTEREST IS ENTITLED TO AT LEAST TEN DAYS NOTICE OF ANY HEARING THEREON.) *The insurance division staff may investigate on the request of any person or on its own initiative the acts of the rating association, an insurer, or an agent which are subject to provisions of sections 79.01 to 79.23 and may make findings and recommendations that the commissioner issue an order requiring compliance with the provisions thereof. The proposed findings and recommended order shall be served on all affected parties at the same time that the staff transmits its findings and recommendations to the commissioner. Any party*

adversely affected by the proposed findings and recommended order may request that a hearing be held concerning the issues raised therein within 15 days after service of the findings and recommended order. This hearing shall be conducted as a contested case pursuant to sections 15.0411 to 15.052. If a hearing is not requested within the time specified in this section, the proposed findings and recommended order may be adopted by the commissioner as a final order.

Sec. 10. Minnesota Statutes 1978, Section 79.21, is amended to read:

79.21 [RATES TO BE UNIFORM; EXCEPTIONS.] No insurer shall write insurance at a rate (OTHER THAN) *which exceeds that made and put into force by the bureau and approved as (ADEQUATE AND) reasonable by the commissioner. The bureau may reduce or increase a rate by the application to individual risks of the system of merit or experience rating which has been approved by the commissioner. This reduction or increase shall be set forth in the policy or by indorsement thereon. An insurer may write insurance at rates which are lower than the rates approved by the commissioner provided the rates are not unfairly discriminatory.*

Sec. 11. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.211] [CERTAIN PREMIUM DETERMINATION PRACTICES.] *Subdivision 1. [CERTAIN WAGES EXCLUDED FOR RATE MAKING.] The rating association or an insurer shall not include wages paid for a vacation, holiday, or sick leave in the determination of workers' compensation insurance premium.*

Subd. 2. [DIVISION OF PAYROLL.] The rating association or an insurer shall permit an employer to divide his payroll among relevant rating classifications for purposes of premium calculation when the employer's records provide adequate support for such division.

Sec. 12. Minnesota Statutes 1978, Section 79.22, is amended to read:

79.22 [DUTIES OF COMMISSIONER.] *Subdivision 1. The commissioner of insurance shall require these insurers, or their agents, to file with him on such blanks as he may prescribe such reports as in the judgment of the commissioner, may be necessary for the purposes of sections 79.01 to 79.23; and this information when so filed shall be available for the use of the commissioner. No information regarding the writings of any insurer shall be made public by the commissioner or the bureau, or any of its employees, except as required by law.*

Subd. 2. The commissioner shall annually examine the re-opened case fund established in section 39 to determine whether the fund has sufficient assets to cover claims charged against the fund including the maintenance of reasonable reserves. If upon this examination the commissioner deems it necessary for the maintenance of the required assets he shall determine the amount to be assessed against insurers and self-insured employers and shall notify the commissioner of labor and industry of the determination.

Sec. 13. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.34] [CREATION OF REINSURANCE ASSOCIATION.] Subdivision 1. An unincorporated, nonprofit association known as the workers' compensation reinsurance association is created. Each insurer as defined by section 79.01, subdivision 2, shall as a condition of its authority to transact workers' compensation insurance in this state, be a member of the reinsurance association and shall be bound by the plan of operation of the reinsurance association. Each self-insurer approved pursuant to section 176.181 shall also be a member of the reinsurance association and shall be bound by its plan of operation. The reinsurance association shall not be deemed a state agency. Actions of the reinsurance association and its board of directors and actions of the commissioner of insurance with respect to the reinsurance association shall not be subject to chapter 15.

Subd. 2. (1) The reinsurance association shall provide and each member shall accept indemnification for 100 percent of the amount of ultimate loss sustained in each loss occurrence under chapter 176 in excess of \$300,000 or \$100,000 at the option of the member, provided that \$300,000 and \$100,000 shall be increased, to the nearest \$10,000, on October 1, 1980 and on each October 1 thereafter by the percentage increase in the state-wide average weekly wage for the previous calendar year as determined pursuant to clause (2) of this subdivision. Ultimate loss as used in this section means the actual loss amount which a member is obligated to pay and which is paid or payable by the member and shall not include claim expenses. An ultimate loss is incurred by the reinsurance association on the date on which the loss occurs.

(2) For the purposes of this section state-wide average weekly wage means that wage determined by the commissioner in the following manner: On or before the July 1 preceding the October 1 on which the increase is to be applicable, the total wages reported to the department of economic security for the preceding 12 months ending on December 31 shall be divided by the total employment reported to that department for the same period to arrive at an average annual wage, which shall be divided by 52 to determine the state-wide average weekly wage.

Subd. 3. An insurer may withdraw from the reinsurance association only upon ceasing to write workers' compensation insurance in this state.

An insurer whose membership in the reinsurance association is terminated shall continue to be bound by the plan of operation. Upon withdrawal, all unpaid premiums which have been charged to the withdrawing member shall be payable as of the effective date of the withdrawal.

Subd. 4. An unsatisfied net liability to the reinsurance association of an insolvent member shall be assumed by and apportioned among the remaining members of the reinsurance association as provided in the plan of operation. The reinsurance association shall have all rights allowed by law on behalf of the remaining members against the estate or funds of the insolvent member for sums due the reinsurance association.

Subd. 5. When a member has been merged or consolidated into another insurer, or another insurer, which provides insurance required by chapter 176, has reinsured a member's entire business, the member and successors in interest of the member shall remain liable for the member's obligations.

Subd. 6. No insurer or self-insurer may establish a reserve in a financial statement filed with the commissioner of insurance in excess of its maximum liability under this section for a single claim or occurrence.

Sec. 14. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.35] [DUTIES; RESPONSIBILITIES; POWERS.] *The reinsurance association shall do the following on behalf of its members:*

(a) Assume 100 percent of the liability as provided in section 13;

(b) Establish procedures by which members shall promptly report to the reinsurance association each claim which, on the basis of the injury sustained, may reasonably be anticipated to involve liability to the reinsurance association if the member is held liable under chapter 176. Solely for the purpose of reporting claims, the member shall in all instances consider itself legally liable for the injury. The member shall advise the reinsurance association of subsequent developments likely to materially affect the interest of the reinsurance association in the claim;

(c) Maintain relevant loss and expense data relative to all liabilities of the reinsurance association and require each member to furnish statistics in connection with liabilities of the

reinsurance association at the times and in the form and detail as may be required by the plan of operation;

(d) Calculate and charge to members a total premium sufficient to cover the expected losses of the reinsurance association in excess of the larger retention limit, together with operating and administrative expenses, which the reinsurance association will likely pay during the period for which this premium is applicable. The premium shall include an amount to cover any excess or deficient premiums from previous periods. Each member shall be charged an amount equal to a percentage, equal to that charged other members, of that member's total gross written premiums, less returned premiums, written during the period preceding that to which the reinsurance association premium will apply. An equitable basis for premium charges to self insurers shall be established by the board. Members exercising the lower retention option shall be charged a premium established by the board as sufficient to cover incurred claims for the liability the association is likely to incur for the period to which the premium applies. The premium shall not be unfairly discriminatory as defined in section 5. The premium may reflect excessive or deficient premiums from previous periods;

(e) Require and accept the payment of premiums from members of the reinsurance association;

(f) Receive and distribute all sums required by the operation of the reinsurance association;

(g) Establish procedures for reviewing claims procedures and practices of members of the reinsurance association. If the claims procedures or practices of a member are considered inadequate to properly service the liabilities of the reinsurance association, the reinsurance association may undertake, or may contract with another person, including another member, to adjust or assist in the adjustment of claims which create a potential liability to the association and may charge the cost of the adjustment to the member; and

(h) Provide each member of the reinsurance association with an annual report of the operations of the reinsurance association in a form the board of directors may specify.

Sec. 15. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.36] [ADDITIONAL POWERS.] In addition to the powers granted in section 14, the reinsurance association may do the following:

(a) Sue and be sued. A judgment against the reinsurance association shall not create any direct liability against the in-

dividual members of the reinsurance association. The reinsurance association may provide for the indemnification of the members, members of the board of directors of the reinsurance association, and officers, employees and other persons lawfully acting on behalf of the reinsurance association;

(b) Reinsure all or any portion of its potential liability with reinsurers licensed to transact insurance in this state;

(c) Provide for appropriate housing, equipment, and personnel as may be necessary to assure the efficient operation of the reinsurance association;

(d) Contract for goods and services, including independent claims management, actuarial, investment, and legal services from others within or without this state to assure the efficient operation of the reinsurance association;

(e) Adopt rules, consistent with the plan of operation, for the administration of the reinsurance association, enforce those rules, and delegate authority as necessary to assure the proper administration and operation of the reinsurance association;

(f) Intervene at any time, in any proceeding under chapters 79 or 176 in which liability of the reinsurance association may, in the opinion of the board of directors of the reinsurance association or its designee, be established, or the reinsurance association affected in any other way;

(g) Hear and determine complaints of a company or other interested party concerning the operation of the reinsurance association; and

(h) Perform other acts not specifically enumerated in this section which are necessary or proper to accomplish the purposes of the reinsurance association and which are not inconsistent with sections 13 to 21 or the plan of operation.

Sec. 16. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.37] [BOARD OF DIRECTORS.] A board of directors of the reinsurance association is created and shall be responsible for the operation of the reinsurance association consistent with the plan of operation and sections 13 to 21. The board shall consist of seven directors and the commissioner of insurance who shall be an ex officio member with vote. The board shall represent stock and mutual insurers, foreign and domestic insurers and self-insurers. Each board member shall be entitled to one vote, except as provided otherwise. Each director shall be elected by the membership with voting rights apportioned according to volume of premium written within each of the categories spec-

ified in this section. Terms of the directors shall be staggered so that the terms of all the directors do not expire at the same time and so that a director does not serve a term of more than four years. The board shall select a chairman and other officers it deems appropriate.

A majority of the board shall constitute a quorum, notwithstanding any vacancies. Action may be taken by a majority vote of the directors present.

Sec. 17. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.38] [PLAN OF OPERATION.] *The plan of operation shall provide for all of the following:*

- (a) The establishment of necessary facilities;*
- (b) The management and operation of the reinsurance association;*
- (c) A preliminary premium, payable by each member in proportion to its total premium in the year preceding the inauguration of the reinsurance association, for initial expenses necessary to commence operation of the reinsurance association;*
- (d) Procedures to be utilized in charging premiums, including adjustments from excess or deficient premiums from prior periods;*
- (e) Procedures governing the actual payment of premiums to the reinsurance association;*
- (f) Reimbursement of each member of the board by the reinsurance association for actual and necessary expenses incurred on reinsurance association business;*
- (g) The composition, terms, compensation and other necessary rules consistent with section 16 for boards of directors of the reinsurance association to succeed the initial board provided in section 20;*
- (h) The investment policy of the reinsurance association; and*
- (i) Any other matters required by or necessary to effectively implement sections 13 to 21.*

Sec. 18. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.39] [APPLICABILITY OF CHAPTER 79.] *The reinsurance association is subject to all the provisions of this chapter. The commissioner or an authorized representative of the commissioner may visit the reinsurance association at any time and examine the reinsurance association's operations, records and practices.*

Sec. 19. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.40] [PREMIUM INCLUSION IN RATEMAKING.] *Premiums charged members by the reinsurance association shall be recognized in the ratemaking procedures for insurance rates in the same manner that expenses are recognized.*

Sec. 20. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.41] [ORGANIZATIONAL MEETING.] *Not more than 30 days after the effective date of this section, the commissioner shall convene an organizational meeting of the board. The board shall be initially composed of seven members of the reinsurance association appointed by the commissioner to serve as directors and the commissioner or his designee serving as an ex officio member with vote. The initial directors shall serve until their replacements are elected and installed. The commissioner may appoint replacement directors as necessary until a full board is elected and installed.*

Sec. 21. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.42] [SUBMISSION OF PLAN.] *Subdivision 1. Not more than 60 days after the initial organizational meeting of the board, the board shall submit to the commissioner for approval a proposed plan of operation consistent with the objectives and provisions of sections 13 to 21 which shall provide for the economical, fair, and nondiscriminatory administration of the reinsurance association and for the prompt and efficient payment of losses. If a plan is not submitted within this 60-day period, the commissioner shall formulate and place into effect a plan consistent with this chapter.*

Subd. 2. The plan of operation, unless approved sooner in writing, shall be considered to meet the requirements of sections 13 to 21 if it is not disapproved by written order of the commissioner within 30 days after the date of its submission. Before disapproval of all or any part of the proposed plan of operation, the commissioner shall notify the board in what respect the plan of operation fails to meet the requirements and objectives of sections 13 to 21. If the board fails to submit a revised plan of operation which meets the requirements and

objectives of sections 13 to 21 within 30-days of the commissioner's notice of the inadequacy of the first plan, the commissioner shall immediately formulate and place into effect a plan consistent with the requirements and objectives of sections 13 to 21.

Subd. 3. The proposed plan of operation or amendments to the plan of operation shall be subject to approval by the board, with voting rights being apportioned according to the premiums charged, and shall be subject to approval by the commissioner.

Subd. 4. Upon approval by the commissioner and ratification by the members of the submitted plan, or upon the promulgation of a plan by the commissioner, each insurer authorized to write workers' compensation insurance shall be bound by and shall formally subscribe to and participate in the approved plan as a condition of maintaining its authority to transact insurance in this state.

Sec. 22. Minnesota Statutes 1978, Section 175.08, is amended to read:

175.08 [OFFICE.] The workers' compensation court of appeals and the department of labor and industry shall maintain their main offices within the Minneapolis-Saint Paul metropolitan area and be provided by the commissioner of administration with suitable rooms and necessary furniture. *The offices of the workers' compensation court of appeals and the department of labor and industry shall be in separate buildings. They may hold sessions at any other place in the state when their convenience and that of the parties interested so requires.*

Sec. 23. Minnesota Statutes 1978, Section 176.011, Subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire; and includes the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, policeman, firefighter, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime and any person requested or commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any legal process in which case, for purposes of calculating compensa-

tion payable under this chapter, the daily wage of the person requested or commanded to assist an officer or to execute a legal process shall be the prevailing wage for similar services where the services are performed by paid employees;

(4) a county assessor;

(5) an elected or appointed official of the state, or of any county, city, town, school district or governmental subdivision therein (BUT AN OFFICER OF A POLITICAL SUBDIVISION ELECTED OR APPOINTED FOR A REGULAR TERM OF OFFICE OR TO COMPLETE THE UNEXPIRED PORTION OF ANY SUCH REGULAR TERM, SHALL BE INCLUDED ONLY AFTER THE GOVERNING BODY OF THE POLITICAL SUBDIVISION HAS ADOPTED AN ORDINANCE OR RESOLUTION TO THAT EFFECT);

(6) an executive officer of a corporation except an officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c), nor shall it include an executive officer of a closely held corporation who is referred to in section 176.012;

(7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of (SUCH) *these* institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner of corrections as authorized by law, shall be employees within the meaning of this subdivision. In the event of injury or death of (ANY SUCH) *the* voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of (SUCH) *the* injury or death for similar services in institutions where (SUCH) *the* services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be (EMPLOYEES) *an employee*. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of (SUCH) *the* injury or death for similar services where (SUCH) *the* services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of (ANY SUCH) *the* voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of (SUCH) *the*

injury or death for similar services where (SUCH) *the* services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 85.041 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where (SUCH) *the* services are performed by paid employees;

(11) a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when the service or duty is ordered by state authority. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(12) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138, shall be an employee. The daily wage of the worker, for the purposes of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where (SUCH) *the* services are performed by paid employees;

(13) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota school for the deaf or the Minnesota braille and sight-saving school, and whose services have been accepted or contracted for by the state board of education, as authorized by law, shall be an employee within the meaning of this subdivision. In the event of injury or death of (ANY SUCH) *the* voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of (SUCH) *the* injury or death for similar services in institutions where (SUCH) *the* services are performed by paid employees.

In the event it is difficult to determine the daily wage as herein provided, then the trier of fact may determine the wage upon which the compensation is payable.

Sec. 24. Minnesota Statutes 1978, Section 176.011, Subdivision 15, is amended to read:

Subd. 15. [OCCUPATIONAL DISEASE.] "Occupational disease" means a disease arising out of an in the course of em-

ployment peculiar to the occupation in which the employee is engaged and due to causes in excess of the hazards ordinary of employment and shall include undulant fever. Ordinary diseases of life to which the general public is equally exposed outside of employment are not compensable, except where (SUCH) *the* diseases follow as an incident of an occupational disease, or where the exposure peculiar to the occupation makes (SUCH) *the* disease an occupational disease hazard. A disease arises out of the employment only if there be a direct causal connection between the conditions under which the work is performed and if the occupational disease follows as a natural incident of the work as a result of the exposure occasioned by the nature of the employment. An employer is not liable for compensation for any occupational disease which cannot be traced to the employment as a direct and proximate cause and is not recognized as a hazard characteristic of and peculiar to the trade, occupation, process, or employment or which results from a hazard to which the worker would have been equally exposed outside of the employment. If immediately preceding the date of his disablement or death, an employee was employed on active duty with an organized fire or police department of any municipality, as a member of the Minnesota highway patrol, conservation officer service (,) or state crime bureau, *as a forest officer by the department of natural resources*, or sheriff or full time deputy sheriff of any county, and his disease is that of myocarditis, coronary sclerosis, pneumonia or its sequel, and at the time of his employment such employee was given a thorough physical examination by a licensed doctor of medicine, and a written report thereof has been made and filed with such organized fire or police department, with the Minnesota highway patrol, conservation officers service, state crime bureau, *department of natural resources* or sheriff's department of any county, which examination and report negated any evidence of myocarditis, coronary sclerosis, pneumonia or its sequel, the disease is presumptively an occupational disease and shall be presumed to have been due to the nature of his employment.

Sec. 25. Minnesota Statutes 1978, Section 176.021, Subdivision 3, is amended to read:

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of the compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the division. Except those of medical, burial, and other non-periodic benefits, payments shall be made as nearly as may be at the intervals when the wage was payable; provided, however, that payments for permanent partial disability *in cases in which return to work occurs prior to four weeks from the date of injury* shall be made by lump sum payment, and the provisions of section 176.165 shall not apply, without the necessity of any agreement, or order of the division, upon (TERMINATION) *cessation* of (THE HEALING PERIOD, OR AS SOON AS SUCH DIS-

ABILITY CAN BE ASCERTAINED) *payments for temporary total disability and upon the employee's return to work. In cases in which return to work does not occur prior to four weeks after injury payments for permanent partial disability shall be made according to the following schedule: 25 percent of the amount due after four weeks from the date of injury, 25 percent after eight weeks, 25 percent after 12 weeks and 25 percent after 16 weeks, provided that any and all payments remaining shall be paid upon the cessation of payments for temporary total disability and upon the employee's return to work. If doubt exists at (SUCH) that time as to the eventual permanent partial disability, payment shall be then made for the minimum permanent partial disability ascertainable in lump sum, and further lump sum payment shall be made upon any later ascertainment of greater permanent partial disability. At the time of the tender of (ANY SUCH) the lump sum payment, the employee and employer shall be furnished with a copy of the medical report upon which (SUCH) the payment is based, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. Compensation for permanent partial disability is payable concurrently and in addition to compensation for temporary total disability and temporary partial disability as set forth in section 176.101, subdivisions 1 and 2, and for permanent total disability as defined in section 176.101, subdivision 5; and such compensation for permanent partial disability shall not be deferred pending completion of payment for temporary disability or permanent total disability, and no credit shall be taken for payment of permanent partial disability against liability for permanent total disability. Liability on the part of an employer or his insurer for disability of a temporary total, temporary partial, and permanent total nature shall be considered as a continuing product and part of the employee's inability to earn or reduction in earning capacity due to injury or occupational disease and shall be payable accordingly. Permanent partial disability is payable for functional loss of use or impairment of function, permanent in nature, and payment therefore shall be separate, distinct, and in addition to payment for any other compensation. (IN THE EVENT THAT AN EMPLOYEE'S DEATH IS NOT COMPENSABLE UNDER THIS CHAPTER,) The right to receive temporary total, temporary partial, (A) permanent partial or permanent total disability (PAYMENT) payments shall vest in the injured employee or his dependents under this chapter or, if none, in his legal heirs at the time the disability can be ascertained and the right shall not be abrogated by the employee's death prior to the making of the payment.*

Sec. 26. Minnesota Statutes 1978, Section 176.061, Subdivision 5, is amended to read:

Subd. 5. [CUMULATIVE REMEDIES.] Where an injury or death for which compensation is payable is caused under

circumstances which created a legal liability for damages on the part of a party other than the employer, that party being then insured or self-insured in accordance with this chapter, and the provisions of subdivisions 1, 2, 3, and 4 do not apply, or the party other than the employer is not then insured or self-insured as provided by this chapter, legal proceedings may be taken by the employee or his dependents against the other party to recover damages, notwithstanding the payment by the employer or his liability to pay compensation. If the action against (SUCH) *the* other party is brought by the injured employee or his dependents and a judgment is obtained and paid or settlement is made with the other party, the employer may deduct from the compensation payable by him the amount actually received by the employee or dependents in accordance with subdivision 6. If the action is not diligently prosecuted or if the court deems it advisable in order to protect the interests of the employer, upon application the court may grant the employer the right to intervene in any such action for the prosecution thereof. If the injured employee or his dependents agree to receive compensation from the employer or institute proceedings to recover the same or accept from the employer any payment on account of such compensation, the employer is subrogated to the rights of the employee or his dependents. This employer may maintain an action or continue an action already instituted. This action may be maintained in the name of the employee or the names of the dependents or in the name of the employer against (SUCH) *the* other party for the recovery of damages. If the action is not diligently prosecuted by the employer or the court deems it advisable in order to protect the interest of the employee, the court, upon application, may grant to the employee or his dependents the right to intervene in the action for the prosecution thereof. The proceeds of (SUCH) *the* action or settlement thereof shall be paid in accordance with subdivision 6. (SUCH) *The* party is not liable to any person other than the employee or his dependents for any damages resulting from the injury or death.

A co-employee working for the same employer is not liable for a personal injury incurred by another employee unless the injury resulted from the gross negligence of the co-employee or was intentionally inflicted by the co-employee.

Sec. 27. Minnesota Statutes 1978, Section 176.081, Subdivision 5, is amended to read:

Subd. 5. In the determination of the reasonable value of attorney fees arising out of a claim or proceeding under this chapter, the following principles are to be applied:

- (a) The fee in each individual case must be a reasonable one.
- (b) There is no set standard fee to be awarded in any workers' compensation matter.

(c) No attorney-client fee contract or arrangement is binding in any workers' compensation matter.

(d) In determining a reasonable attorney fee, important factors to be taken into account are: the amount involved, the time and expense necessary to prepare for trial, the responsibility assumed by counsel, *the expertise of counsel in the workers' compensation field*, the difficulties of the issues involved, the nature of proof needed to be adduced and the results obtained. The amount of money involved shall not be the controlling factor.

(e) The determination of the fee in each specific workers' compensation matter must be done with the same care as the determination of any other fact question in the matter.

(f) The determiner of the attorney fee in each matter must ascertain whether or not a retainer fee has been paid to the attorney and if so, the amount of the retainer fee.

(g) The determiner of attorney fees in each case must personally see that the workers' compensation file contains fully adequate information to justify the fee that is determined.

Sec. 28. Minnesota Statutes 1978, Section 176.101, Subdivision 1, is amended to read:

176.101 [COMPENSATION SCHEDULE.] Subdivision 1. [TEMPORARY TOTAL DISABILITY.] For injury producing temporary total disability, 66 2/3 percent of the daily wage at the time of injury subject to the following limitations:

(1) During the year commencing on October 1, (1977) 1979, and each year thereafter, commencing on October 1, the maximum weekly benefits payable shall be *an amount equal to the statewide average weekly wage for the period ending December 31, of the preceding year.*

(2) The minimum weekly compensation benefits for temporary total disability shall be not less than 50 percent of the statewide average weekly wage or the injured employee's actual weekly wage, whichever is less. In no case shall a weekly benefit be less than 20 percent of the statewide average weekly wage.

This compensation shall be paid during the period of disability, payment to be made at the intervals when the wage was payable, as nearly as may be.

Sec. 29. Minnesota Statutes 1978, Section 176.101, Subdivision 2, is amended to read:

Subd. 2. [TEMPORARY PARTIAL DISABILITY.] In all cases of temporary partial disability the compensation shall be

66 2/3 percent of the difference between the daily wage of the worker at the time of injury and the wage he is able to earn in his partially disabled condition. This compensation shall be paid during the period of disability, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to a maximum compensation equal to the statewide average weekly wage. If the employer does not furnish the worker with work which he can do in his temporary partially disabled condition and he is unable to procure such work with another employer, after reasonably diligent effort, the employee shall be paid at the full compensation rate for (HIS OR HER) the temporary total disability. *Payment of permanent partial disability shall not relieve the employer from liability for further payments of temporary partial disability as would otherwise be payable under this subdivision, nor shall any payment of permanent partial disability be taken as a credit against liability for temporary partial disability.*

Sec. 30. Minnesota Statutes 1978, Section 176.101, Subdivision 3, is amended to read:

Subd. 3. [PERMANENT PARTIAL DISABILITY.] For (THE) permanent partial disability (FROM THE LOSS OF A MEMBER THE COMPENSATION FOR TOTAL DISABILITY DURING THE HEALING PERIOD SHALL BE AS STATED IN SUBDIVISION 1. FOR PARTIAL DISABILITY DURING THE HEALING PERIOD THE COMPENSATION SHALL BE AS STATED IN SUBDIVISION 2. THE HEALING PERIOD SHALL NOT EXCEED 104 WEEKS. THEREAFTER AND IN ADDITION THERETO,) compensation shall be that named in the following schedule, subject to a maximum compensation equal to the statewide weekly wage:

(1) For the loss of a thumb, 66 2/3 percent of the daily wage at the time of injury during 65 weeks;

(2) For the loss of a first finger, commonly called index finger, 66 2/3 percent of the daily wage at the time of injury during 40 weeks;

(3) For the loss of a second finger, 66 2/3 percent of the daily wage at the time of injury during 35 weeks;

(4) For the loss of a third finger, 66 2/3 percent of the daily wage at the time of injury during 25 weeks;

(5) For the loss of a fourth finger, commonly called the little finger, 66 2/3 percent of the daily wage at the time of injury during 20 weeks;

(6) The loss of the first phalange of the thumb or of any finger, is considered equal to the loss of one-half of the thumb

or finger and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the thumb or finger;

(7) The loss of one and one-half or more phalanges is considered equal to the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

(8) For the loss of a great toe, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 35 weeks;

(9) For the loss of a toe other than a great toe, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 15 weeks;

(10) The loss of the first phalange of any toe is considered equal to the loss of one-half of the toe, and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the toe;

(11) The loss of one and one-half or more phalanges is considered equal to the loss of the entire toe;

(12) For the loss of a hand, not including the wrist movement, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 195 weeks;

(13) For the loss of a hand, including wrist movement, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 220 weeks;

(14) For the loss of an arm, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 270 weeks;

(15) Amputation of the arm below the elbow is considered the loss of a hand, including wrist movement, if enough of the forearm remains to permit the use of an effective artificial member, otherwise it is considered the loss of an arm;

(16) For the loss of a foot, not including ankle movement, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 140 weeks;

(17) For the loss of a foot, including ankle movement, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 165 weeks;

(18) For the loss of a leg, if enough of the leg remains to permit the use of an effective artificial member, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 195 weeks;

(19) For the loss of a leg so close to the hip that no effective artificial member can be used, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 220 weeks;

(20) Amputation of a leg below the knee is considered as equal to the loss of a foot, including ankle movement, if enough of the lower leg remains to permit the use of an effective artificial member, otherwise it is considered as equal to the loss of a leg;

(21) For the loss of an eye, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 160 weeks;

(22) For the complete permanent loss of hearing in one ear, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 85 weeks;

(23) For the complete permanent loss of hearing in both ears, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 170 weeks;

(24) For the loss of an eye and a leg, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 475 weeks;

(25) For the loss of an eye and an arm, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 475 weeks;

(26) For the loss of an eye and a hand, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 450 weeks;

(27) For the loss of an eye and a foot, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 400 weeks;

(28) For the loss of two arms, other than at the shoulder, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(29) For the loss of two hands, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(31) For the loss of two feet, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(32) For the loss of one arm and the other hand, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(33) For the loss of one hand and one foot, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(34) For the loss of one leg and the other foot, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(35) For the loss of one leg and one hand, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(36) For the loss of one arm and one foot, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(37) For the loss of one arm and one leg, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(38) For loss of the voice mechanism, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(39) For head injuries (RESULTING IN PERMANENT PARTIAL DISABILITY), 66 $\frac{2}{3}$ percent of the daily wage at the time of injury for that proportion of 500 weeks which is represented by (THE) *its* percentage of (SUCH) *the* permanent partial disability to the entire body as is determined from competent testimony (ADDUCED) at a hearing before a compensation judge, (A) *the* commissioner, or the (BOARD) *workers' compensation court of appeals*;

(40) For permanent partial disability resulting from injury to any internal organ (, INCLUDING THE HEART) *not covered by the schedule of internal organs established by the commissioner of labor and industry*, 66 $\frac{2}{3}$ percent of the daily wage at time of injury for that proportion of 500 weeks which is the proportionate amount of permanent partial disability caused to the entire body by the injury (AND) *as* is determined from competent testimony (ADDUCED) at a hearing before a compensation judge, (A) *the* commissioner, or the workers' compensation court of appeals;

(41) For disfigurement or scarring not resulting from the loss of a member or other injury specifically compensated, affecting the employability or advancement opportunity of the injured person in the employment in which he was injured or other employment for which the employee is then qualified or for which the employee has become qualified, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during (SUCH) *the period the parties agree to or* (AS) *the* compensation judge or the workers' compensation court of appeals in cases on appeal determines, not (BEYOND) *exceeding* 90 weeks;

(42) For permanent partial disability resulting from injury to the back, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury for that proportion of 350 weeks which is represented by

the percentage of (SUCH) *the* permanent partial disability as is determined from competent testimony (ADDUCED) at a hearing before a compensation judge, (A) *the* commissioner, or the workers' compensation court of appeals;

(43) When an employee sustains concurrent injuries resulting in concurrent disabilities he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this does not affect liability for disfigurement affecting the employability of the injured person or liability for the concurrent loss of more than one member, for which members compensations are provided in the specific schedule and in subdivision 5;

(44) In all cases of permanent partial disability it is considered that the permanent loss of the use of a member is equivalent to and draws the same compensation as the loss of that member, but the compensation in and by this schedule provided shall be in lieu of all other compensation in (SUCH) *these* cases, except as otherwise provided by this section;

In the event a worker has been awarded (,) or is entitled to receive (,) (A) compensation for loss of use of a member under any workers' compensation law, and thereafter sustains (A) loss of (SUCH) *the* member under circumstances entitling him to compensation therefor under the workers' compensation act, as amended, the amount of compensation awarded, or that he is entitled to receive, for (SUCH) *the* loss of use, is to be deducted from the compensation due under the schedules of this section for the loss of (SUCH) *the* member, provided, that the amount of compensation due for the loss of the member caused by the subsequent accident is in no case less than 25 percent of the compensation payable under the schedule of this section for the loss of (SUCH) *the* member;

(45) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of the member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the member which the extent of the injury to the member bears to its total loss;

(46) In cases of permanent partial disability caused by simultaneous injury to two or more members, the applicable schedules in this subdivision shall be increased by 15 percent. This clause shall not apply when the injuries are compensated under paragraphs 22 to 37 inclusive, of this subdivision. In cases of partial disability due to injury to both eyes resulting in less than total loss of vision in one or both eyes compensation shall be paid at the prescribed rate during that part of 450 weeks which the extent of the combined injury to both eyes bears to the complete loss of industrial vision;

(47) The commissioner (OF THE DEPARTMENT) of labor and industry with the workers' compensation court of appeals may make or revise rules for the determination of the extent of the impairment of the industrial use of one or both eyes taking into account all primary coordinate factors of vision. These rules shall be made or revised after consultation with experts on industrial vision and after public notice to and hearing of interested parties;

(48) For permanent partial disability resulting from injury to the body as a whole due to burns, $66 \frac{2}{3}$ percent of the daily wage at the time of injury, for that proportion of 350 weeks which is represented by the percentage of (SUCH) *the* permanent partial disability as is determined from competent testimony (ADDUCED) at a hearing before a compensation judge, (A) *the* commissioner, or the workers' compensation court of appeals, (SAID) *the* compensation to be paid in addition to (SUCH) *the* compensation as employee would otherwise be entitled to for loss of use of a member in accordance with this section;

(49) In all cases of permanent partial disability not enumerated in this schedule the compensation shall be $66 \frac{2}{3}$ percent of the difference between the daily wage of the worker at the time of the injury and the daily wage he is able to earn in his partially disabled condition, subject to a maximum equal to the statewide average weekly wage, and continue during disability, not to exceed 350 weeks; and if the employer does not furnish the worker with work which he can do in his permanently partially disabled condition and he is unable to secure such work with another employer after a reasonably diligent effort, the employee shall be paid at his or her maximum rate of compensation for total disability.

Sec. 31. Minnesota Statutes 1978, Section 176.101, Subdivision 4, is amended to read:

Subd. 4. [PERMANENT TOTAL DISABILITY.] For permanent total disability, as defined in subdivision 5, the compensation shall be $66 \frac{2}{3}$ percent of the daily wage at the time of the injury, subject to a maximum weekly compensation equal to the maximum weekly compensation for a temporary total disability and a minimum weekly compensation equal to the minimum weekly compensation for a temporary total disability.

This compensation shall be paid during the permanent total disability of the injured employee but after a total of \$25,000 of weekly compensation has been paid, the amount of the weekly compensation benefits being paid by the employer shall be reduced by the amount of any disability benefits being paid by any government disability benefit program if (SUCH) *the* disability benefits are occasioned by the same injury or injuries which give rise to payments under this subdivision. (SUCH) *This* reduction

shall also apply to any old age and survivor insurance benefits. Payments shall be made at the intervals when the wage was payable, as nearly as may be. In case an employee who is permanently and totally disabled becomes an inmate of a public institution, no compensation shall be payable during the period of (HIS) confinement in (SUCH) the institution, unless he has wholly dependent on him for support some person named in section 176.111, subdivisions 1, 2 or 3, in which case the compensation provided for in section 176.111, during the period of (SUCH) confinement, shall be paid for the (BENEFITS) benefit of (SUCH) the dependent person during dependency. The dependency of (SUCH PERSONS) the person shall be determined as though the employee were deceased.

Sec. 32. [176.102] [REHABILITATION.] *Subdivision 1. [SCOPE.] Vocational rehabilitation shall train an employee so he may be returned to a job related to his former employment or to a job in another work area which produces an economic status as close as possible to that he would have enjoyed without disability. Rehabilitation to a job with a higher economic status than would have occurred without disability would be permitted if it can be demonstrated such higher rehabilitation is necessary to increase the likelihood of reemployment. Economic status is to be measured not only by opportunity for immediate income but also by opportunity for future income.*

Subd. 2. [ADMINISTRATORS.] The commissioner of labor and industry shall hire a director of rehabilitation services who shall be in the classified service. The commissioner of labor and industry shall be responsible for supervising rehabilitation services, including the selection and delivery of services. The commissioner of labor and industry may hire qualified personnel to assist in his duties under this section and may delegate his duties and performance.

Subd. 3. [REVIEW PANEL.] There is created a rehabilitation review panel composed of the commissioner of labor and industry or his designee, who shall serve as an ex officio member and two members each from labor, employers, insurers, vocational rehabilitation, and medicine and one member representing chiropractors. The members shall be appointed by the governor and shall serve four year terms which may be renewed. Compensation for members shall be governed by section 15.0575. The panel shall select a chairman. The panel shall (a) review and make a final determination with respect to appeals regarding rehabilitation plans; (b) hold revocation of certification approval hearings; (c) continuously study rehabilitation; and (d) recommend rehabilitation rules as necessary to the commissioner of labor and industry. A majority vote of those attending a panel hearing under subdivision 6 shall constitute the decision of the board.

Subd. 4. [REHABILITATION PLAN; DEVELOPMENT.]

Within 30 days of the time an employer or his insurer has medical information that an employee is unable due to a personal injury or occupational disease to return to his preinjury occupation the employer shall provide rehabilitation consultation for the employee. The employee, however, shall have the final decision on which rehabilitation agency is to be utilized pursuant to the provisions of this section. The consultation shall be done by any person or public or private institution approved by the commissioner of labor and industry. If the consultant determines rehabilitation would significantly reduce or eliminate the decrease in employability, the employer or insurer in conjunction with the rehabilitation consultant shall submit a specific plan of rehabilitation to the commissioner. If the employer does not provide rehabilitation consultation, when required by this section, within the time specified by this subdivision, the commissioner of labor and industry shall notify the employer and insurer that should they fail to provide rehabilitation consultation within 15 days from the receipt of the commissioner's notice, the division of vocational rehabilitation shall be authorized to provide the rehabilitation consultation for the employee. If the employee refuses to submit to any reasonable examinations and evaluative procedures to determine the need for and the details of a plan of rehabilitation, the amount of compensation may be reduced or the right to compensation may be suspended by an order of the division or workers' compensation court of appeals in a matter before it. In developing a plan, consideration should be given to the employee's age, education, previous work history, interests and skills.

Subd. 5. [ON THE JOB TRAINING.] *On the job training is to be given consideration in developing a rehabilitation plan especially where it would produce an economic status similar to that enjoyed prior to disability. When a rehabilitation plan includes on the job training, the employee shall receive compensation while employed in an amount equal to the after tax wage the employee received at the time of the personal injury. This compensation shall be paid in whole or in part by the insurer liable for compensation for the employee's personal injury. The amount of compensation to be paid by this insurer shall be determined in the rehabilitation plan prepared pursuant to this section. Any difference between the amount of compensation the insurer is paying and the after tax wage the employee received at the time of the personal injury shall be paid by the on the job employer, but in no case shall this employer's amount exceed the prevailing wage for the job. After tax wage shall be determined by subtracting federal and state income tax from the employee's gross wage.*

A rehabilitation plan which includes on the job training shall attempt to create an incentive for an employer to hire the employee for on the job training. This incentive may be in the form

of reducing the on the job training employer's wages paid to the employee to a level which is less than the prevailing wage for the job, provided that the total compensation from the insurer, required by this section, and the wages paid by the on the job training employer is not less than the after tax wage received by the employee at the time of the personal injury. The compensation from the insurer and the on the job training employer paid pursuant to this subdivision is in lieu of temporary total disability payments and the additional compensation provided in subdivision 11.

Subd. 6. [PLAN, APPROVAL.] The commissioner of labor and industry shall approve or reject rehabilitation plans. Any persons aggrieved by a decision of the commissioner may appeal to the rehabilitation panel within 30 days of the commissioner's decision. The decision of the panel is final. The panel may approve or reject the decision of the commissioner. If it rejects the commissioner's decision it may formulate its own rehabilitation plan.

Subd. 7. [PLAN IMPLEMENTATION; REPORTS.] Upon request by the commissioner, insurer or employer, reports shall be made by the provider of the rehabilitation service to the commissioner of labor and industry, insurer and employer of an employee's progress under a plan.

Subd. 8. [PLAN MODIFICATION.] Upon request of the employer, the insurer, or employee to the commissioner, the plan may be suspended, terminated or altered upon a showing of good cause therefor, including:

(a) a physical impairment that does not allow the employee to pursue the vocation being trained for;

(b) the employee's performance level indicates he cannot complete the plan successfully; or

(c) an employee does not cooperate with a plan.

An employee may request a change in a rehabilitation plan once because he feels he is not suited for the type of work for which training is being provided if the request is made within 90 days of the start of the plan. Any decision of the commissioner regarding a change in a plan may be appealed to the panel within 15 days of the decision.

Subd. 9. [PLAN, COSTS.] An employer is liable for the following rehabilitation expenses under this section:

(a) Cost of vocational rehabilitation diagnosis and preparation of a plan;

(b) *Cost of all rehabilitation services and supplies necessary for implementation of a plan;*

(c) *Reasonable cost of tuition, books and travel; and, in addition, reasonable costs of board and lodging when rehabilitation requires residence away from the employee's customary residence; and*

(d) *Any other expense agreed to be paid.*

Subd. 10. [REHABILITATION; CONSULTANTS.] The commissioner shall approve rehabilitation consultants who may propose and implement plans if they satisfy rules promulgated by the commissioner for rehabilitation consultants. A consultant may be an individual or public or private entity.

Subd. 11. [COMPENSATION DURING RETRAINING.] The insurer or employer shall pay up to 156 weeks of compensation during rehabilitation under a plan in an amount equal to 125 percent of the employee's rate for temporary total disability. This payment shall be in lieu of payment for temporary total, temporary partial, or permanent total disability to which the employee might otherwise be entitled for this period under this chapter, but shall be considered to be the equivalent of temporary total disability for the purposes of section 176.132. If on the job training is part of the rehabilitation program, the weeks during which the insurer or employer pays compensation pursuant to subdivision 5 shall be subtracted from the 156 weeks of retraining compensation which has been paid, if any, pursuant to this subdivision. Subdivision 11 shall not apply to retraining benefits for which liability has been established prior to the effective date of this subdivision.

Subd. 12. [RULES.] The commissioner shall promulgate rules necessary to implement this section including rules relating to qualifications necessary to be an approved rehabilitation consultant.

Sec. 33. Minnesota Statutes 1978, Section 176.111, Subdivision 1, is amended to read:

176.111 [DEPENDENTS, ALLOWANCES.] Subdivision 1. **[PERSONS WHOLLY DEPENDENT, PRESUMPTION.]** For the purposes of this chapter the following persons are conclusively presumed to be wholly dependent:

(a) (WIFE) spouse, unless it be shown that (SHE WAS) the spouse and decedent were voluntarily living apart (FROM HER HUSBAND) at the time of (HIS) the injury or death;

(b) children under 18 years of age, or a child under the age of (21) 25 years who is regularly attending as a full time stu-

dent at a high school, college, or university, or regularly attending as a full time student in a course of vocational or technical training.

Sec. 34. Minnesota Statutes 1978, Section 176.131, Subdivision 3, is amended to read:

Subd. 3. To entitle the employer to secure reimbursement from the special compensation fund, the following provisions must be complied with:

(a) Provisions of section 176.181, subdivisions 1 and 2.

(b) The employee with a pre-existing physical impairment must have been registered with the commissioner (OF THE DEPARTMENT) of labor and industry prior to the employee's personal injury or within 180 days after notice of the employee's personal injury is received by the employer. Registration subsequent to the injury shall be based on a medical report made prior to the injury indicating the pre-existing physical impairment.

Sec. 35. Minnesota Statutes 1978, Section 176.131, is amended by adding a subdivision to read:

Subd. 1a. If an employee is employed in an on-the-job retraining program pursuant to section 32 and the employee incurs a personal injury which aggravates the personal injury for which the employee has been certified to enter the on the job retraining program, the on-the-job training employer shall pay the medical expenses and compensation required by this chapter, but shall be reimbursed from the special compensation fund for the compensation and medical expense which is attributable to the aggravated injury. The employer, at the time of the personal injury for which the employee has been certified for retraining, is liable for that portion of the disability which is attributable to that injury.

Sec. 36. Minnesota Statutes 1978, Section 176.131, Subdivision 10, is amended to read:

Subd. 10. The special compensation fund is created for the purposes provided in this chapter in the following manner:

(1) In every case of death of an employee resulting from personal injury arising out of and in the course of (HIS) employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the commissioner (OF THE DEPARTMENT) of labor and industry the sum of \$5,000 for the benefit of the special compensation fund; in every case of death of an employee resulting from personal injury arising out of and in the course of (HIS)

employment where there are no persons entitled to at least \$5,000 in monetary benefits of dependency compensation, the employer shall pay to the commissioner (OF THE DEPARTMENT) of labor and industry for the benefit of the special compensation fund the difference between the amounts actually paid for (SUCH) *the* dependency benefits and \$5,000; but in no event shall the employer pay the commissioner (OF THE DEPARTMENT) of labor and industry less than \$1,000;

(2) When an employee (SHALL SUFFER) *suffers* a personal injury which results in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability or death and which entitles him or dependents to compensation under sections 176.101 or 176.111, the employer shall in addition to compensation provided therein, pay to the commissioner (OF THE DEPARTMENT) of labor and industry for the benefit of the special compensation fund a lump sum without interest deduction equal to seven percent of (SUCH) *the* total compensation, as soon as the amount payable for the particular injury is determined, or arrived at by agreement of the parties and (SUCH) *the* amount is approved by the commissioner (OF THE DEPARTMENT) of labor and industry.

The provisions of clauses (1) and (2) shall apply to all workers' compensation payments, exclusive of medical costs, paid under sections 176.101 and 176.111 for all injuries or death occurring on or after June 1, 1971.

Personal injuries that occurred prior to June 1, 1971 shall be assessed at the rate in effect on the date of occurrence.

The seven percent of the total compensation required to be paid by the employer to the commissioner (OF THE DEPARTMENT) of labor and industry for the benefit of the special compensation fund as provided in clause (2) of this subdivision shall remain fixed at said seven percent for the period from June 1, 1971, to June 1, 1972. Effective June 1, 1972, through June 1, 1975, and thereafter on January 1, beginning in 1976, the rate shall be adjusted on the following basis: if the balance in the special compensation fund as of April 30 in any year through 1975 and as of September 30, 1975, and each September 30 thereafter, is below \$1,000,000, the rate of payment shall be increased by two percent over the then prevailing rate. If the balance is at least \$1,000,000 but below \$1,500,000, the rate will be increased by one percent. If the balance is at least \$1,500,000 but below \$2,000,000, there shall be no change. If the balance is at least \$2,000,000 but less than \$2,500,000, the rate shall be decreased by one percent. If the balance is at least \$2,500,000, the rate shall be decreased by two percent. If the balance is \$3,000,000 or more the commissioner (OF THE DEPARTMENT) of labor and industry shall within 30 days de-

termine the percent of decrease, which shall be not less than two percent nor more than five percent.

(SUCH) Sums (AS ARE) paid to the commissioner (OF THE DEPARTMENT) of labor and industry pursuant to the provisions hereof, shall be (BY IT) deposited with the state treasurer for the benefit of the special compensation fund and be used to pay the benefits provided by chapter 176. All money heretofore arising from the provisions of this section or similar law shall be transferred to this special compensation fund. *Any interest or profit accruing from investment of these sums shall be credited to the special compensation fund.*

The state treasurer shall be the custodian of this special fund and the workers' compensation division and the workers' compensation court of appeals in cases before it shall direct the distribution thereof, the same to be paid as other payments of compensation are paid. In case deposit is or has been made under the provisions of clause (1) and dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) by mistake or inadvertence, or under (SUCH) circumstances that justice requires a refund thereof, the state treasurer is (HEREBY) authorized to refund (SUCH) the deposit under order of the workers' compensation division or the workers' compensation court of appeals. There is appropriated to the persons entitled to (SUCH) the refunds from the fund an amount sufficient to make the refund and payment.

Costs within the department of labor and industry for the accounting and legal procedures necessary for administration of the programs financed by the special compensation fund shall be paid from the moneys biennially appropriated to the department and not from the special compensation fund.

Sec. 37. Minnesota Statutes 1978, Section 176.132, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT.] (a) The supplementary benefit payable under this section shall be the difference between the amount the employee receives on or after January 1, 1976, under section 176.101, subdivision 1 or subdivision 4, and (60) 65 percent of the statewide average weekly wage as computed annually.

(b) In the event an eligible recipient is currently receiving no compensation or is receiving a reduced level of compensation because of a credit being applied as the result of a third party liability or damages, the employer or insurer shall compute the offset credit as if the individual were entitled to the actual benefit or (60) 65 percent of the statewide average weekly wage as computed annually, whichever is greater. If this results in the use of a higher credit than otherwise would have been ap-

plied and the employer or insurer becomes liable for compensation benefits which would otherwise not have been paid, the additional benefits resulting shall be handled according to this section.

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

(d) In the event an eligible recipient is receiving no compensation or is receiving a reduced level of compensation because of prior limitations in the maximum amount payable for permanent total disability or because of reductions resulting from the simultaneous receipt of old age or disability benefits, the supplementary benefit shall be payable for the difference between the actual amount of compensation currently being paid and (60) 65 percent of the statewide average weekly wage as computed annually.

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

Sec. 38. [176.1321] [EFFECTIVE DATE OF BENEFIT CHANGES.] *Unless otherwise specified in the act making the change, any workers' compensation benefit change shall be effective on the October 1 next following its final enactment.*

Sec. 39. [176.134] [REOPENED CASE FUND.] *Subdivision 1. [CREATED.] The reopened case fund is created in the state treasury for the purposes of this section.*

The commissioner of labor and industry shall assess insurers and self-insured employers the amount determined as necessary by the commissioner of insurance pursuant to section 12 of this act and shall deposit these assessments with the state treasurer for the benefit of the reopened case fund.

Interest or profit arising from investment of the reopened case fund shall be credited to the reopened case fund.

Subd. 2. [LIABILITY.] *When a claim for compensation is made pursuant to this chapter by an employee or a claim for death benefits is made pursuant to this chapter on behalf of the dependents of a deceased employee, after seven years from the date of the personal injury or death and no compensation has*

previously been paid for the injury or death, the claim shall be against and paid from the reopened case fund.

If compensation has previously been paid for the personal injury or death for which compensation is being claimed, the claim shall be against and paid from the reopened case fund only if the claim is made after seven years from the date of injury or death or after three years from the date of last payment or compensation, whichever is later.

Subd. 3. [LAST PAYMENT OF COMPENSATION.] *For the purposes of this section, the date of the last payment of compensation is the date of actual payment of the last installment of previously awarded compensation, except that when compensation was paid in a lump sum, the date of the last payment of compensation is the date to which the lump sum payment would have extended if the payments had been made in regular weekly intervals.*

Subd. 4. [ADMINISTRATION.] *The commissioner of labor and industry shall administer the reopened case fund. The reopened case fund shall be liable pursuant to this section for injuries which occur after the effective date of this section.*

Sec. 40. *Minnesota Statutes 1978, Section 176.135, is amended by adding a subdivision to read:*

Subd. 1a. [NON-EMERGENCY SURGERY; SECOND SURGICAL OPINION.] *The employer is required to furnish surgical treatment pursuant to subdivision 1 only after the employee has obtained two surgical opinions concerning whether the surgery is reasonably required to cure and relieve the effects of the personal injury or occupational disease. If at least one of the opinions affirms that the surgery is reasonably required, the employee may choose to undergo the surgery at the employer's expense. A second surgical opinion is not required in cases of emergency surgery or when the employer and employee agree that the opinion is not necessary.*

Sec. 41. *Minnesota Statutes 1978, Chapter 176, is amended by adding a section to read:*

[176.136] [MEDICAL FEE REVIEW.] *The commissioner of labor and industry shall by rule establish procedures for determining whether the charge for a health service is excessive. In order to accomplish this purpose, the commissioner shall consult with insurers, associations and organizations representing the medical and other providers of treatment services and other appropriate groups. If the commissioner determines that the charge for a health service is excessive, he may limit payment to the reasonable charge for that service; however, the commissioner shall by rule establish procedures allowing for a provider to*

appeal such determination. The commissioner may contract with a review organization as defined in section 145.61 in making any determinations as to whether or not a charge is excessive.

Sec. 42. [176.139] [NOTICE OF RIGHTS POSTED.] *A notice, in form approved by the commissioner of labor and industry shall be posted in a conspicuous place at each place of employment, advising employees of their rights and obligations under chapter 176, assistance available to them, and the operation of the workers' compensation system.*

Sec. 43. Minnesota Statutes 1978, Section 176.141, is amended to read:

176.141 [NOTICE OF INJURY.] *Unless the employer has actual knowledge of the occurrence of the injury or unless the injured worker, or a dependent or someone in behalf of either, gives written notice thereof to the employer within 14 days after the occurrence of the injury, then no compensation shall be due until (SUCH) the notice is given or knowledge obtained. If the notice is given or the knowledge obtained within 30 days from the occurrence of the injury, no want, failure, or inaccuracy of a notice shall be a bar to obtaining compensation unless the employer shows that he was prejudiced by such want, defect, or inaccuracy, and then only to the extent of (SUCH) the prejudice. If the notice is given or the knowledge obtained within 180 days, and if the employee or other beneficiary shows that his failure to give prior notice was due to his mistake, inadvertence, ignorance of fact or law, or inability, or to the fraud, misrepresentation, or deceit of the employer or his agent, then compensation may be allowed, unless the employer shows that he was prejudiced by failure to receive (SUCH) the notice, in which case the amount of compensation shall be reduced by (SUCH) a sum (AS) which fairly represents the prejudice shown. Unless knowledge is obtained or written notice given within 180 days after the occurrence of the injury no compensation shall be allowed, except that an employee who is unable, because of mental or physical incapacity, to give notice to the employer within 180 days from the injury may give the prescribed notice within 180 days from the time the incapacity ceases.*

Sec. 44. Minnesota Statutes 1978, Section 176.179, is amended to read:

176.179 [PAYMENTS OF COMPENSATION RECEIVED IN GOOD FAITH.] *Notwithstanding section 176.521, subdivision 3, or any other provision of this chapter to the contrary, except as provided in this section, no lump sum or weekly payment, or settlement, which is voluntarily paid to an injured employee or the survivors of a deceased employee in apparent or seeming accordance with the provisions of this chapter by an employer or insurer, or is paid pursuant to an order of the workers' compensation division or court of appeals relative to a claim*

by an injured employee or his survivors, and received in good faith by the employee or his survivors shall be refunded to the paying employer or insurer in the event that it is subsequently determined that (SUCH) *the* payment was made under a mistake in fact or law by the employer or insurer. *When such payments have been made to a person who is entitled to receive further payments of compensation for the same injury, the mistaken compensation shall be allowed to be taken as a credit against future benefit entitlement; provided, however, that the credit applied against further payments of temporary total disability, temporary partial disability, permanent total disability, retraining benefits or death benefits shall not exceed 20 per cent of the amount which would otherwise be payable.*

Sec. 45. Minnesota Statutes 1978, Section 176.181, Subdivision 2, is amended to read:

Subd. 2. [COMPULSORY INSURANCE; SELF-INSURERS.] (1) Every employer, except the state and its municipal subdivisions, liable under this chapter to pay compensation shall insure payment of such compensation with some insurance carrier authorized to insure such liability in this state, or obtain a written order from the commissioner of (LABOR AND INDUSTRY) *insurance* exempting such employer from insuring his liability for compensation and permitting him to self-insure such liability. *The terms, conditions and requirements governing such self-insurance shall be established by the commissioner pursuant to chapter 15.* The commissioner (MAY ALSO ALLOW AS HE DEEMS APPROPRIATE) *shall also adopt, pursuant to clause (2) (c) of this subdivision, rules permitting two or more employers in the same industry to enter into agreements to pool their liabilities under this chapter for the purpose of qualifying as group self-insurers. With the approval of the commissioner of (LABOR AND INDUSTRY) insurance, any employer may exclude medical, chiropractic and hospital benefits as required by this chapter. An employer conducting distinct operations at different locations may either insure or self-insure such other portion of his operations which may be determined by the commissioner of (LABOR AND INDUSTRY) insurance to be a distinct and separate risk. An employer desiring to be exempted from insuring his liability for compensation shall make application to the commissioner of (LABOR AND INDUSTRY) insurance, showing his financial ability to pay such compensation, whereupon by written order the commissioner of (LABOR AND INDUSTRY) insurance may make such exemption as it deems proper. The commissioner of (LABOR AND INDUSTRY) insurance may require further statements of financial ability of the employer to pay compensation. Upon ten days written notice the commissioner of (LABOR AND INDUSTRY) insurance may revoke his order granting such exemption, in which event the employer shall immediately insure his liability. As a condition for the granting of an exemption the commissioner of (LABOR AND INDUSTRY) insurance may require the employer to fur-*

nish such security as it considers sufficient to insure payment of all claims under this chapter. If the required security is in the form of currency or negotiable bonds, the commissioner of (LABOR AND INDUSTRY) *insurance* shall deposit same with the state treasurer. In the event of any default upon the part of a self-insurer to abide by any final order or decision of the commissioner of labor and industry directing and awarding payment of compensation and benefits to any employee or the dependents of any deceased employee, then upon at least ten days notice to such self-insurer, the commissioner of (LABOR AND INDUSTRY) *insurance* may by written order to the state treasurer require him to sell the pledged and assigned securities or such part thereof as is necessary to pay the full amount of any such claim or award with interest thereon. This authority to sell may be exercised from time to time to satisfy any order or award of the commissioner of labor and industry or any judgment obtained thereon. When such securities are sold the money so obtained shall be deposited in the state treasury to the credit of the commissioner of (LABOR AND INDUSTRY) *insurance* and awards made against any such self-insurer by the commissioner of (LABOR AND INDUSTRY) *insurance* shall be paid to the persons entitled thereto by the state treasurer upon warrants prepared by the commissioner of (LABOR AND INDUSTRY) *insurance* and approved by the commissioner of finance out of the proceeds of the sale of such securities. Where the security is in the form of a surety bond or personal guaranty the commissioner of (LABOR AND INDUSTRY) *insurance*, at any time, upon at least ten days notice and opportunity to be heard, may require the surety to pay the amount of the award, the payments to be enforced in like manner as the award may be enforced.

(2)(a) *No association, corporation, partnership, sole proprietorship, trust or other business entity shall provide services in the design, establishment or administration of a group self-insurance plan under rules adopted pursuant to this subdivision unless it is licensed to do so by the commissioner of insurance. An applicant for a license shall state in writing the type of activities it seeks authorization to engage in and the type of services it seeks authorization to provide. The license shall be granted only when the commissioner of insurance is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner of insurance may issue a license subject to restrictions or limitations, including restrictions or limitations on the type of services which may be supplied or the activities which may be engaged in. The license shall be for a two year period.*

(b) *To assure that group self-insurance plans are financially solvent, administered in a fair and capable fashion, and able to process claims and pay benefits in a prompt, fair and equitable manner, entities licensed to engage in such business are subject*

to supervision and examination by the commissioner of insurance.

(c) To carry out the purposes of this subdivision, the commissioner of insurance may promulgate administrative rules, including emergency rules, pursuant to sections 15.0411 to 15.052. These rules may:

(1) establish reporting requirements for administrators of group self-insurance plans;

(2) establish standards and guidelines to assure the adequacy of the financing and administration of group self-insurance plans;

(3) establish bonding requirements or other provisions assuring the financial integrity of entities administering group self-insurance plans;

(4) establish standards, including but not limited to minimum terms of membership in self-insurance plans, as necessary to provide stability for those plans;

(5) establish standards or guidelines governing the formation, operation, administration and dissolution of self-insurance plans; and (6) establish other reasonable requirements to further the purposes of this subdivision.

Sec. 46. Minnesota Statutes 1978, Section 176.191, is amended to read:

176.191 [DISPUTE BETWEEN TWO OR MORE EMPLOYERS OR INSURERS REGARDING LIABILITY.]

Subdivision 1. Where compensation benefits are payable under this chapter, and a dispute exists between two or more employers or two or more insurers as to which is liable for payment, the commissioner (OF THE DEPARTMENT) of labor and industry, compensation judge, or workers' compensation court of appeals upon appeal may direct that one or more of the employers or insurers make payment of the benefits pending a determination of liability.

When liability has been determined, the party held liable for the benefits shall be ordered to reimburse any other party for payments which the latter has made, including interest at the rate of five percent (PER ANNUM) a year. The claimant may also be awarded a reasonable attorney fee, to be paid by the party held liable for the benefits.

An order directing payment of benefits pending a determination of liability may not be used as evidence before (ANY COM-

MISSIONER,) a compensation judge, the workers' compensation court of appeals, or court in which the dispute is pending.

Subd. 2. Where compensation benefits are payable under this chapter, and a dispute exists between two or more employers or two or more insurers as to which is liable for payment, the commissioner of labor and industry may authorize the special compensation fund established in section 176.131 to make payment of the benefits pending a determination of liability.

The personal injury for which the commissioner may order compensation from the special fund is not limited by section 176.131, subdivision 8.

When liability has been determined, the party held liable for benefits shall be ordered to reimburse the special compensation fund for payments made, including interest at the rate of 12 percent a year.

Subd. 3. If a dispute exists as to whether an employee's injury is compensable under this chapter and the employee is otherwise covered by an insurer pursuant to chapters 62A, 62C and 62D, that insurer shall pay any medical costs incurred by the employee for the injury. If the injury is subsequently determined to be compensable pursuant to this chapter, the workers' compensation insurer shall be ordered to reimburse the insurer that made the payments for all medical payments made by the insurer for the injury, including interest at a rate of 12 percent a year.

If the employee's medical expenses for a personal injury are paid pursuant to any program administered by the commissioner of public welfare and it is subsequently determined that the injury is compensable pursuant to this chapter, the workers' compensation insurer shall reimburse the commissioner of public welfare for the medical expenses paid and attributable to the personal injury including interest at a rate of 12 percent a year.

Sec. 47. Minnesota Statutes 1978, Section 176.221, is amended to read:

176.221 [PAYMENT OF COMPENSATION AND TREATMENT CHARGES, COMMENCEMENT.] Subdivision 1. **[DENIAL OF LIABILITY, REQUEST FOR EXTENSION OF TIME.]** Within 30 days from the date of notice to or knowledge by the employer of an injury compensable under the chapter, and unless within that 30 day period the employer or the insurer files with the commissioner of the department of labor and industry a denial of liability or a request for an extension of time within which to determine liability, the person responsible for payment of compensation, charges for treatment under section 176.135 or retraining expenses under subdivision 9 of section 32 shall begin payment of compensation or charges for treatment.

Subd. 2. [GRANT OF EXTENSION.] Upon application made within the 30 day period referred to in subdivision 1, the commissioner of the department of labor and industry may grant an extension of time within which to determine liability. The extension shall not exceed 30 days.

Subd. 3. [PAYMENTS TO SPECIAL COMPENSATION FUND.] Where an employer or insurer fails to begin payment of compensation, *charges for treatment under section 176.135 or retraining expenses under subdivision 9 of section 32*, or to file a denial of liability, or to request an extension of time within the 30 day period referred to in subdivision 1, he shall pay to the special compensation fund an amount equal to the total amount of compensation to which the employee is entitled because of the injury. In addition, each day subsequent to the end of the 30 day period and until a compensation payment is made to the injured employee, the person responsible for payment of compensation shall pay to the special compensation fund an amount equal to the total compensation to which injured employee is entitled.

Subd. 4. [FAILURE TO MAKE PAYMENTS AFTER EXTENSION.] Where an employer or insurer has been granted an extension of time within which to determine liability and fails to begin payment of compensation, *charges for treatment under section 176.135 or retraining expenses under subdivision 9 of section 32* or to file a denial of liability within such extended period, he shall make the payments provided in subdivision 3.

Subd. 5. [DOUBLE PAYMENTS TO SPECIAL COMPENSATION FUND.] Where an employer or insurer has failed to make the payments required by subdivision 3 or subdivision 4 within 60 days from the end of the 30 day period or the extended period, the division may require him to pay to the special compensation fund, each day subsequent to the end of the period and until a compensation payment is made to the injured employee, a sum equal to double the total amount of compensation to which the employee is entitled because of the injury. In addition, the person responsible for compensation, *charges for treatment under section 176.135 or retraining expenses under subdivision 9 of section 32* shall pay to the special compensation fund an amount equal to the total amount of compensation to which the employee is entitled.

Subd. 6. [ASSESSMENT OF PENALTIES.] The division shall assess the penalty payments provided for by subdivisions 3 to 5 against either the employer or the insurer depending upon to whom the delay is attributable in making payment of compensation, *charges for treatment under section 176.135 or retraining expenses under subdivision 9 of section 32*. The insurer is not liable for a penalty payment assessed against the employer.

Subd. 7. [INTEREST.] Any payment of compensation, *charges for treatment under section 176.135 or retraining ex-*

penses under subdivision 9 of section 32 not made when due shall bear interest at the rate of eight percent per annum from the due date to the date the payment is made.

Sec. 48. Minnesota Statutes 1978, Section 176.231, Subdivision 1, is amended to read:

176.231 [REPORT OF DEATH OR INJURY TO COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY.] Subdivision 1. [TIME LIMITATION.] Where death or serious injury occurs to an employee during the course of employment, the employer shall report the (SAME) *injury or death* to the commissioner of (THE DEPARTMENT OF) labor and industry *and insurer* within 48 hours after its occurrence. Where any other injury occurs which wholly or partly incapacitates the employee from performing labor or service for three days or longer, the employer shall report the injury to the commissioner of (THE DEPARTMENT OF) labor and industry *and insurer* within 15 days from its occurrence. Where an injury has once been reported but subsequently death ensues, the employer shall report the death to the commissioner of (THE DEPARTMENT OF) labor and industry *and insurer* within 48 hours after he receives notice of (SUCH) *this fact*.

Sec. 49. Minnesota Statutes 1978, Section 176.231, Subdivision 2, is amended to read:

Subd. 2. [INITIAL REPORT, WRITTEN REPORT.] Where subdivision 1 requires an injury to be reported within 48 hours, the employer may make his initial report by telephone, telegraph, or personal notice, and file a written report of the injury within seven days from its occurrence or within such time as the commissioner of (THE DEPARTMENT OF) labor and industry designates. All written reports of injuries *required by subdivision 1* shall be in (DUPLICATE) *quadruplicate on a form designed by the commissioner, with two copies to the commissioner and one to the insurer.*

Sec. 50. Minnesota Statutes 1978, Section 176.235, is amended to read:

176.235 [NOTICE TO EMPLOYERS AND INJURED EMPLOYEE OF RIGHTS AND DUTIES.] Subdivision 1. When the commissioner of (THE DEPARTMENT OF) labor and industry has received notice or information that an employee has sustained an injury which may be compensable under this chapter, the commissioner of (THE DEPARTMENT OF) labor and industry shall mail a (FORM LETTER NOTICE) *brochure written in language easily readable and understandable by a person of average intelligence and education, to the employee (STAT-ING BRIEFLY AND SIMPLY) explaining the rights and (DUTIES) obligations of the employee (IN SUCH CASE.), the*

assistance available to the employee, the operation of the workers' compensation system, and

(THE NOTICE:)

((1) SHALL SUMMARIZE THE DUTY OF THE EMPLOYER TO PAY COMPENSATION AND TO FURNISH MEDICAL AND HOSPITAL TREATMENT)

((2) SHALL INVITE THE EMPLOYEE TO ASK THE ADVICE OF THE DIVISION WITH REFERENCE TO ANY DOUBT OR DISPUTE WHICH THE EMPLOYEE HAS CONCERNING THE INJURY;)

((3 MAY CONTAIN) whatever other relevant information the commissioner of (THE DEPARTMENT OF) labor and industry deems necessary.

Subd. 2. The commissioner shall prepare in language easily readable and understandable by a person of average intelligence and education, a brochure explaining to employers their rights and obligations under this chapter and shall furnish it to employers subject to this chapter.

Sec. 51. Minnesota Statutes 1978, Section 176.241, is amended to read:

176.241 [NOTICE TO DIVISION OF INTENTION TO DISCONTINUE COMPENSATION PAYMENTS.] Subdivision 1. [NECESSITY FOR NOTICE AND SHOWING; CONTENTS.] Where an employee claims that the right to compensation continues, or refuses to sign or objects to signing a final receipt for compensation, the employer may not discontinue payment of compensation until (HE NOTIFIES THE DIVISION IN WRITING OF HIS INTENTION TO DO SO) *he provides the division with notice in writing of his intention to do so, together with a statement of facts which the division determines would, if true, constitute grounds to discontinue payment of compensation.*

The notice to the division shall state the date of intended discontinuance, the reason for such action, and the fact that the employee objects to the discontinuance. The notice shall be accompanied by a *statement of facts in support of the discontinuance of compensation payments and whatever medical reports are in the possession of the employer bearing on the physical condition of the employee at the time of the proposed discontinuance.*

Subd. 2. [CONTINUANCE OF EMPLOYER'S LIABILITY; SUSPENSION.] Except where the commissioner of the department of labor and industry orders otherwise, until the

notice and reports have been filed with the division, the liability of the employer to make payments of compensation continues.

When the division has received a notice of discontinuance, *the statement of facts and available medical reports, and has determined that the facts, if true, constitute grounds to discontinue payment of compensation*, the duty of the employer to pay compensation is suspended pending an investigation, hearing, and determination of the matter by the division as provided in the following subdivisions. *If the division determines that the statement of facts and medical records do not constitute grounds, if true, for the discontinuance of payment of compensation, the employer's duty to make such payments shall continue. The division shall make such determination within 30 days of notice from the employer or the duty to make payments shall be suspended.*

Subd. 3. [COPY OF NOTICE TO EMPLOYEE, INVESTIGATION, HEARING.] When the division has received a notice of discontinuance, it shall immediately send the employee a copy of the notice and (COPIES OF WHATEVER MEDICAL REPORTS) *supporting documents which* have been submitted in conjunction with the notice. The commissioner of the department of labor and industry shall make an investigation to determine whether the right to compensation has terminated. If it appears from the investigation that the right to compensation may not have terminated, the commissioner of the department of labor and industry shall schedule a hearing before a compensation judge, to determine the right of the employee, or his dependent, to further compensation.

The hearing shall be held within a reasonable time after the division has received the notice of discontinuance. The commissioner of the department of labor and industry shall give eight days notice of the hearing to interested parties.

Subd. 4. [ORDER.] When the hearing has been held, and he has duly considered the evidence, the person who held the hearing shall promptly enter an order directing the payment of further compensation or confirming the termination of compensation. Where the order confirms a termination of compensation, the commissioner of the department of labor and industry shall notify the employer of such action. This notification relieves the employer from further liability for compensation subject to the right of review afforded by this chapter, and to the right of the division to set aside the order at any time prior to the review and grant a new hearing pursuant to this chapter.

Sec. 52. Minnesota Statutes 1978, Section 176.271, is amended to read:

176.271 [INITIATION OF PROCEEDINGS.] *Subdivision*
1. Unless otherwise provided by this chapter or by the commis-

sioner (OF THE DEPARTMENT) of labor and industry, all proceedings before the division are initiated by the filing of a written petition on a prescribed form with the commissioner (OF THE DEPARTMENT) of labor and industry at his principal office.

Subd. 2. Before a proceeding is initiated pursuant to subdivision 1 the party contemplating initiation of a proceeding shall notify the party against whom the proceeding will be directed including an employer who has an interest in the matter and shall state the relief which will be sought in the proceeding. If the party to whom the notice is directed does not respond to the satisfaction of the party supplying the notice within 15 days of the receipt of the notice a proceeding may be initiated pursuant to subdivision 1. This notification shall not be required in cases where compliance with this subdivision would result in the claim being barred by section 176.151 or other section.

Sec. 53. Minnesota Statutes 1978, Section 176.391, Subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT OF PHYSICIANS, SURGEONS, AND OTHER EXPERTS.] The workers' compensation court of appeals, or a judge of the workers' compensation court of appeals or compensation judge assigned to a matter, or the commissioner (OF THE DEPARTMENT) of labor and industry, may appoint one or more (IMPARTIAL) *neutral* physicians or surgeons to examine the injury of the employee and report thereon. Where necessary to determine the facts, the services of other experts may also be employed.

Sec. 54. Minnesota Statutes 1978, Section 176.521, Subdivision 1, is amended to read:

176.521 [SETTLEMENT OF CLAIMS.] Subdivision 1. **[VALIDITY.]** An agreement between an employee or his dependent and the employer or insurer to settle any claim, which is not upon appeal before the workers' compensation court of appeals, for compensation under this chapter is valid where it has been executed in writing and signed by the parties, *and intervenors in the matter*, and the division has approved the settlement and made an award thereon. If the matter is upon appeal before the workers' compensation court of appeals, the workers' compensation court of appeals is the approving body.

Sec. 55. **[STUDY OF INFORMATION SYSTEMS FOR DEPARTMENT OF LABOR AND INDUSTRY.]** *The commissioner of administration shall study and make recommendations for the improvement of the department of labor and industry's workers' compensation record-keeping and information systems. In making this study the commissioner shall give special attention to the application of computer and microfilming systems,*

and the commissioner may, if it is appropriate, hire outside consultants to assist in the study.

Sec. 56. [COMMISSIONER TO ESTABLISH DISABILITY SCHEDULES.] *Subdivision 1. The commissioner of labor and industry may by rule establish a schedule of degrees of disability resulting from different kinds of injuries.*

Subd. 2. The commissioner shall by rule establish a schedule of internal organs which are compensable and indicate in the schedule to what extent the organs are compensable under section 176.101, subdivision 3.

Subd. 3. In order to accomplish the purposes of this section, the commissioner shall study disability or permanent impairment schedules set up by other states, the American Medical Association and other organizations.

Sec. 57. [ADDITIONAL HEARING ROOMS.] *The commissioner of administration shall provide two hearing rooms in Minneapolis and one in Saint Paul, in addition to those already in existence, for the use of the workers' compensation division.*

Sec. 58. [JOINT LEGISLATIVE COMMISSION.] *The houses of the legislature shall appoint, through the usual means, a joint legislative commission of six members from each house to study the feasibility of a state competitive fund to provide workers' compensation insurance. The joint commission shall report to the legislature no later than January 1, 1981 with its recommendations. The commission shall have full authority to contract for expert services and opinions relevant to the purposes of this section.*

Sec. 59. [SECOND OPINION STUDY.] *The commissioner of labor and industry shall conduct a study on the effect of requiring a mandatory second surgical opinion for non-emergency surgical procedures pursuant to section 40 of this act. The study shall include data regarding the quality and cost of medical care, and other appropriate information. The commissioner shall report his finding to the legislature no later than January 1, 1983.*

Sec. 60. [INSTRUCTIONS TO REVISOR OF STATUTES.] *In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the word "association" for the word "bureau" wherever it occurs in chapter 79.*

Sec. 61. [APPROPRIATION.] *The sums set forth in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available for the fiscal year ending June 30 in the years indicated.*

1980 1981

(a) Attorney general, for legal services to the commissioner of insurance. \$ 35,500 \$ 72,500

The approved complement of the office of attorney general is increased by 1 person.

(b) Commissioner of administration, for the purposes of section 55. 78,525 77,900

(c) Commissioner of insurance, for the purposes of sections 2 through 21 and 45 and to carry out other duties prescribed by law. . . 234,432 226,932

The approved complement of the division of insurance of the department of commerce is increased by 8 persons.

(d) Commissioner of labor and industry, for the purposes of sections 22, 32, 39, 40, 42, 50, 51, 56 and 57 and to carry out other duties prescribed by law. 407,188 347,313

The approved complement of the department of labor and industry is increased by 10 persons.

(e) To the joint commission in section 58 for the purposes of that section. 25,000

The appropriation is available for the biennium ending June 30, 1981.

Sec. 62. [REPEALER.] Minnesota Statutes 1978, Sections 79.05; 79.06; 79.07 and 176.101, Subdivision 7, are repealed.

Sec. 63. [EFFECTIVE DATES.] Section 1 is effective October 1, 1979. Sections 2 through 11, 17, 20 and 21 are effective the day following final enactment. Sections 13 through 16, 18 and 19 are effective October 1, 1979."

Further amend by striking the title and inserting:

"A bill for an act relating to workers' compensation; changing certain insurance rate making procedures; changing rehabilitation procedures; adding definitions; providing for a joint legislative commission; transferring functions to the commissioner of insurance; directing certain studies; providing for certain

schedules and lists; increasing certain staff; relocating workers' compensation court of appeals; changing availability, amounts and procedures for obtaining and discontinuing certain benefits; changing certain presumptions; changing basis for attorneys' fees; changing notice provisions; establishing a reopened case fund and a compensation reinsurance association; creating procedures for group self insurance pooling; providing penalties; appropriating money; amending Minnesota Statutes 1978, Sections 79.01, by adding subdivisions; 79.095; 79.10; 79.21; 79.22; 175.08; 176.011, Subdivisions 9 and 15; 176.021, Subdivision 3; 176.061, Subdivision 5; 176.081, Subdivision 5; 176.101, Subdivisions 1, 2, 3 and 4; 176.111, Subdivision 1; 176.131, Subdivisions 3, 10 and by adding a subdivision; 176.132, Subdivision 2; 176.135, by adding a subdivision; 176.141; 176.179; 176.181, Subdivision 2; 176.191; 176.221; 176.231, Subdivisions 1 and 2; 176.235; 176.241; 176.271; 176.391, Subdivision 2; 176.521, Subdivision 1; Chapters 79, by adding sections; and 176, by adding sections; repealing Minnesota Statutes 1978, Sections 79.05; 79.06; 79.07; and 176.101, Subdivision 7."

The motion prevailed and the amendment was adopted.

Anderson, I., was excused while in conference committee.

Prahl moved to amend S. F. No. 917, as amended, as follows:

Page 43, line 29, delete "125 percent" and insert "200 percent"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 7 yeas and 108 nays as follows:

Those who voted in the affirmative were:

Battaglia	Elioff	Greenfield	Kelly	Prahl
Begich	Fritz			

Those who voted in the negative were:

Aasness	Clark	Friedrich	Kalis	McEachern
Adams	Clawson	Fudro	Kempe	Mehrkens
Ainley	Corbid	Halberg	Knickerbocker	Metzen
Albrecht	Crandall	Haukoos	Kostohryz	Minne
Anderson, B.	Dempsey	Heap	Kroening	Murphy
Anderson, G.	Den Ouden	Heinitz	Kvam	Nelsen, B.
Anderson, R.	Drew	Hoberg	Laidig	Niehaus
Berglin	Eken	Hokanson	Lehto	Norman
Biersdorf	Ellingson	Jacobs	Levi	Norton
Blatz	Enebo	Jennings	Long	Novak
Brinkman	Evans	Johnson, C.	Ludeman	Nysether
Byrne	Ewald	Johnson, D.	Luknic	Olsen
Carlson, D.	Faricy	Jude	Mann	Onnen
Carlson, L.	Fjoslien	Kahn	McCarron	Osthoff
Casserly	Forsythe	Kaley	McDonald	Pehler

Peterson	Rose	Stoa	Vanasek	Wieser
Piepho	Rothenberg	Stowell	Voss	Wigley
Redalen	Sarna	Sviggum	Waldorf	Wynia
Reding	Schreiber	Swanson	Weaver	Zubay
Rees	Sherwood	Thiede	Welch	Speaker Searle
Reif	Simoneau	Tomlinson	Welker	
Rice	Stadum	Valento	Wenzel	

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

S. F. No. 917, A bill for an act relating to workers' compensation; changing certain insurance rate making procedures; increasing the membership of the workers' compensation court of appeals; directing certain studies; providing for certain schedules and lists; increasing certain staff; relocating workers' compensation court of appeals; changing availability amounts for certain benefits; changing rehabilitation procedures; changing certain presumptions; changing basis for attorneys' fees; changing notice provisions; establishing a workers' compensation reinsurance association; transferring self-insuring duties to the commissioner of insurance; establishing a reopened case fund; establishing a voluntary group self-insurance association; appropriating money; amending Minnesota Statutes 1978, Sections 79.01, Subdivision 2, and by adding subdivisions; 79.095; 79.10; 79.21; 79.22, by adding a subdivision; 79.25; 175.006, Subdivision 1; 175.08; 176.011, Subdivisions 9 and 15; 176.021, Subdivision 3; 176.061, Subdivision 5; 176.081, Subdivision 5; 176.101, Subdivisions 1, 3 and 4; 176.111, Subdivision 1; 176.131, Subdivisions 3, 10 and by adding a subdivision; 176.135, by adding a subdivision; 176.141; 176.155, Subdivision 2; 176.179; 176.181, Subdivision 2, and by adding a subdivision; 176.191; 176.231, Subdivisions 1 and 2; 176.235, Subdivision 1; 176.241; 176.271; 176.391, Subdivision 2; 176.521, Subdivision 1; Chapters 79, by adding sections; and 176, by adding a section; repealing Minnesota Statutes 1978, Sections 79.05; 79.06; 79.07; 175.092; and 176.101, Subdivision 7.

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 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Adams	Berkelman	Corbid	Evans	Heap
Ainley	Biersdorf	Crandall	Faricy	Heinitz
Albrecht	Blatz	Dean	Fjoslien	Hoberg
Anderson, B.	Brinkman	Dempsey	Forsythe	Hokanson
Anderson, D.	Byrne	Drew	Friedrich	Jacobs
Anderson, G.	Carlson, D.	Eken	Fritz	Jaros
Anderson, R.	Carlson, L.	Elioff	Fudro	Jennings
Battaglia	Casserly	Ellingson	Greenfield	Johnson, C.
Begich	Clark	Enebo	Halberg	Johnson, D.
Berglin	Clawson	Esau	Haukoos	Jude

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

Those who voted in the negative were:

Aasness Den Ouden Prahl

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

FIRST READING OF SENATE BILLS, Continued

S. F. No. 129, 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, 3 and 4 to provide for establishment of the boundaries of congressional and legislative districts by a commission, removing the requirement that all senators be elected at the first general election following an apportionment and limiting the power of the legislature to change the number of senators and representatives; implementing the proposed amendment by providing by law for the duties, powers and operation of the commission; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieben, M., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 129 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Sieben, M., moved that the rules of the House be so far suspended that S. F. No. 129 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 129 was read for the second time.

Sieben, M., moved to amend S. F. No. 129 as follows:

Strike everything after the enacting clause and insert:

"Section 1. Subdivision 1. An amendment to the Minnesota Constitution is proposed to the people as provided by subdivisions 2 and 3.

Subd. 2. If the amendment is adopted, article IV, sections 2 and 3 will read as follows:

Sec. 2. The number of members who compose the senate and house of representatives shall be prescribed *by the legislature* by law. (THE REPRESENTATION IN BOTH HOUSES SHALL BE APPORTIONED EQUALLY THROUGHOUT THE DIFFERENT SECTIONS OF THE STATE IN PROPORTION TO THE POPULATION THEREOF.)

Sec. 3. (AT ITS FIRST SESSION AFTER EACH ENUMERATION OF THE INHABITANTS OF THIS STATE MADE BY THE AUTHORITY OF THE UNITED STATES, THE LEGISLATURE SHALL HAVE THE POWER TO PRESCRIBE THE BOUNDS OF CONGRESSIONAL AND LEGISLATIVE DISTRICTS. SENATORS SHALL BE CHOSEN BY SINGLE DISTRICTS OF CONVENIENT CONTIGUOUS TERRITORY. NO REPRESENTATIVE DISTRICT SHALL BE DIVIDED IN THE FORMATION OF A SENATE DISTRICT. THE SENATE DISTRICTS SHALL BE NUMBERED IN A REGULAR SERIES.) *The legislature shall make no law dividing the state into districts either for senators and representatives or for representatives in the congress of the United States.*

Subd. 3. If the amendment is adopted, a new article will be added to the Constitution which will read as follows:

ARTICLE XV

REAPPORTIONMENT COMMISSION

Section 1. [REAPPORTIONMENT COMMISSION.] *There shall be a reapportionment commission which shall divide the state into as many districts as there are or will be senators and representatives and as there are representatives of the state in the congress of the United States as provided by the law. The commission shall divide the state:*

(1) *following each decennial census of the United States; or,*

(2) *when required by a court order; or,*

(3) *when the number of senators and representatives has been changed by law.*

Sec. 2. [COMPOSITION OF COMMISSION.] *The commission shall consist of the members provided by this section. Before entering upon the duties of the office, each member of the commission shall take an oath to faithfully discharge the duties of the office.*

The speaker and the caucus leader of each political party of the house of representatives, other than the political party the speaker represents, which has 20 percent or more of the membership, shall each either be members or shall each appoint a member as each shall choose.

The caucus leaders of each political party of the senate which has 20 percent or more of the membership shall each either be members or shall each appoint a member as each shall choose. For the purposes of this section, political party shall be determined solely on the basis of the party designated by legislators on the most recent general election ballot on which they ran.

The governor shall appoint two members.

Two members shall be appointed by the state central committee of each political party, other than the political party the governor represents, whose candidate for governor received 20 percent or more of the votes at the most recent gubernatorial election.

Five or six members, whichever is necessary in order to result in a commission composed of an odd number of members, shall be appointed by a 75 percent vote of the other members appointed to the commission.

Sec. 3. [TIME OF APPOINTMENT.] *The secretary of state shall request the appointing authorities provided in section 2, paragraphs 2 to 5, to appoint members of the commission:*

(1) *not later than January 15 of each year ending in the numeral one; or,*

(2) *within 15 days of the deposit with the secretary of state of an enrolled act signed by the governor which changes the number of senators or representatives effective at a time when a commission would not otherwise be constituted; or,*

(3) *upon receipt of a certified copy of a bill enacted by congress and signed by the president which changes the number of representatives of the state in the congress of the United States at a time when a commission would not otherwise be constituted.*

Within ten days after the date of the secretary of state's request, the appointing authorities provided in section 2, para-

graphs 2 to 5, shall either certify the members they have appointed, or, if permitted, that they personally will serve, to the secretary of state or shall notify the secretary of state of their failure to make an appointment.

The commission members appointed by section 2, paragraphs 2 to 5, shall meet within 17 days of the secretary of state's request at a time and place selected by the secretary. Within 17 days of the meeting, they shall either certify the names of the commission members they have appointed under section 2, paragraph 6, to the secretary of state or notify the secretary of state of their failure to make appointments.

Any vacancy on the commission shall be filled within five days by the same appointing authority as for the original appointment.

Sec. 4. [FAILURE TO MAKE APPOINTMENTS.] Within three days after receiving notice that an appointing authority provided in section 2, paragraphs 2 to 5, has failed to make an appointment, the secretary of state shall notify the chief justice of the supreme court of the failure. Within ten days after notification, the supreme court, by not less than majority vote, shall make the failed appointment and certify the names of the appointees to the secretary of state.

Within three days after receiving notice of a failure to make an appointment under section 2, paragraph 6, the secretary of state shall notify the chief justice of the failure. Within 17 days after the notification, the supreme court, by not less than a majority vote, shall make the failed appointment and certify the names of the appointees to the secretary of state.

Sec. 5. [REAPPORTIONMENT STANDARDS.] The districts created by the commission, to the extent which all three standards can be simultaneously complied with, shall be equal in population and composed of compact and contiguous territory. The boundaries of all districts shall, to the extent permitted by the requirement of equal population, follow natural boundaries, the boundaries of counties, towns, and statutory or home rule charter cities. No district shall be drawn for the purpose of favoring any political party, incumbent legislator, or other person or group.

Sec. 6. [REVIEW.] The supreme court shall have original jurisdiction of all petitions concerning the reapportionment. If the court shall find that the districts into which the state was divided conflict with the United States constitution, this constitution or the laws of this state, it shall state the reasons for its findings and conclusions and require the commission to divide the state into districts with consideration to the court's findings

and conclusions. If the commission which divided the state shall have been dissolved, the court shall order it reconstituted.

No action involving reapportionment shall be maintained unless commenced by filing a petition with the supreme court within 30 days from the effective date of the new districts. The supreme court shall render its opinion within 60 days of the date the action was commenced.

Sec. 7. [IMPLEMENTATION.] *The legislature shall, by law, provide for the implementation of this article.*

Nothing in this article shall invalidate either:

(1) districts which exist at the date of the ratification of this article and prior to the effective date of the first division of the state into new districts by the commission; or,

(2) districts which exist on the date new districts are effective but prior to the first election at which they govern.

Sec. 2. *The amendment shall be submitted at the 1980 general election. The question proposed shall be:*

"Shall the Minnesota Constitution be amended to transfer from the legislature to a commission the power to apportion congressional and legislative districts?"

Yes

No

Sec. 3. [2A.01] [CITATION.] *Sections 3 to 19 may be cited as the Reapportionment Implementation Act.*

Sec. 4. [2A.02] [DEFINITIONS.] *Subdivision 1. When used in sections 4 to 19, unless the context requires otherwise, the words in subdivisions 2 to 8 have the meanings given them.*

Subd. 2. "Commission" means the reapportionment commission established pursuant to article XV of the constitution.

Subd. 3. "Federal census" means the census required by federal law to be prepared by the United States Bureau of the Census in every year ending in zero.

Subd. 4. "Lobbyist" means any individual required to register pursuant to Minnesota Statutes, Section 10A.03.

Subd. 5. "Political party office" means membership in the state central committee or state executive committee of a political party; or the chairman, treasurer, secretary or similar office of a political party.

Subd. 6. "Public office" means any elected or appointed office or employment in the executive, judicial, or legislative branch or in any independent agency of the federal, state, or local government.

Subd. 7. "Relative" means any individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Subd. 8. "State executive committee of each political party" shall mean the committee provided for in Minnesota Statutes, Section 202A.12, Subdivision 3.

Sec. 5. [2A.03] [DUTIES OF COMMISSION.] Subdivision 1. The commission may prescribe and shall publish, after notice and reasonable opportunity for public comment, written procedures necessary to carry out sections 4 to 22. The written procedures shall provide that not less than 75 percent of the members of the commission constitute a quorum to do business and that the votes of 75 percent of the members of the commission are required for any official action of the commission. No proxy voting is permitted. Any written procedures of the commission are exempt from the provisions of Minnesota Statutes, Sections 15.0411 to 15.052.

Subd. 2. The commission shall preserve all information filed with and developed by the commission. This information shall be available for public inspection and copying during regular office hours.

Subd. 3. The commission shall provide notice of all meetings of the commission in a manner reasonably calculated to give interested parties an opportunity to attend.

Subd. 4. The commission shall prepare and maintain written transcripts or audio recordings of all meetings of the commission. Transcripts or audio recordings shall be available within a reasonable time after the meeting for public inspection and copying during regular office hours.

Sec. 6. [2A.04] [POWERS OF COMMISSION.] Subdivision 1. Any commissioner shall have the power to administer oaths to persons who appear before the commission.

Subd. 2. A majority of the commission may compel the attendance of absent members in the manner that either the senate or house of representatives provide for their members.

Sec. 7. [2A.05] [QUALIFICATIONS OF APPOINTEES.]
Subdivision 1. No person shall be appointed to the commission under the Minnesota Constitution, Article XV, Section 2, Paragraph 6 who:

(a) *is not an eligible voter of the state at the time of appointment; or,*

(b) *holds or has held public or political party office within two years prior to selection; or,*

(c) *is a relative of either a member of the legislature or a person employed as a legislative employee by a member of the legislature; or,*

(d) *is a relative of either a member of congress or a person employed as a legislative employee by a member of congress; or,*

(e) *is a relative of a person employed by the legislature or congress; or,*

(f) *is or has within two years prior to appointment been a lobbyist; or,*

(g) *is a relative of a member of the supreme court of the state of Minnesota.*

Subd. 2. Persons appointed to the commission under the Minnesota Constitution, Article XV, Section 2, Paragraph 6, shall, to the extent practicable, represent different geographical areas of the state.

Sec. 8. [2A.06] [RESTRICTED ACTIVITIES.] *No person appointed to the commission under the Minnesota Constitution, Article XV, Section 2, Paragraph 6, shall:*

(a) *hold or be a candidate for public or political party office while a member of the commission; or,*

(b) *participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission; or,*

(c) *hold or be a candidate for a seat in the state house of representatives, state senate, or United States House of Representatives for four years after the final report of the commission is issued.*

Sec. 9. [2A.07] [SECRETARY OF STATE TO FURNISH STAFF.] *The secretary of state is the executive secretary of the commission. The secretary of state shall furnish all staff, professional and technical services and other assistance as may*

be needed by the commission. The department of administration, attorney general and revisor of statutes shall make available to the secretary such personnel, facilities and other assistance as the commission may request.

Sec. 10. [2A.08] [INITIAL ORGANIZATION OF COMMISSION.] *Subdivision 1. Within seven days of the date of receiving all certifications of appointment, the secretary of state shall select a time and place of the first meeting of the commission and shall notify the commission members of the time and place of the meeting. The first meeting shall be held not later than 21 days after the date of receiving all certifications of appointment.*

Subd. 2. The secretary of state shall preside at the meeting until the election of a permanent presiding officer.

Subd. 3. The commission shall elect a presiding officer, and other officers as it shall find necessary.

Sec. 11. [2A.09] [MEETINGS.] *Subdivision 1. The commission shall meet upon the call of either the presiding officer or a majority of the members of the commission. The commission may meet anywhere in the state.*

Subd. 2. All meetings of five or more members of the commission are open to the public. The votes of each commissioner shall be recorded in a journal kept for that purpose. The journal shall be open to the public and available in the office of the secretary of state. A person who violates this subdivision shall be punished as provided by Minnesota Statutes, Section 471.705, Subdivision 2. The provisions of this subdivision shall govern the commission notwithstanding the provisions of Minnesota Statutes, Section 471.705, Subdivision 1.

Sec. 12. [2A.10] [REPORT OF COMMISSION.] *Subdivision 1. Not later than five months after either the first meeting of the commission or the date the population count for the state of the federal census is received by the secretary of the commission, whichever is later, the commission shall file its final report with the secretary of state.*

Subd. 2. The final report shall consist of:

(a) a written description of all districts into which the state was divided; and,

(b) maps of the state showing exactly the district boundaries as provided in the written description; and,

(c) an explanation of the standards used in developing the districts; and,

(d) a justification of any deviation in excess of one-half of one percent in a district's population from the average district's population; and,

(e) such other information, conclusions and recommendations as the commission shall believe beneficial.

Subd. 3. The final report shall be adopted by an affirmative vote of 75 percent of the commission members. Any commission members in the minority may prepare a minority report and have it included in the report of the commission.

Sec. 13. [2A.11] [EFFECTIVE DATE OF NEW DISTRICTS.] The districts into which the state is divided by the commission in its report shall be effective upon the date of publication pursuant to section 14. They shall govern all offices at the next general election. The districts shall remain effective until the effective date of new districts into which the state is divided by the same or subsequent commission.

Sec. 14. [2A.12] [PUBLICATION OF REPORT.] Within ten days from the date of filing of the report of the commission, the secretary of state shall publish a summary of the report in at least eight newspapers of substantial circulation located throughout the state. The summary shall contain:

- (a) a map showing all the new districts in the state; and,
- (b) separate maps showing the districts in the principal area served by the newspaper in which the publication is made; and,
- (c) a statement of the population of each district; and,
- (d) a statement of the percentage variation of each district from the average population of other districts of the same kind; and,
- (e) an indication of where a copy of the final report of the commission may be examined; or purchased and its purchase price.

Sec. 15. [2A.13] [REVIEW OF NEW DISTRICTS.] Subdivision 1. Within 30 days after the publication required by section 14, a petition may be filed with the supreme court for reviewing the new districts created in the final report. The reapportionment commission shall be the named defendant in the petition. One copy of the petition shall be served upon the presiding officer of the commission and another upon the attorney general.

Subd. 2. A petition shall state such facts as the petitioner believes shows that the districts into which the state is divided

conflict with the United States Constitution or the constitution or laws of this state.

Subd. 3. The supreme court shall hold hearings and arguments upon petition.

Subd. 4. The attorney general shall represent the commission and shall argue the validity of the districts created in the final report of the commission.

Subd. 5. The supreme court shall render its opinion within 45 days of the date the petition was filed.

Subd. 6. If the supreme court shall find that the districts into which the state was divided violate any constitutional or statutory standard, the court shall specify how the standards are violated and may make recommendations as to how the district boundaries should be redrawn. However, the court shall not redraw the boundaries itself but shall permit the commission to do so with consideration to the court's findings and conclusions. If the commission which divided the state shall have been dissolved, the court shall order it reconstituted.

Subd. 7. The attorney general shall represent the commission in any federal court action to review the districts created in the final report. He or she shall request the court to expedite the proceedings.

Subd. 8. If a United States court determines that any districts into which the state was divided conflict with the United States constitution, the constitution of Minnesota or the laws of the United States or this state, and the court permits the commission to redraw the boundaries with consideration to the court's findings and conclusions, the commission shall reconstitute itself to redraw the districts.

Sec. 16. [2A.14] [COMMISSION RECONSTITUTED.]
The reconstituted commission shall convene within 15 days of any court opinion finding the prior plan violates any constitutional or statutory provisions. Within 30 days of reconvening, it shall issue an amended report which shall consider the findings and conclusions of the court decision. The report shall be filed and a summary published as required for in the original final report. The amended report may be reviewed in the same manner as provided for in the original final report.

Sec. 17. [2A.15] [FAILURE OF COMMISSION TO ADOPT REPORT.]
If the commission fails to adopt a final report or its final report fails to divide the state into all necessary districts, each member of the commission, individually or jointly with other members, may submit a proposed final report. The proposed final reports shall be drafted in the same manner as provided in section 12. The proposed final reports

shall be submitted to the supreme court within 30 days after the expiration of the time established pursuant to section 12 for the filing of the commission's final report.

Within 90 days after submission, the supreme court shall select the proposed final report which it finds most closely satisfies the constitutional and statutory requirements and, with the modifications it finds necessary to make the plan comply with constitutional and statutory requirements, order it into effect.

If no commission member submits a proposed final report by the time specified, a majority of the entire supreme court shall select a panel of three district court judges to prepare a final report. The panel shall submit its final report within 120 days of the date which is 30 days after the expiration of the time established pursuant to section 12 for the filing of the commission's final report. The panel shall be governed by all substantial and procedural requirements of the United States constitution and the constitution and laws of this state. The secretary of state shall furnish the panel with all requested staff, professional and technical services. The department of administration, attorney general and revisor of statutes shall make available to the secretary such personnel, facilities and other assistance as the panel may request.

The districting prescribed by the panel shall be published by the secretary of state within ten days of its filing. The report may be reviewed in the same manner as provided for a report by the commission.

Sec. 18. [2A.16] [DISSOLUTION OF COMMISSION.]
When the final report becomes effective and all known legal challenges to the plan have been resolved, the commission shall conclude its business and dissolve. The conclusion of business shall include preparation of a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties including records of public hearings, data collected, transcripts or audio recordings of hearings and meetings, and other information of a similar nature. The secretary of state shall provide for the permanent preservation of this official record.

Sec. 19. [2A.17] [COMPENSATION AND EXPENSES OF COMMISSIONERS.] *Subdivision 1. Commissioners, other than commissioners who are paid a salary by the state, shall be compensated at the same rate provided by section 15.059, subdivision 3, for members of advisory councils and committees.*

Subd. 2. Commissioners shall be compensated for their actual and necessary expenses in performing work on commis-

sion business in the same manner and amount as the commissioner of personnel authorizes for state employees.

Sec. 20. *The sum of \$70,000 is appropriated to the secretary of state for the purpose of paying all costs relating to the commission, to be available until expended.*

Sec. 21. *Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811 are repealed effective January 1, 1982.*

Sec. 22. *Sections 3 to 21 shall take effect on the date the constitutional amendment in section 1 is ratified as provided by the constitution."*

Further amend by striking the title and inserting:

"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."

The motion prevailed and the amendment was adopted.

Osthoff moved to amend S. F. No. 129, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Subdivision 1. An amendment to the Minnesota Constitution is proposed to the people as provided by subdivision 2.

Subd. 2. If the amendment is adopted, Article IV, Section 3, will read as follows:

Sec. 3. [CENSUS ENUMERATION APPORTIONMENT; CONGRESSIONAL AND LEGISLATIVE DISTRICT BOUNDARIES; SENATE DISTRICT.] At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts. *Population shall be the controlling factor in determining the bounds of legislative districts, and each district shall be within 5 percent of the average population of the districts. The power to prescribe the bounds of congressional or legislative districts, or both, may be delegated to a commission established by law. If so delegated, the decision of the commission is not subject to veto by the governor or the legislature. Section 5 of this article does not apply to a commission established under this section. The selection of members of a commission may be deter-*

mined by law. Senators shall be chosen by single districts of convenient contiguous territory. No representative district shall be divided in the formation of a Senate district. The senate districts shall be numbered in a regular series.

Sec. 2. The amendment shall be submitted to the people at the 1980 general election. The question proposed shall be: "Shall the Minnesota Constitution be amended to permit the creation of a commission to establish congressional or legislative districts, or both, and to establish standards for legislative districts?"

Yes

No " "

Amend the title as follows:

Delete the title in its entirety and insert:

"A bill for an act relating to reapportionment of legislative and congressional districts; proposing an amendment to the Minnesota Constitution, Article IV, Section 3, to permit the creation by law of a commission to reapportion congressional or legislative districts, or both; establishing standards for legislative districts."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 42 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Kroening	Patton	Swanson
Ainley	Elioff	Kvam	Peterson	Vanasek
Albrecht	Enebo	Ludeman	Piepho	Welch
Battaglia	Evans	McCarron	Prahl	Welker
Begich	Ewald	McDonald	Redalen	Wieser
Biersdorf	Friedrich	McEachern	Rees	Speaker Searle
Brinkman	Fritz	Metzen	Rice	
Carlson, D.	Jacobs	Munger	Rose	
Carlson, L.	Kostohryz	Osthoff	Sarna	

Those who voted in the negative were:

Aasness	Crandall	Greenfield	Johnson, D.	Levi
Anderson, B.	Dempsey	Halberg	Jude	Long
Anderson, G.	Den Ouden	Haukoos	Kahn	Luknic
Anderson, R.	Drew	Heap	Kaley	Mann
Berglin	Eken	Heinitz	Kalis	Mehrkens
Blatz	Ellingson	Hoberg	Kelly	Minne
Byrne	Esau	Hokanson	Kempe	Moe
Casserly	Faricy	Jaros	Knickerbocker	Murphy
Clark	Fjoslien	Jennings	Laidig	Nelsen, B.
Corbid	Forsythe	Johnson, C.	Lehto	Nelsen, M.

Nelson	Otis	Sherwood	Sviggum	Wigley
Niehaus	Pehler	Sieben, H.	Thiede	Wynia
Norman	Pleasant	Sieben, M.	Tomlinson	Zubay
Norton	Reding	Simoneau	Voss	
Novak	Reif	Stadum	Waldorf	
Nysether	Rothenberg	Stoa	Weaver	
Onnen	Searles	Stowell	Wenzel	

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

Osthoff moved to amend S. F. No. 129, as amended, as follows:

Page 1, line 20, delete "*prescribed by the*"

Page 1, line 21, delete "*legislature by law*" and insert "*41 senators and 123 representatives*"

A roll call was requested and properly seconded.

Enebo offered an amendment to the Osthoff amendment.

POINT OF ORDER

Wenzel raised a point of order pursuant to rule 3.10 that the Enebo amendment to the Osthoff amendment was not in order. The Speaker ruled the point of order well taken and the amendment to the amendment out of order.

The question recurred on the Osthoff amendment and the roll was called. There were 58 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Adams	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, I.	Faricy	Kroening	Osthoff	Stoa
Anderson, R.	Forsythe	Kvam	Pehler	Sviggum
Blatz	Fritz	Laidig	Peterson	Swanson
Byrne	Fudro	Levi	Prahl	Tomlinson
Carlson, D.	Heap	Long	Reding	Waldorf
Carlson, L.	Heinitz	McCarron	Rees	Welch
Clawson	Hokanson	Metzen	Rice	Wieser
Dean	Jaros	Minne	Rose	Wynia
Dempsey	Jude	Nelsen, M.	Rothenberg	Speaker Searle
Drew	Kelly	Norton	Sarna	
Enebo	Kempe	Novak	Searles	

Those who voted in the negative were:

Aasness	Berkelman	Eken	Greenfield	Kahn
Ainley	Biersdorf	Elioff	Halberg	Kaley
Albrecht	Brinkman	Ellingson	Haukoos	Kalis
Anderson, B.	Cassery	Erickson	Hoberg	Lehto
Anderson, G.	Clark	Esau	Jacobs	Ludeman
Battaglia	Corbid	Evans	Jennings	Luknic
Begich	Crandall	Fjoslien	Johnson, C.	Mann
Berglin	Den Ouden	Friedrich	Johnson, D.	McDonald

McEachern	Norman	Redalen	Stowell	Wenzel
Mehrkens	Nysether	Reif	Thiede	Wigley
Munger	Onnen	Sherwood	Vanasek	Zubay
Murphy	Otis	Sieben, H.	Voss	
Nelsen, B.	Patton	Sieben, M.	Weaver	
Niehaus	Piepho	Stadum	Welker	

The motion did not prevail and the amendment was not adopted

S. F. No. 129, 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, 3 and 4 to provide for establishment of the boundaries of congressional and legislative districts by a commission, removing the requirement that all senators be elected at the first general election following an apportionment and limiting the power of the legislature to change the number of senators and representatives; implementing the proposed amendment by providing by law for the duties, powers and operation of the commission; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811.

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 110 yeas and 20 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley	Carlson, D.	Jennings	McDonald	Redalen
Albrecht	Elioff	Kvam	Patton	Rees
Begich	Friedrich	Ludeman	Peterson	Welker
Brinkman	Fritz	McCarron	Piepho	Wigley

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

UNANIMOUS CONSENT

Simoneau requested unanimous consent to make a motion. The request was granted.

Simoneau moved that H. F. No. 946, now on General Orders, be returned to its author. The motion prevailed.

Sieben, M., requested unanimous consent to make a motion. The request was granted.

Sieben, M., moved that H. F. No. 38, now on General Orders, be returned to its author. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 874.

S. F. No. 874, A bill for an act relating to the Memorial Hardwood Forest; directing the sale or exchange of certain tillable parcels; responsibility for roads; retention of easement; authorizing exemptions; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Berglin Long

The bill was passed and its title agreed to.

SPECIAL ORDERS

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

ANNOUNCEMENTS 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. 907:

Reding, Patton, Biersdorf, and Albrecht.

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. 13:

Sherwood, Thiede, Battaglia, and Faricy.

CERTIFICATION BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MINNESOTA TO THE HONORABLE ALBERT H. QUIE, GOVERNOR

May 18, 1979

Governor Albert H. Quie
Governor of Minnesota
State Capitol
St. Paul, Minnesota 55155

Dear Governor Quie:

It is my duty to inform you, in order that you may issue a writ of election as required by law, that today, Friday, May 18, 1979, the House of Representatives has declared a vacancy in the office of Representative in Legislative District 67A.

The Chief Clerk of the House of Representatives will forward to you a copy of the Journal of the House as evidence of this action by the House.

RODNEY N. SEARLE
Speaker of the House

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 10:00 a.m., Saturday, May 19, 1979. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Saturday, May 19, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives