

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

EIGHTY-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 21, 1980

The House of Representatives convened at 12:30 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

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. 2168, 2223, 2297, 2435, 2230, 1790, 1678, 2303, 1812, 1121, 2469, 2470, 615, 2273 and 1661 and S. F. Nos. 119, 134, 2045, 2104, 802, 2094, 2109, 1700, 1797, 1903, 1995 and 1985 have been placed in the members' files.

S. F. No. 1797 and H. F. No. 1822, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kempe moved that the rules be so far suspended that S. F. No. 1797 be substituted for H. F. No. 1822 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1974, A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

Reported the same back with the following amendments:

Page 1, line 7, delete "of Alden,"

Page 1, delete line 8

Page 1, line 9, delete "and Rice Lake"

Page 1, line 13, delete "of" and insert "at"

Page 1, line 18, delete "a" and insert "each"

Page 1, line 18, delete "named"

Page 1, line 19, delete "section 1" and insert "St. Louis County"

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

The report was adopted.

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

H. F. No. 2004, A bill for an act relating to industrial development; permitting hearings by a committee of the governing body; providing for published notice; amending Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7b.

Reported the same back with the following amendments:

Page 1, line 21, reinstate the stricken language and delete the new language

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

The report was adopted.

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

H. F. No. 2184, A bill for an act relating to the Moose Lake-Windemere Sewer District; definitions; board membership and compensation; powers; amending Laws 1974, Chapter 400, Sections 3, Subdivisions 5 and 12; 4, Subdivisions 2 and 9; and 8, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 26, delete "*shall*" and insert "*may*"

Page 2, line 27, delete "*the*" and insert "*a*"

Page 2, line 27, after "*of*" insert "*up to*"

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

The report was adopted.

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

S. F. No. 49, A bill for an act relating to taxation; authorizing the establishment of individual housing accounts; providing that contributions to an account which are used exclusively in connection with the purchase of a first principal residence are deductible; providing tax penalties; amending Minnesota Statutes 1978, Sections 48.159; 50.157; 51A.21, by adding a subdivi-

sion; 290.09, by adding a subdivision; 290.17, Subdivision 2; and Chapter 52, by adding a section.

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

The report was adopted.

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

S. F. No. 1006, A bill for an act relating to the Eastern Itasca and Greenway Joint Recreation Boards; regulating their tax levies.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

S. F. No. 1789, A bill for an act relating to taxation; estate tax; making technical adjustments and clarifying certain provisions; amending Minnesota Statutes 1978, Sections 290.077, Subdivision 4; 291.07, Subdivision 3; 291.111, Subdivision 2; 291.15; 291.18; 291.32, Subdivision 1; 291.33, by adding a subdivision; 501.211, Subdivision 3, and by adding a subdivision; 524.3-505; 524.3-1003; 525.532, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; 290.-14; 291.005, Subdivision 1; 291.01; 291.015; 291.03; 291.05; 291.051; 291.06; 291.07, Subdivision 1; 291.075; 291.09, Subdivisions 1a and 4a; 291.11, Subdivision 1; 291.132; 291.14; 291.215, Subdivision 1; 291.33, Subdivision 1; 291.48; 524.3-105; and 524.3-1001; repealing Minnesota Statutes 1978, Sections 291.17; 291.19, Subdivisions 1, 2 and 4; 291.20, Subdivision 4; and Minnesota Statutes, 1979 Supplement, Sections 291.111, Subdivision 1; and 291.19, Subdivision 3.

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

The report was adopted.

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

S. F. No. 1921, A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2469 and 2470 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1797, 49 and 1789 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced :

Dempsey; Sieben, M.; Simoneau; Kvam and Osthoff introduced :

H. F. No. 2471, A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; providing for injunctive relief and civil actions; repealing Minnesota Statutes 1978, Section 168.27, Subdivision 21.

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

Faricy and Searles introduced :

H. F. No. 2472, A bill for an act relating to state government; creating the Minnesota institute for public foresight; requiring the identification and analysis of trends affecting the state; appropriating money.

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

Long and Ellingson introduced :

H. F. No. 2473, A bill for an act relating to game and fish; authorizing a season on mourning doves; setting maximum daily and possession limits; amending Minnesota Statutes 1978, Section 100.28, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 100.27, Subdivision 6.

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

Erickson; Anderson, B.; Sviggum; Niehaus and Mann introduced:

H. F. No. 2474, A bill for an act relating to animals; changing the procedures for dealing with estrays; amending Minnesota Statutes 1978, Sections 346.02; 346.03; 346.04; 346.05; 346.06; and 346.07; repealing Minnesota Statutes 1978, Section 346.01.

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

Jacobs, Anderson, I., and Peterson, D., introduced:

H. F. No. 2475, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Erickson, Esau, Niehaus, Wenzel and Aasness introduced:

H. A. No. 57, A proposal for calculation on agricultural land EARC's for school aid purposes using 100 percent rental values.

The advisory was referred to the Committee on Education.

Jaros, Tomlinson, Pehler, Fritz and Dempsey introduced:

H. A. No. 58, A proposal to study taxation of integrated oil companies operating in the state of Minnesota.

The advisory was referred to the Committee on Taxes.

Aasness, Stadum, Valan, Ludeman and Sviggum introduced:

H. A. No. 59, A proposal to assess the effects of the Duluth grain miller strike.

The advisory was referred to the Committee on Agriculture.

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 Files, herewith returned:

H. F. No. 1846, A bill for an act relating to highway traffic regulations; authorizing certain identification rights on motor vehicles operated by certificated volunteer ambulance drivers; amending Minnesota Statutes 1978, Section 169.58, by adding a subdivision.

H. F. No. 2051, A bill for an act relating to elections; requiring certain employers to attempt to let employees make up time taken off for certain public meetings; amending Minnesota Statutes 1978, Section 210A.09, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2119, A bill for an act relating to the military; extending indefinitely the duration of the authority of the adjutant general to acquire lands for military training from funds available in the military land fund; repealing certain obsolete provisions relating to the military land fund; amending Minnesota Statutes 1978, Sections 190.25; 190.26, Subdivision 1; 190.29; 190.30, Subdivisions 1, 5 and 6; and repealing Minnesota Statutes 1978, Sections 190.26, Subdivisions 2 and 3; and 190.27.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 593, A bill for an act relating to wild animals; clarifying conditions under which raccoons may be taken at night; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Redalen moved that the House concur in the Senate amendments to H. F. No. 593 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 593, A bill for an act relating to wild animals; clarifying conditions under which raccoons can be taken at night; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McCarron Patton

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

Mr. Speaker:

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

H. F. No. 1601, A bill for an act relating to political parties; allowing party officers and delegates and alternate delegates to party conventions to take certain leave time from employment;

providing penalties; amending Minnesota Statutes 1978, Chapter 202A, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 1601 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1601, A bill for an act relating to political parties; allowing members of political party committees and delegates to party conventions to take certain leave time from employment; providing penalties; amending Minnesota Statutes 1978, Chapter 202A, 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 117 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Crandall	Erickson	Kvam	Peterson, B.	Wieser
Den Ouden	Esau	Niehaus	Welker	

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. 801.

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. 801

A bill for an act relating to non-alcoholic beverages; requiring laboratory examination of certain beverages; deleting registration exemption for identified beverages; amending Minnesota Statutes 1978, Section 34.05, Subdivision 1; repealing Minnesota Statutes 1978, Section 34.05, Subdivision 2.

March 11, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 801, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: HOWARD A. KNUTSON, WILLIAM P. LUTHER and GERALD L. WILLET.

House Conferees: DOUGLAS W. CARLSON, ELTON R. REDALEN, GEORGE L. MANN and HENRY J. KALIS.

Carlson, D., moved that the report of the Conference Committee on S. F. No. 801 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 801, A bill for an act relating to non-alcoholic beverages; requiring laboratory examination of certain beverages; deleting registration exemption for identified beverages; amending Minnesota Statutes 1978, Section 34.05, Subdivision

1; repealing Minnesota Statutes 1978, Section 34.05, Subdivision 2.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, 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. 1584.

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. 1584

A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

March 19, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1584, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments.

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

Senate Conferees: GERALD L. WILLET, DOUGLAS J. JOHNSON and DAVE RUED.

House Conferees: JOHN A. AINLEY, CARL W. KROENING and DAVID P. BATTAGLIA.

Ainley moved that the report of the Conference Committee on S. F. No. 1584 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1584, A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

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 126 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Albrecht Erickson McCarron

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 Files, herewith transmitted:

S. F. Nos. 1783, 1838, 1877, 1950 and 1993.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 2017, 2111 and 2168.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1573, 1708 and 2122.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1783, A bill for an act relating to elections; providing for hearings of contested legislative elections; amending

Minnesota Statutes 1978, Sections 209.02, Subdivision 4a; 209.09; and 209.10, Subdivision 1.

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

S. F. No. 1838, A bill for an act relating to industrial development; extending the industrial development law to all towns; requiring authorization for certain agricultural projects; amending Minnesota Statutes 1978, Sections 474.02, Subdivision 2; and 474.04.

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

S. F. No. 1877, A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide statements of hire to migrant workers; setting requirements for statements of hire and for payments of wages to migrant workers; providing for private causes of action.

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

S. F. No. 1950, A bill for an act relating to towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1993, A bill for an act relating to economic development; requiring that a majority of the members of the iron range resources and rehabilitation board represent legislative districts containing taconite tax relief areas; amending Minnesota Statutes 1978, Section 298.22, Subdivision 2.

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

S. F. No. 2017, A bill for an act relating to municipal industrial development; defining projects appropriate for development; amending Minnesota Statutes 1978, Section 474.02, Subdivision 1c.

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

S. F. No. 2111, A bill for an act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; amending Minnesota Statutes 1978, Section 385.02, Subdivision 1.

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

S. F. No. 2168, A bill for an act relating to historic sites; designating additional historic sites; requiring notice to the Minnesota Historical Society when the state or a political subdivision acquires certain property; amending Minnesota Statutes 1978, Sections 138.56, by adding a subdivision; and 138.59.

The bill was read for the first time.

Carlson, D., moved that S. F. No. 2168 and H. F. No. 2197, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1573, A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment.

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

S. F. No. 1708, A bill for an act relating to workers' compensation; changing special compensation fund assessment procedures; providing for reimbursement to certain insurers; amending Minnesota Statutes, 1979 Supplement, Sections 176.131, Subdivision 10; and 176.191, Subdivision 3.

The bill was read for the first time.

Kaley moved that S. F. No. 1708 and H. F. No. 2037, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2122, A bill for an act relating to elections; authorizing time off from work for election judges; amending Minnesota Statutes 1978, Section 204A.17, by adding a subdivision.

The bill was read for the first time.

Peterson, D., moved that S. F. No. 2122 and H. F. No. 2043, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as

a Special Order to be acted upon immediately following Special Orders pending for Friday, March 21, 1980:

H. F. Nos. 2237, 2022, 2037, 1810, 1818, 1362, 1878, 2206, 2268, 2286, 2320, 2356 and 2429.

CONSENT CALENDAR

S. F. No. 1633, A bill for an act relating to veterans; modifying the duties, authority and scope of operations of the department of veterans affairs; authorizing the commissioner of veterans affairs to accept uncompensated voluntary services; entitling uncompensated voluntary workers to the benefits of workers' compensation; providing for the appointment of the commissioner of veterans affairs as the guardian of an estate; revising the veterans home eligibility requirements; amending Minnesota Statutes 1978, Sections 196.05; 196.051; 197.06; 198.01; and Minnesota Statutes, 1979 Supplement, Section 176.011, Subdivision 9.

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

The bill was passed and its title agreed to.

S. F. No. 1847, A bill for an act relating to Blue Earth County; authorizing the county to contract for the completion of the improvement of county ditch No. 27; setting limits on the expenditure of money for the improvement; providing for financing; amending Laws 1975, Chapter 249, Section 1, Subdivision 1, as amended; and Section 2, as amended.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1979, A bill for an act relating to state forests; altering the boundaries of Badoura State Forest; amending Minnesota Statutes 1978, Section 89.021, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Ainley	Anderson, B.	Anderson, G.	Anderson, R.
Adams	Albrecht	Anderson, D.	Anderson, I.	Battaglia

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

Those who voted in the negative were:

Jennings McCarron Welker

The bill was passed and its title agreed to.

S. F. No. 2102, A bill for an act relating to the city of Melrose; authorizing the issuance of general obligation bonds for a fire hall and community center.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

H. F. No. 1790, A bill for an act relating to advertising devices; authorizing advertising devices within 500 feet of local parks under certain circumstances; amending Minnesota Statutes 1978, Section 173.08, Subdivision 2.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 802 was reported to the House.

Clark moved to amend S. F. No. 802, the unofficial engrossment as follows:

Page 1, line 3, after the semicolon insert: "authorizing the commissioner of health to investigate complaints related to licensed occupations under certain circumstances;"

The motion prevailed and the amendment was adopted.

S. F. No. 802, A bill for an act relating to health; regulating the occupation of physical therapist; amending Minnesota Statutes 1978, Sections 148.65; 148.67; 148.70; 148.71; 148.72; 148.73; 148.74; 148.75; 148.76; 148.77; 148.78; and Chapter 148, by adding sections.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Jennings Ludeman Welker

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Voss requested immediate consideration of H. F. No. 2469.

H. F. No. 2469 was reported to the House.

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. 2469 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. 2469 be given its third reading and be placed upon its final passage. The motion prevailed.

CALL OF THE HOUSE

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

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

Voss 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.

Rothenberg moved to amend H. F. No. 2469, as follows:

Page 2, delete line 16

Page 2, line 22, delete "\$225,703,000" and insert "\$172,203,000"

Page 22, delete lines 7 to 35

Page 25, line 5, delete "\$225,703,000" and insert "\$172,203,000"

Renumber the sections accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 10 yeas and 124 nays as follows:

Those who voted in the affirmative were:

Albrecht	Heinitz	Olsen	Rothenberg	Stoa
Fjoslien	McDonald	Rees	Sherwood	Wieser

Those who voted in the negative were:

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

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

McDonald; Crandall; Halberg; Prahl; Johnson, D.; Den Ouden; Jude; Sherwood; Knickerbocker; Levi; Redalen; Waldorf; Battaglia; Thiede; Drew and Blatz offered an amendment to H. F. No. 2469.

POINT OF ORDER

Sieben, M., raised a point of order pursuant to rule 3.9, that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

McDonald 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 100 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Johnson, D.	Munger	Searles
Ainley	Dempsey	Jude	Murphy	Sieben, H.
Anderson, B.	Eken	Kahn	Nelsen, M.	Sieben, M.
Anderson, D.	Elioff	Kaley	Nelson	Simoneau
Anderson, G.	Ellingson	Kalis	Norman	Stadum
Anderson, I.	Erickson	Kelly	Novak	Stoa
Anderson, R.	Evans	Kostohryz	Osthoff	Stowell
Battaglia	Ewald	Kroening	Otis	Sviggum
Begich	Faricy	Kvam	Patton	Swanson
Berglin	Forsythe	Laidig	Pehler	Tomlinson
Berkelman	Friedrich	Lehto	Peterson, B.	Vanasek
Biersdorf	Fudro	Long	Peterson, D.	Voss
Brinkman	Greenfield	Luknic	Pleasant	Waldorf
Byrne	Heinitz	Mann	Prahl	Welch
Carlson, D.	Hoberg	McCarron	Reding	Wenzel
Carlson, L.	Hokanson	McEachern	Rees	Wieser
Casserly	Jacobs	Mehrkens	Reif	Wigley
Clark	Jaros	Metzen	Rice	Wynia
Clawson	Jennings	Minne	Rodriguez	Zubay
Corbid	Johnson, C.	Moe	Searle	Spkr. Norton

Those who voted in the negative were:

Aasness	Fjoslien	Levi	Onnen	Sherwood
Albrecht	Fritz	Ludeman	Piepho	Thiede
Blatz	Halberg	McDonald	Redalen	Valan
Crandall	Haukoos	Nelsen, B.	Rose	Valento
Den Ouden	Heap	Niehaus	Rothenberg	Weaver
Drew	Kempe	Nysether	Sarna	Welker
Esau	Knickerbocker	Olsen	Schreiber	

So it was the judgment of the House that the decision of the Speaker should stand.

H. F. No. 2469 was given its third reading.

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.

CONSIDERATION UNDER RULE 1.10, Continued

H. F. No. 2469, 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; creating the Minnesota district heating account; authorizing a program of loans to municipalities for district heating systems; establishing a loan program for wood fuel conversion projects; establishing grants-in-aid for construction or renovation of lockups, jails and other correctional facilities; requiring the establishment of rates by the public service commission which encourage cogeneration plants; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1978, Sections 253.015; 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapters 116H, by adding sections; 121, by adding a section; 138, by adding a section; 198, by adding a section; 216B, by adding a section; and Chapter 465, by adding a section.

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

The question was taken on the passage of the bill and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 43 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Hokanson	Munger	Rodriguez
Anderson, D.	Ellingson	Jacobs	Murphy	Sieben, H.
Anderson, G.	Erickson	Jaros	Nelsen, B.	Sieben, M.
Anderson, I.	Esau	Kahn	Nelsen, M.	Stoa
Anderson, R.	Evans	Laidig	Norman	Voss
Battaglia	Ewald	Lehto	Osthoff	Wynia
Berglin	Faricy	Luknic	Pehler	Spkr. Norton
Berkelman	Fjoslien	Minne	Prahl	
Eken	Fudro	Moe	Rice	

Those who voted in the negative were:

Adams	Dean	Jude	Metzen	Reif
Ainley	Dempsey	Kaley	Nelson	Rose
Albrecht	Den Ouden	Kalis	Niehaus	Rothenberg
Anderson, B.	Drew	Kelly	Novak	Sarna
Begich	Forsythe	Kempe	Nysether	Schreiber
Biersdorf	Friedrich	Knickerbocker	Olsen	Searle
Blatz	Fritz	Kostohryz	Onnen	Searles
Brinkman	Greenfield	Kroening	Otis	Sherwood
Byrne	Halberg	Kvam	Patton	Simoneau
Carlson, D.	Haukoos	Levi	Peterson, B.	Stadum
Carlson, L.	Heap	Long	Peterson, D.	Stowell
Cassery	Heinitz	Ludeman	Piepho	Sviggum
Clark	Hoberg	Mann	Pleasant	Swanson
Clawson	Jennings	McDonald	Redalen	Thiede
Corbid	Johnson, C.	McEachern	Reding	Tomlinson
Crandall	Johnson, D.	Mehrkins	Rees	Valan

Valento
Vanasek

Waldorf
Weaver

Welch
Welker

Wenzel
Wieser

Wigley
Zubay

The bill was not passed.

Pursuant to rule 1.10, Sieben, H., requested immediate consideration of H. F. Nos. 1945 and 1121, S. F. No. 1719, H. F. No. 1838 and S. F. No. 1675.

H. F. No. 1945 was reported to the House.

Anderson, B., moved to amend H. F. No. 1945 as follows:

Page 14, after line 9, insert:

"Subd. 7. [ADDITIONAL SECURITY: POWERS OF THE COMMISSIONER OF TRANSPORTATION.] (a) Upon application of the authority, the commissioner of transportation may, through the rail user loan guarantee program, insure the repayment of the principal and interest obligations of bonds issued by the authority. Bond issues shall be eligible for insurance, without regard to the eligibility provisions of section 222.58, subdivision 2, if the commissioner is satisfied (i) that the projects funded by the bond issue will further the purposes of the Minnesota rail service improvement act and (ii) the bonds are adequately secured by the revenues, taxes, and other sources of funds pledged as security under subdivision 2.

(b) The provisions of section 222.58, subdivisions 4 and 5 shall not apply to defaults under bond issues insured pursuant to this subdivision. The commissioner of transportation shall contract with the authority to provide for adequate procedures to guarantee timely payment of the bonds' principal and interest obligations in the event the revenues, taxes, and other funds securing the bonds are inadequate to meet the bonds' obligations.

(c) The commissioner of transportation may promulgate administrative rules establishing additional criteria governing the eligibility of bond issues for insurance or establishing procedures governing payments in the event of a default."

The motion prevailed and the amendment was adopted.

Anderson, B., moved to amend H. F. No. 1945, as follows:

Page 3, line 6, after "the" insert "state of Minnesota, the"

Page 7, line 4, delete "the property is the subject of" and insert "the Interstate Commerce Commission, or another author-

ty with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property."

Page 7, delete line 5

Page 7, line 6, delete "commission."

Page 9, line 14, delete the colon

Page 9, line 15, delete "(a)" and after "272.01" insert ", Sub-division 2,"

Page 9, line 17, delete "; and" and insert a period

Page 9, delete lines 18 to 21

The motion prevailed and the amendment was adopted.

Anderson, B., moved to amend H. F. No. 1945, as follows:

Page 14, after line 25, insert

"Sec. 10. This act is effective the day after final enactment."

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE LIFTED

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

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

CALL OF THE HOUSE

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

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

Levi	Nelsen, M.	Peterson, B.	Sarna	Valan
Ludeman	Nelson	Peterson, D.	Schreiber	Valento
Luknic	Niehaus	Piepho	Searle	Vanasek
Mann	Norman	Pleasant	Searles	Waldorf
McCarron	Novak	Prahl	Sherwood	Weaver
McDonald	Nysether	Redalen	Sieben, H.	Welch
McEachern	Olsen	Reding	Simoneau	Welker
Mehrkens	Onnen	Rees	Stadum	Wenzel
Metzen	Osthoff	Reif	Stowell	Wieser
Minne	Otis	Rodriguez	Sviggum	Wigley
Munger	Patton	Rose	Thiede	Wynia
Nelsen, B.	Pehler	Rothenberg	Tomlinson	Zubay

Anderson, G., 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.

H. F. No. 1945, A bill for an act relating to regional railroad authorities; providing for their organization and governmental purpose, powers and duties; providing for audits.

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.

Faricy moved that those not voting be excused from voting. The motion did not prevail.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Fritz

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

H. F. No. 1121 was reported to the House.

Erickson and Albrecht moved to amend H. F. No. 1121, as follows:

Page 46, after line 32, insert:

"Sec. 1. Minnesota Statutes 1978, Section 124.212, Subdivision 10, is amended to read:

Subd. 10. (a) The equalization aid review committee, consisting of the commissioner of education, the commissioner of administration, and the commissioner of revenue, is hereby continued and permanently established. The duty of this committee shall be to review the assessed valuation of the districts of the state. When such reviews disclose reasonable evidence that the assessed valuation of any district furnished by any county auditor is not based upon the market value of taxable property in such district, then said committee shall call upon the department of revenue to ascertain the market value of such property, and adjust such values as required by law to determine the adjusted assessed valuation. The department of revenue shall take such steps as are necessary in the performance of that duty and may incur such expense as is necessary therefor. The commissioner of revenue is authorized to reimburse any county or governmental official for services performed at his request in ascertaining such adjusted valuation. On or before March 15, annually, the department of revenue shall submit its report on the assessed values established by the previous year's assessment to said committee for approval or rejection and, if approved, such report shall be filed not later than the following July 1 with the commissioner of education and each county auditor for those school districts for which he has the responsibility for determination of mill rates. A copy of the adjusted assessed value so filed shall be forthwith mailed to the clerk of each district involved and to the county assessor or supervisor of assessments of the county or counties in which such district is located.

(b) For purposes of determining the adjusted assessed value of agricultural lands for the calculation of (1977) 1980 adjusted assessed values and thereafter, the market value of agricultural lands shall be (THE ARITHMETIC AVERAGE OF (1) THE

PRICE FOR WHICH THE PROPERTY WOULD SELL IN AN ARMS LENGTH TRANSACTION, AND (2)) *an amount equal to the income which could be derived from (ITS) the free market gross rental rate of the property, capitalized at a rate (OF NINE PERCENT) equal to the greater of (1) the average annual effective interest rate for all new Federal Land Bank loans made in Minnesota in the most recent calendar year for which data are available, or (2) ten percent.*"

Renumber succeeding sections

Further, amend the title as follows:

Page 1, line 18, after "property;" insert "altering the computation of adjusted assessed value of agricultural lands;"

Page 2, line 1, delete "Subdivision 2" and insert "Subdivisions 2 and 10;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 23 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, B.	Swiggum
Albrecht	Erickson	Kalis	Niehaus	Wieser
Anderson, B.	Esau	Ludeman	Redalen	Wigley
Anderson, D.	Fjoslien	McDonald	Sherwood	
Biersdorf	Friedrich	Mehrkens	Stowell	

Those who voted in the negative were:

Adams	Crandall	Hoberg	Luknic	Peterson, B.
Ainley	Dean	Hokanson	Mann	Peterson, D.
Anderson, G.	Dempsey	Jacobs	McEachern	Piepho
Anderson, I.	Drew	Jaros	Metzen	Pleasant
Anderson, R.	Eken	Jennings	Minne	Prahl
Battaglia	Elioff	Johnson, C.	Munger	Reding
Begich	Ellingson	Johnson, D.	Murphy	Rees
Berglin	Evans	Kahn	Nelsen, M.	Reif
Berkelman	Ewald	Kaley	Nelson	Rice
Blatz	Faricy	Kelly	Norman	Rodriguez
Brinkman	Forsythe	Kempe	Novak	Rose
Byrne	Fritz	Knickerbocker	Nysether	Rothenberg
Carlson, D.	Fudro	Kostohryz	Olsen	Sarna
Carlson, L.	Greenfield	Kroening	Onnen	Schreiber
Casserly	Halberg	Laidig	Osthoff	Searles
Clark	Haukoos	Lehto	Otis	Sieben, H.
Clawson	Heap	Levi	Patton	Sieben, M.
Corbid	Heinitz	Long	Pehler	Simoneau

Stadum
Stoa
Swanson
Thiede

Tomlinson
Valan
Valento
Vanasek

Waldorf
Weaver
Welch
Welker

Wenzel
Wynia

Zubay
Spkr. Norton

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

Peterson, B.; Searles and Rothenberg moved to amend H. F. No. 1121 as follows:

Page 46, after line 9, insert:

"Section 28. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] For taxable years beginning after December 31, 1978, the taxable net income brackets in subdivision 2c shall be adjusted for inflation. The commissioner of revenue shall determine the percentage increase for each year in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as a base year. The commissioner shall determine the percentage increase from August, 1978 to, in 1979, August, 1979 and in each subsequent year, from August of the preceding year to August of the current year, and shall announce the percentage figure by October 1 each year. The dollar amounts in each taxable net income bracket for the prior year in subdivision 2c shall be multiplied by a figure equal to (85 PERCENT OF) that percentage. The product of the calculation shall be added to each inflation adjusted taxable net income bracket for the prior year to produce the inflation adjusted taxable net income brackets for each succeeding year. If the product exceeds a whole dollar amount, it shall be raised to the next highest whole dollar."

Page 46, line 27, after "1980." insert:

"Section 28 is effective for taxable years beginning after December 31, 1981."

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

Pehler moved to amend the Peterson, B., Searles and Rothenberg amendment to H. F. No. 1121 as follows:

Page 2, line 8, delete "1981" and insert "1979"

A roll call was requested and properly seconded.

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

The question was taken on the Pehler amendment to the Peterson, B., amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 90 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Kelly	Nelson	Sieben, M.
Ainley	Drew	Kempe	Norman	Simoneau
Anderson, B.	Eken	Kostohryz	Novak	Stadum
Anderson, D.	Elioff	Kroening	Nysether	Stoa
Anderson, G.	Ellingson	Lehto	Olsen	Stowell
Anderson, I.	Faricy	Long	Osthoff	Sviggum
Anderson, R.	Fjoslien	Ludeman	Pehler	Swanson
Battaglia	Forsythe	Luknic	Peterson, D.	Tomlinson
Begich	Fritz	Mann	Pleasant	Valan
Berkelman	Fudro	McCarron	Prahl	Vanasek
Biersdorf	Greenfield	McEachern	Reding	Voss
Byrne	Hokanson	Mehrkins	Rees	Waldorf
Carlson, L.	Jacobs	Metzen	Reif	Welch
Casserly	Jennings	Minne	Rice	Welker
Clark	Johnson, C.	Munger	Rodriguez	Wenzel
Clawson	Jude	Murphy	Rothenberg	Wieser
Corbid	Kahn	Nelsen, B.	Sarna	Wynia
Crandall	Kalis	Nelsen, M.	Sieben, H.	Spkr. Norton

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Patton	Sherwood
Albrecht	Evans	Kaley	Peterson, B.	Thiede
Blatz	Ewald	Knickerbocker	Piepho	Valento
Brinkman	Friedrich	Laidig	Redalen	Weaver
Carlson, D.	Halberg	Levi	Rose	Zubay
Dempsey	Haukoos	McDonald	Schreiber	
Den Ouden	Hoberg	Niehaus	Searle	
Erickson	Jaros	Onnen	Searles	

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

The question recurred on the Peterson, B., amendment, as amended. The motion did not prevail and the amendment, as amended, was not adopted.

Searles moved to amend H. F. No. 1121 as follows:

Page 7, line 15, after "(16)" insert "*For taxable years beginning after December 31, 1979 and before January 1, 1981,*"

Page 29, line 7, after the period insert "*For taxable years beginning after December 31, 1979 and before January 1, 1981,*"

Page 29, line 12, after the period insert *"For taxable years beginning after December 31, 1980, in the case of a taxpayer other than a corporation, an amount equal to the net capital gain for the taxable year as determined under section 1202 of the Internal Revenue Code of 1954, as amended through December 31, 1979."*

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Heap	McDonald	Rothenberg
Adams	Erickson	Heinitz	Mehrrens	Searle
Ainley	Esau	Hoberg	Nelsen, B.	Searles
Albrecht	Evans	Jennings	Nysether	Sherwood
Anderson, R.	Ewald	Johnson, D.	Olsen	Stadum
Berkelman	Faricy	Kaley	Peterson, B.	Sviggum
Biersdorf	Fjoslien	Kempe	Piepho	Thiede
Blatz	Forsythe	Knickerbocker	Pleasant	Valan
Carlson, D.	Friedrich	Laidig	Redalen	Weaver
Crandall	Fritz	Ludeman	Rees	Welker
Dean	Halberg	Luknic	Reif	Wieser

Those who voted in the negative were:

Anderson, D.	Drew	Kostohryz	Novak	Swanson
Anderson, G.	Eken	Kroening	Onnen	Tomlinson
Anderson, I.	Elioff	Lehto	Patton	Vanasek
Battaglia	Ellingson	Long	Pehler	Voss
Begich	Fudro	Mann	Peterson, D.	Waldorf
Berglin	Greenfield	McCarron	Prahl	Welch
Brinkman	Hokanson	McEachern	Reding	Wenzel
Byrne	Jacobs	Metzen	Rice	Wigley
Carlson, L.	Jaros	Minne	Rodriguez	Wynia
Casserly	Johnson, C.	Munger	Schreiber	Zubay
Clark	Jude	Murphy	Sieben, H.	Spkr. Norton
Clawson	Kahn	Nelsen, M.	Sieben, M.	
Corbid	Kalis	Nelson	Simoneau	
Dempsey	Kelly	Norman	Stoa	

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

Prahl moved to amend H. F. No. 1121, as follows:

Page 88, after line 4, insert:

"Sec. 2. Minnesota Statutes, 1979 Supplement, Section 297A.01, Subdivision 3, is amended to read:

Subd. 3. A "sale" and a "purchase" includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a license to use or consume tangible personal property, for a consideration in money or by exchange or barter;

(b) The production, fabrication, printing or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing or processing;

(c) The furnishing, preparing or serving for a consideration of food, meals or drinks, not including hospitals, sanatoriums, nursing homes or senior citizens homes, meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, wherever delivered, prepared or served, meals and lunches served at public and private schools, universities or colleges, or the occasional meal thereof by a charitable or church organization;

(d) The granting of the privilege of admission to places of amusement or athletic events and the privilege of use of amusement devices;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state *except the furnishing of electricity, gas, steam and water and sewer services for residential use*, or local exchange telephone service and intrastate toll service except such service provided by means of coin operated telephones; the tax imposed on amounts paid for telephone services is the liability of and shall be paid by the person paying for the services. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. (THE FURNISHING OF WATER AND SEWER SER-

VICES FOR RESIDENTIAL USE SHALL NOT BE CONSIDERED A SALE.)”

Page 95, line 16, after “fuels” insert “*and utilities*”

Page 95, line 20, strike “and who use”

Page 95, strike lines 21 and 22

Page 95, line 23, strike everything before the semicolon

Page 95, strike lines 26 and 27

Page 95, line 28, strike everything before the period

Page 97, line 25, delete “*Section*” and insert “*Sections*”; after “2” insert “*and 3*”; delete “*is*” and insert “*are*”

Page 97, line 26, delete “3” and insert “4”

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 35, after the semicolon insert “exempting residential utilities from the sales tax;”

Page 2, line 24, after the semicolon insert “297A.01, Subdivision 3;”

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Johnson, D.	Minne	Rothenberg
Anderson, R.	Erickson	Kaley	Munger	Sarna
Battaglia	Esau	Kalis	Murphy	Sherwood
Begich	Ewald	Kelly	Nelsen, M.	Stadum
Berglin	Fjoslien	Kempe	Niehaus	Stowell
Berkelman	Friedrich	Knickerbocker	Norman	Sviggum
Biersdorf	Fritz	Kostohryz	Nysether	Thiede
Blatz	Fudro	Kroening	Olsen	Valan
Byrne	Haukoos	Lehto	Prahl	Welker
Carlson, L.	Heap	Ludeman	Reding	Wenzel
Crandall	Hoberg	Luknic	Rees	Wieser
Den Ouden	Jaros	McDonald	Reif	
Drew	Jennings	Mehrkens	Rice	

Those who voted in the negative were:

Adams	Ainley	Albrecht	Anderson, B.	Anderson, D.
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Anderson, G.	Faricy	Long	Peterson, D.	Swanson
Anderson, I.	Forsythe	Mann	Piepho	Tomlinson
Brinkman	Greenfield	McCarron	Pleasant	Valento
Carlson, D.	Halberg	McEachern	Redalen	Vanasek
Casserly	Heinitz	Metzen	Rodriguez	Voss
Clark	Hokanson	Nelsen, B.	Rose	Waldorf
Clawson	Jacobs	Nelson	Schreiber	Weaver
Corbid	Johnson, C.	Novak	Searle	Welch
Dean	Jude	Onnen	Searles	Wigley
Dempsey	Kahn	Osthoff	Sieben, H.	Wynia
Eken	Kvam	Patton	Sieben, M.	Zubay
Ellingson	Laidig	Pehler	Simoneau	Spkr. Norton
Evans	Levi	Peterson, B.	Stoa	

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

Kvam moved to amend H. F. No. 1121 as follows:

Page 51, delete Section 5.

Page 52, line 30, delete "at 11 percent for taxes payable in 1981 and"

Delete page 53.

Page 54, delete lines 1 to 11.

Page 54, delete Sections 8 to 10.

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

A roll call was requested and properly seconded.

Stowell and Anderson, R., were excused from 7:30 p.m. to 8:30 p.m.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 10 yeas and 114 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Hoberg	Niehaus	Searle
Erickson	Fritz	Kvam	Onnen	Valan

Those who voted in the negative were:

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

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

Dempsey moved to amend H. F. 1121 as follows:

Page 97, after line 24, insert:

"Section 6. [OPTIONAL SALES TAX.] Subdivision 1. Notwithstanding section 69.77, subdivision 1, section 477A.01, subdivision 18 or any other provision of law to the contrary, any municipality with a local police or salaried firefighters relief association established pursuant to any general or special law may levy a sales or use tax not to exceed one percent upon any or all sales or uses which are taxed by the state of Minnesota pursuant to chapter 297A. The proceeds of the tax shall be used solely to fund the unfunded accrued liability of the police or salaried firefighters special fund.

Subd. 2. The authorization in subdivision 1 shall expire for each municipality in regard to each special fund on the date when the unfunded accrued liability of the special fund of the appropriate relief association as reported in the most recent actuarial valuation of the relief association prepared pursuant to sections 356.215 and 356.216, and filed with the commissioner of insurance on the date of final enactment of this section is amortized."

A roll call was requested and properly seconded.

Casserly moved to amend the Dempsey amendment to H. F. No. 1121, as follows:

Line 8, delete "may" and insert "shall"

A roll call was requested and properly seconded.

The question was taken on the Casserly amendment to the Dempsey amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 25 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	McDonald	Redalen	Thiede
Anderson, G.	Evans	Novak	Rose	Valento
Berkelman	Haukoos	Nysether	Stadum	Voss
Carlson, D.	Kahn	Pehler	Stoa	Waldorf
Casserly	Long	Pleasant	Svigum	Wynia

Those who voted in the negative were:

Ainley	Elioff	Johnson, D.	Minne	Rothenberg
Albrecht	Ellingson	Jude	Munger	Sarna
Anderson, B.	Erickson	Kaley	Murphy	Schreiber
Anderson, D.	Esau	Kalis	Nelsen, B.	Searle
Anderson, I.	Ewald	Kelly	Nelson	Searles
Battaglia	Faricy	Kempe	Niehaus	Sherwood
Begich	Fjoslien	Knickerbocker	Norman	Sieben, H.
Berglin	Forsythe	Kostohryz	Olsen	Sieben, M.
Biersdorf	Friedrich	Kroening	Onnen	Simoneau
Blatz	Fritz	Kvam	Osthoff	Tomlinson
Brinkman	Fudro	Laidig	Patton	Valan
Byrne	Greenfield	Lehto	Peterson, B.	Weaver
Carlson, L.	Halberg	Levi	Peterson, D.	Welch
Clawson	Heap	Ludeman	Piepho	Welker
Corbid	Heinitz	Luknic	Prahl	Wenzel
Crandall	Hoberg	Mann	Reding	Wieser
Dean	Hokanson	McCarron	Rees	Wigley
Dempsey	Jacobs	McEachern	Reif	Zubay
Den Ouden	Jennings	Mehrkens	Rice	Spkr. Norton
Drew	Johnson, C.	Metzen	Rodriguez	

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

Osthoff moved to amend the Dempsey amendment to H. F. No. 1121, as follows:

Line 11 after "chapter 297A" insert "on nonresidents"

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

Faricy moved to amend the Dempsey amendment to H. F. No. 1121, as follows:

Line 6, after "a" insert "*domed football facility and a*"

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

The question recurred on the Dempsey amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 31 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	McDonald	Redalen	Valento
Anderson, G.	Friedrich	Mehrkens	Schreiber	Welker
Begich	Haukoos	Nysether	Searles	Wieser
Blatz	Jaros	Onnen	Sherwood	
Carlson, D.	Jennings	Peterson, B.	Stadum	
Dempsey	Johnson, D.	Piepho	Sviggum	
Den Ouden	Ludeman	Pleasant	Thiede	

Those who voted in the negative were:

Adams	Drew	Kahn	Nelsen, M.	Sieben, H.
Ainley	Eken	Kelly	Nelson	Sieben, M.
Anderson, B.	Elioff	Kempe	Niehau	Simoneau
Anderson, D.	Ellingson	Knickerbocker	Norman	Stoa
Anderson, I.	Erickson	Kostohryz	Novak	Swanson
Anderson, R.	Ewald	Kroening	Olsen	Tomlinson
Battaglia	Faricy	Laidig	Osthoff	Valan
Berglin	Fjoslien	Lehto	Patton	Vanasek
Berkelman	Forsythe	Levi	Pehler	Voss
Biersdorf	Fritz	Long	Peterson, D.	Waldorf
Brinkman	Fudro	Luknic	Reding	Weaver
Byrne	Greenfield	Mann	Rees	Welch
Carlson, L.	Heap	McCarron	Reif	Wenzel
Casserly	Heinitz	McEachern	Rice	Wigley
Clark	Hoberg	Metzen	Rodriguez	Wynia
Clawson	Hokanson	Minne	Rose	Zubay
Corbid	Jacobs	Munger	Rothenberg	Spkr. Norton
Crandall	Johnson, C.	Murphy	Sarna	
Dean	Jude	Nelsen, B.	Searle	

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

Sieben, H., moved to amend H. F. No. 1121 as follows:

Page 85, line 1, delete "*The five percent*"

Page 85, delete lines 2 to 6

The motion prevailed and the amendment was adopted.

Evans moved to amend H. F. No. 1121, as follows:

Page 96, line 9, after "gravel" insert "for sale"

Page 97, line 27, after the period insert "Sections 4 and 5 are effective for gravel removed from pits or deposits after June 30, 1980."

The motion prevailed and the amendment was adopted.

Schreiber moved to amend H. F. No. 1121, as follows:

Page 57, line 18, delete "28" and insert "25"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 29 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Blatz	Forsythe	Levi	Peterson, B.	Schreiber
Erickson	Fudro	McDonald	Pleasant	Searle
Esau	Halberg	Mehrrens	Redalen	Searles
Evans	Heinitz	Nelsen, B.	Rees	Sherwood
Ewald	Knickerbocker	Niehaus	Reif	Stoa
Fjoslien	Laidig	Olsen	Rose	

Those who voted in the negative were:

Aasness	Corbid	Jude	Norman	Thiede
Adams	Crandall	Kahn	Novak	Tomlinson
Albrecht	Dean	Kaley	Nysether	Valan
Anderson, B.	Den Ouden	Kalis	Onnen	Valento
Anderson, D.	Drew	Kempe	Osthoff	Vanasek
Anderson, G.	Eken	Kostohryz	Patton	Voss
Anderson, I.	Elioff	Kroening	Pehler	Waldorf
Anderson, R.	Ellingson	Lehto	Peterson, D.	Weaver
Battaglia	Faricy	Long	Prahl	Welch
Begich	Friedrich	Ludeman	Reding	Welker
Berglin	Fritz	Luknic	Rice	Wenzel
Berkelman	Greenfield	Mann	Rodriguez	Wieser
Biersdorf	Haukoos	McCarron	Rothenberg	Wigley
Brinkman	Hoberg	McEachern	Sarna	Wynia
Byrne	Hokanson	Metzen	Sieben, H.	Zubay
Carlson, D.	Jacobs	Minne	Sieben, M.	Spkr. Norton
Carlson, L.	Jaros	Munger	Simoneau	
Casserly	Jennings	Murphy	Stadium	
Clark	Johnson, C.	Nelsen, M.	Sviggum	
Clawson	Johnson, D.	Nelson	Swanson	

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

Fjoslien, Mann, Kalis and Nelsen, M., offered an amendment to H. F. No. 1121.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Peterson, B., Searles and Rothenberg moved to amend H. F. No. 1121 as follows:

Page 46, after line 9, insert:

“Section 28. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] For taxable years beginning after December 31, 1978, the taxable net income brackets in subdivision 2c shall be adjusted for inflation. The commissioner of revenue shall determine the percentage increase for each year in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as a base year. The commissioner shall determine the percentage increase from August, 1978 to, in 1979, August, 1979 and in each subsequent year, from August of the preceding year to August of the current year, and shall announce the percentage figure by October 1 each year. The dollar amounts in each taxable net income bracket for the prior year in subdivision 2c shall be multiplied by a figure equal to (85 PERCENT OF) that percentage. The product of the calculation shall be added to each inflation adjusted taxable net income bracket for the prior year to produce the inflation adjusted taxable net income brackets for each succeeding year. If the product exceeds a whole dollar amount, it shall be raised to the next highest whole dollar.”

Page 46, line 27, after “1980.” insert:

“Section 28 is effective for taxable years beginning after December 31, 1980.”

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

Faricy moved to amend the Peterson, B.; Searles and Rothenberg amendment to H. F. No. 1121 as follows:

Page 2, line 8, delete “after December 31, 1980” and insert “January 1, 1980”

A roll call was requested and properly seconded.

Sieben, H., moved that the Peterson, B., Searles, and Rothenberg amendment, and the Faricy amendment to the amendment, be laid on the table. The motion prevailed.

Osthoff moved to amend H. F. No. 1121, as follows:

Page 16, line 22, delete the comma, insert "or"; delete "or local public"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Adams	Drew	Kroening	Norman	Stoa
Battaglia	Elioff	Lehto	Novak	Swanson
Begich	Ellingson	Long	Osthoff	Tomlinson
Berglin	Faricy	Mann	Patton	Valento
Berkelman	Greenfield	McCarron	Pehler	Voss
Biersdorf	Hokanson	Minne	Peterson, D.	Waldorf
Byrne	Jude	Munger	Prahl	Weaver
Carlson, L.	Kahn	Murphy	Redalen	Welch
Casserly	Kelly	Nelsen, B.	Rees	Wenzel
Clark	Kempe	Nelsen, M.	Rice	Wynia
Clawson	Knickerbocker	Nelson	Rodriguez	Spkr. Norton
Corbid	Kostohryz	Niehaus	Simoneau	

Those who voted in the negative were:

Aasness	Eken	Jacobs	Metzen	Sieben, H.
Ainley	Erickson	Jaros	Nysether	Sieben, M.
Albrecht	Esau	Jennings	Olsen	Stadum
Anderson, B.	Evans	Johnson, C.	Onnen	Stowell
Anderson, D.	Ewald	Johnson, D.	Peterson, B.	Sviggum
Anderson, G.	Fjoslien	Kaley	Piepho	Thiede
Anderson, I.	Forsythe	Kalis	Pleasant	Valan
Anderson, R.	Friedrich	Kvam	Reif	Vanasek
Blatz	Fritz	Laidig	Rose	Welker
Brinkman	Fudro	Levi	Rothenberg	Wieser
Carlson, D.	Halberg	Ludeman	Sarna	Wigley
Crandall	Haukoos	Luknic	Schreiber	Zubay
Dean	Heap	McDonald	Searle	
Dempsey	Heinitz	McEachern	Searles	
Den Ouden	Hoberg	Mehrkens	Sherwood	

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

Rothenberg, Peterson, B., and Searles moved to amend H. F. No. 1121, as amended, as follows:

Page 46, after line 9, insert:

"Section 28. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] For taxable years beginning after December 31, 1978, the taxable net income brackets in subdivision 2c shall be adjusted for inflation. The commissioner of revenue shall determine the

percentage increase for each year in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as a base year. The commissioner shall determine the percentage increase from August, 1978 to, in 1979, August, 1979 and in each subsequent year, from August of the preceding year to August of the current year, and shall announce the percentage figure by October 1 each year. The dollar amounts in each taxable net income bracket for the prior year in subdivision 2c shall be multiplied by a figure equal to (85 PERCENT OF) that percentage. The product of the calculation shall be added to each inflation adjusted taxable net income bracket for the prior year to produce the inflation adjusted taxable net income brackets for each succeeding year. If the product exceeds a whole dollar amount, it shall be raised to the next highest whole dollar."

Page 46, line 27, after "1980." insert:

"Section 28 is effective for taxable years beginning after December 31, 1982."

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

POINT OF ORDER

Pehler raised a point of order pursuant to section 398 of "Mason's Manual of Legislative Procedure" that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

POINT OF ORDER

Pehler raised a point of order pursuant to section 401 of "Mason's Manual of Legislative Procedure" that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

Sieben, H., moved that the Rothenberg, Peterson, B., and Searles amendment be laid on the table.

POINT OF ORDER

Crandall raised a point of order pursuant to section 399 of "Mason's Manual of Legislative Procedure" that the Sieben, H., motion was not in order. The Speaker ruled the point of order not well taken and the motion in order.

Crandall 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?" and the roll was called. There were 67 yeas and 65 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Nysether	Searles
Ainley	Evans	Kaley	Olsen	Sherwood
Albrecht	Ewald	Knickerbocker	Onnen	Stadum
Anderson, R.	Fjoslien	Kvam	Peterson, B.	Stowell
Biersdorf	Forsythe	Laidig	Piepho	Sviggum
Blatz	Friedrich	Levi	Pleasant	Thiede
Carlson, D.	Fritz	Ludeman	Redalen	Valan
Crandall	Halberg	Luknic	Rees	Valento
Dean	Haukoos	McDonald	Reif	Weaver
Dempsey	Heap	Mehrkens	Rose	Welker
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Wieser
Drew	Hoberg	Niehaus	Schreiber	Wigley
Erickson	Jennings	Norman	Searle	Zubay

So it was the judgment of the House that the decision of the Speaker should stand.

A roll call on the Sieben, H., motion to lay on the table was requested and properly seconded.

The question recurred on the motion to lay the Rothenberg, Peterson, B., and Searles amendment on the table and the roll was called. There were 66 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Adams	Begich	Clark	Faricy	Johnson, C.
Anderson, B.	Berglin	Clawson	Fudro	Jude
Anderson, D.	Berkelman	Corbid	Greenfield	Kahn
Anderson, G.	Brinkman	Eken	Hokanson	Kalis
Anderson, I.	Byrne	Elioff	Jacobs	Kelly
Battaglia	Carlson, L.	Ellingson	Jaros	Kempe

Kostohryz	Minne	Pehler	Sieben, M.	Welch
Kroening	Munger	Peterson, D.	Simoneau	Wenzel
Lehto	Murphy	Prahl	Stoa	Wynia
Long	Nelsen, M.	Reding	Swanson	Spkr. Norton
Mann	Nelson	Rice	Tomlinson	
McCarron	Novak	Rodriguez	Vanasek	
McEachern	Osthoff	Sarna	Voss	
Metzen	Patton	Sieben, H.	Waldorf	

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Nysether	Searles
Ainley	Evans	Kaley	Olsen	Sherwood
Albrecht	Ewald	Knickerbocker	Onnen	Stadum
Anderson, R.	Fjoslien	Kvam	Peterson, B.	Stowell
Biersdorf	Forsythe	Laidig	Piepho	Sviggunn
Blatz	Friedrich	Levi	Pleasant	Thiede
Carlson, D.	Fritz	Ludeman	Redalen	Valan
Crandall	Halberg	Luknie	Rees	Valento
Dean	Haukoos	McDonald	Reif	Weaver
Dempsey	Heap	Mehrkens	Rose	Welker
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Wieser
Drew	Hoberg	Niehaus	Schreiber	Wigley
Erickson	Jennings	Norman	Searle	Zubay

The motion prevailed.

H. F. No. 1121, A bill for an act relating to taxation; updating the definition of gross income for income tax purposes for individuals, trusts and estates with certain modifications; providing for exempt-interest dividends for certain mutual funds; extending the political contribution credit to congressional and local candidates; clarifying certain definitions; providing a tax credit for energy conservation expenditures; clarifying the renewable energy source credit; increasing the dependent care credit; extending investment tax credits to family corporations; making certain changes in the minimum tax and in the treatment of small business corporations; allowing a ten year carryback of product liability losses; providing for deferral of certain gains recognized in the disposition of broadcasting property; reducing certain property tax classification ratios; increasing homestead credits; changing the property tax status of certain mobile homes; providing for delayed assessments for certain improvements; increasing homestead base value; providing a classification for neighborhood real estate trusts; adjusting levy limits and providing for certain special levies; providing for certain hearings and appeals on special assessments; clarifying property tax settlements; clarifying certain property tax refund filing due dates; extending eligibility for property tax refunds to certain claimants; providing for adjustment of property tax refunds due to abatements; providing state reimbursement for certain property; authorizing heat applied tax stamping machines; increasing the sales tax on retail sales from vending machines; providing a sales tax exemption for certain arts admissions; fixing maximum interest rates on public obligations; excepting certain debt obligations from public sale requirement; appropriating money; amending Minnesota Statutes 1978, Sections 124.212, Subdivision 2; 168.012, Subdivision 9;

273.13, Subdivisions 3 and 17b, and by adding a subdivision; 275.51, by adding a subdivision; 275.52, Subdivisions 2 and 5; 276.04; 276.09; 276.10; 290.01, by adding a subdivision; 290.09, Subdivisions 2, 24 and 28; 290.095, by adding a subdivision; 290.13, by adding a subdivision; 290.26, Subdivision 2; 290.49, Subdivision 10; 290.971, Subdivisions 1, 3 and 6; 290.972, Subdivisions 1, 3 and 5; 290A.06; 290A.11, by adding a subdivision; 290A.17; 290A.18; 290A.19; 297.03, Subdivision 6; 297A.-02; 297A.25, Subdivision 1; 375.192, Subdivision 1; 429.061, Subdivisions 1 and 2; 429.081; 474.06; 475.55; 475.60, Subdivision 2; Chapters 273, by adding sections; and 298, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 273.122; 273.13, Subdivisions 4, 5a, 6, 7, 14a and 19; 275.50, Subdivision 5; 290.01, Subdivision 20; 290.06, Subdivisions 11 and 14; 290.067, Subdivisions 1 and 2; 290.09, Subdivision 3; 290.091; 290.095, Subdivision 1; 290.14; 290.17, Subdivision 1; 290.37, Subdivision 1; 290A.03, Subdivision 3; repealing Minnesota Statutes 1978, Section 290.971, Subdivision 5; and Minnesota Statutes, 1979 Supplement, Section 290.23, Subdivision 16.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

Cassery and McDonald were excused for the remainder of today's session.

S. F. No. 1719, A bill for an act relating to taxation; changing settlement dates for property taxes; amending Minnesota Statutes 1978, Sections 276.09; 276.10; and 276.11.

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

The question was taken on the passage of the bill and the roll was called.

Nelsen, B., moved that those not voting be excused from voting. The motion prevailed.

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1838, A bill for an act relating to taxation; real property; clarifying the treatment of cooperatives and charitable corporations; amending Minnesota Statutes 1978, Section 273.133, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1675 was reported to the House.

Eken moved to amend S. F. No. 1675 as follows:

Page 8, line 10, before the period insert "*or if the owner of the native prairie does not own any contiguous parcel to which the credit can be applied, the credit shall be applied to his tax liability for any parcel he owns which is located in the same township or city or not farther than two townships or cities or combination thereof from the native prairie*"

The motion prevailed and the amendment was adopted.

S. F. No. 1675, A bill for an act relating to taxation; clarifying the provisions of the wetland credit for property tax purposes; providing a property tax exemption and credit for native prairie; providing for payment to the county for revenue lost by the exemption and credit; appropriating money; amending Minnesota Statutes 1978, Chapter 273, by adding a section; and

Minnesota Statutes, 1979 Supplement, Sections 272.02, Subdivision 1; 273.115, Subdivisions 1, 2, 5, 6, and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Pleasant

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

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

REPORTS OF STANDING COMMITTEES

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

H. F. No. 2154, A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; repealing duty of the revisor of statutes regarding certain collective bargaining agreements; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.05, by adding a subdivision; 43.111; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivisions 7 and 8; 179.64, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivisions 2 and 3; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.05, Subdivision 2; 43.067, Subdivisions 1 and 4; 43.19, Subdivision 1; 43.50, Subdivision 1; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Sections 114 and 116; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 3.855, is amended to read:

3.855 [LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.] Subdivision 1. [ESTABLISHMENT.] There is created the legislative commission on employee relations. The commission shall consist of six members of the senate and six members of the house of representatives. The senate members shall include the (MAJORITY) leader of the majority caucus of the senate, the (MINORITY) leader of the minority caucus of the senate, the chairman of the governmental operations committee, the chairman of the finance committee, the chairman of the (TAX) committee on taxes and tax laws, and an additional member designated by the (MINORITY) leader (, OR THEIR DESIGNEES) of the minority caucus. The house members shall include the speaker, the (MINORITY) leader of the minority caucus of the house, the chairman of the governmental operations committee, the chairman of the appropriations committee, the chairman of the (TAX) taxes committee, and an additional member designated by the (MINORITY) leader (, OR THEIR DESIGNEES) of the minority caucus. In the event that the membership of the house is evenly divided, the house members shall be selected pursuant to the rules of the house. Any member of the commission may resign by providing notice to the chairman. In the event of a resignation by a member of

the: (1) senate, a replacement shall be selected from among the members of the senate by the committee on rules; (2) house, a replacement shall be selected from among the members of the house pursuant to house rules. The commission shall elect its own officers who shall serve for terms of two years. The chairmanship of the commission shall alternate between a member of the senate and a member of the house.

Subd. 2. [STATE EMPLOYEE NEGOTIATIONS.] Prior to the commencement of *formal* collective bargaining activities with state employees, the commission shall conduct hearings at which (PUBLIC EMPLOYEES,) *exclusive* representatives of public employees and the commissioner of (PERSONNEL) *employee relations* shall be allowed to testify as to their (BEGINNING) *initial* negotiating positions. The commissioner of (PERSONNEL) *employee relations* shall regularly advise the commission on the progress of collective bargaining activities with state employees pursuant to the state public employment labor relations act. *During the course of the negotiations, the commission may make recommendations to the commissioner as it deems appropriate but no recommendation shall impose any obligation or grant any right or privilege to the parties.* The commissioner shall submit to the chairman of the commission any negotiated agreements or arbitration awards (WHICH THE COMMISSIONER HAS APPROVED WITHIN FIVE DAYS OF THE MAKING THEREOF). *Approved negotiated agreements shall be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees whichever occurs later. Arbitration awards shall be submitted within five days of their receipt by the commissioner.* If the commission disapproves of any agreement or award, the commission shall specify in writing to the parties those portions with which it disagrees and the reasons therefor. (UPON RECEIPT OF THE NOTICE OF DISAPPROVAL FROM THE COMMISSION, THE COMMISSIONER OF PERSONNEL WILL REOPEN THE NEGOTIATIONS.) If the commission approves of an agreement or award, it shall cause the matter to be submitted to the legislature to be accepted or rejected pursuant to section 179.74. Failure of the commission to disapprove of (AFFECTED PORTIONS OF) an agreement or award within 30 days of its receipt shall be deemed approval. Approval or disapproval by the commission shall not be binding on the entire legislature.

After adjournment of the legislature in an odd numbered year, the commission may give interim approval to a negotiated agreement or arbitration award. It shall submit the negotiated agreement or arbitration award to the entire legislature for ratification as provided in section 179.74, subdivision 5.

Subd. 3. [OTHER DUTIES.] In addition to the duties specified in subdivision 2, the commission shall perform the following:

(a) *Review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations pursuant to section 11 covering all state employees not represented by an exclusive bargaining representative and whose compensation is not otherwise established by law;*

(b) *Continually monitor the state's civil service system (,) as provided for in chapter 43, rules of the commissioner of employee relations and the collective bargaining process (,) as provided for in sections 179.61 to 179.76, as applied to state employees;*

((B)) (c) *Research and analyze the need for improvements in those statutory sections; (AND)*

((C)) (d) *Adopt rules not inconsistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and*

(e) *Perform such other related functions as are delegated to it by the legislature.*

Sec. 2. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.0001] *The name of the department of personnel is changed to the department of employee relations. The name of the commissioner of personnel is changed to the commissioner of employee relations. Subject to applicable laws, the department of employee relations, with its commissioner and officers, shall continue to exercise all the powers and duties vested in or imposed upon the department and commissioner of personnel immediately prior to the effective date of this section.*

Sec. 3. Minnesota Statutes 1978, Section 43.001, is amended to read:

43.001 [DEPARTMENT OF EMPLOYEE RELATIONS; CREATION.] Subdivision 1. *The department of (PERSONNEL)employee relations is hereby created under the control and supervision of a commissioner of (PERSONNEL) employee relations, which office is hereby established.*

Subd. 2. *The commissioner of (PERSONNEL) employee relations is appointed by the governor under the provisions of section 15.06. (HE SHALL HAVE BROAD EXPERIENCE IN A MANAGERIAL POSITION INCLUDING ABOUT FIVE YEARS AS AN EXECUTIVE PERSONNEL MANAGER IN ONE OR MORE ORGANIZATIONS ESSENTIALLY SIMILAR IN COMPLEXITY TO STATE GOVERNMENT.) The commissioner shall be knowledgeable in executive personnel management and shall have background in labor relations.*

Subd. 3. The commissioner may appoint (ONE DEPUTY COMMISSIONER AND) a confidential secretary, (EACH OF WHOM) *who* shall serve at the pleasure of the commissioner in the unclassified service.

Subd. 4. Subject to (THE PROVISIONS OF LAWS 1973, CHAPTER 507 AND TO OTHER) applicable laws (GOVERNING A STATE DEPARTMENT OR AGENCY), the commissioner shall organize the department and employ (SUCH) other officers, employees, and agents (AS HE MAY DEEM) necessary to discharge the functions of (HIS) *the* department, define the duties of (SUCH) *these* officers, employees, and agents and (TO) delegate to them any (OF HIS) powers, duties, and responsibilities subject to (HIS) *the commissioner's* control and under (SUCH) conditions as (HE) *the commissioner* may prescribe. Personnel employed pursuant to this subdivision are in the classified service of the state civil service.

Subd. 5. *The department of employee relations shall be organized into two divisions: the division of personnel and the division of labor relations. Each division shall be under the immediate charge of a deputy commissioner.*

Subd. 6. *The deputy commissioners for the divisions of personnel and labor relations shall be appointed by and serve at the pleasure of the commissioner, and shall be in the unclassified service of the state. The deputy commissioner for the division of labor relations shall have extensive background in labor relations and shall have experience in dealing with contracts similar in complexity to those negotiated between the state and exclusive representatives of state employees.*

Subd. 7. *Each division of the department of employee relations shall be responsible for administering the duties and functions that are assigned to it by law and by the commissioner of employee relations. Insofar as the duties of the divisions are not mandated by law, the commissioner may establish and revise the assignments of either division.*

Subd. 8. *The division of labor relations shall perform the duties assigned to the commissioner of employee relations by sections 3.855, 43.05, subdivision 3 and chapter 179.*

The deputy commissioner for the division of labor relations shall be the chief state labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of state employees.

Subd. 9. *The division of personnel shall perform the duties assigned to the commissioner by section 43.05, subdivision 2, and shall perform other duties which the commissioner assigns to the division.*

Sec. 4. Minnesota Statutes 1978, Section 43.01, Subdivision 8, is amended to read:

Subd. 8. [COMMISSIONER.] "Commissioner" means the commissioner of (PERSONNEL) *employee relations*.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 43.05, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIED DUTIES.] The commissioner shall:

(1) Attend all meetings of the board:

(2) Promulgate personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; (LEAVES OF ABSENCE WITH AND WITHOUT PAY;) transfers (,) and reinstatements (, LAYOFFS, VACATIONS, AND HOURS OF WORK); public notice of examinations; (PROCEDURE FOR CHANGES IN RATES OF PAY;) compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor or dependent children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;

(3) Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing their employment histories including the date of appointment, demotion, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, and separations from the service; and the commissioner shall have access to all public and private personnel data kept by an appointing authority, the examination of which will aid in the discharge of his duties;

(4) Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

(5) Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

(6) Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;

(7) Discharge such duties as are imposed upon him by this chapter;

(8) Establish, publish and continually review logical career paths in the classified civil service;

(9) Consider all requests for other than state appropriated funds from any state department or agency for personnel purposes all of which shall be submitted to him for comment before any such request is made of a federal, local, or private agency; and

(10) Prepare rules regulating the temporary designation of positions in the unclassified civil service;

(11) Review, establish or change titles for the positions in the unclassified civil service in the executive branch of state government except those established by law or by the constitution, to make titles descriptive of positions and consistent throughout the state service; and

(12) In conformance with the rule making provisions of chapter 15, promulgate a code of ethics establishing standards of conduct to be observed by state employees in the performance of their official duties.

Sec. 6. Minnesota Statutes 1978, Section 43.05, is amended by adding a subdivision to read:

Subd. 3. The commissioner, through the division of labor relations, shall:

(a) Represent the state at hearings conducted by the director of the bureau of mediation services relating to state employees;

(b) Represent the state in all collective bargaining between the state and exclusive representatives, and represent the state in mediation and arbitration of collective bargaining disputes;

(c) Report to the legislative commission on employee relations pursuant to section 3.855;

(d) Be responsible for state management interpretation of all contracts between the state and exclusive representatives and provide state management personnel with training in the interpretation and application of these contracts;

(e) Oversee the administration of all written grievances arising under contracts between the state and an exclusive representative. The commissioner shall establish procedures which appointing authorities shall follow to enable the commissioner to monitor the grievance procedure at all steps;

(f) *Have final authority to decide if a grievance shall be submitted to arbitration or if it shall be settled without arbitration;*

(g) *Represent the state at all grievance arbitrations;*

(h) *Collect and analyze all information necessary to carry out the responsibilities of this subdivision.*

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 43.067, Subdivision 1, is amended to read:

43.067 [SALARY LIMITS.] Subdivision 1. [AGENCY HEADS AND DEPUTIES.] The base salary of the head of any state department or other agency in the executive branch shall serve as the upper limit of compensation in the agency. (THE BASE SALARY OF THE CHANCELLOR OF THE STATE UNIVERSITY SYSTEM IS THE UPPER LIMIT OF COMPENSATION OF STATE UNIVERSITY PRESIDENTS.) The base salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. (WITHIN THE AGENCY, NO PERSON OTHER THAN THE AGENCY HEAD SHALL BE PAID MORE THAN THE BASE SALARY THAT IS OR WOULD BE PAID A DEPUTY AGENCY HEAD PURSUANT TO SECTION 15A.081 WHETHER OR NOT THERE IS A DEPUTY AGENCY HEAD POSITION FOR THAT AGENCY.)

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 43.067, Subdivision 4, is amended to read:

Subd. 4. [LIMIT ON POLITICAL SUBDIVISION SALARIES.] Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district, metropolitan or regional agency, or other political subdivision of the state, *except for political subdivisions as defined in sections 453.53 and 453A.03*, may exceed 105 percent of the salary of the commissioner of finance.

Sec. 9. Minnesota Statutes 1978, Section 43.111, is amended to read:

43.111 [POLICY.] It is the public policy of the state of Minnesota that an efficient and well trained work force be maintained to carry out the work ordained by the legislature. It is further directed that modern methods of selection, training and salary administration be established and maintained. The standards of selection shall be (OF SUCH A NATURE AS TO) *based on merit and provide for the proper level of preparation and experience.* Recognizing the cost of excessive employee turnover, it is directed that priority be given to the maintenance of a steady work force. To this end, training, by way of in-service programs and stipend allowances shall be encouraged. It is also established as the policy of the state of Minnesota that employees

be paid a total compensation which is competitive with that paid for like positions in other private and public employment. Proper attention (WILL ALSO) shall be given to equitable internal (PAY) compensation relationships between related job classes and among the various levels within the same job family or department, with the understanding that the collective bargaining relationship between the state and its employees established through the provisions of chapter 179 must take precedence. Continuing analysis of pay rates (AND), supplementary pay practices (SHALL BE CARRIED ON, AS WELL AS) and analyses of jobs to determine comparability of job content shall be carried on.

Sec. 10. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.112] [COMPENSATION, TERMS, AND CONDITIONS OF EMPLOYMENT.] Subdivision 1. [REPRESENTED EMPLOYEES.] To the extent they are lawfully covered by a written agreement or arbitration award, the compensation, terms and conditions of employment for all state employees represented by an exclusive representative certified pursuant to chapter 179 shall be governed by the written agreement or award executed by the parties and approved by the legislature.

Subd. 2. [NON-REPRESENTED EMPLOYEES.] The compensation, terms and conditions of employment of all state employees not represented by an exclusive representative certified pursuant to chapter 179 shall be solely governed by statute, rule and the plan developed by the commissioner and approved by the legislature pursuant to sections 3.855 and 179.74, subdivision 5, and section 11.

Subd. 3. [MERIT SYSTEM TO CONTROL.] The provisions of chapter 43 governing the recruitment, classification and selection of state employees on the basis of their relative ability, knowledge and skills, including sections 43.111, 43.12, subdivision 1, 43.13 to 43.15; 43.17, 43.18, subdivisions 1 to 3, 43.19, subdivisions 2 and 3, 43.20, and 43.30, shall not be modified, waived or abridged by any contract executed by the state pursuant to chapter 179.

Sec. 11. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.113] [PLAN FOR COMPENSATION, TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-REPRESENTED EMPLOYEES.] Subdivision 1. The commissioner of employee relations shall periodically submit to the legislative commission on employee relations a plan to govern the compensation, terms and conditions of employment for all state employees not represented by an exclusive representative certified pursuant to chapter 179 or whose compensation is not provided

for by section 43.064 or other law. The commission shall review the plan and submit it to the legislature along with any recommendations it deems appropriate. The plan need not be adopted in accordance with the rulemaking provisions of chapter 15. The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to a plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5.

Subd. 2. In establishing and recommending compensation for any position within the plan, the commissioner of employee relations shall assure that:

(1) Compensation in the classified and unclassified service bear equitable relationships to one another;

(2) Compensation for state positions bears equitable relationships to compensation for similar positions outside state service; and

(3) Compensation for management positions bears equitable relationships to compensation of represented employees managed.

Compensations bear equitable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities are comparable and if compensation for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities are proportional to the knowledge, abilities, duties and responsibilities required.

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 43.19, Subdivision 1, is amended to read:

43.19 [VACANCIES; PROMOTIONS; DISMISSALS.]
Subdivision 1. [VACANCIES FILLED BY PROMOTION.]

(1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the executive branch of the state civil service, or the legislative branch of state civil service, and classified positions on the staff of the legislative auditor, Minnesota state retirement system and teachers retirement association and, subject to (SUCH) *those* exceptions as the commissioner may provide, from the lower class and in accordance with section 43.18 and personnel rules. Except as provided in clause (2), promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency and job-related conduct shall constitute a factor. For positions defined by personnel rule as "non-managerial" seniority (SHALL) *may* also constitute a factor.

(2) The commissioner may authorize the appointing authority of any state agency to promote any employee in that agency to a higher class provided his position has been reallocated as the result of gradual changes in the job which have occurred over a period of time and he has performed satisfactorily in the position.

(3) *On or before January 1, 1981, the commissioner shall submit a report to the legislative commission on employee relations recommending methods of improving the state's efforts to insure equal employment opportunity pursuant to section 43.15. The report shall include recommendations with respect to both hiring and promotions along with an analysis of the effects of seniority requirements on promotional practices.*

Sec. 13. Minnesota Statutes 1978, Section 43.245, is amended to read:

43.245 [PERFORMANCE APPRAISAL SYSTEM.] The commissioner shall design and implement an employee performance appraisal system for the classified and unclassified service. This system shall be based on uniform position description and results oriented performance standards formats. The commissioner, in consultation with the departments, shall develop criteria and content as necessary so long as the system is uniform for all departments. The commissioner shall establish and enforce rules with respect to the utilization of the results of this performance appraisal system in all decisions relating to the status of employees. (THE COMMISSIONER MAY FURTHER BY RULE PRESCRIBE THE EXTENT TO WHICH THESE REPORTS SHALL BE OPEN TO INSPECTION BY THE PUBLIC AND BY THE AFFECTED EMPLOYEE.) Each employee in the classified and unclassified service in the executive branch shall be evaluated and counseled at least once a year on his work performance. Individual pay increases for all state employees not represented by an exclusive representative certified pursuant to chapter 179 shall be based on (SUCH) the evaluation and other factors the commissioner includes, and the legislature approves, in the plan developed pursuant to section 11. Written agreements negotiated pursuant to chapter 179 may, and are encouraged to, provide for pay increases based on employee performance.

Sec. 14. Minnesota Statutes 1978, Section 43.321, is amended to read:

43.321 [GRIEVANCE PROCEDURE.] The commissioner shall promulgate by (PERSONNEL) rule procedures relating to grievances of any state officer or employee in the executive branch and provide the circumstances under which the grievance procedure is available, except that no state employee may avail himself of more than one grievance procedure on any one complaint or use the procedure set forth in the rule if he is a member of a bargaining unit that has by agreement negotiated pursuant

to chapter 179 provided for methods and procedures to resolve that type of grievance.

Sec. 15. Minnesota Statutes 1978, Section 43.45, is amended to read:

43.45 [CONTRACTING AUTHORITY.] Subdivision 1. The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the sole judgment of the commissioner are best qualified to underwrite and service the benefit plans. The commissioner shall consider (SUCH) factors *such* as the cost and conversion options relating to the contracts as well as the service capabilities, character, financial position, and reputation (WITH RESPECT TO SUCH) of the carriers and any other factors which the commissioner (MAY DEEM) *deems* appropriate. Each (SUCH) *benefit* contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

Effective October 1, 1980, the commissioner shall make basic hospital, basic medical surgical and major medical benefits available to all eligible state employees from a carrier licensed under chapter 62A or 62C. The commissioner is authorized to provide comprehensive health maintenance services for eligible state employees who reside in the service area of one or more health maintenance organizations which are licensed under Chapter 62D and qualified to underwrite and service the benefit plans. Any carrier licensed pursuant to chapter 62A shall be exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.

Subd. 2. Each contract under sections 43.42 to 43.49 shall contain a detailed statement of benefits offered and shall include (SUCH) *any* maximums, limitations, exclusions, and other definitions of benefits as the commissioner may deem necessary or desirable. *Each contract shall provide benefits at least equal to those required by section 62E.06, subdivision 2.*

Subd. 3. The commissioner shall make available, through (SUCH) *any* carriers as (IT) *the commissioner* may authorize, as many optional coverages as (IT DEEMS) *deemed* feasible and advantageous to eligible state employees and their dependents which (SAID) *the employees* may pay for at their own expense (TO BE PAID FOR) through payroll deductions.

Subd. 4. *The commissioner shall appoint and serve as chairman of an insurance advisory council consisting of eleven members. Two members shall be selected from names submitted by exclusive representatives of state employees. One member shall be selected from names submitted by exclusive representatives of employees of the University of Minnesota. One member shall*

be selected from names submitted by the regents of the University of Minnesota. One member shall be selected from names submitted by organizations representing retired state employees. The commissioners of administration, insurance, health and finance, and the deputy commissioner for labor relations or their designees, shall serve as the other members. Except as provided in this section, the provisions of section 15.059 shall apply to the members of the council. The council shall advise the commissioner in the selection of carriers and the implementation of collective bargaining agreements. Evidence of discussions, recommendations or decisions by the council shall not be submitted to any court or arbitrator in any matter involving state or University of Minnesota employees.

Sec. 16. Minnesota Statutes 1978, Section 43.46, is amended to read:

43.46 [CONTRIBUTIONS BY STATE.] *Subdivision 1. The total contribution by the state for each state employee (UNDER SECTIONS 43.42 TO 43.49) and for dependents of state employees shall be (OTHERWISE) prescribed by law (AND WHICH), rule, a plan prepared pursuant to section 11, or a collective bargaining agreement or arbitration award. The contribution shall be applied to provide basic hospital benefits, basic medical benefits, basic dental benefits (, AN ANNUAL HEALTH EVALUATION AND SCREENING PROGRAM) and basic life insurance (OF SUCH) in amounts as may be determined from time to time by the commissioner or in a collective bargaining agreement or arbitration award.*

Subd. 2. [UNREPRESENTED EMPLOYEES.] The commissioner shall establish the level of state payment of premiums paid by the state for all state employees who do not have an exclusive representative and for their dependents. The levels of payment shall be included in the plan prepared pursuant to section 11.

Sec. 17. Minnesota Statutes, 1979 Supplement, Section 43.50, Subdivision 1, is amended to read:

43.50 [PAYMENT OF PREMIUMS.] *Subdivision 1. Each department of the state government shall pay the amounts due for basic life insurance, basic dental insurance, (AND) basic (HEALTH) hospital benefits and basic medical benefits coverage authorized for eligible state employees as provided by this chapter and in contracts with exclusive representatives of state employees. (EFFECTIVE JULY 1, 1979, EACH DEPARTMENT OF THE STATE GOVERNMENT SHALL CONTRIBUTE UP TO \$64 PER YEAR TOWARD THE COST OF THE APPROVED ANNUAL HEALTH EVALUATION AND SCREENING PROGRAM FOR EACH ELIGIBLE EMPLOYEE WHO ELECTS TO PARTICIPATE AND WHO ELECTS HEALTH INSURANCE COVERAGE UNDER BLUE*

CROSS AND BLUE SHIELD OF MINNESOTA. ELIGIBLE EMPLOYEES WHO ELECT COVERAGE UNDER A HEALTH MAINTENANCE ORGANIZATION SHALL ONLY BE ELIGIBLE TO RECEIVE THIS BENEFIT IF THE HEALTH MAINTENANCE ORGANIZATION IN WHICH THE EMPLOYEE IS ENROLLED DOES NOT MAKE AVAILABLE WITHOUT ADDITIONAL COST, ON AN ANNUAL BASIS, THE TESTS PERFORMED FOR STATE EMPLOYEES BY THE APPROVED PROGRAM.)

(ADDITIONALLY, AND NOTWITHSTANDING ANY LAW TO THE CONTRARY, EFFECTIVE THE FIRST DAY OF THE FIRST PAYROLL PERIOD COMMENCING ON OR AFTER JULY 1, 1979, EACH DEPARTMENT OF THE STATE GOVERNMENT SHALL CONTRIBUTE UP TO \$60 PER MONTH OR 90 PERCENT OF THE COST, WHICHEVER IS GREATER, TOWARD THE COST OF DEPENDENT HOSPITAL MEDICAL INSURANCE COVERAGE PREMIUMS FOR THEIR ELIGIBLE EMPLOYEES WHO HAVE ELIGIBLE DEPENDENTS. EACH DEPARTMENT SHALL ALSO CONTRIBUTE ONE-HALF THE DIFFERENCE BETWEEN SINGLE AND FAMILY DENTAL COVERAGE PER MONTH FOR ALL ELIGIBLE EMPLOYEES CARRYING DEPENDENT DENTAL INSURANCE COVERAGE. TO ENABLE EMPLOYEES TO RECEIVE BENEFIT FROM THIS PROVISION, OPEN ENROLLMENT PERIODS FROM AUGUST 15 THROUGH SEPTEMBER 30, 1979 AND FROM AUGUST 15 THROUGH SEPTEMBER 30, 1980, ARE ESTABLISHED. DURING OPEN ENROLLMENT PERIODS EMPLOYEES MAY ENROLL THEIR DEPENDENTS IN DENTAL COVERAGE AND HOSPITAL MEDICAL COVERAGE WITHOUT PROOF OF INSURABILITY. EFFECTIVE JANUARY 1, 1981,) The (CHANGED) benefits provided in this section shall apply to eligible members of the legislature and their eligible dependents *when they become eligible for the benefits*. Each of the departments shall pay (SUCH) the amounts from accounts and funds from which the department receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, he may require certifications in connection therewith as he may deem necessary from any state agency, the Minnesota historical society, or the University of Minnesota whose employees receive benefits pursuant to this chapter. The accounts and funds referred to from which departments receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 62D.-22, Subdivision 7, is amended to read:

Subd. 7. A licensed health maintenance organization shall be deemed to be a prepaid group practice plan for the purposes of chapter 43 and shall be allowed to participate as a carrier for state employees subject to any negotiated labor agreement and reasonable restrictions applied to all carriers. *The commissioner of employee relations may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 500 employees in the preceding benefit year.*

Sec. 19. Minnesota Statutes 1978, Section 179.63, Subdivision 7, is amended to read:

Subd. 7. "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's bargaining unit;
- (f) employees who hold positions of a basically temporary or seasonal character for a period not in excess of 100 working days in any calendar year;
- (g) employees of charitable hospitals as defined by section 179.35, subdivision 3;
- (h) *full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid irrespective of number of hours of service per week.*

Sec. 20. Minnesota Statutes 1978, Section 179.63, Subdivision 8, is amended to read:

Subd. 8. "Confidential employee" means any employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in meeting and negotiating or who actively participates in the meeting and negotiating on behalf of the public employer. *Provided that when the reference is to executive branch employees of the state of Minnesota or employees of the regents of the University of Minnesota, "confidential employee" means any*

employee who has access to information subject to use by the public employer in collective bargaining or who actively participates in collective bargaining on behalf of the public employer.

Sec. 21. Minnesota Statutes, 1979 Supplement, Section 179.63, Subdivision 11, is amended to read:

Subd. 11. "Essential employee" means firefighters, (POLICE) peace officers subject to licensure pursuant to sections 626.84 to 626.855, (HIGHWAY PATROLMEN,) guards at correctional (INSTITUTIONS) facilities, and employees of hospitals other than state hospitals (AND REGISTERED NURSES, AS DEFINED IN SECTION 148.171, ENGAGED IN THE PRACTICE OF PROFESSIONAL NURSING AND EMPLOYED IN A STATE HOSPITAL OR STATE NURSING HOME); provided that (1) with respect to state employees, "essential employee" means all employees in the law enforcement, health care professional, correctional guards, and supervisory collective bargaining units, irrespective of severance, and (2) with respect to university of Minnesota employees, "essential employee" means all employees in the law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. The term "firefighters" means salaried employees of a fire prevention or suppression unit organized by a political subdivision and whose duties are directly or indirectly controlling, extinguishing, preventing, detecting, investigating, or dispatching manpower and equipment for the control or extinguishment of fires.

Sec. 22. Minnesota Statutes 1978, Section 179.64, is amended by adding a subdivision to read:

Subd. 1a. [STRIKES AUTHORIZED.] (a) Nonstate public employees, other than confidential, essential, and supervisory employees, principals and assistant principals, may strike at any time after the scheduled expiration date of a written contract if no new agreement or arbitration award is in effect and either party has rejected a petition for binding arbitration pursuant to section 179.69, subdivision 3. (b) Nonessential state employees may strike at any time after the scheduled expiration date of a written contract if (1) there is no new agreement or arbitration award in effect and either party has rejected a petition for binding arbitration pursuant to section 179.69, Subdivision 3, (2) the legislative commission on employee relations has not given interim approval to a negotiated agreement or arbitration award pursuant to section 179.74, subdivision 5 within 30 days after its receipt, or (3) the entire legislature rejects or fails to ratify a negotiated agreement or arbitration award, which has been approved by the legislative commission on employee relations, at a special legislative session called to consider it or at its next regular legislative session, whichever occurs first. (c) No strike may commence until the expiration of a ten day prior written notification by the exclusive representative to the public em-

ployer and the bureau of mediation services of the intent to strike. If more than 30 days have expired after a notice of intent to strike, a new ten day prior written notification of intent to strike shall be required. Except as authorized in this subdivision, all strikes by public employees shall be illegal.

Sec. 23. Minnesota Statutes 1978, Section 179.64, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding any other provision of law, any public employee who (VIOLATES) *strikes in violation of* the provisions of this section may have his appointment or employment terminated by the employer effective the date the violation first occurs. (SUCH) *The* termination shall be (EFFECTIVE UPON) *made by serving* written notice (SERVED) upon the employee. Service may be made by certified mail.

Sec. 24. Minnesota Statutes 1978, Section 179.64, Subdivision 3, is amended to read:

Subd. 3. For purposes of this subdivision an employee who is absent from any portion of his work assignment without permission, or who abstains wholly or in part from the full performance of his duties without permission from his employer on the date or dates when a strike *not authorized by this section* occurs is prima facie presumed to have engaged in (A) *an illegal* strike on (SUCH) *the* date or dates *involved*.

Sec. 25. Minnesota Statutes 1978, Section 179.64, Subdivision 4, is amended to read:

Subd. 4. A public employee who knowingly (VIOLATES) *participates in a strike in violation of* the provisions of this section and whose employment has been terminated pursuant to this section (,) may (, SUBSEQUENT TO SUCH VIOLATION,) *subsequently* be appointed or reappointed, employed or reemployed, but the employee shall be on probation for two years with respect to (SUCH) *the* civil service status, tenure of employment, or contract of employment (, AS) *to which he* (MAY HAVE THERETOFORE BEEN) *was previously* entitled.

No employee shall be entitled to any daily pay, wages, *reimbursement of expenses*, or per diem for the days on which he engaged in a strike.

Sec. 26. Minnesota Statutes 1978, Section 179.64, Subdivision 5, is amended to read:

Subd. 5. Any public employee (, UPON REQUEST,) shall be entitled (, AS HEREINAFTER PROVIDED,) *to request the opportunity* to establish that he did not violate the provisions of this section. (SUCH) *The* request (MUST) *shall* be filed in

writing with the officer or body having the power to remove (SUCH) the employee, within ten days after notice of termination is served upon him (; WHEREUPON SUCH). *The employing officer (,) or body (,) shall within ten days commence a proceeding at which (SUCH PERSON) the employee shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by (SUCH) the public employee (, AND). If there (BE) are contractual grievance procedures, laws (AND REGULATIONS) or rules establishing proceedings to remove (SUCH) the public employee, the hearing shall be conducted in accordance (THEREWITH) with whichever procedure the employee elects provided that such election shall be binding and shall terminate any right to the alternative procedures.* The (PROCEEDINGS MAY UPON APPLICATION TO THE COURT BY AN) employer, an employee, or the employee organization (AND) *may apply to district court for the issuance of an appropriate order by the court to include more than one employee's employment status in the same proceeding if the employees' defenses are identical, analogous or reasonably similar. (SUCH) The proceedings shall be undertaken without unnecessary delay. Any person whose termination is sustained in the administrative or grievance proceeding may secure a review of his removal by serving a notice (SO REQUESTING) of appeal upon the employer removing him within 20 days after the results of the hearing (REFERRED TO HEREIN) have been announced. This notice, with proof of service thereof, shall be filed within ten days after service, with the clerk of the district court in the county where the employer has its principal office or in the county where the employee last was employed by the employer. The district court shall (THEREUPON) have jurisdiction to review the matter in the same manner as on appeal from administrative orders and decisions. This hearing shall take precedence over all matters before the court and may be held upon ten days written notice by either party. The court shall make such order (IN THE PREMISES) as (IS) it deems proper (; AND). An employer may obtain review of a decision to reinstate an employee in the same manner as provided for appeals by employees in this subdivision. An appeal may be taken (THEREFROM) from the district court order to the supreme court.*

Sec. 27. Minnesota Statutes, 1979 Supplement, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. Supervisory and confidential employees, principals and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment in accordance with all other provisions of sections 179.61 to 179.76, as though they were essential employees. (UNITS OF) Supervisory or confidential (EMPLOYEES) *employee organizations shall not participate in any capacity in any (JOINT) negotiations which*

involve (THE PARTICIPATION OF) units of employees other than supervisory or confidential employees. Affiliation of a supervisory or confidential employee organization, whether direct or indirect, with another employee organization which has (AS) among its members non-supervisory employees or non-confidential employees, or with a federation or other joint body of employee organizations any one of whose affiliates has among its members nonsupervisory employees or confidential employees, is permitted. For state employees a supervisory employee organization which is affiliated, either directly or indirectly, with another employee organization which has among its members non-supervisory employees, or with a federation or other joint body of employee organizations any one of whose affiliates has among its members non-supervisory employees shall not be certified as or act as an exclusive representative pursuant to sections 179.61 to 179.76 or section 39.

Sec. 28. Minnesota Statutes 1978, Section 179.67, Subdivision 4, is amended to read:

Subd. 4. Any employee organization may obtain a certification election upon petition to the director wherein it is stated that at least 30 percent of the employees of a proposed employee unit wish to be represented by the petitioner (OR THAT THE CERTIFIED REPRESENTATIVE NO LONGER REPRESENTS THE MAJORITY OF EMPLOYEES IN THE UNIT). Any employee organization may obtain a representation election upon petition to the director wherein it is stated that the currently certified representative no longer represents the majority of employees in an established unit and that at least 30 percent of the employees in the established unit wish to be represented by the petitioner rather than by the currently certified representative. An individual employee or group of employees in a unit may obtain a decertification election upon petition to the director wherein it is stated that the certified representative no longer represents the majority of the employees in an established unit and that at least 30 percent of the employees wish to be unrepresented.

Sec. 29. Minnesota Statutes 1978, Section 179.69, Subdivision 1, is amended to read:

179.69 [PROCEDURES.] Subdivision 1. [MEDIATION PETITION.] When any employees or representative of employees shall desire to meet and negotiate an agreement establishing terms and conditions of employment, they shall give written notice to the employer and the director, and it shall thereupon be the duty of the employer to recognize the employee representative for purposes of reaching agreement on terms and conditions of employment of the employees or the employer shall within ten days of receipt of the written notice object or refuse to recognize the employees' representative or the employees as an appropriate unit. The employer or employees' representative

may thereupon petition the director to take jurisdiction of the matter whereupon the director shall then be authorized and shall perform those duties as provided in section 179.71, subdivision 2(a) and (b).

Upon the certified exclusive representative and the employer reaching agreement on terms and conditions of employment or receiving a valid arbitration award, they shall execute a written contract or memorandum of contract containing the terms of (SUCH) *the negotiated agreement or arbitration award*. The contracts or memoranda shall in every instance be subject to the provisions of section 179.70.

A petition by an employer shall be signed by him or his duly authorized officer or agent; and a petition by an exclusive representative shall be signed by its authorized officer. In either case the petition shall be served by delivering it to the director his office. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition, the director (, OR BY SEPTEMBER 1, WHICHEVER DATE IS EARLIER) shall fix a time and place for a conference with the parties to negotiate the (MATTER UPON THE) issues (INVOLVED) *not agreed upon* in the matter, and he shall then take whatever steps he deems most expedient to bring about a settlement of the matter, including assisting in negotiating and drafting an agreement. It shall be the duty of all parties to respond to the summons of the director for joint or several conferences with him and to continue in such conference until excused by the director.

Sec. 30. Minnesota Statutes 1978, Section 179.69, Subdivision 3, is amended to read:

Subd. 3. [BINDING ARBITRATION PETITION.] The director shall only certify a matter to the board *for binding arbitration pursuant to section 179.72* when either (OR BOTH PARTIES) party, except (FOR) *in the case of* essential employees, (PETITION) *petitions* for binding arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 would serve no purpose. *The director shall conclusively presume the parties to be at impasse 60 days after the expiration date of the contract.* Upon (SUCH) *the filing of the* petition and determination by the mediator, the parties shall each submit their respective final positions on matters not agreed upon. (IF THE EMPLOYER HAS PETITIONED FOR BINDING ARBITRATION AND THE DIRECTOR HAS DETERMINED THAT AN IMPASSE HAS BEEN REACHED SAID PROCEEDINGS SHALL BEGIN WITHIN 15 DAYS THEREOF AND BE BINDING ON BOTH PARTIES.) The director shall determine the matters not agreed upon based upon *the positions submitted* and his efforts to mediate the dispute. (IF THE EMPLOYEE REPRESENTATIVE HAS PETITIONED FOR BINDING ARBITRA-

TION THE EMPLOYER SHALL HAVE 15 DAYS AFTER THE DIRECTOR OF MEDIATION HAS DETERMINED THAT AN IMPASSE HAS BEEN REACHED TO REJECT THE REQUEST OR AGREE TO SUBMIT MATTERS NOT AGREED UPON TO BINDING ARBITRATION. IF THE EMPLOYER DOES NOT RESPOND WITHIN 15 DAYS IT SHALL BE REGARDED AS A REJECTION AND SAID REJECTION SHALL BE A REFUSAL BY THE EMPLOYER WITHIN THE MEANING OF SECTION 179.64, SUBDIVISION 7.) *Either party shall have 15 days after the director has determined that an impasse has been reached to reject the petition or agree to submit matters not agreed upon to binding arbitration. If the nonpetitioning party does not respond within 15 days it shall be regarded as a rejection. Upon rejection by either party, a public employee shall have the right to strike pursuant to the provisions of section 179.64. Under a petition (BY EITHER PARTY) the parties may stipulate those agreed upon items to be excluded from arbitration.*

Sec. 31. Minnesota Statutes 1978, Section 179.71, Subdivision 3, is amended to read:

Subd. 3. The director shall determine appropriate units, *except where appropriate units are defined by section 38.* In determining the appropriate unit he shall take into consideration, along with other relevant factors, the principles and the coverage of uniform comprehensive position classification and compensation plans of the employees, involvement of professions and skilled crafts and other occupational classifications, relevant administrative and supervisory levels of authority, geographical location, and the recommendation of the parties, and shall place particular importance upon the history and extent of organization and the desires of the petitioning employee representatives.

In addition, with regard to the inclusion or exclusion of supervisory employees, the director must find that an employee may perform or effectively recommend a majority of those functions referred to in section 179.63, subdivisions 9 or 9a, before an employee may be excluded as supervisory. However, in every case the administrative head, and his assistant, of a municipality, municipal utility, police or fire department shall be considered a supervisory employee.

He shall not designate an appropriate unit which includes employees subject to section 179.63, subdivision 11, with employees not included in section 179.63, subdivision 11.

Sec. 32. Minnesota Statutes 1978, Section 179.71, Subdivision 5, is amended to read:

Subd. 5. In addition to all other duties imposed by this section, the director shall:

(a) retain mediation jurisdiction over the parties for purposes of this subdivision until (SUCH TIME AS) the parties reach agreement; provided, however, he may continue to assist parties after the parties have submitted their final positions as provided or required under section 179.72, subdivision 6; or section 179.69 (, SUBDIVISION 6);

(b) issue notices, subpoenas and orders as may be required by law to carry out his duties under sections 179.61 to 179.77. Issuance of orders shall include those orders of the Minnesota public employment relations board;

(c) certify to the Minnesota public employment relations board those items of dispute between parties to be subject to the action of the Minnesota public employment relations board under section 179.69, subdivision 3;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted pursuant to sections 179.61 to 179.77;

((F) FURNISH CLERICAL AND ADMINISTRATIVE SERVICES TO THE MINNESOTA PUBLIC EMPLOYMENT RELATIONS BOARD AS MAY BE REQUIRED;)

((G)) (f) adopt reasonable and proper rules (AND REGULATIONS) relative to and regulating the forms of petitions, notices, orders and the conduct of hearings and elections subject to final approval of the Minnesota public employment relations board. (SUCH) *The* rules (AND REGULATIONS) shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that (EVERY SUCH) *any* rule (OR REGULATION) shall be filed with the secretary of state, and any change therein or additions thereto shall not take effect until 20 days after (SUCH) *the* filing;

((H)) (g) receive, catalogue and file in a logical manner all orders and decisions of the Minnesota public employment relations board and all arbitration panels authorized by sections 179.61 to 179.77 as well as all grievance arbitration decisions and the director's own orders and decisions. All orders and decisions catalogued and filed shall be made readily available to the public;

((I)) (h) promulgate a grievance procedure to effectuate the purposes of section 179.70, subdivision 1. (SUCH) *The* grievance (PROCEDURES) *procedure* shall not provide for the services of the bureau of mediation services. The exercise of authority granted by this clause shall be subject to the provisions of chapter 15 (; SAID). *The* grievance procedure (TO) *shall* be available to any public employee employed in a unit not covered

by a negotiated grievance procedure as contained in section 179.70, subdivision 1;

((j)) (i) conduct elections;

(j) *assign state employee classifications and university of Minnesota classifications to the appropriate units provided in section 38, when the classifications have not been assigned pursuant to section 38, or have been significantly modified in occupational content subsequent to assignment pursuant to section 38, and assign supervisory employees to the appropriate units provided in section 38 when the positions have not been assigned pursuant to section 38 or have been significantly modified in occupational content. The assignment of the classes shall be made on the basis of the community of interest of the majority of employees in these classes with the employees within the statutory units and all the employees in the class, excluding supervisory and confidential employees, shall be assigned to a single appropriate unit.*

Sec. 33. Minnesota Statutes 1978, Section 179.72, Subdivision 6, is amended to read:

Subd. 6. When final positions are certified to the board as provided in section 179.69, subdivision 3, (OR SUBMITTED TO THE BOARD AS PROVIDED IN SECTION 179.69, SUBDIVISION 5,) the board shall constitute an arbitration panel as follows:

The parties shall, under the direction of the chairman of the board, alternately strike names from a list of seven arbitrators until only three names remain, which three members shall be members of the panel; provided, however, that if either party requests the parties shall select a single arbitrator to hear the dispute. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In submitting names of arbitrators to the parties the board shall endeavor whenever possible to include names of persons from the general geographical area in which the public employer is located. The panel shall assume and have jurisdiction over the items of dispute certified to the board for which the panel was constituted. The panel's orders shall be issued upon a majority vote of members considering a given dispute. The members of the panel shall be paid their actual and necessary traveling and other expenses incurred in the performance of their duties plus a per diem allowance of \$180 for each day or part thereof while engaged in the consideration of a dispute. All fees, expenses and costs of the panel shall be shared and assessed equally to the parties to the dispute. In those cases where a single arbitrator is hearing a dispute, the fees, expenses and costs of the arbitrator shall also be shared and assessed equally by the parties to the dispute.

Sec. 34. Minnesota Statutes 1978, Section 179.74, Subdivision 2, is amended to read:

Subd. 2. The employer of state employees shall be, for purposes of sections 179.61 to 179.77, the commissioner of (PERSONNEL) *employee relations* or his representative.

Sec. 35. Minnesota Statutes 1978, Section 179.74, Subdivision 3, is amended to read:

Subd. 3. In all negotiations between the state and exclusive representatives the state shall be represented by the commissioner of (PERSONNEL) *employee relations* or his representative. The attorney general, and each appointing authority shall cooperate with the commissioner of (PERSONNEL) *employee relations* in conducting negotiations and shall make available (SUCH) *any* personnel and other resources as are necessary to enable the commissioner to conduct effective negotiations.

Sec. 36. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of (PERSONNEL) *employee relations* shall meet and negotiate with the exclusive representative of (APPROPRIATE) *the units specified in section 38, subdivision 1*, in the manner prescribed by sections 179.61 to 179.77 (; PROVIDED, HOWEVER, THAT THE DIRECTOR OF MEDIATION SERVICES SHALL DEFINE APPROPRIATE UNITS OF STATE EMPLOYEES AS ALL THE EMPLOYEES UNDER THE SAME APPOINTING AUTHORITY EXCEPT WHERE PROFESSIONAL, GEOGRAPHICAL OR OTHER CONSIDERATIONS AFFECTING EMPLOYMENT RELATIONS CLEARLY REQUIRE APPROPRIATE UNITS OF SOME OTHER COMPOSITION). *However, the appropriate units provided for in section 38 shall be the only appropriate units for executive branch state employees.* The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of (PERSONNEL) *employee relations* in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, *the positions of all unclassified employees in the offices of the governor, lieutenant governor, secretary of state, attorney general, treasurer and auditor*, all positions in the bureau of mediation services, all hearing (EXAMINERS) *examiner positions* in the office of hearing examiners, *and the positions of all confidential employees (WHO WORK IN THE PERSONNEL OFFICES OF AN APPOINTING AUTHORITY IN THE EXECUTIVE BRANCH AND WHO HAVE ACCESS TO INFORMATION SUBJECT TO USE BY THE APPOINTING AUTHORITY IN MEETING AND NEGOTIATING OR WHO ACTIVELY PAR-*

TICIPATE IN THE MEETING AND NEGOTIATING ON BEHALF OF THE STATE,) shall be excluded from any appropriate unit. (REGARDLESS OF UNIT DETERMINATION,) The governor may upon the unanimous written request of exclusive representatives of units and (APPOINTING AUTHORITIES) *the commissioner* direct that negotiations be conducted for one or more (APPOINTING AUTHORITIES) *units* in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the basis of appointing authority or geography.

Sec. 37. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 5, is amended to read:

Subd. 5. The commissioner of (PERSONNEL) *employee relations* is authorized to and may enter into agreements with *exclusive representatives of the units specified in section 38, subdivision 1.* The provisions of the negotiated agreements and arbitration awards shall be submitted to the legislature to be accepted or rejected *in accordance with this section and section 3.855.* (A STATE EMPLOYEE WHOSE EXCLUSIVE REPRESENTATIVE, AS DEFINED BY SECTION 179.63, SUBDIVISION 6, HAS NOT REACHED A PROPOSED AGREEMENT WITH THE STATE WHICH HAS BEEN SUBMITTED BY THE COMMISSIONER TO THE LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS ON OR BEFORE APRIL 15 OF AN ODD NUMBERED YEAR, SHALL NOT RECEIVE THE WAGE AND ECONOMIC FRINGE BENEFIT INCREASES PROVIDED PURSUANT TO AN AGREEMENT EXECUTED AND APPROVED UNDER THIS SUBDIVISION. DISAPPROVAL BY THE LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS PURSUANT TO SECTION 3.855 OR FAILURE OF THE LEGISLATURE TO APPROVE A NEGOTIATED AGREEMENT OR ARBITRATION AWARD WITH RESPECT TO WAGES AND ECONOMIC FRINGE BENEFITS BY THE TIME OF ADJOURNMENT OF THE REGULAR LEGISLATIVE SESSION IN AN ODD NUMBERED YEAR SHALL BE A DEFENSE TO A VIOLATION OF SECTION 179.64.) *In the event that a proposed agreement or arbitration award is rejected or is not approved by the legislature prior to its adjournment in an odd numbered year, the legislative commission on employee relations is authorized to give interim approval to a proposed agreement or arbitration award. The proposed agreement or arbitration award shall be implemented upon its approval by the commission and state employees covered by the proposed agreement or arbitration award shall not have the right to strike while the interim approval is in effect. The commission shall submit the agreement or arbitration award to the legislature for ratification at a special legislative session called to consider it or at its next regular legislative session. Wages and economic fringe benefit increases provided for in the agreement or arbitration award which were paid pursuant to the interim approval by the commission shall not be affected but such wages and benefit increases shall cease to be paid or provided effective upon the rejection of the agreement or arbi-*

tration award or upon adjournment by the legislature without acting upon the agreement or arbitration award. Rejection or failure to approve the agreement or arbitration award by the legislature prior to its adjournment in that session shall be grounds for a legal strike by affected nonessential state employees prior to the scheduled expiration date of the agreement or arbitration award which was given interim approval by the commission pursuant to section 179.64.

Sec. 38. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.741] [STATE AND UNIVERSITY OF MINNESOTA EMPLOYEES; APPROPRIATE UNITS.] Subdivision 1. [STATE EMPLOYEES.] All appropriate units of state employees certified as of the effective date of this subdivision are abolished. The following shall be the appropriate units of executive branch state employees for the purposes of sections 179.61 to 179.76. All units shall exclude employees excluded by section 179.74, subdivision 4, and supervisory employees shall only be assigned to units 12 and 16. No additional units of executive branch state employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of all sworn highway patrol personnel, all uniformed conservation officers, and all criminal apprehension agents.

(2) Craft, maintenance, and labor unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on

(3) Service unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on

(4) Health care non-professional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on

(5) Health care professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.

(6) Clerical and office unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on

(7) Technical unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on

(8) *Correctional Guards unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(9) *State university instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(10) *Community college instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(11) *State university administrative unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(12) *Professional engineering supervisory unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(13) *Health treatment unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(14) *General professional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(15) *Professional state residential instructional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(16) *Supervisory employees unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

Subd. 2. [STATE EMPLOYEE SEVERANCE.] *Each of the following groups of employees shall have the right, as specified in this subdivision, to separate from the general professional or general supervisory units provided for in subdivision 1: attorneys, physicians, highway patrol-supervisors, and criminal apprehension investigative-supervisors. This right shall be exercised by petition during the period commencing on the effec-*

tive date of this section and concluding thirty days after that date or, after January 1, 1981, during the sixty day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they shall have no right to meet and negotiate; but shall retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing authority on any matter of concern to them. The manner of exercise of the right to separate shall be as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a state-wide basis wish to separate from the units may petition the director for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the director shall hold a single election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the supervisory or professional units provided in subdivision 1. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the director shall certify that result. This election shall, where not inconsistent with other provisions of this section, be governed by section 179.67. If a group of employees elects to sever they may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.

Subd. 3. [UNIVERSITY OF MINNESOTA.] All appropriate units of university of Minnesota employees certified as of the effective date of this section are abolished. The following shall be the appropriate units of university of Minnesota employees for the purposes of sections 179.61 to 179.76. All units shall exclude managerial and confidential employees and supervisory employees shall only be assigned to unit 11. No additional units of university of Minnesota employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of the positions of all employees with the power of arrest.

(2) Craft and trades unit. This unit shall consist of the positions of all employees whose work requires specialized manual skills and knowledge acquired through formal training or apprenticeship or equivalent on-the-job training or experience.

(3) Service, maintenance and labor unit. This unit shall consist of the positions of all employees whose work is typically that of maintenance, service or labor and which does not require extensive previous training or experience.

(4) *Nursing professional unit.* This unit shall consist of all positions which are required to be filled by registered nurses.

(5) *Clerical and office unit.* This unit shall consist of the positions of all employees whose work is typically clerical or secretarial, including non-technical data recording and retrieval and general office work.

(6) *Technical unit.* This unit shall consist of the positions of all employees whose work is not typically manual and which requires specialized knowledge or skills acquired through two year academic programs or equivalent experience or on-the-job training.

(7) *Twin Cities instructional unit.* This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow located on the Twin Cities campuses.

(8) *Duluth instructional unit.* This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located at the Duluth campus, provided that the positions of instructional employees of the same ranks at the Morris, Crookston or Waseca campuses shall be included within this unit if a majority of the eligible employees voting at one or more of those campuses so vote during an election conducted by the director. Such an election shall be held when an employee organization or group of employees petitions the director stating that a majority of the eligible employees at one of these campuses wishes to join the unit when this petition is supported by a showing of at least 30 percent support from eligible employees at that campus and is filed within 60 days of the effective date of this section or during the 60 day period commencing 270 days prior to the termination of a contract covering the unit.

(9) *Graduate assistant unit.* This unit shall consist of the positions of all graduate assistants who are enrolled in the graduate school and who hold the rank of research assistant, teaching assistant, teaching associate I or II, project assistant, or administrative fellow I or II.

(10) *Non-instructional professional unit.* This unit shall consist of the positions of all employees meeting the requirements of either clause (a) or (b) of section 179.63, subdivision 10, which are not defined as included within the instructional unit.

(11) *Supervisory employees unit.* This unit shall consist of the positions of all supervisory employees.

The employer shall petition the director within 90 days of the effective date of this subdivision indicating his position with respect to the allocation of all positions to the units provided in this subdivision. When the employer's position with respect to the positions to be included within a unit established by this subdivision is challenged by an employee organization petitioning under section 179.67, the director shall make a determination as to the allocation of the challenged positions under the language of subdivision 3. His determination shall be made within 60 days of receipt of the petitioning organization's challenge and may be appealed only to the supreme court.

Subd. 4. [UNIVERSITY OF MINNESOTA EMPLOYEE SEVERANCE.] *Each of the following groups of university of Minnesota employees shall have the right, as specified in this subdivision, to separate from the instructional unit provided for in subdivision 3: (1) health sciences instructional employees at all campuses with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (2) instructional employees of the law school with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (3) instructional supervisors, and (4) non-instructional professional supervisors. This right shall be exercised by petition during the period commencing on the effective date of this section and concluding 30 days after that date or, after January 1, 1981, during the 60 day period commencing 270 days prior to the termination of a contract covering the units. If either group of employees exercises the right to separate from the instructional unit they shall have no right to meet and negotiate, but shall retain the right to meet and confer with the appropriate officials on any matter of concern to them. The manner of exercise of the right to separate shall be as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a state-wide basis wish to separate from the unit may petition the director for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the director shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the instructional unit provided in subdivision 3. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of meet and confer status for any one of these groups of employees, the director shall certify that result. This election shall, where not inconsistent with other provisions of this section, be governed by section 179.67. If a group of employees elects to sever they may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.*

Sec. 39. *Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:*

[179.742] [TRANSITION TO NEW BARGAINING UNIT STRUCTURE FOR STATE AND UNIVERSITY OF MINNESOTA EMPLOYEES.] *Subdivision 1. [APPLICATION OF SECTION.] Notwithstanding section 179.65, subdivision 2, or any other law, this section shall govern, where contrary to other law, the initial certification and decertification of exclusive representatives for the appropriate units of state employees and university of Minnesota employees established by section 38. Subsequent to the initial certification and decertification pursuant to this section, the provisions of this section shall not apply.*

Subd. 2. [EXISTING MAJORITY.] The director shall certify an employee organization as exclusive representative for an appropriate unit established by section 38 upon a petition filed with the director by the organization within 30 days of the effective date of this section stating that the petitioner is certified pursuant to section 179.67 as the exclusive representative of a majority of the employees included within the unit established by section 38. Two or more employee organizations which represent the employees in a unit established by section 38, may petition jointly pursuant to this subdivision, provided that any organization may withdraw from a joint certification in favor of the remaining organization or organizations on 30 days notice without effect upon the rights and obligations of the remaining organization or organizations or the employer. The director shall make a determination on a timely petition within 45 days of its receipt.

Subd. 3. [NO EXISTING MAJORITY.] (1) The director shall certify an employee organization as exclusive representative for an appropriate unit established by section 38 upon a petition filed by the organization within 30 days of the effective date of this section stating that the petitioner is certified pursuant to section 179.67 as the exclusive representative of fewer than a majority of the employees included within the unit established by section 38, where no other employee organization so certified has filed a petition within 30 days of the effective date of this section under subdivisions 2 or 3, so long as a majority of the employees in the unit established by section 38 are represented by employee organizations pursuant to section 179.67 on the effective date of this section. Two or more employee organizations, each of which represents employees included in the unit established by section 38 may petition jointly pursuant to this clause, provided that any organization may withdraw from a joint certification in favor of the remaining organization or organizations on 30 days notice without effect upon the rights and obligations of the remaining organization or organizations or the employer. The director shall make a determination on a timely petition within 45 days of its receipt.

(2) If no exclusive representative is certified under subdivision 2 or subdivision 3, clause (1), and an employee organization petitions the director within 45 days of the effective date of this

section stating that at least 30 percent of the employees included within a unit established by section 38 wish to be represented by the petitioner, where this 30 percent is evidenced by current dues deduction rights, signed statements plainly indicating that the signatories wish to be represented for collective bargaining purposes by the petitioner rather than by any other organization, or a combination thereof, the director shall conduct a secret ballot election to determine the wishes of the majority. The election shall be conducted within 75 days of the effective date of this section and shall, where not inconsistent with other provisions of this section, be governed by section 179.67.

Subd. 4. [DECERTIFICATION.] Prior to January 1, 1981 the director shall consider a petition for decertification of an exclusive representative certified under this section only when the petition is filed within 60 days of the initial certification and only when the certification was made pursuant to subdivisions 2 or 3(1). The petition shall be considered under the provisions of section 179.67 except where they are inconsistent with this subdivision.

Subd. 5. [CONTRACT AND REPRESENTATION RESPONSIBILITIES.] Until June 30, 1981 exclusive representatives of units of state employees and university of Minnesota employees certified prior to the effective date of this section shall remain responsible for administration of their contracts and for all other contractual duties and shall enjoy the right to dues and fair share fee deduction and all other contractual privileges and rights. Exclusive representatives of state employees and university of Minnesota employees certified after the effective date of this section shall immediately upon certification have the responsibility of bargaining on behalf of employees within the unit and shall have the responsibility of administering grievances arising under previous contracts covering employees included within the unit which remain unresolved on June 30, 1981. Where the employer does not object, these responsibilities may be varied by agreement between the outgoing and incoming exclusive representatives. All other rights and duties of representation shall commence on July 1, 1981, except that exclusive representatives certified after the effective date of this section shall immediately upon certification have the right to all employer information and all forms of access to employees within the bargaining unit which would be permitted to the current contract-holder. This section shall in no way affect any existing collective bargaining contract. Should an exclusive bargaining agent not be certified for the unit provided for in section 38, subdivision 3, clause (2), the employees assigned to that unit shall continue to be compensated pursuant to the appropriate university of Minnesota civil service rules, or by the terms of any master or uniform contract of their particular trade which exists between associations of employers in their local area representing all or substantially all of the employees of that trade, if such method of compensation has been elected by the employee previous to the effective date of this section.

Nothing in sections 1 to 42 shall prevent an exclusive representative certified after the effective date of sections 1 to 42 from assessing fair share or dues deductions immediately upon certification for employees in a unit established under section 38 if the employees were unrepresented for collective bargaining purposes prior to that certification.

Sec. 40. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.743] [STATE EMPLOYEES.] *When no prior determination has been made with respect to the supervisory status of a state employee or his predecessor and no agreement can be reached between the employer and petitioning employee organizations, the commissioner of employee relations may petition the director for a determination. The director shall not exclude any supervisory employee from an appropriate unit of nonsupervisory state employees on the basis of a petition filed later than 30 days after the effective date of this section, except as provided in section 32. The director shall make all determinations under this subdivision within 60 days of receipt of a timely petition. The director shall have full discretion in his determination of the application of sections 179.63, subdivisions 8, 9, and 9a, and 179.71, subdivision 3, paragraph 2 in all cases arising under this subdivision. Notwithstanding any other law, his decision shall be final and no appeal whatsoever shall be heard. For the purposes of the certification of a bargaining agent for units provided in subdivision 1 of section 38 employees sought to be excluded by a timely and valid petition as supervisory or confidential shall be counted and shall vote separately in a fashion which shall permit them to be individually excluded or included after a determination as to their status. When a certification is dependent upon challenged employees, the director shall determine the status of the challenged employees prior to deciding the cases of challenged employees whose status need not be determined for a certification. In the latter situation the certification of a bargaining agent shall proceed irrespective of pending challenges.*

Sec. 41. Laws 1979, Chapter 332, Article I, Section 114, is amended to read:

Sec. 114. [REPEALER.] *Effective July 1, 1981, Minnesota Statutes 1978, Sections 43.03; 43.06; 43.062; 43.063; (43.064;) 43.065; 43.067; 43.068; 43.069; 43.07; 43.09; (43.111;) 43.12, subdivisions 2 to 27; 43.121; 43.122; 43.126; 43.127; 43.128; (43.13; 43.14;) 43.162; (43.17; 43.18; 43.19; 43.20; 43.21;) 43.22; 43.222; 43.223; 43.224; 43.23; 43.24; (43.245; 43.321;) 43.322; 43.323; 43.324; 43.326; 43.327; 43.33; 43.44; (43.45; 43.46;) 43.48; and 43.49 (; 43.50; AND 43.51) are repealed.*

Sec. 42. Laws 1979, Chapter 332, Article I, Section 116, is amended to read:

Sec. 116. [EFFECTIVE DATE.] The effective dates for Article I are as follows: sections 2, 4, 8, 40, 45, 46, 47, 58, 61, 65, 82-91, and 113 are effective upon final enactment. Section 64, is effective June 30, 1980. Sections 3, 5, 6 and 7 are effective July 1, 1981. The remaining provisions of Article I are effective July 1, 1979. The provisions of section 47 shall apply to all disciplinary actions taken on or after the effective date of section 47. The provisions of section 63 shall expire on July 1, 1981, but shall apply to all arbitration proceedings which are to determine contractual provisions for the 1982-1983 biennium. The provisions of sections (63) 64, 93 to 111 and 113 shall expire on July 1, 1981. The provisions of section 137.02, subdivision 4, shall not apply to sections 93 to 111.

Sec. 3. [REPEALER.] *Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7, are repealed.*

Sec. 44. [APPROPRIATION.] Subdivision 1. The sum of \$ is appropriated for the period ending June 30, 1981, to the commissioner of employee relations for the expenses of the insurance advisory board established in section 15.

Subd. 2. The amount of \$ is appropriated for the period ending June 30, 1981 to the department of employee relations created pursuant to section 3. The personnel complement of the department of employee relations is increased by persons.

Subd. 3. The amount of \$ is appropriated for the period ending June 30, 1981 to the bureau of mediation services for the purpose of implementing sections 19 to 42.

Sec. 45. [INSTRUCTIONS TO REVISOR.] In the next and all subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the term "department of employee relations" for "department of personnel" in every place where the latter is used. The revisor of statutes shall substitute the term "commissioner of employee relations" for "commissioner of personnel" in every place where the latter term is used.

Sec. 46. [EFFECTIVE DATE.] Section 16 shall be effective on July 1, 1981. The remaining provisions of this act are effective, the day following final enactment but shall not alter the terms of any existing collective bargaining agreement before it expires."

Further, amend the title as follows:

Page 1, line 4, after "state" insert "and university of Minnesota"

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

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Voss, for the Committee on Appropriations, introduced:

H. F. No. 2476, A bill for an act relating to the organization and operation of state government; clarifying, providing for deficiencies in, and supplementing appropriations for the expenses of state government with certain conditions; appropriating money; amending Minnesota Statutes 1978, Sections 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; 15.0597, Subdivisions 3, 4, 5, 6 and 7; 15.50, Subdivision 1; 16.854, Subdivision 1; 16A.131, by adding a subdivision; 16A.67, Subdivision 1; 16A.721; 43.005, by adding a subdivision; 43.05, Subdivision 2; 43.062, Subdivisions 1, 2 and 3; 43.065; 43.067, Subdivision 2; 43.068; 43.323, Subdivisions 1 and 2; 43.35; 62D, by adding a subdivision; 82.34; 90.195; 94.10, Subdivision 1; 94.16; 121.90; 121.902, Subdivision 1; 121.906, Subdivision 2; 121.908; 121.912, Subdivision 2; 121.914, Subdivision 1; 136.81, Subdivision 1; 145.913, Subdivision 3; 214.06, Subdivision 1; 216.16; 216A.01; 216A.03, Subdivision 3, and by adding a subdivision; 216A.04, Subdivisions 1 and 3, and by adding a subdivision; 216A.05, Subdivisions 4 and 5; 216A.07; 216B.17, Subdivision 1; 216B.19; 216B.54; 216B.62, Subdivisions 2 and 3; 216B.64; 237.02; 237.12; 237.295, Subdivisions 1 and 2; 246.014; 352.01, Subdivision 2B; 352.04, Subdivision 5; 352.73, Subdivision 3; 352B.25; 352C.04, Subdivision 3; 352C.09, Subdivision 2; 353.83; 354.55, Subdivision 5; 355.46, Subdivision 3; 355.50; 403.11, Subdivision 3; 473.408, Subdivision 3; 490.123, Subdivision 1; and Chapters 16, by adding sections; 16A, by adding sections; 97, by adding a section; 121, by adding sections; 216A, by adding a section; 246, by adding a section; 253A, by adding a section; 256, by adding a section; 259, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 3.3005, Subdivision 4; 15A.083, Subdivision 4; 16A.126; 174.28, Subdivision 2; 43.09, Subdivision 2a; 43.24; 82.81, Subdivision 1; 121.917, Subdivision 4; 354A.12, Subdivision 2; 422A.101, Subdivision 3; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5; 301, Section 3 by adding a subdivision; repealing Minnesota Statutes 1978, Sections 3A.11, Subdivision 3; 43.03; 43.06; 121.92, Subdivision 1; 216B.62, Subdivision 1; 352.73, Subdivision 4; 354.43, Subdivision 2; 490.025, Subdivision 8; Minnesota Statutes, 1979 Supplement, Sections 16.93; 16.965; 121.92, Subdivision 2; and Laws 1979, Chapter 217, Section 11.

The bill was read for the first time and laid over one day.

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. 1781, A bill for an act relating to education; providing for aids to education, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the commissioner of education, the department of education and others; aid for education of pupils of limited English proficiency; requiring the establishment of local policies to minimize chemical use problems; appropriating money; amending Minnesota Statutes 1978, Sections 120.095, Subdivision 6; 120.10, Subdivision 2; 121.88, by adding a subdivision; 122.22, Subdivisions 2 and 4; 122.23, Subdivisions 9 and 10; 122.25, Subdivision 1; 122.531, by adding subdivisions; 123.11, Subdivision 7; 123.36, by adding a subdivision; 123.39, Subdivision 3; 123.932, Subdivision 9, and by adding a subdivision; 124.20; 124.214, Subdivision 2; 124.572, Subdivision 7; 126.07; 126.36, Subdivision 3; 126.52, Subdivision 5, and by adding a subdivision; 126.54, Subdivisions 5 and 6; 127.09; 127.11; 127.21; 134.03; 134.08; 275.125, Subdivisions 5 and 5a; 354.05, Subdivision 2; Chapter 124, by adding a section; Chapter 125, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 120.075, Subdivision 4, and by adding a subdivision; 121.912, Subdivision 1; 122.541, Subdivision 5; 123.35, Subdivision 15; 124.01; 124.11, Subdivisions 2a and 2b, and by adding a subdivision; 124.19, Subdivision 4; 124.212, Subdivision 7d; 124.223; 124.225; 124.245, Subdivisions 1 and 2; 124.247, Subdivisions 3 and 4; 126.54, Subdivision 1; 124.561, Subdivision 3a; 124.562, Subdivisions 2, 3 and 4; 124.5621, Subdivision 11; 124.5624, Subdivision 6; 124.5625; 124.565, Subdivision 6; 124.566; 124.572, Subdivision 2; 275.125, Subdivisions 2a, 2b, 7a, 7b, 11a and 20; 353.01, Subdivision 2b; 354A.011, Subdivision 27; 465.72; Laws 1979, Chapter 69, Sections 2 and 5; Chapter 334, Article VI, Section 35, Subdivision 9; Article VIII, Section 29; repealing Minnesota Statutes 1978, Sections 122.531, Subdivision 3; 125.61, as amended; 126.31 to 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8 and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6, and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4, 6 and 7; 127.22; Minnesota Statutes, 1979 Supplement, Sections 124.222, Subdivision 3; 126.39, Subdivision 10; 126.41, Subdivision 1; 126.52, Subdivision 10; Laws 1979, Chapter 334, Article V, Section 29.

PATRICK E. FLAHAVEN, Secretary of the Senate

McEachern moved that the House refuse to concur in the Senate amendments to H. F. No. 1781, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

MOTION FOR RECONSIDERATION

Sieben, H., moved that the vote whereby H. F. No. 1035, as amended, was not passed on Special Orders for Thursday, March 20, 1980 be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion to reconsider H. F. No. 1035, as amended, and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 83 yeas and 45 nays as follows :

Those who voted in the affirmative were :

Ainley	Eken	Kaley	Niehaus	Sieben, H.
Anderson, B.	Ellingson	Kalis	Norman	Sieben, M.
Anderson, D.	Erickson	Kelly	Novak	Simoneau
Anderson, I.	Evans	Kempe	Olsen	Stoa
Anderson, R.	Ewald	Kostohryz	Onnen	Stowell
Battaglia	Faricy	Kroening	Patton	Tomlinson
Begich	Forsythe	Laidig	Pehler	Vanasek
Berglin	Friedrich	Lehto	Peterson, B.	Voss
Brinkman	Fudro	Levi	Peterson, D.	Waldorf
Byrne	Greenfield	Long	Prahl	Welch
Carlson, D.	Halberg	Luknic	Redalen	Wenzel
Clark	Heinitz	Mann	Reding	Wieser
Clawson	Hokanson	McEachern	Reif	Wynia
Corbid	Jacobs	Minne	Rodriguez	Zubay
Crandall	Johnson, C.	Murphy	Rothenberg	Spkr. Norton
Dean	Jude	Nelsen, M.	Sarna	
Dempsey	Kahn	Nelson	Schreiber	

Those who voted in the negative were :

Aasness	Drew	Jennings	Nysether	Stadum
Adams	Elioff	Johnson, D.	Osthoff	Svigum
Albrecht	Esau	Knickerbocker	Piepho	Swanson
Anderson, G.	Fjoslien	Kvam	Pleasant	Thiede
Berkelman	Fritz	Ludeman	Rees	Valan
Biersdorf	Haukoos	McCarron	Rose	Valento
Blatz	Heap	Mehrrens	Searle	Weaver
Carlson, L.	Hoberg	Metzen	Searles	Welker
Den Ouden	Jaros	Nelsen, B.	Sherwood	Wigley

The motion prevailed.

H. F. No. 1035, as amended, was reported to the House.

Sieben, H., moved that H. F. No. 1035, as amended, be returned to the bottom of General Orders. The motion prevailed.

SPECIAL ORDERS

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

GENERAL ORDERS

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

MOTIONS AND RESOLUTIONS

Pehler moved that the name of Jude be added as an author on House Advisory No. 45. The motion prevailed.

Fudro moved that S. F. No. 2109 be recalled from the Committee on Transportation and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Dean moved that H. F. No. 1597 be returned to its author. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 364:

Lehto, Laidig, and Vanasek.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1781:

McEachern; Johnson, C.; Tomlinson; Levi; and Jennings.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, March 24, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Monday, March 24, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives