

**VOLUME 2**

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**OF THE**

**HOUSE**

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**SEVENTIETH SESSION**

**OF THE**

**LEGISLATURE**

**STATE OF MINNESOTA**

**1977**

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**RAMALEY PRINTING COMPANY**



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FORTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 5, 1977

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jensen	Munger	Sherwood
Adams	Corbid	Johnson	Murphy	Sieben, H.
Albrecht	Cummiskey	Jude	Neisen	Sieben, M.
Anderson, B.	Dahl	Kahn	Neisen, B.	Simoneau
Anderson, D.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kalis	Nelson	Smogard
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Spanish
Anderson, R.	Eken	Kelly, W.	Norton	Stanton
Arlandson	Ellingson	Kempe, A.	Novak	Stoa
Battaglia	Enebo	Kempe, R.	Osthoff	Suss
Beauchamp	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Ewald	Kostohryz	Peterson	Vanasek
Berglin	Farcy	Kroening	Petraseso	Voss
Berkelman	Fjoslien	Kvam	Pleasant	Waldorf
Biersdorf	Forsythe	Laidig	Prahl	Welch
Birnstihl	Friedrich	Langseth	Reding	Wenstrom
Brandl	Fudro	Lehto	Rice	Wenzel
Braun	Fugina	Lemke	Rose	White
Brinkman	George	Mangan	St. Onge	Wieser
Byrne	Gunter	Mann	Samuelson	Wigley
Carlson, A.	Hanson	McCarron	Sarna	Williamson
Carlson, D.	Haugerud	McCollar	Savelkoul	Wynia
Carlson, L.	Heinitz	McDonald	Scheid	Zubay
Casserly	Hokanson	McEachern	Schulz	Speaker Sabo
Clark	Jacobs	Metzen	Searle	
Clawson	Jaros	Moe	Searles	

A quorum was present.

Evans was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar 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. 1544, 1610, 167, 1132, 1176, 1215, 1416, 314, 875, 968, 1457, 954, 1475, 789, 856 and 1226 and S. F. Nos. 627, 1349, 1068, 1290, 1291, 1309, 1338, 823, 912, 442, 581, 683, 734, 808, 645, 646, 1293, 1362, 1423, 403, 583, 930, 1489, 191, 69 and 381 have been placed in the members' files.

S. F. No. 683 and H. F. No. 646, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Voss moved that the rules be so far suspended that S. F. No. 683 be substituted for H. F. No. 646 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 930 and H. F. No. 906, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Jacobs moved that the rules be so far suspended that S. F. No. 930 be substituted for H. F. No. 906 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 442 and H. F. No. 325, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Dahl moved that the rules be so far suspended that S. F. No. 442 be substituted for H. F. No. 325 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 583 and H. F. No. 1031, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nelsen, M., moved that S. F. No. 583 be substituted for H. F. No. 1031 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1489 and H. F. No. 1594, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Norton moved that the rules be so far suspended that S. F. No. 1489 be substituted for H. F. No. 1594 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1290 and H. F. No. 1586, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Nelson moved that the rules be so far suspended that S. F. No. 1290 be substituted for H. F. No. 1586 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1291 and H. F. No. 1588, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Nelson moved that the rules be so far suspended that S. F. No. 1291 be substituted for H. F. No. 1588 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1423 and H. F. No. 1544, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Eken moved that S. F. No. 1423 be substituted for H. F. No. 1544 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 4, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 61, An act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician's trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil

liability for paramedics and physicians advising or instructing paramedics.

H. F. No. 148, An act relating to the city of Minneapolis; providing for the selection of supervisor of license inspection for the Minneapolis police department.

H. F. No. 301, An act relating to veterans; establishing a deadline for entering military service and becoming eligible for veterans preference; redefining the term "veteran" for certain other purposes.

H. F. No. 380, An act relating to bicycles; registration; administration of the bicycle registration law; including unicycles within the definition of bicycle; clarifying provisions relating to bicycle registration; providing for the disposition of certain service fees charged in handling registrations; requiring a report of the commissioner of public safety to the legislature on recommendations for mandatory registration of bicycles.

H. F. No. 489, An act relating to legal newspapers; simplifying procedures for receiving reimbursement for publication of proposed constitutional amendments.

H. F. No. 557, An act relating to highways; requiring reimbursement of fire fighting and protection expenses in certain instances.

H. F. No. 681, An act relating to commerce; providing for state procurement from small business; providing a bonding mechanism for small business.

H. F. No. 705, An act relating to taxation; providing for revocation of motor carrier licenses for failure to file road tax reports; providing credit for tax paid on gasoline or fuel used in other states.

H. F. No. 720, An act relating to commerce; regulation of subdivision of lands by the commissioner of securities; extending time for filing reports of subdivided land.

H. F. No. 763, An act relating to labor; prohibiting certain terms in employment agreements relating to inventions by employees.

H. F. No. 809, An act relating to Lac qui Parle and Big Stone counties; changing the boundary lines between the counties.

H. F. No. 1208, An act relating to mobile homes; regulating mobile home lot payments; prohibiting entrance fees; providing for termination of land leases.

Sincerely,

RUDY PERPICH  
Governor

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., 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 H. F. No. 1004 for today, May 5, 1977:

S. F. Nos. 1166, 1234, 1382, 99, 1140, 667, 760, 845 and 916.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 8, A bill for an act relating to trade regulations; providing for unit pricing of certain packaged commodities; providing for exemptions; providing a penalty.

Reported the same back with the following amendments:

Page 6, line 7, delete "consumer services section of".

Page 6, line 8, delete "the" and "and".

Page 6, line 9, delete "regulations".

Page 6, line 11, delete "director" and insert "commissioner".

Page 6, line 29, delete "the director of".

Page 6, line 30, delete "the consumer services section of".

Page 6, line 31, delete "regulation" and insert "rule".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 613, A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

Reported the same back with the following amendments:

Page 2, line 8, after "committee" insert "not to exceed 21 members, at least one from each of the state's economic development districts,".

Page 2, line 9, after "services." insert "The members term of office shall coincide with that of the governor.".

Page 2, line 14, delete "\$289,000" and insert "\$200,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 733, A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for design, construction and reconstruction of certain bridges; appropriating money.

Reported the same back with the following amendments:

Page 2, line 1, delete everything after "bonds".

Page 2, line 2, delete "and".

Page 2, line 3, after "account" insert "in the trunk highway fund".

Page 2, line 13, delete "are".

Page 2, line 14, delete "appropriated to" and insert "shall be deposited in".

Page 2, line 21 delete everything after "1,".

Page 2, line 22, delete "1979," and insert "to the department of transportation".

Page 2, line 28, before "section" insert "Minnesota Statutes,".

Page 3, line 3, delete "design,".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 772, A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

Reported the same back with the following amendments:

Page 1, line 16, delete "*deprived*" and insert "*disadvantaged*".

Page 1, line 23, delete "*deprived*" and insert "*disadvantaged*".

Page 2, after line 5 insert:

*"Subd. 2. [PARTICIPATION LIMIT.] No small business or small business owned by economically and socially disadvantaged persons shall be eligible for bonding pursuant to this section for a period of more than five years from the date that the small business or small business owned and operated by economically and socially disadvantaged persons received its first bond pursuant to this section."*

Re-number the following subdivisions.

Page 2, delete lines 18 to 23 and insert:

*"Sec. 2. [APPROPRIATION.] Subdivision 1. Any moneys required by the department of administration for payment of claims pursuant to this act shall be made available from the general contingent account.*

*Subd. 2. Any moneys required by the department of transportation for payment of claims pursuant to this act shall be paid from the unobligated balance of appropriations made to the department for highway development.*

*Subd. 3. This section shall be effective for the indemnification agreements entered into in the biennium beginning July 1,*

1977. *No new indemnification agreements after June 30, 1979 shall be funded by the provisions of this section.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1060, A bill for an act relating to education; loans to medical students; changing requirements for loan forgiveness and limitations on loan amounts; amending Minnesota Statutes 1976, Section 147.30.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1498, A bill for an act relating to public welfare; mandating the working of certain general assistance recipients; allowing the use of general assistance funds for the work equity program; empowering the commissioner of public welfare to contract for recipient services and grant distribution; amending Minnesota Statutes 1976, Sections 256D.02, by adding subdivisions; 256D.04; 256D.06, by adding a subdivision; and 256D.11, Subdivisions 1 and 4, and by adding subdivisions.

Reported the same back with the following amendments:

Page 4, line 24, after "*Subd. 3a.*" insert "*Participants in the work equity program shall be paid at the same wage rates as public employees doing similar work or at the prevailing minimum wage, whichever is greater, however,*".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1582, A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice telecommunications network; establishing the Minnesota justice information systems advisory council, providing for its membership and prescribing its powers and

duties; amending Minnesota Statutes 1976, Sections 299C.45; 299C.46; 299C.48; and Chapter 299C, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 299C.46, is amended to read:

299C.46 [ESTABLISHMENT, USE.] *Subdivision 1.* The (SUPERINTENDENT OF THE BUREAU OF CRIMINAL APPREHENSION) *commissioner of public safety* shall establish a (TELETYPEWRITER COMMUNICATIONS) *criminal justice datacommunications* network which will (INTER-CONNECT THE SHERIFF'S OFFICES OF) *enable the inter-connection of the criminal justice agencies within the state into a unified (WRITTEN COMMUNICATIONS) criminal justice information system.* The (SUPERINTENDENT OF THE BUREAU OF CRIMINAL APPREHENSION) *commissioner of public safety* is authorized to lease or purchase (SUCH) facilities and equipment as may be necessary to establish and maintain (SUCH TELETYPEWRITER COMMUNICATIONS) *the datacommunications network.*

*Subd. 2.* For the purposes of sections 299C.46 to 299C.48 and section 3, "criminal justice agency" shall mean an agency of the state or an agency of a political subdivision charged with enforcement, prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this state.

((1)) *Subd. 3.* The (COMMUNICATIONS) *datacommunications* network shall be used exclusively for (THE OFFICIAL BUSINESS OF THE STATE.)

((2)) THIS SECTION DOES NOT PROHIBIT THE OCCASIONAL USE OF THE STATE'S COMMUNICATIONS NETWORK BY ANY OTHER STATE OR PUBLIC AGENCY THEREOF WHEN THE MESSAGES TRANSMITTED RELATE TO THE) *criminal justice agencies of the state in connection with enforcement of the criminal or traffic laws of the state.*

((3)) The (SUPERINTENDENT OF THE BUREAU OF CRIMINAL APPREHENSION SHALL FIX THE) *commissioner of public safety, after consultation with representatives of participating criminal justice agencies, may establish a monthly operational charge to be paid by each (COUNTY; PROVIDED, THAT IN COMPUTING CHARGES TO BE MADE AGAINST EACH COUNTY THE STATE SHALL BEAR AT LEAST FIFTY PERCENT OF THE COSTS OF SUCH SERVICE AS ITS SHARE IN PROVIDING A MODERN UNIFIED COMMUNICATIONS NETWORK TO THE SHERIFF'S OFFICES*

OF THE STATE) *participating criminal justice agency in the event that money available to the commissioner for this purpose is not adequate to pay these costs.*

(4) The (SUPERINTENDENT OF THE BUREAU OF CRIMINAL APPREHENSION) *commissioner of public safety is authorized to arrange for the connection of the (COMMUNICATIONS) datacommunications network with the (LAW ENFORCEMENT COMMUNICATIONS) criminal justice information system of the federal government, any adjacent state, or Canada.*

*Subd. 4. The commissioner shall administer the datacommunications network and shall coordinate matters relating to its use by other state agencies and political subdivisions. He shall perform all duties in respect to criminal justice information systems matters now performed by the commissioner of finance and the governors commission on crime prevention and control or its successor. He shall receive the assistance of the commissioner of administration on matters involving the department of administration and its information systems division. Other state department or agency heads shall assist the commissioner where necessary in the performance of his duties under this section.*

Sec. 2. Minnesota Statutes 1976, Section 299C.48, is amended to read:

299C.48 [CONNECTIONS BY MUNICIPALITIES.] Any (CITY OR OTHER PUBLIC) *criminal justice agency may connect with and participate in the (TELETYPEWRITER COMMUNICATIONS) criminal justice datacommunications network upon approval of the (SUPERINTENDENT OF THE BUREAU OF CRIMINAL APPREHENSION) commissioner of public safety; provided, that (SUCH CITY OR OTHER PUBLIC) the agency shall first agree to pay (SUCH) installation charges as may be necessary for (SUCH) connection and (SUCH) monthly operational charges as may be established by the (SUPERINTENDENT OF THE BUREAU OF CRIMINAL APPREHENSION) commissioner of public safety. Before participation by a criminal justice agency may be approved, the agency must have executed an agreement with the commissioner providing for security of network facilities and restrictions on access to data supplied to and received through the network.*

Sec. 3. Minnesota Statutes 1976, Chapter 299C, is amended by adding a section to read:

[299C.49] [GRANT REVIEW.] *The commissioner of public safety, after consultation with representatives of criminal justice agencies, shall review all grant requests for federal and state funds from the governor's commission on crime prevention and control or its successor for information systems and recommend action to the commission.*

Sec. 4. [REPEALER.] *Minnesota Statutes 1976, Section 299C.45, is repealed.*

Sec. 5. [EFFECTIVE DATE.] *This act is effective July 1, 1977."*

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 143, A bill for an act relating to crimes and criminals; prohibiting certain acts against railroad employees and railroad property; prescribing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

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

The report was adopted.

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

S. F. No. 1077, A bill for an act relating to the organization and operation of state government; creating a crime control planning board to supersede the governor's commission on crime prevention and control; requiring a statewide comprehensive plan for law enforcement and criminal justice administration; empowering the board to make grants to governmental agencies; designating the board as the state planning agency for purposes of federal legislation; prescribing other powers and duties; requiring annual reports; creating regional crime control advisory councils; requiring the preparation of regional plans; appropriating money.

Reported the same back with the following amendments:

Page 2, line 14, after "corrections" insert "or a member of his staff designated by him".

Page 2, line 19, delete "chairman" and insert "chairperson".

Page 3, line 13, delete "chairman" and insert "chairperson".

Page 3, line 21, after "The" insert "crime control planning".

Page 3, line 27, delete "chairman" and insert "chairperson" and after "the" insert "crime control planning".

Page 3, line 29, delete "chairman" and insert "chairperson".

Page 3, line 31, delete "chairman" and insert "chairperson".

Page 4, line 3, delete "director" and insert "commissioner" and delete "planning agency" and insert "department of administration" and after the last "the" insert "crime control planning".

Page 4, line 6, delete "director" and insert "commissioner of finance".

Page 4, line 7, after "The" insert "crime control planning".

Page 5, line 10, after the first "the" insert "crime control planning".

Page 5, line 11, after "the" insert "appropriate standing committee of the" and delete "by five".

Page 5, delete lines 12 to 14.

Page 5, line 15, delete "the speaker. A plan may not be adopted by" and insert a period, and after "board" insert "may not adopt a plan".

Page 5, line 16, delete "consideration of" and insert "considering".

Page 5, line 17, after "received" insert "thereon".

Page 5, line 21, delete "any" and insert "the appropriate" and after the last "The" insert "crime control planning".

Page 5, line 24, after "The" insert "crime control planning".

Page 5, line 28, after "the" insert "crime control planning".

Page 6, line 4, after "the" insert "crime control planning".

Page 6, line 12, after "The" insert "crime control planning".

Page 6, line 13, after "regional" insert "crime control".

Page 7, line 17, after "the" insert "crime control planning".

Page 7, line 26, after "the" insert "crime control planning".

Page 7, line 31, after "The" insert "crime control planning".

Page 8, line 10, after "of" insert "crime control planning".

Page 8, line 14, after "the" insert "crime control planning".

Page 8, line 17, after "the" insert "crime control planning".

Page 8, line 19, after "the" insert "crime control planning".

Page 8, line 23, after the first "the" insert "crime control planning".

Page 8, line 27, after the first "the" insert "crime control planning".

Page 8, line 29, after the second "of" insert "the crime control planning".

Page 8, line 31, after "of" insert "the crime control planning".

Page 9, line 2, after "the" insert "crime control planning" and after "from" insert "the appropriate".

Page 9, line 6, after the first "the" insert "crime control planning".

Page 9, line 10, after "the" insert "crime control planning".

Page 9, line 13, delete "objective".

Page 9, line 22, delete "Any regional crime".

Page 9, delete lines 23 to 25.

Page 9, line 27, delete "appointed".

Page 9, line 29, after "members" insert "appointed by regional development commissions, except that the metropolitan council shall be the regional crime control advisory council in the territory defined by Laws 1967, Chapter 896. Any regional crime control advisory council shall function as a committee of the regional development commission or contract with the regional development commission as a consultant" and delete "The metropolitan council shall include as a".

Page 9, delete line 30.

Page 9, line 31, delete "territory defined by Laws 1967, Chapter 896."

Page 10, line 2, after "regional" insert "crime control".

Page 10, line 3, delete "Members of".

Page 10, line 4, delete "each council, and the chairman and" and insert "The" and after "each" insert "regional crime control advisory".

Page 10, line 5, delete "as provided for that".

Page 10, line 6, delete "regional council on June 30, 1977" and insert "prescribed by the regional development commission or the metropolitan council. The regional crime control advisory council shall organize itself and elect a chairperson".

Page 10, line 11, after "The" insert "crime control planning".

Page 10, line 12, delete "each" and delete "council" and insert "development commissions, the metropolitan council and eligible local units of government or combinations thereof".

Page 10, line 13, after the first "the" insert "crime control planning".

Page 10, line 14, after the period insert "The board shall take into consideration in the distribution of the planning funds such combinations of regions as may have been established for criminal justice planning purposes." and after "regional" insert "development commission or the metropolitan".

Page 10, line 16, after "regional" insert "or local".

Page 10, line 19, delete "council" and insert "development commission, the metropolitan council or a local crime control planning unit" and after "the" insert "crime control planning".

Page 11, line 5, delete "July" and insert "August".

Page 11, line 16, after "The" insert "governor's" and after "commission" insert "on crime prevention and control".

Page 11, line 17, after "records" insert ", other documents".

Page 11, delete lines 18 and 19.

Further amend the title:

Page 1, line 14, delete “; appropriating”.

Page 1, line 15, delete “money”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 528, A bill for an act relating to insurance; regulating licensing procedures; amending Minnesota Statutes 1976, Section 60A.17, Subdivision 2.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1484, A bill for an act relating to automobile insurance; clarifying certain ambiguous provisions in the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1976, Sections 65B.44, Subdivision 3; 65B.49, Subdivisions 4 and 6; 65B.51, Subdivision 1; and 65B.53, Subdivision 1.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 368, A bill for an act relating to health care; providing conversion privileges under certain accident and health insurance policies, health service plan subscriber contracts and health maintenance contracts, for spouses whose marriage is dissolved; amending Minnesota Statutes 1976, Chapter 62A, by adding a section; 62C, by adding a section; and 62D, by adding a section.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 388, A bill for an act relating to insurance; subrogation of claims; requiring subrogated insurers to pay a proportionate share of certain attorney fees and costs; amending Minnesota Statutes 1976, Section 65B.53, Subdivision 5, and by adding a subdivision.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 557, A bill for an act relating to employees; participation in group life insurance plans; prohibiting certain mandatory participation requirements; providing remedies; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 572, A bill for an act relating to credit unions; extending the authority of state chartered credit unions to permit same activities as federally-chartered credit unions where commissioner of banks authorizes by rule; amending Minnesota Statutes 1976, Section 52.04.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 586, A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plans; amending Minnesota Statutes 1976, Section 60A.08, Subdivision 10.

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

The report was adopted.

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

H. F. No. 1405, A bill for an act relating to state employees; providing for investment options for deferred compensation; amending Minnesota Statutes 1976, Section 352.96, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 21, after "shares" insert "*accounts or contracts*".

Page 2, after line 9, insert new sections to read:

"Sec. 2. Minnesota Statutes 1976, Section 352.96, Subdivision 3, is amended to read:

Subd. 3. [EXECUTIVE DIRECTOR TO ADMINISTER SECTION.] The provisions of this section shall be administered by the executive director of the Minnesota state retirement system pursuant to the provisions of subdivision 4. *If the state board of investment so elects, it may solicit bids for options under subdivision 2, clauses (b) and (c). All contracts must be approved prior to execution by the state board of investment. All contracts shall provide that all options in subdivision 2 shall be presented in an unbiased manner, shall be presented in a manner so as to conform to applicable rules promulgated by the executive director, shall be reported on a periodic basis to all employees participating in the deferred compensation program, and shall not be the subject of unreasonable solicitation of state employees to participate in the program. The contract may not call for any person to jeopardize the tax-deferred status of moneys invested by state employees pursuant to this section. All costs or fees in relation to the options provided under subdivision 2, clause (c), shall be paid by the underwriting companies ultimately selected by the state board of investment.*

Sec. 3. Minnesota Statutes 1976, Section 352.96, Subdivision 4, is amended to read:

Subd. 4. [EXECUTIVE DIRECTOR TO ESTABLISH RULES.] The executive director of the Minnesota state retirement system shall establish rules (, REGULATIONS,) and procedures to carry out the provisions of this section including allocation of administrative costs against the assets accumulated under this section. Funds to pay such costs are hereby appropriated from the fund or account in which the assets accumulated under this section are placed. *Rules adopted after July 1, 1977, relating to the options provided under subdivision 2, clauses (b)*

*and (c), must be approved by the state board of investment. A state employee shall not be permitted to make payments under a plan until the plan or applicable component thereof has been approved as to its tax-deferred status by the internal revenue service.*

Sec. 4. [EFFECTIVE DATE.] *This act is effective on the first day of the first payroll period after July 1, 1977."*

Amend the title:

Line 5, delete "Subdivision" and insert "Subdivisions" and after "2" insert ", 3 and 4".

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

The report was adopted.

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

H. F. No. 1408, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, and 17, and by adding a subdivision; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

Reported the same back with the following amendments:

Page 1, line 21, after "legislature" insert "*and except as may otherwise be provided in this act*".

Page 1, line 27, after "320," insert "*the international union of operating engineers, locals No. 34, No. 49 and No. 808,*".

Page 2, line 2, delete "*and*".

Page 2, line 3, after "*association*" insert "*and the Minnesota administrative hearing officers association*".

Page 2, line 4, after the period insert "*A state employee whose exclusive representative, as defined by section 179.63, subdivision 6, has not executed an agreement with the state covering*

*wages and economic fringe benefits on or before May 15, 1977, shall not receive the wage and economic fringe benefit increases provided by this act."*

Page 2, line 25, strike "appointments" and insert "appointment".

Page 5, line 7, strike "and".

Page 5, line 27, after the period insert "*Employees who are classified as highway maintenance worker, senior, and who are employed by the department of transportation and assigned to the central office and districts 5 and 9 shall, in addition, be granted a one-time lump sum payment of \$400.*".

Page 9, line 27, strike "through" and insert "and".

Page 11, line 12, strike "as otherwise provided in this".

Page 11, line 13, strike "section" and insert "*for classification reassignments effective July 6, 1977*".

Page 17, line 27, after "effective" insert "*the first day of the first payroll period commencing on or after*".

Page 17, line 27, delete "6" and insert "1".

Page 17, line 31, after "Effective" insert "*the first day of the first payroll period commencing on or after*".

Page 17, line 31, delete "5" and insert "1".

Page 18, line 4, after "month" insert "*except that no department shall pay an amount in excess of the contribution for dependent hospital-medical and dental coverage in effect on June 30, 1979*".

Page 19, after line 10, insert new sections to read:

"Sec. 24. *The commissioner of public safety shall promulgate a rule providing that criminal investigators shall receive a clothing allowance of \$100 per year in lieu of any other clothing allowance pursuant to section 299C.04. The commissioner shall have emergency rule-making authority in respect to this matter in order to implement the provisions of a collectively bargained agreement.*

Sec. 25. [REVISOR'S INSTRUCTIONS.] *In respect to a collectively bargained contract with the state covering a period beginning on and after July 1, 1979, the revisor of statutes shall provide the chairpersons of the main policy committee in each*

*body of the legislature charged with the responsibility of legislative oversight of state employee contract provisions and the legislative reference library with a copy of the contract showing additions and deletions from contract language in effect for the immediately preceding contract period. Where appropriate, the revisor shall consolidate provisions which are identical from contracts of two or more bargaining units.*

Sec. 26. [APPROPRIATIONS.] *There is appropriated from the general fund to the commissioner of finance for the two years beginning with the effective date of this act the sum of \$ . . . . to pay direct compensation increases and economic benefit increases provided for employees of the state covered by provisions in this act."*

Renumber the remaining sections.

Page 19, line 14, after "effective" insert "*the first day of the first payroll period commencing on or after*".

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

The report was adopted.

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

S. F. No. 1369, A bill for an act relating to the cities of St. Paul, Minneapolis, and Duluth; firemen's survivor benefits; amending Laws 1955, Chapter 375, Section 25, as amended; Laws 1965, Chapter 519, Section 1, as amended; and Laws 1975, Chapter 127, Section 2, as amended.

Reported the same back with the following amendments:

Page 1, line 13, delete "FIREMEN'S" and insert "FIRE-FIGHTER'S".

Page 4, line 6, delete "FIREMEN'S" and insert "FIRE-FIGHTER'S".

Page 6, line 24, delete "FIREMEN'S" and insert "FIRE-FIGHTER'S".

Page 6, line 27, strike "firemen's" and insert "*firefighter's*".

Page 8, line 3, strike "firemen's" and insert "*firefighter's*".

Page 8, after line 8, insert a section to read:

*"Sec. 4. This act is effective with respect to Duluth upon approval by the Duluth city council, with respect to Minneapolis upon approval by the Minneapolis city council, and with respect to St. Paul upon approval by the St. Paul city council, and upon compliance with Minnesota Statutes, Section 645.021."*

Further amend the title:

Line 3, delete "firemen's" and insert "firefighter's".

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

The report was adopted.

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

H. F. No. 501, A bill for an act relating to Hennepin county; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

Reported the same back with the following amendments:

Page 2, line 27, after "on" insert "or before".

Page 2, line 27, after "1977," insert "or thereafter,".

Page 2, line 31, delete ", and shall be confined to employees".

Page 2, line 32, delete "of the municipal building commission".

Page 3, after line 12, insert:

*"Sec. 3. This act is effective upon approval by the governing bodies of the city of Minneapolis and Hennepin county and upon compliance with Minnesota Statutes, Section 645.021."*

Amend the title as follows:

Page 1, line 2, after "to" insert "the city of Minneapolis and".

Page 1, line 2, after "county" insert "municipal building commission".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1193, A bill for an act relating to the city of Bloomington; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement, rental assistance, and financial assistance; amending Laws 1971, Chapter 616, Sections 1 and 2.

Reported the same back with the following amendments:

Page 1, line 17, reinstate the stricken language.

Page 1, line 17, before "area" insert "or".

Page 3, after line 6, insert:

*"Sec. 3. The housing and redevelopment authority of the city of South St. Paul may, in addition to any authority provided in Minnesota Statutes, Sections 462.415 to 462.716, make rehabilitation loans and grants with respect to property within its area of operation whether within or without the boundaries of an urban renewal area, but the rehabilitation must be necessary to the city's housing assistance plan or, if the property is within an urban renewal area, to carry out the objectives of the urban renewal plan. The authority may determine the conditions under which the loans and grants are made.*

*Sec. 4. Notwithstanding any contrary provision of law, charter or ordinance, in addition to powers presently held by the housing and redevelopment authority of the city of Mankato, the authority shall have the power to make loans and grants to property owners for the purpose of rehabilitation of residential properties within the city of Mankato, including grants to reduce the effective interest rate on rehabilitation loans made by third parties."*

Page 3, delete lines 7 to 10 and insert:

*"Sec. 5. Sections 1 and 2 are effective upon their approval by the city council of the city of Bloomington and upon compliance with Minnesota Statutes, Section 645.021. Section 3 is effective upon its approval by the city council of the city of South St. Paul and upon compliance with Minnesota Statutes, Section 645.021. Section 4 is effective upon its approval by the city council of the city of Mankato and upon compliance with Minnesota Statutes, Section 645.021."*

Further, amend the title as follows:

Page 1, line 2, after "Bloomington" insert "in Hennepin County, the city of South St. Paul in Dakota County and the city of Mankato in Blue Earth County".

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

The report was adopted.

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

S. F. No. 742, A bill for an act relating to the White Bear Lake conservation district; increasing membership on its governing board; providing for selection of board officers; amending Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 378.32, Subdivision 1, is amended to read:

378.32 [WATER SURFACE USE REGULATION.] Subdivision 1. The county board of every county may by ordinance regulate the surface use of any bodies of water situated wholly or partly within the boundaries of the county and not situated entirely within the boundaries of a single city or lake conservation district established by law, except that where a body of water lies in more than one county no such ordinance shall be effective until adopted by the county boards of all the counties in which the body of water lies pursuant to section 471.59 or placed into effect by order of the commissioner of natural resources pursuant to section 361.26. *With the authorization of the affected city or lake conservation district, a county board may assume and exercise the powers set forth in this section with respect to bodies of water lying wholly within that city or lake conservation district.* The regulation by the county of the surface use of any portion of a body of water situated within the boundaries of a city shall be consistent with any regulation existing on May 25, 1973 of the surface use of that portion of the body of water, by the city. After January 1, 1975, any such ordinance shall be consistent with the provisions of chapter 361 and rules and regulations of the commissioner promulgated pursuant to section 361.25. Any surface use zoning ordinances adopted pursuant to this section by a local governmental unit subsequent to May 25, 1973 is invalid unless it is approved by the commissioner. Proposed surface use zoning ordinances shall be submitted to the commissioner for his review and approval prior to adoption. The commissioner shall approve or disapprove the proposed ordinance within 120 days after receiving it. If the commissioner disapproves the proposed ordinance, he shall return it to the local governmental unit with a written statement of his reasons for disapproval. The county board shall have power:

Sec. 2. Laws 1971, Chapter 355, Section 2, Subdivision 2, is amended to read:

Subd. 2. The lake conservation district shall be governed by a board composed of members elected by the governing bodies of the municipalities included in the district. Each municipality shall elect (ONE MEMBER) *two members*. The term of office of each member shall be three years.

Sec. 3. Laws 1971, Chapter 355, Section 8, Subdivision 1, is amended to read:

Sec. 8. Subdivision 1. The governing board of the district shall, at its organization meeting, elect from its membership (A CHAIRMAN TO SERVE FOR A PERIOD OF ONE YEAR FROM THE FIRST MEETING OF THE BOARD, AND SHALL ALSO ELECT A SECRETARY AND A TREASURER) *the following officers to serve for a period of one year: chairman, vice chairman, secretary and treasurer. The offices of secretary and treasurer shall be combined unless a resolution is adopted to the contrary by the board prior to the election.* They shall hold office at the pleasure of the board, and shall receive compensation as fixed by the board.

Sec. 4. *Sections 2 and 3 of this act shall be effective upon their approval by the governing bodies of the cities of White Bear Lake, Birchwood, Mahtomedi, Dellwood and the board of supervisors of the town of White Bear and upon compliance with Minnesota Statutes, Section 645.021."*

Further amend the title by deleting it entirely and inserting:

"A bill for an act relating to waters; allowing counties to exercise certain functions; increasing membership on the governing body of the White Bear Lake conservation district; providing for selection of board officers; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1; Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1."

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

The report was adopted.

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

S. F. No. 769, A bill for an act relating to the town of White and the city of Aurora; providing for their separation.

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

The report was adopted.

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

S. F. No. 905, A bill for an act relating to the city of Mora; authorizing the issuance of electric revenue refunding bonds.

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

The report was adopted.

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

S. F. No. 914, A bill for an act relating to the city of Mankato; providing for the service of the police and fire chiefs.

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

The report was adopted.

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

S. F. No. 1017, A bill for an act relating to the town of Bass Brook; authorizing the town board to exercise the powers described in Minnesota Statutes, Section 368.01 and Chapters 412, 429, 474 and 475.

Reported the same back with the following amendments:

Page 1, line 10, delete "Section 368.01 and".

Page 1, line 11, delete "Chapters 412, 429," and insert "Chapter".

Page 1, line 11, delete "and 475".

Further amend the title as follows:

Page 1, line 4, delete "Section 368.01 and Chapters".

Page 1, line 5, delete "412, 429," and insert "Chapter" and delete "and 475".

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

The report was adopted.

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

S. F. No. 1103, A bill for an act relating to counties; providing for county appropriations for patrol of county highways and roads; eliminating the restriction on the Hennepin county board of commissioners in relation thereto; amending Minnesota Statutes 1976, Section 375.46, Subdivision 1.

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

The report was adopted.

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

S. F. No. 1127, A bill for an act relating to political subdivisions; authorizing assignments to secure payment of certain loans; amending Minnesota Statutes 1976, Section 465.73.

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

The report was adopted.

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

S. F. No. 1164, A bill for an act relating to Olmsted county; permitting sidewalk and related improvements to be financed by special assessment; Rochester city officials' salaries.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 465, A bill for an act relating to transportation; prohibiting motorcyclists with instruction permits from driving on interstate highways; amending Minnesota Statutes 1976, Section 169.974, Subdivision 2.

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

The report was adopted.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 8, 613, 733, 772, 1060, 1498, 1582, 528, 1484, 1405, 501 and 1193 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 683, 930, 442, 583, 1489, 1290, 1291, 1423, 143, 1077, 368, 388, 557, 572, 586, 1369, 742, 769, 905, 914, 1017, 1103, 1127, 1164 and 465 were read for the second time.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Scheid; Carlson, L.; Welch; Waldorf and Anderson, B., introduced:

H. F. No. 1613, A bill for an act relating to public health; changing the source of payments for services related to investigations and disciplinary proceedings; amending Minnesota Statutes 1976, Section 214.04, by adding a subdivision; and 214.06, Subdivision 1.

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

Kelly, R.; McCollar; Begich; Battaglia and Waldorf introduced:

H. F. No. 1614, A bill for an act relating to taxation; exempting used motor vehicles from the motor vehicle excise tax; amending Minnesota Statutes 1976, Section 297B.03.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 531, A bill for an act relating to banks; permitting banks to take second mortgages in federal disaster areas; amending Minnesota Statutes 1976, Section 48.19, Subdivision 1.

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. 502, A bill for an act relating to Hennepin county; authorizing compensation for Hennepin county park reserve district commissioners and Hennepin county library board members.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Skoglund moved that the House concur in the Senate amendments to H. F. No. 502 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 502, A bill for an act relating to Hennepin county; authorizing compensation for Hennepin county park reserve district commissioners and Hennepin county library board members.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Braun	Esau	Kahn	McDonald
Adams	Brinkman	Ewald	Kaley	McEachern
Albrecht	Byrne	Fjoslien	Kalis	Metzen
Anderson, B.	Carlson, A.	Forsythe	Kelly, R.	Munger
Anderson, D.	Carlson, D.	Friedrich	Kelly, W.	Murphy
Anderson, G.	Carlson, L.	Fudro	Kempe, R.	Neisen
Anderson, I.	Casserly	Fugina	King	Nelsen, B.
Anderson, R.	Clark	George	Kostohryz	Nelsen, M.
Arlandson	Clawson	Gunter	Kroening	Nelson
Battaglia	Cohen	Hanson	Kvam	Niehaus
Beauchamp	Cummiskey	Haugerud	Laidig	Norton
Begich	Dahl	Heinitz	Langseth	Novak
Berg	Dean	Hokanson	Lehto	Osthoff
Berglin	Den Ouden	Jacobs	Lemke	Patton
Berkelman	Eckstein	Jaros	Mangan	Pehler
Biersdorf	Eken	Jensen	Mann	Peterson
Birnsthil	Enebo	Johnson	McCarron	Petrafeso
Brandl	Erickson	Jude	McCollar	Pleasant

Prahl	Scheid	Skoglund	Vanasek	Williamson
Reding	Schulz	Smogard	Voss	Wynia
Rice	Searle	Spanish	Waldorf	Zubay
Rose	Searles	Stanton	Welch	Speaker Sabo
St. Onge	Sherwood	Stoa	Wenstrom	
Samuelson	Sieben, H.	Suss	Wenzel	
Sarna	Sieben, M.	Swanson	White	
Savelkoul	Simoneau	Tomlinson	Wieser	

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. 320, A bill for an act relating to labor; providing for reduction of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, Subdivision 9; 177.24; 177.28, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 320, that the Speaker appoint a Conference Committee of 3 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.

Mr. Speaker:

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

S. F. Nos. 157, 158, 1070 and 1086.

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. 1106 and 1418.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 157, A bill for an act relating to elections; providing for payment of costs of certain special elections; imposing duties on the secretary of state; appropriating money; amending Minnesota Statutes 1976, Section 204A.24.

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

S. F. No. 158, A bill for an act relating to taxation; payments in lieu of taxes on certain tax exempt land; providing for state reimbursement of taxing districts for tax reductions on Title II, farmers home administration, and class 3cc property; appropriating funds; amending Minnesota Statutes 1976, Sections 273.13, Subdivision 17b; 275.51, by adding a subdivision; 276.04; and Chapter 273, by adding a section.

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

S. F. No. 1070, A bill for an act relating to franchises; concerning franchise fees; amending Minnesota Statutes 1976, Sections 80C.01, Subdivisions 4 and 9; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

The bill was read for the first time.

Arlandson moved that S. F. No. 1070 and H. F. No. 1132, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1086, A bill for an act relating to licenses fees; permitting municipalities to set maximum fees for off-sale intoxicating liquor licenses with a maximum annual increase in fees; and for licenses for the sale of cigarettes; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 14 and 461.12.

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

S. F. No. 1106, A bill for an act relating to solid waste disposal; authorizing counties to prohibit transportation of solid waste to other counties for disposal; authorizing counties to designate disposal sites for solid waste generated within their boundaries; amending Minnesota Statutes 1976, Section 400.04, by adding a subdivision.

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

S. F. No. 1418, A bill for an act relating to bodies of water; allowing counties to exercise certain functions with approval of district; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1.

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

### CONSENT CALENDAR

S. F. No. 617, A bill for an act relating to the university of Minnesota; conferring university of Minnesota peace officers with limited powers of arrest; governing the operation and parking of vehicles upon property owned, leased or occupied by the regents of the university of Minnesota; amending Minnesota Statutes 1976, Sections 137.12; 169.123, Subdivision 1; 169.965, Subdivision 1; 626.05, Subdivision 2; 626A.01, Subdivision 7; and Chapter 626, by adding a section.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Munger	Sieben, H.
Adams	Cummiskey	Jude	Murphy	Sieben, M.
Albrecht	Dahl	Kahn	Neisen	Simoneau
Anderson, B.	Dean	Kaley	Nelsen, B.	Skoglund
Anderson, D.	Eken	Kalis	Nelsen, M.	Smogard
Anderson, G.	Ellingson	Kelly, R.	Nelson	Spanish
Anderson, I.	Enebo	Kelly, W.	Norton	Stanton
Anderson, R.	Erickson	Kempe, A.	Novak	Stoa
Arlandson	Esau	Kempe, R.	Pehler	Suss
Battaglia	Ewald	King	Peterson	Swanson
Beauchamp	Faricy	Knickerbocker	Petraleso	Tomlinson
Begich	Fjoslien	Kostohryz	Pleasant	Vanasek
Berg	Forsythe	Kroening	Prahl	Voss
Berglin	Friedrich	Kvam	Reding	Waldorf
Berkelman	Fudro	Laidig	Rice	Welch
Biersdorf	Fugina	Langseth	Rose	Wenstrom
Birnstihl	George	Lehto	St. Onge	Wenzel
Brandl	Gunter	Mangan	Samuelson	White
Byrne	Hangerud	Mann	Sarna	Wieser
Carlson, A.	Haugerud	McCarron	Savelkoul	Wigley
Carlson, D.	Heinitz	McCollar	Scheid	Williamson
Casserly	Hokanson	McDonald	Schulz	Wynia
Clark	Jacobs	McEachern	Searle	Zubay
Clawson	Jaros	Metzen	Searles	Speaker Sabo
Cohen	Jensen	Moe	Sherwood	

Those who voted in the negative were:

Braun	Brinkman	Den Ouden	Niehaus	Osthoff
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The bill was passed and its title agreed to.

S. F. No. 1415, A bill for an act relating to Independent School District 625; providing for the severance pay of employees.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Moe	Searles
Adams	Corbid	Johnson	Munger	Sherwood
Albrecht	Cummiskey	Jude	Murphy	Sieben, H.
Anderson, B.	Dahl	Kahn	Neisen	Sieben, M.
Anderson, D.	Dean	Kaley	Nelson, B.	Simoneau
Anderson, G.	Den Ouden	Kalis	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kelly, R.	Nelson	Smogard
Anderson, R.	Eken	Kelly, W.	Niehaus	Spanish
Arlandson	Enebo	Kempe, A.	Novak	Stanton
Battaglia	Erickson	Kempe, R.	Osthoff	Stoa
Beauchamp	Esau	King	Patton	Suss
Begich	Ewald	Knickerbocker	Pehler	Swanson
Berg	Faricy	Kostohryz	Peterson	Tomlinson
Berglin	Fjoslien	Kroening	Petrafaso	Vanasek
Berkelman	Forsythe	Kvam	Pleasant	Voss
Biersdorf	Friedrich	Laidig	Prahl	Waldorf
Birnsthil	Fudro	Langseth	Reding	Welch
Brandl	Fugina	Lehto	Rice	Wenstrom
Braun	George	Lemke	Rose	Wenzel
Brinkman	Gunter	Mangan	St. Onge	White
Byrne	Hanson	Mann	Samuelson	Wieser
Carlson, D.	Haugerud	McCarron	Sarna	Wigley
Carlson, L.	Heinitz	McCollar	Savelkoul	Williamson
Casserly	Hokanson	McDonald	Scheid	Wynia
Clark	Jacobs	McEachern	Schulz	Zubay
Clawson	Jaros	Metzen	Searle	Speaker Sabo

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 54, A bill for an act relating to state government; purchase of products and services from sheltered workshops and

work activity programs; setting standards for price determination; amending Minnesota Statutes 1976, Section 16.281, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Faricy moved that the House concur in the Senate amendments to H. F. No. 54 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 54, A bill for an act relating to state procurement; extending the program for procurement from sheltered workshops and work activity programs; permitting purchase price to exceed fair market price; amending Minnesota Statutes 1976, Section 16.281, Subdivisions 1 and 3; and Laws 1975, Chapter 171, Section 2.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sieben, H.
Adams	Corbid	Jude	Neisen	Sieben, M.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Dahl	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Dean	Kalis	Nelson	Smogard
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, I.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, R.	Eken	Kempe, A.	Novak	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	King	Patton	Swanson
Beauchamp	Esau	Knickerbocker	Pehler	Tomlinson
Begich	Ewald	Kostohryz	Peterson	Vanasek
Berg	Faricy	Kroening	Petrafero	Voss
Berglin	Fjoslien	Kvam	Pleasant	Waldorf
Berkelman	Forsythe	Laidig	Prahl	Welch
Biersdorf	Friedrich	Langseth	Reding	Wenstrom
Birnstihl	Fudro	Lehto	Rice	Wenzel
Brandl	Fugina	Lemke	Rose	White
Braun	George	Mangan	St. Onge	Wieser
Brinkman	Gunter	Mann	Samuelson	Wigley
Byrne	Hanson	McCarron	Sarna	Williamson
Carlson, A.	Haugerud	McCollar	Savelkoul	Wynia
Carlson, D.	Heinitz	McDonald	Scheid	Zubay
Carlson, L.	Hokanson	McEachern	Schulz	Speaker Sabo
Casserly	Jacobs	Metzen	Searle	
Clark	Jaros	Moe	Searles	
Clawson	Jensen	Munger	Sherwood	

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

## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 1467.

S. F. No. 1467 was reported to the House.

Norton moved to amend S. F. No. 1467, as follows:

Strike everything after the enacting clause and insert:

"Section 1. [STATE DEPARTMENTS; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1977", "1978", and "1979", wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

	APPROPRIATIONS Available for the year Ending June 30,	
	1978	1979
	\$	\$
<b>Sec. 2. THE LEGISLATURE</b>		
Subdivision 1. For the House of Representatives .....	7,100,000	8,000,000
Subd. 2. For the Senate .....	4,125,000	4,125,000
Subd. 3. Legislative Coordinating Commission		
(a) Legislative Reference Library	258,910	244,460
(b) Revisor of Statutes .....	1,098,401	1,442,317
(c) Office of Legislative Research Science and Technology Project .....	47,250	47,250
Subd. 4. Legislative Audit Commission		
(a) Legislative Audit Commission	25,000	25,000
(b) Legislative Auditor .....	1,830,652	1,885,224

	1978	1979
	\$	\$
Subd. 5. Legislative Commission on Pensions and Retirement .....	98,500	98,500
Subd. 6. Mississippi River Parkway Commission .....	- 0 -	- 0 -
For 1977 — \$3,000		

This appropriation is from the trunk highway fund.

### Sec. 3. SUPREME COURT

Subdivision 1. General Operations and Management .....	1,800,604	1,876,703
Subd. 2. Supreme Court Contingent	28,750	3,750

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 3. Judges' Retirement .....	690,000	710,000
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To be disbursed by the executive director of the Minnesota state retirement system, subject to the provisions of Laws 1975, Chapter 418.

Sec. 4. DISTRICT COURT .....	2,617,970	2,617,970
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For 1977 — \$19,000

To be disbursed by the commissioner of finance.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 5. JUDICIAL COUNCIL ...	148,036	153,975
------------------------------	---------	---------

The amounts that may be expended from this appropriation for each activity are as follows:

	1978	1979
	\$	\$
Judicial Council Expenses		
1978	1978	1979
\$1,800	\$4,700	
County Judicial Advisory Service		
\$45,977	\$47,530	
Office of Administrator for Fifth and Eight District Courts		
\$100,259	\$101,745	

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 6. BOARD ON JUDICIAL STANDARDS	152,307	147,807
-------------------------------------	---------	---------

#### Approved Complement — 2

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The executive secretary of the board on judicial standards shall be an attorney at law.

The salary of a district, county, municipal or probate judge shall not be paid upon notification to the commissioners of finance by the board on judicial standards that the judge is not in compliance with the provisions of Minnesota Statutes, Section 546.27.

The board on judicial standards shall review the records of each judge twice annually to review compliance and with individual exceptions in which the Board finds that a judge has compelling reasons for noncompliance, the Board shall issue notification for each judge not in compliance with Minnesota Statutes, Section 546.27.

	1978	1979
	\$	\$

The board may cancel a notice of non-compliance upon finding that a judge has returned his status to compliance, but in no event shall a judge be paid his salary for the period in which the notification of noncompliance is in effect.

#### Sec. 7. STATE LAW LIBRARY

General Operations and Management	262,925	266,267
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Approved Complement — 8

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Sec. 8. PUBLIC DEFENDER

General Operations and Management	572,801	576,695
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Approved Complement — 22

The amounts that may be expended from this appropriation for each activity are as follows:

#### Public Defender Operations

\$424,651	\$424,073
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None of this appropriation shall be used for the defense of misdemeanors unless the city or county public defender, if any, refuses or is unable to defend and then only by order of the court.

#### Legal Assistance to Minnesota Prisoners

\$105,533	\$103,363
-----------	-----------

Legal assistance to Minnesota prisoners shall serve the civil legal needs of persons confined to state institutions. None of these funds shall be used to pay for lawsuits against public agencies or

1978                      1979  
\$                                      \$

public officials to change social or public policy.

Legal assistance to Minnesota prisoners shall make an interim report to the legislative commission to review administrative rules on or before July 1, 1978. The commission shall review and comment on the propriety of the cases handled and may, using the provisions of Minnesota Statutes, Section 3.965 suspend the activities of legal assistance to Minnesota prisoners. Unencumbered money shall cancel to the general fund.

**Legal Advocacy Project**

\$42,617              \$49,259

Sec. 9. TAX COURT OF APPEALS                      78,791              78,997

Approved Complement — 2

**Sec. 10. CONTINGENT ACCOUNTS**

Subdivision 1. The appropriations in this section shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Subd. 2. General ..... 3,362,000              4,401,000

Subd. 3. Game and Fish ..... 50,000              50,000

This appropriation is from the game and fish fund.

Subd. 4. Motor Vehicle ..... 75,000              75,000

This appropriation is from the highway user tax distribution fund for the

	1978	1979
	\$	\$
purpose of supplementing any requirements of the department of public safety, motor vehicle services section, for salaries, supplies, and expense.		
Subd. 5. Postage .....	250,000	250,000

For postage rate increases during the biennium ending June 30, 1979, where sufficient appropriations are not available.

Of the above amount \$125,000 each year is appropriated from the highway user tax distribution fund to meet the needs of the motor vehicle section of the department of public safety.

Subd. 6. Traffic Safety .....	75,000	75,000
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This appropriation is from the trunk highway fund for the purpose of supplementing any requirements of the department of public safety for traffic safety programs.

Subd. 7. Criminal Justice .....	810,000	810,000
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This appropriation is available to provide additional matching money for the various state agencies and local governments for programs qualifying under the safe streets and omnibus crime control act of 1968, as amended.

Matching money shall only be used for the grant for which it was provided. Before any matching money not used by the subgrantee can be used as match for other grants, the governor, after consultation with the legislative advisory commission, must approve its expenditure.

At least 30 days before action by the legislative advisory commission, the crime commission shall submit the individual project requests to the committee on finance of the senate and the com-

	1978	1979
	\$	\$

mittee on appropriations of the house of representatives for review.

### Sec. 11. GOVERNOR

Subdivision 1. General Support	946,885	967,502
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The amounts that may be expended from this appropriation for each activity are as follows:

#### General Operations and Management

\$931,885	\$950,002
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If the commissioner of public safety assigns a highway patrol officer as a personal aide to the governor below the rank of sergeant, the officer shall receive the rank and pay of a sergeant while on the assignment.

#### Personal Expenses Connected With Office

\$15,000	\$15,000
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#### Official Governor's Portrait

\$2,500
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Subd. 2. Interstate Representation and Cooperation	199,122	200,855
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The amounts that may be expended from this appropriation for each activity are as follows:

#### National Governors Conference

\$24,750	\$26,483
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#### Education Council

\$20,000	\$20,000
----------	----------

	1978	1979
	\$	\$
Upper Great Lakes Regional		
Commission — State Share		
\$71,000	\$71,000	
This appropriation shall cancel if the federal support for the regional commission is withdrawn.		
Great Lakes Basin		
Commission — State Share		
\$22,300	\$22,300	
Upper Mississippi Basin		
Commission — State Share		
\$45,000	\$45,000	
Missouri River Basin		
Commission — State Share		
\$16,072	\$16,072	
Subd. 3. Liaison for Spanish		
Speaking People	50,224	51,199
Approved Complement — 2		
Subd. 4. Task Force on Waste and Mismanagement		
	75,000	75,000
Approved Complement — 2		
Subd. 5. Governor's Commission on Crime Prevention and Control		
	69,767	69,767
Approved Complement — 86		
General — 35		
Federal — 51		

	1978	1979
	\$	\$
Subd. 6. Governor's Manpower Office .....	1,200,000	1,200,000

Approved Complement — 132

This appropriation is the state match for grants to community action agencies and for administrative costs of the economic opportunity activity.

### Sec. 12. LIEUTENANT GOVERNOR

Subdivision 1. General Operations and Management .....	250,258	252,379
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Approved Complement — 9

Subd. 2. Personal Expenses Connected With Office .....	2,000	2,000
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The budget for the office of lieutenant governor includes money to establish a federal relations office in Washington, D.C. This office will cooperate with and provide services for the committees and members of the Minnesota legislature as well as the executive branch.

### Sec. 13. SECRETARY OF STATE

General Operations and Management	574,223	855,079
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Approved Complement — 27

The amounts that may be expended from this appropriation for each activity are as follows:

#### Elections and Documents

\$139,889      \$455,864

For 1977 — \$15,440

	1978	1979
	\$	\$
Uniform Commercial Code		
	\$37,084	\$37,846
For 1977 — \$2,478		
Corporations		
	\$239,620	\$200,140
Administration		
	\$157,630	\$161,229

The secretary of state with the approval of the commissioner of finance may transfer unexpended balances among the above activities. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 14. STATE AUDITOR .....	209,521	209,642
Approved Complement — 111		
General — 8		
Revolving — 103		

The state auditor shall return to the general fund \$50,000 appropriated by Laws 1973, Chapter 720, Section 10, Subdivision 3 to the state auditor's revolving fund for a study of local government accounting systems, practices, and reporting.

Sec. 15. STATE TREASURER ...	452,243	458,397
Approved Complement — 26		
General — 22		
Special Revenue — 4		
Sec. 16. ATTORNEY GENERAL		

	1978	1979
	\$	\$
Approved Complement		
1978 — 192		1979 — 194
Subdivision 1. General Operations and Management .....	5,206,760	5,212,020
Subd. 2. Special Contingent .....	25,000	25,000
<p>This appropriation shall not be available for paying the costs of special, legal, accounting, and investigative personnel retained in cases arising under Minnesota Statutes, Section 501.12, hereafter filed unless the attorney general shall decide in a case that all the beneficiaries are not adequately represented, or that there is a likelihood that the purpose of the trust may be frustrated without his intervention and that the state has a substantial interest in carrying out the purpose of the trust.</p>		
Subd. 3. Antitrust .....	224,059	225,465
<p>This appropriation is for costs and expenses incurred by the attorney general in enforcing and making claims under state and federal antitrust laws.</p> <p>The attorney general shall report the purposes for which the moneys appropriated by this subdivision are utilized. The reports shall be made to the committee on finance of the senate and the committee on appropriations of the house of representatives at the end of each fiscal year.</p> <p>If an appropriation in subdivisions 2 and 3 for either year is insufficient, the appropriation for the other year is available for it.</p>		
Subd. 4. Minnesota Peace Officers Training Board		
(a) General Operations and Management .....	76,795	79,125

	1978	1979
	\$	\$
Approved Complement — 3		
(b) Reimbursements to Local Governments .....	350,000	350,000

Reimbursements for costs of substitute local protection while officers attend regular training courses.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 17. ETHICAL PRACTICES ..	147,019	146,880
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Approved Complement — 5

Sec. 18. INVESTMENT BOARD ..	875,528	898,099
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Approved Complement

1978 — 29      1979 — 30

#### Sec. 19. STATE PLANNING AGENCY

Subdivision 1. State Planning and Development .....	318,753	320,924
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Approved Complement — 137

General — 105

Federal — 30

Revolving — 2

The amounts that may be expended from this program appropriation for each activity are as follows:

#### State Development Planning

\$21,005	\$21,412
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\$120,000 is placed in the general contingent account to establish a special task force to develop state and regional

	1978	1979
	\$	\$

growth plans and recommend a policy for economic development in Minnesota.

These funds shall be authorized for use by the governor, upon recommendation of the legislative advisory commission.

The governor shall establish a task force consisting of no more than 15 persons including representatives from the state legislature, elected officials of local government, persons from private industry and state government, and individuals who, by profession, analyze regional economic growth patterns. The governor shall select one person as chairperson.

The state planning agency shall be the administrative focus of this task force. Staff selected for work on this project shall report directly to the task force.

This task force shall: (1) examine social, environmental and economic costs and benefits of economic development; (2) utilizing data from the state demographer, consider demographic shifts which affect employment patterns, needs for educational institutions, tax bases and other growth factors in an area; (3) identify relationships of economic development to these demographic changes in Minnesota; and, (4) make recommendations for optional patterns of economic development in Minnesota considering social, environmental and economic needs as well as demographic shifts.

The task force shall make its recommendations to the Minnesota legislature no later than November 15, 1978.

#### Housing Studies

\$16,746	\$16,984
----------	----------

State/Local/Regional Policy  
Development

		1978	1979
		\$	\$
	\$55,559	\$55,746	
Program Review			
	\$25,409	\$25,452	
Planning Information			
	\$19,600	\$19,897	
Population Forecasts			
	\$180,434	\$181,433	
Subd. 2. Functional Area Planning		6,192,286	1,930,218

The amounts that may be expended from this program appropriation for each activity are as follows:

#### Health Planning

\$71,417	\$72,766
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#### Development Disabilities Grants

\$102,178	\$103,084
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#### Transportation Systems Planning

\$42,741	\$43,326
----------	----------

#### Environmental Systems Planning

\$335,387	\$339,131
-----------	-----------

#### Environmental Quality Council Administration

\$420,862	\$433,825
-----------	-----------

Funds appropriated in this activity shall include a study of the feasibility of establishing an office of environmental analysis for the state of Minnesota to be responsible for the completion of environmental impact statements for

	1978	1979
	\$	\$

the Minnesota state agencies. The study, which should be completed in cooperation with the committee on finance in the senate and the committee on appropriations in the house of representatives in time for consideration by the 1978 legislative session, shall include a financial analysis of the personnel and budget requirements of establishing the office. The analysis should compare fiscal requirements of establishing a new office of environmental analysis with the present system of preparing environmental impact statements.

#### Critical Areas Planning

\$377,559	\$78,663
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#### Power Plant Studies

\$460,902	\$474,331
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#### Land Use Planning

\$194,799	\$197,409
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#### EIS/Special Studies

\$4,000,000	
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For expenses incurred in hearings and for allocation to appropriate state agencies for the preparation of environmental impact statements.

The balance of the appropriations made by Laws 1976, Chapter 331, Section 20 to the State Planning Agency for the copper-nickel regional environmental impact study shall not cancel on June 30, 1977 but shall remain available until expended.

#### Environmental Conservation Library

\$90,000	\$90,000
----------	----------

	1978	1979
	\$	\$
Human Resources Planning		
	\$96,441	\$97,683
Subd. 3. Regional and Local Planning and Management Assistance	2,728,785	2,499,124

The amounts that may be expended from this program appropriation for each activity are as follows:

#### Regional Assistance

\$142,015      \$143,737

#### Technical Assistance

\$1,564,270      \$1,332,887

Of this amount \$100,000 in the first year are for completion of the local government fiscal study and \$134,000 in the first year are for completion of the Minneapolis-St. Paul study.

#### Planning Assistance Grants

\$1,022,500      \$1,022,500

Subd. 4. General Administration	315,401	321,226
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The director of the state planning agency with the approval of the commissioner of finance may transfer unencumbered balances among the above programs and activities. All transfers shall be reported forthwith to the committee on finance in the senate and the committee on appropriations in the house of representatives.

### Sec. 20. ADMINISTRATION

Subdivision 1. General Operations and Management	14,345,399	14,505,801
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Approved Complement — 1030

General — 484      Special — 11

	1978	1979
	\$	\$
Federal — 6		
Revolving — 529		

The amounts that may be expended from this appropriation for each program are as follows:

Program and Management Improvement

\$629,401	\$639,412
-----------	-----------

Management Information Services

\$494,880	\$498,584
-----------	-----------

General Services

\$12,187,521	\$12,314,749
--------------	--------------

This appropriation includes the following sums to assist in the provision of criminal and juvenile defense to indigent individuals:

St. Paul — Neighborhood Justice Center, Inc.

For cases arising in Ramsey county.

\$90,000	\$95,000
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Minneapolis — Legal Rights Center Inc.

For cases arising in Hennepin county.

\$50,000	\$55,000
----------	----------

Duluth — Duluth Indian Legal Assistance Program

For cases arising in St. Louis and Mille Lacs Counties.

\$80,000	\$85,000
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	1978	1979
	\$	\$

Cass Lake — Leech Lake Reservation  
Criminal and Juvenile Defense Corp.

For cases arising in Cass, Itasca,  
Hubbard, and Beltrami Counties.

\$47,500	\$52,500
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White Earth — White Earth Reser-  
vation Criminal and Juvenile Defense  
Corp.

For cases arising in Mahnomon,  
Becker, and Clearwater Counties.

\$47,500	\$52,500
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Each corporation, in order to insure  
broad support and continued operation,  
is strongly encouraged to seek addi-  
tional monetary support from federal  
agencies, local governments, private  
agencies, and community groups, and  
after June 30, 1978, is required to pro-  
vide a minimum of 25 percent match  
from nonstate sources.

#### General Support

\$1,033,597	\$1,053,056
-------------	-------------

The commissioner of administration  
with the approval of the commissioner  
of finance may transfer unencumbered  
balances among the above programs.  
Transfers shall be reported forthwith  
to the committee on finance of the  
senate and the committee on appropria-  
tions of the house of representatives.

Subd. 2. Energy Survey — State  
Buildings

\$250,000
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Sec. 21. CAPITOL AREA ARCHI-  
TECTURAL AND PLANNING  
BOARD

83,667	84,728
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	1978	1979
	\$	\$
Approved Complement — 3		
<b>Sec. 22. FINANCE</b>		
Subdivision 1. General Operations and Management .....	4,524,054	4,639,498
Approved Complement — 124		

The amounts that may be expended from this appropriation for each program are as follows:

**Financial Operations**

\$2,499,926    \$2,567,788

**Financial Management**

\$1,507,320    \$1,537,565

**General Support**

\$516,808    \$534,145

The commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 2. Public employment study .. 500,000

None of the funds appropriated by this item may be expended until the commissioner of finance has consulted with the legislative advisory commission as provided in Minnesota Statutes, Section 3.30.

Any balance remaining on June 30, 1978 shall not cancel, but be available for the second year.

All units of state and local government, including retirement systems, shall furnish information requested by the department of finance. The department of finance shall submit its report

	1978	1979
	\$	\$
and recommendations to the legislature by January 15, 1979.		

Sec. 23. PERSONNEL

General Operations and Management	2,266,108	2,290,570
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Approved Complement — 106

General — 93

Federal — 6

Revolving — 7

The amounts that may be expended from this appropriation for each program are as follows:

Personnel Technical Services

\$663,711	\$662,472
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Training and Development

\$316,955	\$321,064
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By November 1, 1977, each state department shall submit to the committee on finance of the senate and the committee on appropriations of the house of representatives a list showing, by line item, the amount of money for employee training in its fiscal 1978 and 1979 budgets.

By January 1, 1978, the commissioner of personnel shall propose guidelines to the state departments for the establishment and administration of special career training programs for class C clerical civil service employees.

By July 1, 1978, each state department shall have a plan approved by the commissioner of personnel to use 50 percent of its training money for special career training programs for class C clerical civil service employees.

	1978	1979
	\$	\$
Employee, Employer Services		
\$482,799	\$490,714	
Local Government Services		
\$30,452	\$30,859	
General Support		
\$772,191	\$785,461	

The commissioner of personnel with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

In the case of state departments, agencies, and institutions that are financed in whole or in part with federal money, the portion of the cost of collecting social security contributions that is chargeable to federal money shall be reimbursed from federal money, and the amount necessary is appropriated from federal money for that purpose.

The cost of collecting employees' social security contributions and the state's matching share for reimbursement to the U.S. Secretary of the Treasury for state departments, agencies, and institutions whose salaries are provided by open, standing, continuing, or revolving appropriations or so called dedicated receipt accounts shall be reimbursed to the state agency revolving fund from those appropriations or dedicated receipt accounts, and the amount necessary is appropriated from those appropriations and accounts for that purpose.

	1978	1979
	\$	\$
Approved Complement — 1		
<b>Sec. 25. REVENUE</b>		
General Operations and Management .....	21,189,992	21,716,480

Approved Complement — 949

The amounts that may be expended from this appropriation for each program are as follows:

**Revenue Management**

\$5,969,149      \$6,267,308

**Income, Sales, and Use Tax Management**

\$11,077,387      \$11,203,174

**Property and Special Taxes Management**

\$4,061,796      \$4,164,041

**Assessors Board and Assessors Training**

\$81,660      \$81,957

The commissioner of revenue with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

**Sec. 26. AGRICULTURE**

General Operations and Management .....	10,145,292	11,069,372
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Approved Complement — 483

General — 400

	1978	1979
	\$	\$
Special — 80		
Federal — 3		

The amounts that may be expended from this appropriation for each program are as follows:

**Development and Protection of Agricultural Resources**

\$7,543,348      \$8,429,676

**Food Processing and Economic Practices**

\$1,701,124      \$1,731,072

**General Support**

\$900,820      \$908,624

The appropriation for general support includes the following amounts for grants to agricultural societies and associations.

**(a) For Expenses of the Junior Livestock Show in Duluth**

\$1,400      \$1,400

To be paid to the junior livestock association of Duluth and to be expended by the association for the payment of the expenses and transportation of boys and girls displaying exhibits and in attendance at the junior livestock show at Duluth and for prizes awarded to exhibitors at said show.

**(b) For Aid to Minnesota Livestock Breeders Association**

\$14,200      \$14,200

	1978	1979
	\$	\$
(c) For Aid to Northern Sheep Growers Associations	\$1,125	\$1,125

(d) For Aid to Southern Sheep Growers Associations at LeSueur, Minnesota

\$500	\$500
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(e) For Red River Valley Livestock Associations

\$7,500	\$7,500
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The amount appropriated by clause (e) shall be disbursed pursuant to provisions of Minnesota Statutes, Section 38.02.

(f) For the Red River Valley Dairyman's Association, Inc., for the purpose of promoting better dairying

\$1,500	\$1,500
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Clauses (b), (c), (d), (e), and (f) shall be expended under provisions of Minnesota Statutes, Section 17.07.

(g) Aid to County and District Agricultural Societies

\$320,000	\$320,000
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Of the amount appropriated by clause (g), \$4,500 each year is for livestock premiums to county fair associations for carrying on boys' and girls' club work.

The amount appropriated by clause (g) shall be disbursed according to Minnesota Statutes, Section 38.02.

1978

1979

\$

\$

Out of the amounts appropriated by clause (g), \$1,000 each year shall be available for agricultural aid to the Red Lake Band of Chippewa Indians, to be expended as may be directed by the Indian council for the purpose of encouraging activities and arts that will advance the economic and social interest of their people and particularly to promote a program of agricultural development that will utilize to the greatest possible extent the lands and forest owned by them. This appropriation may be used to help maintain an agricultural extension service, to promote 4-H club work, or for premiums for the competitive display of exhibits at any fair or exposition that may be arranged under the direction of the council.

(h) For Aid in Payment of premiums at Exhibitions of Poultry for the poultry associations mentioned in Laws 1949, Chapter 718, Section 7, Subdivision 8.

\$3,500

\$3,500

Out of the amounts appropriated by clause (h) the amount of \$1,125 shall be allotted each fiscal year to aid the Minnesota state poultry association in the payment of premiums and other necessary expenses, exclusive of salaries or wages of any kind, at its annual exhibition.

The northern poultry association (being a consolidation of 14 northwestern county associations) shall receive not to exceed \$150.

The commissioner of agriculture with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfer shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

	1978	1979
	\$	\$

**Sec. 27. LIVESTOCK SANITARY BOARD**

General Operations and Management	1,146,954	1,158,912
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Approved Complement — 45

This appropriation includes \$20,000 each year for payment of indemnities. If the appropriation for indemnities for either year is insufficient, the appropriation for the other year is available for it. Indemnities of less than \$1 shall not be paid.

**Sec. 28. NATURAL RESOURCES**

Subdivision 1. General Operations and Management	38,576,534	39,803,167
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Approved Complement — 1319

General — 790

Game and Fish — 493

Federal — 34

Agency — 2

The amounts that may be expended from this appropriation for each program are as follows:

**Administrative Services**

\$4,245,411	\$4,345,167
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**Regional Administration**

\$2,540,881	\$2,585,519
-------------	-------------

**Field Services Support**

\$3,252,626	\$3,352,252
-------------	-------------

**Water Resources Management**

		1978	1979
		\$	\$
	\$1,901,412	\$1,927,039	
<b>Mineral Resources Management</b>			
	\$1,258,033	\$1,277,610	
<b>Forest Management</b>			
	\$5,465,693	\$5,572,442	
<b>Fish Management</b>			
	\$4,364,440	\$4,431,891	
<b>Wildlife Management</b>			
	\$3,751,651	\$3,852,345	
<b>Ecological Surveys and Services</b>			
	\$597,028	\$609,329	
<b>Parks and Recreation Management</b>			
	\$5,755,705	\$5,835,969	
<b>Soil and Water Conservation Commission</b>			
	\$614,845	\$619,641	
<b>Enforcement of Natural Resources Laws and Rules</b>			
	\$4,828,809	\$4,893,963	

The commissioner of natural resources with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Of this appropriation, \$24,536,350 for the first year and \$24,991,437 for

	1978	1979
	\$	\$

the second year are appropriated from the general fund; \$13,540,184 for the first year and \$13,811,730 for the second year are appropriated from the game and fish fund; and \$500,000 each year is appropriated from the consolidated conservation areas account.

In addition to the amounts herein appropriated, all money credited to the game and fish fund under Minnesota Statutes, Section 296.421, Subdivision 4, is appropriated to the commissioner of natural resources for the acquisition, improvement, development and maintenance of sites for public access to public waters and for lake improvement.

Subd. 2. Supplemental Appropriations .....	4,116,497	3,083,423
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Approved Complement — 27

General — 18

IRRR & B — 8

Game and Fish — 1

For 1977 — \$486,000

The amounts that may be expended from this appropriation for each budget activity are as follows:

Wildlife Land Acquisition

\$600,000	\$600,000
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Forest Inventory

\$482,803	\$190,612
-----------	-----------

Canoe and Boating River Sites

\$57,506	\$43,823
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	1978	1979
	\$	\$
Youth Conservation Corps		
\$179,558	\$112,403	
Reservation Conservation Law Enforcement		
\$75,000	\$75,000	
Public Access and Lake Improvement Per Minnesota Statutes, Section 296.-421, Subdivision 4		
\$454,134	\$454,815	
Trails		
\$928,019	\$931,376	
Mineland Reclamation		
\$202,514	\$210,961	
Flood Plain Management		
Southern Minnesota Rivers Basin		
\$252,088	\$252,433	
Peat Assessment and Lease Policy		
\$113,000	\$112,000	
Emergency Fire Fighting		
\$100,000	\$100,000	
For 1977 — \$486,000		
Radio Communication System Forestry and Warden Service Per Alternate Plan 6		
\$671,875		

Of the appropriations in this subdivision, \$486,000 in 1977, \$2,814,849 in 1978, and \$1,772,647 in 1979 are appro-

	1978	1979
	\$	\$

riated from the general fund; \$499,134 in 1978 and \$499,815 in 1979 are appropriated from the game and fish fund; \$600,000 in 1978 and \$600,000 in 1979 are appropriated from the wildlife acquisition account; and \$202,514 in 1978 and \$210,961 in 1979 are appropriated from the iron range resources and rehabilitation account.

Lake Byllesby Dam

\$150,000

Provided that this appropriation is matched by Dakota and Goodhue counties.

The appropriation is from the general fund and is available until the project is completed.

For all appropriations in this subdivision, if the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Notwithstanding any other law to the contrary money appropriated for trails may be used to fence snowmobile trails to protect private property.

Sec. 29. ZOOLOGICAL BOARD

General Operations and Management	3,575,535	4,947,678
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Approved Complement

	1978 — 157	1979 — 165
General —	155	163
Special —	1	1
Federal —	1	1
Other —	0	0

	1978	1979
\$		\$

The appropriation in fiscal year 1979 will be from the Minnesota zoological garden general account.

The amounts that may be expended from this appropriation for each program are as follows:

**Operations and Visitor Services**

\$2,713,008	\$3,616,850
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**Animal Management**

\$664,037	\$918,837
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**General Support**

\$198,490	\$411,991
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The director of the Minnesota zoological garden with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The fee structure for the Minnesota zoological garden shall not exceed \$2.50 for adults, age 17 and over, \$1.25 for children, ages 6-16, and free for children 5 and under.

**Sec. 30. WATER RESOURCES BOARD**

76,266	77,088
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Approved Complement — 3

All hearings of the water resources board shall be solely in the performance of expressed statutory duties.

**Sec. 31. POLLUTION CONTROL AGENCY**

	1978	1979
	\$	\$
Subdivision 1. General Operations and Management .....	4,666,859	4,595,799
Approved Complement — 254		
General — 177		
General — LCMR — 7		
Federal — 70		
For 1977 — \$39,870		

The amounts that may be expended from this appropriation for each program are as follows:

**Water Pollution Control**

\$1,884,704      \$1,901,690

**Air Pollution Control**

\$541,222      \$548,461

**Solid Waste Pollution Control**

\$457,891      \$450,301

**Regional Support**

\$405,290      \$410,757

**General Support**

\$1,377,752      \$1,284,590

The director of the pollution control agency with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The health department shall continue to render such staff services as the

	1978	1979
	\$	\$

agency may require from time to time through health's division of environmental health. The health department shall be reimbursed from this appropriation for the cost thereof.

Subd. 2. Special Studies .....	225,000
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The agency shall negotiate with the federal government, or any agency, bureau, or department thereof, for the purpose of securing or obtaining any grants of assistance in the completion of these studies.

Any unexpended balance remaining in the first year shall not cancel but is available for the second year of the biennium.

The appropriation in subdivision 2 includes \$50,000 for a special study for an evaluation of the resource recovery grants-in-aid program and the practical options available to communities in the state of Minnesota for source reduction, source separation and resource recovery.

Subd. 3. Resource Recovery-Grants-in-aid .....	9,000
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**Sec. 32. ENERGY**

General Operations and Management.	1,232,450	1,200,552
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**Approved Complement**

1978 — 40.5	1979 — 38
General — 38.5	38
Federal — 2	0

The amounts that may be expended from this appropriation for each program are as follows:

**Energy Conservation**

\$166,045	\$167,800
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	1978	1979
	\$	\$
<b>Energy Education and Local Services</b>		
	\$236,615	\$241,158
<b>Certificates of Need</b>		
	\$244,701	\$238,399
<b>Alternative Energy Research</b>		
	\$147,012	\$106,387
<b>Forecasting and Data Systems</b>		
	\$178,806	\$180,878
<b>General Support</b>		
	\$259,271	\$265,930

The director of the energy agency with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

### Sec. 33. IRON RANGE RESOURCES AND REHABILITATION

General Operations and Management	2,132,206	2,151,237
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It is the intent of the legislature that this appropriation approximates the amount of tax in Minnesota Statutes 1976, Section 298.44, Subdivision 1, Clause (3), and five percent of the proceeds of the taxes paid under the provisions of Minnesota Statutes 1976, Section 298.01 to 298.21.

### Sec. 34. NATURAL RESOURCES ACCELERATION

Subdivision 1. Legislative commission on Minnesota resources together with any sums received as grants-in-aid

	1978	1979
	\$	\$
from federal sources and any sums granted by private sources to carry out the purposes of the commission. Federal and private funds shall not cancel but remain available until expended.		
	180,000	180,000

The commission shall during the 1977-79 biennium review the work programs and progress reports required under subdivision 12 of this section and report its findings and recommendations to the committee on finance of the senate, committee on appropriations of the house of representatives and other appropriate committees. The commission shall establish oversight committees to continue review of a variety of natural resource subject areas as it deems necessary to carry out its legislative charge.

The commission shall continue to monitor the activities regarding establishment and development of Voyageurs National Park, and will cooperate and coordinate with the citizens advisory committee and all appropriate state, federal and local agencies and shall advise the legislature if necessary, on matters affecting state policy related thereto.

Natural resources acceleration appropriations to state agencies that receive programmatic appropriations shall be added to and disbursed from those respective programmatic appropriations. Those agencies will identify the source and disbursement of all moneys contained within the activities financed all or in part by programmatic appropriations or natural resources acceleration appropriations.

Subd. 2. Department of Agriculture	50,255	50,000
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Framework water plan—phase II. For the department role in phase II of the framework water and related land resources planning effort. The water re-

	1978	1979
	\$	\$
sources council, or board if created, shall coordinate the work programs and reports of all agencies involved.		
Subd. 3. Department of Economic Development .....	21,786	20,000

Framework water plan—phase II. For the department role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved.

Subd. 4. Energy Agency

(a) Framework water plan—phase II .....	106,927	105,000
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For the agency role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved. The water management information system shall be developed consistent and compatible with the Minnesota land management information system.

(b) Alternative energy grants ...	200,000	200,000
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This appropriation is available for grants to implement research and demonstration projects on alternative energy sources particularly appropriate to this state. At least one fourth of this amount shall be allocated for projects with high potential for commercialization. This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

(c) Energy grant monitoring ...	25,000	25,000
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	1978	1979
	\$	\$
For implementation of Minnesota Statutes 1976, Section 116H.128 and to insure that federal programs are employed to the best advantage of the state.		
(d) Energy grant application assistance .....	50,000	50,000

This appropriation is available for the agency to make or assist in making grant proposals and applications requiring extensive technical preparation for projects with very large potential financial and technical impacts.

#### Subd. 5. Department of Health

(a) Framework water plan — phase II .....	20,173	20,000
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For the department role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved.

(b) Southeast Minnesota groundwater contamination .....	20,600	20,500
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The department shall coordinate a multiagency approach to define the nature, extent and projected problems and solutions relating to contamination of groundwater in southeast Minnesota, involving the college of veterinary medicine, the Minnesota and United States geologic surveys. In addition the department shall develop appropriate models to project probable and possible future results.

Of this amount, the department shall contract with the United States geologic survey for an amount up to \$20,500 of state money which shall be at least equally matched with federal moneys, to analyze the interflow in uncased multi-aquifer wells.

	1978	1979
	\$	\$
Subd. 6. Minnesota Historical Society		
(a) Restoration of Fort Snelling — final appropriation .....	125,000	125,000
(b) Statewide archeologic survey ..	125,000	125,000

For a two year program to properly collate existing data and acquire data by survey, on additional significant sites. The final report shall be an authoritative document on the location, characteristics and significance for preservation of archeologic sites which will serve to eliminate the delays in environmental assessments and impact statements caused in recent times by lack of this information. The information shall be collected and organized in a manner consistent and compatible with the Minnesota land management information system. Confidentiality and disclosure requirements shall be observed where not in conflict with the objectives of producing a meaningful viable and useful report.

(c) Outdoor recreation act implementation .....	10,000	10,000
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For the second biennium of analysis, master planning and other activities required by Minnesota Statutes 1976, Chapter 86A. Work programs and status reports by the several agencies shall be submitted jointly. For the purposes of this subdivision, the Minnesota historical society is exempted from the competitive bidding procedures of Minnesota Statutes, Section 16.07.

Subd. 7. Department of Natural Resources

(a) Framework water plan—phase II .....	112,863	112,863
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For the department role in phase II of the framework water and related land resources planning effort. The



	1978	1979
	\$	\$
projects eligible for land and water conservation fund match or reimbursement.		

Up to \$3,000,000 of the unexpended balance from the appropriation made in Laws 1975, Chapter 415, Section 1, Subdivision 2 for land acquisition is reappropriated for land development as described in this subdivision.

(e) Upper St. Croix riverway development and acquisition .....	750,000	
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For land development and acquisition within the project area, to provide the balance of the state share of the state-federal project. Up to \$400,000 may be spent for acquisition if deemed necessary and all expenditures must be eligible for federal reimbursement.

(f) Management Upper St. Croix

The unexpended balance of the appropriation made in Laws 1975, Chapter 204, Section 55, Subdivision 6, Paragraph d, which could not be spent due to administrative delay beyond state control, is reappropriated for the same purpose.

(g) Planning for wild, scenic and recreational rivers .....	227,500	227,500
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For expenses related to data gathering, planning, public hearings and other activities preparatory to possible official designation of rivers or river segments as wild, scenic or recreational.

(h) Peat inventory project .....	125,000	125,000
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The department shall prepare an inventory of major peat areas describing the locations, types, amounts and qualities of peat, shall ascertain suitabilities for different uses and implement the terms of matching grants which may

	1978	1979
	\$	\$
be received from the national science foundation or other sources. Grants or matching moneys so received are appropriated for this purpose.		
(i) Iron range information analysis .....	50,000	50,000

The department shall develop and implement an information system for the data currently available and for new data which may be produced. Existing and prospective data shall be organized in a format consistent and compatible with the Minnesota land management information system, and shall be processed into that system.

(j) Long range plan .....	165,500	165,500
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In the coming biennium the department shall conduct an accelerated department wide planning effort to produce a long range plan which effectively shows the interagency and interdivisional cooperative processes which will be implemented to insure multidisciplinary approaches to resource management. The goals, objectives and policies of each division and the entire department shall be concise, clearly stated and effectively interrelated. After the biennium, periodic updating of the plan shall be accomplished within the regular budget.

(k) Land records systems merger .....	45,000	
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The department shall merge the land classification and land ownership records by July, 1978 to produce a single system for use in both research and administration in the department. The new system shall be consistent and compatible with the Minnesota land management information system and the resulting information provided to that system as applicable.

	1978	1979
	\$	\$
(l) Standardized land transactions .....	17,500	17,500

The department shall, in conjunction with other agencies, develop and implement the processes and forms necessary to produce a comprehensive standard land record system capable of interface with existing resource and facility data systems and the Minnesota land management information system.

(m) Statewide comprehensive outdoor recreation plan-surveys .....	165,000	165,000
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The department shall conduct a two year accelerated survey effort to procure the data on recreation participation and public opinion on recreation management necessary and sufficient to not only comply with federal requirements for an eligible plan, but also to provide quality data for incorporation into state and regional recreation and resource management decision making. The department shall also prepare and submit a suitable plan in order to maintain federal funding eligibility without lapse.

(n) Soil and water conservation board sediment and erosion control grants-in-aid .....	251,000	250,000
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This appropriation is available to provide funds for a demonstration grant-in-aid program to assist local units of government or local soil and water conservation districts in solving sediment and erosion control problems by providing matching funds not to exceed 50 percent of the total cost or 50 percent of the local share if federal funds are used. Guidelines for program operation and grant distribution shall be subject to approval by the legislative commission on Minnesota resources. Of the amount provided, not less than 90 percent shall be distributed as grants-in-aid. The board shall administer the

	1978	1979
	\$	\$
grant-in-aid program. Priority for distribution of funds shall be given to projects eligible for federal matching funds. Projects designed to solve streambank and roadside erosion shall be given first priority.		

If state legislation is enacted in 1977 which duplicates this program, this appropriation shall be placed into the natural resources federal reimbursement account and shall be in addition to the amounts appropriated in that account.

#### Subd. 8. Pollution Control Agency

(a) Framework water plan — phase II	18,904	18,903
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For the agency role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved. Staff necessary to accomplish this work shall be provided from among existing agency staff unless the agency determines that the particular duties are so technical and other programs of such high priority that hiring new staff is essential to success of the overall framework water planning.

(b) Lake improvement grants-in-aid	692,813	692,813
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The pollution control agency shall administer this appropriation to provide grants-in-aid to local units of government including lake improvement districts. Only grant proposals eligible for aid from the federal clean lakes act (section 314 of PL 92-500) shall be eligible under this program. State grants shall be available to provide up to 50 percent of the nonfederal share of each project and available only to projects with an approved federal grant. This appropriation shall be ex-

1978

1979

\$

\$

pending with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

Subd. 9. State Planning Agency

(a) Framework water plan — phase II

The agency shall be involved in phase II of the framework water and related land resources planning effort. The agency shall assist the other agencies involved on the interdisciplinary aspects of the issues which are identified and the policies which might be affected by alternative potential solutions to problems, using regular agency budget resources.

(b) Copper nickel regional impact study

1,021,000

1,021,000

For the final phase of the study initiated in 1975. The environmental quality council shall provide the expenditure plans, coordination and direction of the study. Staffing authorizations created through past and current appropriations for this study expire June 30, 1979 or sooner as study progress dictates. The primary objective of this study effort is preparation and submittal to the legislature in the 1979 session, of a report which provides the basis for legislative policy making in this issue area.

(c) Outdoor recreation act implementation

32,500

32,500

To provide both the staff for the agency review process required and the administrative support for the outdoor recreation advisory council, pursuant to Minnesota Statutes, Chapter 86A.

	1978	1979
	\$	\$
(d) Mapping and remote sensing information center .....	5,000	5,000

The agency shall establish a center and an advisory committee of user agency personnel. The agency will manage the information on what products already exist, coordinate proposed remote sensing and mapping efforts to avoid unnecessary duplication and generally improve access to available products. All state agencies shall cooperate with the center to provide information on both present and proposed remote sensing or mapping products and shall adjust proposed remote sensing activities to accommodate the widest practical use of the proposed products. Future operation of the center shall be supported from the regular agency budget, if justified.

(e) Manual of standard land terms	5,000	
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The agency shall produce by January 1, 1978 a manual which provides standard terms for use in describing land use and land cover in a format suitable to all state agencies involved to any extent in use of natural resource data. The terms in the manual shall be consistent and compatible with the Minnesota land management information system.

(f) Demonstration project MLMIS	55,000	55,000
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The agency shall conduct a one time pilot project, as the completion phase of development of the Minnesota land management information system, which will demonstrate the applicability of the system at the regional and local level. Further implementation at the regional or local level shall be provided only with regional or local financial support.

(g) Grants-in-aid for local recreation and natural areas .....	2,000,000	2,000,000
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This appropriation is to pay up to 50 percent of the total cost or 50 percent

	1978	1979
\$		\$

of the local share if federal matching funds are used, of long term lease, acquisition and development for recreational projects for the purposes described in Laws 1965, Chapter 810, Section 23, as amended by Laws 1969, Chapter 1139, Section 48, Subdivision 7, Paragraph g, except that no lake improvement grants are authorized under this subdivision and the per project limit for state grants shall be \$200,000.

\$2,000,000 of this appropriation shall be reserved for projects outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2.

The state planning agency shall administer the natural resources and land and water conservation fund grants-in-aid to local units of government. Notwithstanding any other law to the contrary these grants are not contingent upon the matching of federal grants.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

(h) Grants-in-aid for regional recreation and natural areas	2,000,000	2,000,000
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This appropriation is available to pay up to 50 percent of the total cost or 50 percent of the local share, where federal matching funds are used, for long term lease, acquisition and major development for recreation projects, natural areas and open space serving a regional need to counties, local units of government, special units of government and public educational institutions authorized to acquire, maintain and operate recreational and natural areas.

	1978	1979
	\$	\$

\$2,000,000 of this appropriation shall be reserved for projects outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2.

Priorities for the use of funds provided in this subdivision will be given to projects eligible for federal funding and which are consistent with priorities established by regional recreation and open space plans.

The amount needed but not to exceed \$1,000,000, in fiscal year 1978 and \$1,000,000 in fiscal year 1979, from this appropriation shall be transferred to the metropolitan council to pay principal and interest coming due in the respective fiscal years on bonds issued pursuant to Laws 1974, Chapter 563, Section 7, Subdivision 2; none of this amount may be expended for professional services.

The state planning agency shall administer the natural resources and land and water grants-in-aid program.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

(i) Regional significance designation .....	45,000	45,000
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The agency shall make grants to the various regional development commissions or other appropriate bodies, outside the area defined in Minnesota Statutes 1976, Section 473.121, Subdivision 2, to provide partial assistance to be distributed pursuant to the regular fiscal year contracts with the respective commissions. The grants are for the

	1978	1979
	\$	\$

preparation of lists of existing and prospective sites and facilities within each region which indicate, by priority for both acquisition and development, those areas which are considered as having regional significance. After July 1, 1978, grants-in-aid for recreation and natural areas under paragraph h, above, shall be made, so far as feasible, consistent with the listing prepared and submitted under this paragraph.

It is anticipated that this program will expire on or before June 30, 1979. If administrative rules are deemed necessary for this particular program by the attorney general, the agency shall amend existing administrative rules as applicable.

(j) Uniform generalized forest maps

The unexpended balance of the appropriation made in Laws 1975, Chapter 204, Section 55, Subdivision 7, Paragraph c, which could not be spent due to delay of the state forest inventory, is reappropriated.

Subd. 10. Regents of the university of Minnesota

(a) Mines directory	12,500	12,500
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To the department of civil and mineral engineering for publication of the directory. Future publishing of the directory shall be included in the regular budget.

(b) Pilot plant—copper nickel process		200,000
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To the department of civil and mineral engineering to develop and implement a pilot plant operation to demonstrate bulk and differential flotation of copper nickel ore. The work program shall be reviewed by the director of the

	1978	1979
	\$	\$
regional impact study and interim and final results submitted in sufficient time for incorporation into the reports of the study.		

(c) Study of autogenous grinding and tailings analysis—copper nickel . . .	100,000	100,000
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To the department of civil and mineral engineering to conduct studies on autogenous grinding techniques and to analyze copper nickel tailings both for the potential energy and environmental effects and to determine the mineral reclamation potential. The director of the copper nickel regional impact study shall review and comment upon the work program.

(d) Publish regional soils atlas . . . .	35,000	35,000
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To the agricultural experiment station to finish publication of the soil atlas series regional scale for the entire state.

(e) Accelerated detailed soil survey	483,500	483,500
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To the agricultural experiment station for acceleration of detailed county soil surveys. The costs of the program shall be shared between local, state and federal units of government, on a pro rata basis depending upon land ownership by the respective levels of government. The work program shall be developed in concert with the members of the Minnesota cooperative soil survey.

(f) Southeast Minnesota ground-water contamination . . . . .	30,000	30,000
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To the Minnesota geological survey to study the geology and subsurface drainage in the karst region of southeastern Minnesota. The work program shall be developed in concert with the department of health and submitted jointly with the other agencies involved.

	1978	1979
	\$	\$
(g) Publish geologic data .....	50,000	50,000

To the Minnesota geologic survey to publish important existing data not presently available in a form sufficient to meet current requests.

(h) Aeromagnetic mapping assessment .....	100,000	100,000
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To the Minnesota geologic survey. Of this amount \$50,000 is to conduct a feasibility analysis and recommend a strategy for state involvement in aeromagnetic mapping and up to \$150,000 is available to conduct pilot efforts to evaluate that strategy in further development of a state plan for aeromagnetic data collection. Expenditures of the latter amount is subject to the recommendation of the legislative commission on Minnesota resources. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system.

(i) Southeast Minnesota ground-water contamination .....	22,287	22,286
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To the college of veterinary medicine, for an epidemiological study related to the human and animal health effects of well water. The work program shall be developed in concert with the department of health and submitted jointly with the other agencies involved. Maximum effort shall be exerted to obtain matching moneys or in kind services to expedite and/or improve the study.

(j) Assessment of lake improvement techniques — Eagle lake .....	50,090	25,000
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To the Morris branch for a fifth year benchmark study and report by December 15, 1978 which evaluates the effectiveness of the lake improvement techniques employed on Eagle lake, in con-

	1978	1979
	\$	\$

junction with other state and federal agencies.

Subd. 11. Professional services

(a) Department of natural resources

Of the amounts appropriated to the commissioner of natural resources in this section for land acquisition and development purposes, not more than 15 percent may be expended for professional services.

(b) State planning agency

Of the amounts appropriated in subdivision 7, paragraphs g and h of this section, not more than \$249,000 may be spent by the state planning agency for administration of the grants-in-aid programs specified therein.

(c) Pollution control agency

Of the amount appropriated in subdivision 8 (b) for lake improvement grants, not more than five percent may be spent by the pollution control agency for administration of the grants-in-aid programs specified therein.

Subd. 12. Work programs

It shall be a condition of acceptance of the appropriations made by this section that the agency or entity receiving the appropriation shall submit work programs and semiannual progress reports in the form as may be determined by the legislative commission on Minnesota resources. None of the moneys provided in this section may be expended unless the commission has approved the pertinent work program.

Subd. 13. Natural resources federal reimbursement account

	1978	1979
	\$	\$

Federal reimbursements and match money received for the purposes described in Minnesota Statutes, Chapter 86, regardless of the source of state match, credit or value used to earn the reimbursement or match shall in the first instance be credited to a federal receipt account by the state agency receiving the reimbursement or match. Any state department or agency, including the Minnesota historical society and the university of Minnesota, which receives reimbursements or matching moneys as described above shall transfer those amounts to the natural resources federal reimbursement account. Of the amounts transferred, \$1,000,000 is appropriated for the purposes of that account.

Any land and water conservation fund moneys received over and above the normal state apportionment from that fund are also appropriated for the purposes of this reimbursement account. This appropriation shall be considered as additional to the specific amount appropriated from the amounts transferred in this subdivision.

These appropriations are available for the purposes of state land acquisition and development as described in this section, when the acquisition and development is deemed to be of an emergency or critical nature. In addition these moneys shall be available for studies initiated by the legislative commission on Minnesota resources which are found to be proper in order for the commission to carry out its legislative charge.

Requests for allocation from the account for acquisition or development must be accompanied by a certificate signed jointly by the state planning officer and commissioner of natural resources, showing a review of the application against Minnesota Statutes, Chapter 86A. Copies of the certification

	1978	1979
	\$	\$

must be submitted to the appropriate legislative committees and commissions.

After all the federal reimbursement and matching moneys are received for the Upper St. Croix riverway project, this account may be used to provide additional state moneys for acquisition and development on that project, and the necessary amounts are appropriated for the project. This appropriation shall be considered as additional to the specific amounts appropriated in this subdivision.

The appropriations made under the above paragraphs shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures.

Subd. 14. For all appropriations in this section, if the appropriation for either year is insufficient, the appropriation for the other year is available for it.

### Sec. 35. COMMERCE

General Operations and Management	4,231,481	4,306,421
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Approved Complement — 198

The amounts that may be expended from this appropriation for each program are as follows:

Supervision of State Chartered Financial Institutions

\$1,593,461	\$1,617,756
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For 1977 — \$32,784

	1978	1979
	\$	\$

## Investment Protection

	\$635,364	\$648,472
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For 1977 — \$19,500

## Regulation of Insurance Companies

	\$1,256,266	\$1,279,234
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For 1977 — \$7,700

## General Support

	\$746,390	\$760,959
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For 1977 — \$4,200

The commission with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations in the house of representatives.

Sec. 36. BOARD OF ABSTRACTORS .....	4,293	4,006
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Sec. 37. BOARD OF ACCOUNTANCY .....	136,379	141,775
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Approved Complement — 2

Sec. 38. BOARD OF ARCHITECTURE, ENGINEERING AND LAND SURVEYING .....	215,941	216,242
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Approved Complement — 7

Sec. 39. BOARD OF BARBER EXAMINERS .....	80,015	80,646
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Approved Complement — 3

Sec. 40. BOARD OF COSMETOLOGY .....	328,817	333,630
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	1978	1979
	\$	\$
Approved Complement — 16		
Sec. 41. BOARD OF ELECTRICITY .....	1,616,940	1,671,265
Approved Complement — 18		
Sec. 42. BOARD OF EXAMINERS IN WATCHMAKING .....	6,480	6,204
Sec. 43. BOARD OF BOXING	22,258	- 0 -
Approved Complement — 1		
Sec. 44. LABOR AND INDUSTRY		
General Operations and Management	4,647,571	4,718,501
Approved Complement —		
1978 — 248		1979 — 249
General — 204		205
Federal — 44		44

The amounts that may be expended from this appropriation for each program are as follows:

**Employment Standards Regulation and Enforcement**

\$586,229      \$594,558

**Workers' Compensation Regulation and Enforcement**

\$2,185,575      \$2,226,883

**Code Enforcement**

\$585,076      \$595,128

**OSHA Regulation and Enforcement**

\$773,558      \$782,978

	1978	1979
	\$	\$
General Support		
	\$517,133	\$518,954
For 1977 —	\$33,140	

The commissioner of labor and industry with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### Sec. 45. MEDIATION SERVICES

General Operations and Management .....	671,227	683,044
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Approved Complement — 25

#### Sec. 46. PUBLIC EMPLOYMENT RELATIONS BOARD

General Operations and Management .....	43,269	42,313
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Approved Complement — 1

#### Sec. 47. PUBLIC SERVICE

General Operations and Management	3,212,559	3,247,948
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Approved Complement

1978 — 115      1979 — 116

The amounts that may be expended from this appropriation for each program are as follows:

Public Service Utility Regulation

\$841,346	\$870,036
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	1978	1979
	\$	\$
Transportation and Warehouse Regulation	\$120,424	\$122,557
Weights and Measures	\$959,383	\$959,127
Public Service General Support	\$1,291,406	\$1,296,158

The public service department with the approval of the commissioner of finance may transfer unencumbered balances among the above programs, except that no money shall be transferred from the weights and measures program until the department has consulted with the appropriate division of the house appropriations committee and the senate finance committee and each has made its recommendation thereon. The recommendation is advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

#### Sec. 48. ECONOMIC DEVELOPMENT

General Operations and Management	1,981,948	- 0 -
Approved Complement — 47		
General — 47		
Federal — 0		

The amounts that may be expended from this appropriation for each program are as follows:

#### Business and Industry Services

\$791,583    \$ - 0 -

	1978	1979
	\$	\$
<b>Tourism Industry Services</b>		
\$658,516	\$ - 0 -	
<b>Administration Services</b>		
\$531,849	\$ - 0 -	

The commissioner of economic development with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Of the appropriation for the tourism industry services program \$175,000 is for tourism grants. The commissioner of economic development may enter into project agreements with organizations or corporations for the purpose of developing the tourism potential of the state. If in the judgment of the commissioner a project will make a meaningful contribution to the tourism development of the state, he may enter into local or regional agreements. No agreement shall be for more than 50 percent of the total annual project cost.

Of the appropriation for the business and industry services program, no more than \$62,500 shall be expended for advertising and promotion, and of the appropriation for the tourism industry services program, no more than \$200,000 shall be expended for advertising and promotion. Advertising is defined as all non-personal communication in measured media under clear sponsorship, including television, radio, print, outdoor media and direct mail. Promotion is defined as personal forms of sponsored communication, including trade shows, exhibits, consumer education, demonstration activities, and con-

	1978	1979
	\$	\$

vention and conference attendance; promotion does not include premiums, meals and lodging.

### Sec. 49. MILITARY AFFAIRS

General Operations and Management	3,286,817	3,357,614
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Approved Complement — 183

General — 170

Federal — 13

Plus additional personnel as may be financed entirely from federal money for the period federal money is available.

The amounts that may be expended from this appropriation for each program are as follows:

#### Maintenance of Military Training Facilities

\$2,555,798	\$2,617,997
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#### General Support

\$731,019	\$739,617
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The adjutant general with the approval of the commissioner of finance may transfer unencumbered balances between the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Notwithstanding any other provision of this act or any other law, the portion of appropriations made in this section that relate to facility maintenance and repairs shall be available for allotment, encumbrance and expenditure upon passage of this act, for the purpose of fi-

	1978	1979
nancing federal reimbursement contracts.	\$	\$

### Sec. 50. VETERANS AFFAIRS

General Operations and Management	2,609,667	2,571,903
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#### Approved Complement

1978 — 163	1979 — 228
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The amounts that may be expended from this appropriation for each program are as follows:

#### Veterans Benefits

\$1,124,802	\$1,142,921
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If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Of this appropriation, \$61,000 each year is for war veterans and war orphans education aid, to be expended pursuant to Minnesota Statutes, Section 197.75.

#### Veterans Services

\$734,757	\$747,613
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#### Veterans Home

\$734,676	\$665,229
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Of the amounts appropriated for the veterans home, including any additional federal money and dedicated receipts that are available for maintenance and repair, not to exceed \$1,839,921 is for salaries for the year ending June 30, 1978, and \$2,610,449 is for salaries for the year ending June 30, 1979, but may be augmented by money appropriated for salary increases by the 1977 legislature.

	1978	1979
	\$	\$

No additional classified employees shall be granted beyond the approved roster of 122 classified employees.

Federal aid, compensation, or reimbursement from the federal government or otherwise received by the Minnesota veterans home, and all receipts from maintenance charges are reappropriated to be used for the purpose of supplementing this appropriation; however, any income in excess of \$2,109,939 for fiscal year 1978, and \$3,008,165 for fiscal year 1979 shall reduce the general fund appropriation by a like amount.

No portion of the money appropriated for salaries shall be used to pay merit increases to employees in the unclassified service.

No commissary privileges including food, laundry service, janitorial service, and household supplies shall be furnished to any employee paid from this appropriation.

#### Big Island Veterans Camp

\$15,432	\$16,140
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The commissioner of veterans affairs with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### Sec. 51. PUBLIC SAFETY

General Operations and Management	44,117,171	45,075,979
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#### Approved Complement

1978 — 1671	1979 — 1692
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General —	270	271
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	1978	1979
	\$	\$
Special Revenue — 101	112	
Trunk Highway — 1018	1021	
Highway User — 209	220	
Federal — 73	68	

The above approved complement includes 504 for all unclassified patrol officers and supervisors of the highway patrol. This complement shall not be exceeded during the biennium. Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, between the various units and divisions within this subdivision, providing that the above complement shall be reduced accordingly.

No new highway patrol supervisory positions shall be established, with the exception of special duty assigned ranks for the length of assignment only.

Of this appropriation, \$27,986,945 for the first year and \$28,655,475 for the second year are appropriated from the trunk highway fund for traffic safety programs. \$7,205,928 for the first year and \$7,484,015 for the second year are appropriated from the highway user tax distribution fund for the administration of motor vehicle laws.

Of this appropriation, \$8,894,298 for the first year and \$8,906,489 for the second year are appropriated from the general fund.

The amounts that may be expended from this appropriation for each program are as follows:

#### Administration and Related Services

\$1,365,460    \$1,435,365

Investigation, Enforcement and

	1978	1979
	\$	\$
Emergency Assistance		
	\$26,959,026	\$27,474,249

The commissioner shall maintain not more than three helicopters in flight condition. The three units that the commissioner is authorized to maintain shall be located in and for primary use in the seven county metropolitan area.

The personnel involved in the support of the weigh scale and spot motor vehicle inspection programs shall be provided by the commissioner of transportation. This appropriation is from the trunk highway fund.

This appropriation provides sufficient moneys to operate the mobile truck weighing program on a 12 month basis.

#### Licensing

\$15,383,467	\$15,756,325
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#### Ancillary Services

\$409,218	\$410,040
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Of this appropriation \$30,000 each year is appropriated from the state airports fund.

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The commissioner of finance shall transfer on a quarterly basis the appropriation made from the trunk highway fund in this section.

	1978	1979
	\$	\$
Sec. 52. INDIAN AFFAIRS INTERTRIBAL BOARD .....	159,886	162,562
Approved Complement — 7		
Sec. 53. COUNCIL FOR THE HANDICAPPED .....	198,142	212,414
Approved Complement — 7		
Sec. 54. HUMAN RIGHTS		
General Operations and Management	867,758	808,967
Approved Complement		
1978 — 53	1979 — 49	
General — 41	37	
Federal — 12	12	

The amounts that may be expended from this appropriation for each program are as follows:

#### Human Rights Enforcement

\$584,932      \$523,078

#### Management, Planning and Information Service

\$282,826      \$285,889

The commissioner of human rights with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 55. MINNESOTA MUNICIPAL BOARD .....	135,648	137,461
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Approved Complement — 4

	1978	1979
	\$	\$
Sec. 56. TORT CLAIMS .....	500,000	500,000

To be disbursed by the commissioner of finance.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Sec. 57. WORKERS' COMPENSA-TION

For 1977 — \$601,824

To be transferred by the commissioner of finance to the department of labor and industry compensation revolving fund in payment of obligations incurred by the following agencies in the amounts as indicated:

Legislative Audit Commission .....	11,429
Supreme Court .....	318
District Court .....	2,418
Secretary of State .....	59
Administration .....	110,727
Revenue .....	30,761
Agriculture .....	45,607
Livestock Sanitary Board .....	3,532
Natural Resources .....	272,465
Commerce .....	7,544
Labor and Industry .....	16,447
Public Service .....	16,028
Military Affairs .....	50,933
Veterans' Affairs .....	9,630

	1978	1979
	\$	\$
Public Safety .....	23,926	
Of the amount appropriated, \$78,494 is from the game and fish fund.		

### Sec. 58. UNEMPLOYMENT COMPENSATION

For 1977 — \$ 1,250,220

To the commissioner of finance for transfer to the unemployment compensation fund in reimbursement for unemployment compensation benefits paid to former employees of the following agencies in the amounts as indicated:

Supreme Court .....	1,575
Governor's Commission on Crime Prevention .....	17,321
Secretary of State .....	3,701
Attorney General .....	3,612
Administration .....	47,864
Agriculture .....	53,377
Natural Resources .....	1,027,350
Labor and Industry .....	22,616
Mediation Services .....	1,545
Public Service .....	4,027
Economic Development .....	6,692
Military Affairs .....	15,503
Veterans' Affairs .....	18,129
Public Safety .....	23,392
Human Rights .....	3,516

Of the amount appropriated, \$3,067 is from the state airports fund and \$226,070 is from the game and fish fund.

**Sec. 59. [OPEN APPROPRIATION FOR COST OF LIVING ADJUSTMENTS.]** Subdivision 1. There is appropriated to the commissioner of finance from the appropriate funds in the state treasury the sums necessary to pay cost of living increases to classified employees and unclassified employees who are paid salaries comparable to employees in civil service pay schedules A, B and C. The increases may be paid to covered employees of the legislative, executive and judicial branches of state government, employees of the state highway patrol, employees of the Minnesota historical society and nonacademic employees of the university of Minnesota who are paid by state funds, if the increases are authorized by law during the 1977 session of the legislature or if the increases are authorized by appropriate resolutions for employees of the legislature.

Subd. 2. The commissioner shall transfer the amounts to the appropriate accounts. Sums so transferred are appropriated for the biennium beginning July 1, 1977.

Subd. 3. Any sums certified and transferred to the university of Minnesota under the provisions of this section shall only be used for the purpose certified. Any sum transferred that exceeds the increased cost above the amount appropriated for that purpose shall be returned and deposited in the state treasury.

**Sec. 60. [PAYMENT OF BASIC LIFE INSURANCE AND HEALTH BENEFIT COVERAGE.]** In the event that premium rates for basic life insurance and basic health benefit coverage authorized for eligible state employees and their dependents are increased over the rates in existence at the time of the passage of this act, the commissioner of finance is authorized to transfer the required amounts to the appropriate accounts of state agencies and the university of Minnesota. The sums of money necessary for the purposes are appropriated from such account and funds in the state treasury. In order to enable the commissioner of finance to maintain proper records covered by the appropriations made by this section he may require certification in connection therewith as he may deem necessary from any state departments or the university of Minnesota whose members receive benefits pursuant to Minnesota Statutes, Sections 43.42 to 43.50. The sums transferred are appropriated. The appropriations made by this section are for the biennium beginning July 1, 1977.

**Sec. 61. [TRANSFERS.]** Subdivision 1. The commissioner of finance shall make the transfers provided for in this section.

Subd. 2. The commissioner shall transfer the sum of \$5,224.39 from the highway user tax distribution fund to the general fund to correct an underestimate in the cost of collecting the tax on gasoline and gasoline substitutes during the 1973-75 biennium.

Subd. 3. The commissioner shall transfer the sum of \$1,683,-437.99 from the highway user tax distribution fund to the general fund to reimburse the general fund for the cost of collecting the tax on gasoline and gasoline substitutes and the cost of bond premiums during the 1975-77 biennium.

Sec. 62. [DETAILS.] The staffs of the senate finance committee and the house appropriations committee shall, at the request of agencies receiving appropriations in this act and the commissioner of finance, provide wherever available detailed information on the activities and objects of expenditures that go into the appropriation totals.

Sec. 63. [COMPUTER SYSTEM DEVELOPMENT.] In all cases where an appropriation made in this act includes money for computer system development, development shall not proceed beyond PRIDE phase I until the project has been reviewed and approved by the commissioners of administration and finance. All approved projects shall be reported to the chairmen of the house appropriation committee and senate finance committee to receive their recommendation on the project. A recommendation is advisory only. In the case of rejected projects, the commissioner of finance shall cancel the unencumbered balance of the appropriation allotted for development of the project.

Sec. 64. [BALANCE TRANSFERRED.] The unencumbered balance of each fund or account abolished by this act is transferred to the general fund.

Sec. 65. Minnesota Statutes 1976, Section 5.08, Subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION.] 15,000 copies of the legislative manual shall be printed and distributed as follows:

(1) 25 copies shall be available to each member of the legislature on request;

(2) 50 copies to the state historical society;

(3) 25 copies to the state university;

(4) 60 copies to the state library;

(5) Two copies each to the library of Congress, the Minnesota veterans home, the state universities, the state high schools,

the public academies, seminaries, and colleges of the state, and the free public libraries of the state;

(6) One copy each to the state institutions not hereinbefore mentioned, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the supreme court, the judges of the district court, the senators and representatives in Congress from this state, and the county auditors;

(7) One copy to each public school, to be distributed through the superintendent of each school district; and

(8) The remainder may be disposed of as the secretary of state deems best, (AND AT A PRICE THE SECRETARY OF STATE SHALL ESTABLISH. ALL RECEIPTS FROM THE SALE OF THE LEGISLATIVE MANUAL SHALL BE DEPOSITED TO THE GENERAL FUND).

Sec. 66. Minnesota Statutes 1976, Section 5.09, is amended to read:

5.09 [LEGISLATIVE MANUAL, STUDENTS' EDITION.] The secretary of state, subject to the approval of the president pro tem of the senate and speaker of the house of representatives, shall prepare, compile, edit, and distribute a brief edition of the legislative manual, as provided in section 5.08, suitable for (SALE TO) school pupils (AT A PRICE TO BE FIXED BY THE SECRETARY OF STATE).

Sec. 67. Minnesota Statutes 1976, Section 10.30, is amended to read:

10.30 [EMPLOYEES' COMPENSATION REVOLVING FUND, REIMBURSEMENT.] In all cases where any state department owes the employees' compensation revolving fund, created by sections 176.591, 176.601 and 176.611, for claims paid its employees, and no direct appropriation is made therefor, such department shall reimburse the revolving fund from the (FUNDS AVAILABLE TO IT FOR SUPPLIES AND EXPENSE) *money appropriated for operation of the department.*

Sec. 68. Minnesota Statutes 1976, Chapter 16A, is amended by adding a section to read:

[16A.123] [APPROVED COMPLEMENT.] *The approved complement set for an agency by law limits the number of persons who may be employed by the agency at any one time. The approved complement does not apply to independent contractors. The approved complement does not include part-time employees, seasonal employees, summer student help, service workers pre-service trainees employed pursuant to affirmative action pro-*

grams approved by the commissioner of personnel, or employees engaged in repair or construction projects; these employees are in addition to the approved complement but may be employed only with the advance approval of the commissioner of administration who shall determine the need for them and the commissioner of finance who shall determine that money is available. The approved complement applies to persons employed by the agency regardless of the fund from which they are paid.

*Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the commissioner of administration who shall determine the need for them and the commissioner of finance who shall determine that money is available. The commissioner of finance shall promptly notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the additions.*

Sec. 69. Minnesota Statutes 1976, Section 85A.04, Subdivision 1, is amended to read:

85A.04 [ZOOLOGICAL GARDEN ACCOUNTS IN THE GENERAL FUND.] Subdivision 1. [MINNESOTA ZOOLOGICAL GARDEN GENERAL ACCOUNT.] A Minnesota zoological garden general account is created in the general fund. All receipts from the operation of the Minnesota zoological garden shall be deposited to the credit of such account (AND ARE HEREBY APPROPRIATED ANNUALLY TO THE STATE ZOOLOGICAL BOARD TO CARRY OUT THE TERMS AND PROVISIONS OF THIS CHAPTER). Money in this account may be expended as *appropriated biennially* for operation, capital improvements, and equipment of the Minnesota zoological garden, including lease rentals and for acquisition of wild and domestic animals therefor and for payment of the principal of and interest on Minnesota state zoological garden bonds.

Sec. 70. Minnesota Statutes 1976, Section 116D.04, Subdivision 3, is amended to read:

Subd. 3. Upon the filing with the board of a petition of not less than 500 persons requesting an environmental impact statement on a particular action, the board shall review those petitions deemed by the board to involve potential for significant environmental effects or to concern an action of more than local significance and, where there is material evidence of the need for an environmental review, require the preparation of an environmental impact statement in accordance with provisions of this section. *Any decision as to the need for environmental review of an action pursuant to this chapter or any challenge to the issuance of a negative declaration notice or an environmental impact statement preparation notice shall not constitute a contested case within the meaning of Minnesota Statutes, Chapter 15. Notwithstanding any other law, a decision of the board to*

*require or refuse to require the preparation of an environmental impact statement shall constitute a public value decision, legislative in nature, and as such is appealable only as to the propriety of the board's procedure or the authority of the board to act.*

Sec. 71. Minnesota Statutes 1976, Section 116E.03, Subdivision 1, is amended to read:

116E.03 [POWERS AND DUTIES.] Subdivision 1. [GENERALLY.] The environmental education board shall operate under the (GENERAL) supervision of the (ENVIRONMENTAL QUALITY BOARD) *department of education*. The environmental education board shall submit its budget to the (ENVIRONMENTAL QUALITY CONTROL BOARD) *department of education* each year for review and approval. Twice each year the state environmental education board shall report to the (ENVIRONMENTAL QUALITY BOARD) *department of education* on the status of its programs and operations. In addition to any powers or duties otherwise prescribed by law and without limiting the same, the state environmental education board shall have the powers and duties hereinafter specified. *There is appropriated to the department of education for the purposes of this section*

1978	1979
\$214,933	\$217,715

*No less than 50 percent of the efforts of the state and regional boards shall be directed to cooperation with and service for other groups, agencies, and institutions for the dissemination of environmental information.*

Sec. 72. Minnesota Statutes 1976, Section 176.611, Subdivision 6a, is amended to read:

Subd. 6a. [APPROPRIATIONS CONSTITUTING FUND.] There is hereby appropriated from the general fund in the state treasury to the state compensation revolving fund the sum of (\$967,690) *\$3,032,991* to be used to pay claims of employees of the state. This appropriation together with the sum of \$74,013.12 heretofore appropriated from the trunk highway fund and (\$2,395,986.88) *\$3,363,676.88* heretofore appropriated from the general fund totals (\$3,437,960) *\$6,470,681* and constitutes the revolving fund.

Sec. 73. Minnesota Statutes 1976, Section 298.22, Subdivision 1, is amended to read:

298.22 [IRON RANGE RESOURCES AND REHABILITATION.] Subdivision 1. (ON AND AFTER JULY 1, 1969, THERE IS HEREBY APPROPRIATED FROM THE GEN-

ERAL FUND FOR THE PURPOSES HEREINAFTER SET FORTH, FIVE PERCENT OF ALL AMOUNTS PAID AND CREDITED TO SAID FUND FROM THE PROCEEDS OF TAXES PAID UNDER THE PROVISIONS OF SECTIONS 298.01 TO 298.21.) The office of commissioner of iron range resources and rehabilitation is hereby created. The commissioner shall be appointed by the governor, with the advice and consent of the senate for a four year term which shall coincide with the term of the governor until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall take office immediately and shall carry on the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. The (SALARY OF THE) commissioner (, WHO) shall be in unclassified service (, SHALL BE PAID FROM THE AMOUNTS APPROPRIATED BY THIS SECTION; PROVIDED, THAT SUCH SALARY SHALL BE REDUCED OR SUCH AMOUNT AS HE MAY RECEIVE FROM OTHER FUNDS, AND). The commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner who shall serve in the unclassified service at the pleasure of the commissioner. (ALL EXPENSES OF THE COMMISSIONER, INCLUDING THE PAYMENT OF SUCH ASSISTANCE AS MAY BE NECESSARY, SHALL BE PAID OUT OF THE AMOUNTS APPROPRIATED BY THIS SECTION.)

When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him (IN THIS SECTION) as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 74. Minnesota Statutes 1976, Section 298.22, Subdivision 2, is amended to read:

Subd. 2. There is hereby created the iron range resources and rehabilitation board, consisting of seven members, three of whom shall be state senators appointed by the committee on committees of the senate, and three of whom shall be representatives, appointed by the speaker of the house of representatives, their terms of office to commence on May 1, 1943, and continue until January 3rd, 1945, or until their successors are appointed and qualified. Their successors shall be appointed each two years in the same manner as the original members were appointed, in

January of every second year, commencing in January, 1945. The seventh member of said board shall be the commissioner of natural resources of the state of Minnesota. Vacancies on the board shall be filled in the same manner as the original members were chosen. All expenditures and projects made by the commissioner of iron range resources and rehabilitation shall first be submitted to said iron range resources and rehabilitation board which shall recommend approval or disapproval or modification of expenditures and projects for rehabilitation purposes as provided by this section, and the method, manner, and time of payment of all said funds proposed to be disbursed shall be first approved or disapproved by said board. The board shall biennially make its report to the governor and the legislature on or before November 15 of each even numbered year. (THE EXPENSES OF SAID BOARD SHALL BE PAID BY THE STATE OF MINNESOTA FROM THE FUNDS RAISED PURSUANT TO THIS SECTION.)

Sec. 75. Minnesota Statutes 1976, Section 298.221, is amended to read:

298.221 [RECEIPTS FROM CONTRACTS; APPROPRIATION.] All moneys paid to the state of Minnesota pursuant to the terms of any contract entered into by the state under authority of (LAWS 1941, CHAPTER 544, SECTION 4, OR OF SAID SECTION AS AMENDED) *section 298.22* and any fees which may, in the discretion of the commissioner of iron range resources and rehabilitation, be charged in connection with any project pursuant to that section as amended, shall be deposited in the state treasury to the credit of the (IRON RANGE RESOURCES AND REHABILITATION BOARD ACCOUNT IN THE SPECIAL REVENUE) *general fund* (AND ARE HEREBY APPROPRIATED FOR THE PURPOSES OF SECTION 298.22).

Sec. 76. Minnesota Statutes 1976, Section 298.244, Subdivision 1, is amended to read:

298.44 [DIVISION OF PROCEEDS OF SUPPLEMENTARY TAX ON TACONITE AND IRON SULPHIDES.] Subdivision 1. The proceeds of the tax collected under section 298.243 shall be distributed by the commissioner of revenue, to various taxing districts and to the general fund in the following manner:

(1) Ten cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", on which the tax is imposed in section 298.243, shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to clause (1a). The commissioner shall follow the apportionment formula prescribed in section 298.28, sub-

division 1. The commissioner of revenue shall make all the necessary calculations and certify these calculations to the county auditor of each qualifying county. Payments provided herein shall be deducted in determining the county government's levy limitations under sections 275.50 to 275.56.

(1a) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per gross ton of the tax distributed to the counties pursuant to clause (1) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(2) Twenty cents per taxable ton, less any amount distributed under clause (2a), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 or in which is located property which is entitled to the reduction of tax pursuant to section 273.135. The 20 cents, less any amount distributed under clause (2a), shall be distributed in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its permitted levy for the prior year, computed pursuant to section 275.125, comprises of the sum of permitted levies for the prior year for all qualifying districts, computed pursuant to section 275.125. That portion of the amount so distributed to a school district which is not deducted from state aids in section 124.212, subdivision 8a, shall be included in computing the permissible levies under section 275.125. For purposes of distributions pursuant to this clause, permitted levies for the prior year computed pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision 2a, clause (4).

(2a) In 1976 and each year thereafter, there shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32, in 1975.

(3) One cent per taxable ton shall be deposited in the state treasury to the credit of the (IRON RANGE RESOURCES AND REHABILITATION BOARD ACCOUNT IN THE SPECIAL REVENUE FUND AND IS HEREBY APPROPRIATED FOR THE PURPOSES OF SECTION 298.22) *general fund.* (THIS MONEY IS TO BE USED TO) *The iron range resources and rehabilitation board may provide environmental development grants to local governments located within any county in region 3 as defined in governor's executive order number 60 issued on June 12, 1970, which does not contain a municipality qualifying pursuant to section 273.134.*

(4) Eight cents per taxable ton shall be paid to the property tax relief account in the apportionment fund in the state treasury and shall be distributed as provided in sections 273.134 to 273.136.

Sec. 77. Minnesota Statutes 1976, Section 326.241, Subdivision 3, is amended to read:

Subd. 3. [FEES AND FINANCES; DISPOSITION.] All (LICENSE) fees collected under the provisions of (LAWS 1967, CHAPTER 602) sections 326.241 to 326.248 are to be credited to the general fund. (OF) The unexpended balance in a special fund of the board as of July 1, (1973, THOSE PORTIONS ATTRIBUTABLE TO PREVIOUSLY COLLECTED LICENSE FEES CREDITED TO THE FUND, BUT NOT INSPECTION FEES HELD IN ESCROW) 1977, shall be credited to the general fund. The expenses of administering sections 326.241 to 326.248 shall be paid from appropriations made to the board of electricity.

Sec. 78. Minnesota Statutes 1976, Section 472.13, Subdivision 1, is amended to read:

472.13 [APPROPRIATION TO DEVELOPMENT REVOLVING FUND.] Subdivision 1. There is hereby appropriated out of the general fund in the state treasury not otherwise appropriated the sum of \$1,500,000 to the state executive council to be used for the purposes set forth in these sections (, INCLUDING) *excluding* the necessary cost of administration thereof. The sum hereby appropriated shall be credited to a special account in the state treasury to be known as the development revolving fund to be drawn upon and used by the state agency in the manner and for the purposes provided for in these sections.

Sec. 79. Laws 1976, Chapter 260, Section 3, is amended to read:

Sec. 3. [16.97] [CRIMINAL AND JUVENILE DEFENSE GRANTS.] *Subdivision 1.* (THE SUMS) *Money* appropriated (BY THIS ACT) *for the provision of criminal and juvenile defense to indigent individuals* shall be distributed by the commissioner of administration in consultation with the attorney general to (ONE) *the non-profit criminal and juvenile defense (CORPORATION IN EACH OF THE FIVE NAMED LOCALITIES) corporations designated by law.* (FUNDS) *Money* may not be disbursed to a corporation in the Leech Lake reservation area (AND) *or the White Earth reservation area without prior approval by the respective reservation business committee.* (FUNDS SHALL BE DISBURSED TO THOSE NON-PROFIT CRIMINAL AND JUVENILE DEFENSE CORPORATIONS DESIGNATED BY THE COMMISSIONER OF AD-

MINISTRATION BY JULY 1 OF EACH YEAR) *Within its geographic area of responsibility each corporation shall accept cases involving felony, gross misdemeanor, and misdemeanor charges, and juvenile cases, where financial eligibility standards are met, unless there is a legal reason for rejecting a case. A corporation may accept cases arising outside of its geographic area of responsibility, as it deems appropriate.* The commissioner of administration shall give notice 30 days in advance and conduct a hearing if he has reasonable grounds to believe (FUNDS) money appropriated (BY) for this (ACT ARE) purpose is being improperly used, or (,) if, in consultation with the attorney general, he has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. (FUNDS) Payment shall cease from the date of notice until either the commissioner determines that the (FUNDS) money appropriated (BY THIS ACT) will be properly handled, or the commissioner, in consultation with the attorney general, determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance.

*Subd. 2. An employee, administrator, or officer of a recipient of the money provided by this section who discriminates on the basis of sex, race, color, national origin, religion, or creed is guilty of a gross misdemeanor.*

**Sec. 80. Minnesota Statutes 1976, Sections 16.173 and 299D.03, Subdivision 4, are repealed."**

Further amend by striking the title and inserting:

"A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1976, Sections 5.08, Subdivision 2; 5.09; 10.30; 85A.04, Subdivision 1; 116D.04, Subdivision 3; 116E.03, Subdivision 1; 176.611, Subdivision 6a; 298.22, Subdivisions 1 and 2; 298.221; 298.244, Subdivision 1; and 326.241, Subdivision 3; 472.13, Subdivision 1; Chapter 16A, by adding a section; and Laws 1976, Chapter 260, Section 3; repealing Minnesota Statutes 1976, Sections 16.173 and 299D.03, Subdivision 4."

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 1467, as amended, as follows:

Page 47, strike lines 26 through 38 and insert the following:

“General Operations and Management 1,981,948 2,081,045

Approved Complement — 47

General — 47

Federal — 0

The amounts that may be expended from this appropriation for each program are as follows:

Business and Industry Services

\$791,583 \$832,418

Tourism Industry Services

\$658,516 \$686,745

Administration Services

\$531,849 \$561,882”.

Page 48, line 7, after “\$175,000” insert “the first year and \$185,400 the second year”.

Page 48, line 23, after “\$62,500” insert “the first year and \$66,500 the second year”.

Page 11, line 8, strike “\$120,000” and insert “\$500,000”.

Page 11, line 27, after “agency” insert “and the department of economic development”.

Page 11, line 49, strike “November 15” and insert “January 1”.

Page 16, strike line 21 and insert the following:

“Subd. 2. Public employment study ..... 120,000”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 36 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Adams Albrecht Anderson, R. Biersdorf Byrne

Carlson, A.	Fjoslien	Kvam	Osthoff	Wenzel
Carlson, D.	Forsythe	McDonald	Peterson	Wigley
Dean	Friedrich	Metzen	Pleasant	Zubay
Den Ouden	Fudro	Nelsen, B.	Rose	
Erickson	Heinitz	Nelsen, M.	Savelkoul	
Esau	Kaley	Nelson	Searles	
Ewald	Knickerbocker	Niehaus	Tomlinson	

Those who voted in the negative were:

Abeln	Clark	Jensen	McEachern	Sieben, H.
Anderson, B.	Clawson	Johnson	Moe	Sieben, M.
Anderson, D.	Corbid	Jude	Munger	Simoneau
Anderson, G.	Cummiskey	Kahn	Murphy	Skoglund
Anderson, I.	Dahl	Kelly, W.	Neisen	Smogard
Arlandson	Eckstein	Kempe, A.	Norton	Stanton
Battaglia	Eken	Kempe, R.	Novak	Stoa
Beauchamp	Ellingson	King	Patton	Suss
Begich	Enebo	Kostohryz	Pehler	Swanson
Berg	Faricy	Kroening	Petrafeso	Vanasek
Berglin	Fugina	Laidig	Prahl	Voss
Berkelman	George	Langseth	Reding	Welch
Birnsthil	Gunter	Lehto	Rice	Wenstrom
Brandl	Hanson	Lemke	St. Onge	White
Braun	Hangerud	Mangan	Samuelson	Wieser
Brinkman	Hokanson	Mann	Scheid	Williamson
Carlson, L.	Jacobs	McCarron	Schulz	Wynia
Casserly	Jaros	McCollar	Sherwood	Speaker Sabo

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

Savelkoul moved to amend S. F. No. 1467, as amended, as follows:

Page 8, strike line 13 and insert the following:

“and Management . . . . . 200,258 202,379”.

Page 8, strike lines 17 through 23 and insert the following:

“No portion of the budget of any constitutional officer may be used for the employment of persons who reside outside the state of Minnesota.”.

Page 59, line 9, after “available.” add a new sentence that reads as follows:

“Elected officials of the state of Minnesota or its political subdivisions shall not qualify as additional employees.”.

Page 10, strike line 31 and insert the following:

“Sec. 17. ETHICAL PRACTICES . . . 200,000 230,000”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 30 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Friedrich	Kvam	Pleasant
Anderson, R.	Erickson	Gunter	Laidig	Rose
Biersdorf	Esau	Heinitz	McDonald	Savelkoul
Carlson, A.	Ewald	Kaley	Nelsen, B.	Searles
Carlson, D.	Fjoslien	Kempe, R.	Niehau	Wigley
Dean	Forsythe	Knickerbocker	Peterson	Zubay

Those who voted in the negative were:

Abeln	Clawson	Jude	Nelsen, M.	Skoglund
Adams	Cohen	Kahn	Nelson	Smogard
Anderson, B.	Corbid	Kalis	Norton	Stanton
Anderson, D.	Cummiskey	Kelly, R.	Novak	Stoa
Anderson, G.	Dahl	Kelly, W.	Osthoff	Suss
Anderson, I.	Eckstein	King	Patton	Swanson
Arlandson	Eken	Kostohryz	Pehler	Tomlinson
Battaglia	Ellingson	Kroening	Petrafaso	Vanasek
Beauchamp	Enebo	Langseth	Prahl	Voss
Begich	Faricy	Lehto	Reding	Waldorf
Berg	Fudro	Lemke	Rice	Welch
Berglin	Fugina	Mangan	St. Onge	Wenstrom
Birnstihl	George	Mann	Samuelson	Wenzel
Brandl	Hanson	McCarron	Sarna	White
Braun	Haugerud	McCollar	Scheid	Wieser
Brinkman	Hokanson	McEachern	Schulz	Williamson
Byrne	Jacobs	Metzen	Sherwood	Wynia
Carlson, L.	Jaros	Munger	Sieben, H.	Speaker Sabo
Casserly	Jensen	Murphy	Sieben, M.	
Clark	Johnson	Neisen	Simoneau	

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

Savelkoul and Anderson, R., moved to amend S. F. No. 1467, as amended.

Neisen requested a division of the amendment.

The first portion of the amendment reads as follows:

Page 22, after line 31, add the following:

“Snowmobile Trails . . . . . \$410,270    \$410,270”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the first portion of the amendment and the roll was called. There were 29 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Gunter	Nelsen, B.	Savelkoul
Anderson, R.	Erickson	Heinitz	Niehaus	Searles
Battaglia	Esau	Kaley	Peterson	Spanish
Begich	Fjoslien	Knickerbocker	Pleasant	Wigley
Biersdorf	Forsythe	Kvam	Prahl	Zubay
Carlson, D.	Friedrich	McDonald	Rose	

Those who voted in the negative were:

Abeln	Corbid	Kahn	Munger	Skoglund
Adams	Cummiskey	Kalis	Murphy	Smogard
Anderson, B.	Dahl	Kelly, R.	Neisen	Stanton
Anderson, D.	Den Ouden	Kelly, W.	Neison	Stoa
Anderson, G.	Eckstein	Kempe, R.	Norton	Suss
Arlandson	Eken	King	Novak	Swanson
Beauchamp	Ellingson	Kostohryz	Pehler	Tomlinson
Berg	Faricy	Kroening	Petrafeso	Voss
Berglin	Fudro	Laidig	Reding	Waldorf
Berkelman	George	Langseth	Rice	Welch
Birnstihl	Hanson	Lehto	St. Onge	Wenstrom
Brandl	Haugerud	Lemke	Sarna	Wenzel
Byrne	Hokanson	Mangan	Scheid	White
Carlson, L.	Jacobs	Mann	Schulz	Wieser
Casserly	Jaros	McCarron	Sherwood	Williamson
Clark	Jensen	McCollar	Sieben, H.	Wynia
Clawson	Johnson	Metzen	Sieben, M.	Speaker Sabo
Cohen	Jude	Moe	Simoneau	

The motion did not prevail and the first portion of the amendment was not adopted.

The second portion of the amendment reads as follows:

Page 23, strike line 26 and insert the following:

“Appropriations . . . . . 4,345,997 3,312,923”.

Page 23, after line 34, add the following:

“Pilot Handicapped Access . . . . . \$229,500 \$229,500”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the second portion of the amendment and the roll was called. There were 50 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Albrecht	Biersdorf	Erickson	Friedrich	Kempe, R.
Anderson, B.	Carlson, A.	Esau	Heinitz	Knickerbocker
Anderson, R.	Carlson, D.	Ewald	Jude	Kostohryz
Battaglia	Carlson, L.	Fjoslien	Kaley	Kvam
Begich	Dean	Forsythe	Kelly, R.	Lehto

Mangan	Nelsen, M.	Pleasant	Searles	White
Mann	Niehaus	Prahl	Simoneau	Wigley
McDonald	Novak	Rose	Spanish	Williamson
Neisen	Osthoff	Savelkoul	Waldorf	Wynia
Nelsen, B.	Peterson	Scheid	Wenzel	Zubay

Those who voted in the negative were :

Abeln	Clark	Johnson	Murphy	Skoglund
Adams	Clawson	Kahn	Nelson	Smogard
Anderson, D.	Cohen	Kalis	Norton	Stanton
Anderson, G.	Corbid	Kelly, W.	Patton	Stoa
Arlandson	Cummiskey	King	Pehler	Suss
Beauchamp	Dahl	Kroening	Petraleso	Tomlinson
Berg	Eckstein	Laidig	Reding	Vanasek
Berglin	Eken	Langseth	Rice	Voss
Berkelman	Ellingson	Lemke	St. Onge	Welch
Birnstihl	Fudro	McCarron	Samuelson	Wenstrom
Brandl	Gunter	McCollar	Sarna	Wieser
Braun	Haugerud	McEachern	Schulz	Speaker Sabo
Brinkman	Hokanson	Metzen	Sherwood	
Byrne	Jacobs	Moe	Sieben, H.	
Casserly	Jensen	Munger	Sieben, M.	

The motion did not prevail and the second portion of the amendment was not adopted.

Sieben, H., moved to amend S. F. No. 1467, as amended, as follows :

Page 60, line 17, delete "*chapter*" and insert "*subdivision*".

The motion prevailed and the amendment was adopted.

Sieben, H., moved to amend S. F. No. 1467, as amended, as follows :

Delete Section 70 from the bill.

Renumber the following sections.

Further, amend the title.

Line 12, delete "116D.04, Subdivision 3;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 83 yeas and 43 nays as follows :

Those who voted in the affirmative were :

Abeln	Anderson, R.	Begich	Birnstihl	Carlson, L.
Adams	Arlandson	Berg	Brandl	Casserly
Albrecht	Battaglia	Berkelman	Byrne	Clawson
Anderson, B.	Beauchamp	Biersdorf	Carlson, A.	Cohen

Dahl	Jensen	McEachern	Prahl	Stoa
Dean	Jude	Metzen	Rice	Swanson
Ellingson	Kahn	Munger	Rose	Tomlinson
Ewald	Kaley	Murphy	Sarna	Vanasek
Faricy	Kempe, A.	Neisen	Savelkoul	Waldorf
Fjoslien	Kempe, R.	Nelsen, B.	Scheid	Wenstrom
Fudro	King	Nelsen, M.	Searles	Wenzel
George	Kroening	Nelson	Sherwood	Wigley
Gunter	Kvam	Novak	Sieben, H.	Williamson
Hanson	Langseth	Osthoff	Sieben, M.	Wynia
Heinitz	Lehto	Patton	Skoglund	Zubay
Hokanson	Mangan	Petraieso	Smogard	
Jaros	McDonald	Pleasant	Stanton	

Those who voted in the negative were:

Anderson, D.	Den Ouden	Jacobs	McCarron	Simoneau
Anderson, G.	Eckstein	Johnson	Niehaus	Suss
Berglin	Eken	Kalis	Norton	Voss
Braun	Enebo	Kelly, R.	Pehler	Welch
Brinkman	Erickson	Kelly, W.	Peterson	White
Carlson, D.	Esau	Knickerbocker	Reding	Wieser
Clark	Forsythe	Laidig	St. Onge	Speaker Sabo
Corbid	Friedrich	Lemke	Samuelson	
Cummiskey	Haugerud	Mann	Schulz	

The motion prevailed and the amendment was adopted.

S. F. No. 1467, A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1976, Sections 10.30; 16A.095, Subdivision 2; 16A.10, Subdivisions 1 and 2; 16A.11, Subdivisions 2 and 3; 43.09, Subdivision 2; 43.-31; 98.46, by adding a subdivision; 168.33, Subdivisions 2 and 7; 176.602; 183.545, Subdivisions 1, 3 and 4; 183.57, Subdivision 2; 186.04; 260.311, Subdivision 2; 268.06, Subdivision 25; 296.06, Subdivision 2; 296.12, Subdivision 1; 326.241, Subdivision 3; 362.125; 363.14, by adding a subdivision; 462.389, Subdivision 4; Chapter 16A, by adding a section; Laws 1971, Chapter 121, Section 2, as amended; and Laws 1976, Chapter 260, Section 3; repealing Minnesota Statutes 1976, Sections 15.61, Subdivision 3; 16.173; 16A.095, Subdivision 1; 16A.12 and 176.603.

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 115 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia
Adams	Anderson, D.	Anderson, I.	Arlandson	Beauchamp

Begich	Eckstein	Kahn	Neisen	Simoneau
Berg	Eken	Kalis	Nelsen, M.	Skoglund
Berglin	Ellingson	Kelly, R.	Nelson	Smogard
Berkelman	Enebo	Kelly, W.	Norton	Spanish
Biersdorf	Erickson	Kempe, A.	Novak	Stanton
Birnstihl	Faricy	Kempe, R.	Osthoff	Stoa
Brandl	Fjoslien	King	Patton	Suss
Braun	Forsythe	Kostohryz	Pehler	Swanson
Brinkman	Friedrich	Kroening	Petrafeso	Tomlinson
Byrne	Fudro	Laidig	Prahl	Vanasek
Carlson, A.	Fugina	Langseth	Reding	Voss
Carlson, D.	George	Lehto	Rice	Waldorf
Carlson, L.	Gunter	Lemke	St. Onge	Welch
Cassery	Hanson	Mangan	Samuelson	Wenstrom
Clark	Haugerud	Mann	Sarna	Wenzel
Clawson	Hokanson	McCarron	Scheid	White
Cohen	Jacobs	McEachern	Schulz	Wieser
Corbid	Jaros	Metzen	Searle	Williamson
Cummiskey	Jensen	Moe	Sherwood	Wynia
Dahl	Johnson	Munger	Sieben, H.	Zubay
Dean	Jude	Murphy	Sieben, M.	Speaker Sabo

Those who voted in the negative were:

Albrecht	Heinitz	McDonald	Pleasant	Searles
Den Ouden	Kaley	Nelsen, B.	Rose	Wigley
Esau	Knickerbocker	Niehaus	Savelkoul	
Ewald	Kvam	Peterson		

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

Anderson, I., 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.

Carlson, D., and Fudro were excused for the remainder of today's session.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 875 and 167.

H. F. No. 875, A bill for an act relating to the state housing finance agency; setting the amount of bonds and notes that may be outstanding; clarifying eligibility; providing for fund administration and repayment requirements; appropriating money; amending Minnesota Statutes 1976, Sections 462A.03, Subdivisions 7 and 13; 462A.05, Subdivisions 5 and 15; 462A.07, Subdivision 12, and by adding subdivisions; 462A.21, Subdivisions 4a and 4b, and by adding a subdivision; and 462A.22, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Munger	Sieben, M.
Adams	Cummiskey	Johnson	Murphy	Simoneau
Albrecht	Dahl	Jude	Neisen	Skoglund
Anderson, B.	Dean	Kahn	Nelsen, B.	Smogard
Anderson, D.	Den Ouden	Kaley	Nelsen, M.	Spanish
Anderson, G.	Eckstein	Kalis	Niehaus	Stanton
Anderson, I.	Eken	Kelly, R.	Norton	Stoa
Anderson, R.	Ellingson	Kelly, W.	Novak	Suss
Arlandson	Enebo	Kempe, A.	Osthoff	Swanson
Battaglia	Erickson	Kempe, R.	Patton	Tomlinson
Beauchamp	Esau	King	Pehler	Vanasek
Begich	Ewald	Knickerbocker	Peterson	Voss
Berg	Faricy	Kroening	Petrafeso	Waldorf
Berglin	Fjoslien	Laidig	Pleasant	Welch
Berkelman	Forsythe	Langseth	Prahl	Wenstrom
Biersdorf	Friedrich	Lehto	Reding	Wenzel
Birnstihl	Fugina	Lemke	Rice	White
Brandl	George	Mangan	Rose	Wieser
Braun	Gunter	Mann	Sarna	Williamson
Byrne	Hanson	McCarron	Savelkoul	Wynia
Carlson, A.	Haugerud	McCollar	Schulz	Zubay
Carlson, L.	Heinitz	McDonald	Searle	Speaker Sabo
Casserly	Hokanson	McEachern	Searles	
Clark	Jacobs	Metzen	Sherwood	
Clawson	Jaros	Moe	Sieben, H.	

Those who voted in the negative were:

Kvam

The bill was passed and its title agreed to.

H. F. No. 167, A bill for an act relating to public welfare; providing liability insurance to all foster boarding homes licensed by the department of public welfare; appropriating money; amending Minnesota Statutes 1976, Chapter 245, by adding a section.

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

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

Those who voted in the affirmative were:

Abeln	Anderson, D.	Arlandson	Berg	Birnstihl
Adams	Anderson, G.	Battaglia	Berglin	Brandl
Albrecht	Anderson, I.	Beauchamp	Berkelman	Braun
Anderson, B.	Anderson, R.	Begich	Biersdorf	Byrne

Carlson, A.	George	Kvam	Osthoff	Smogard
Carlson, L.	Gunter	Laidig	Patton	Spanish
Casserly	Hanson	Langseth	Pehler	Stanton
Clark	Haugerud	Lehto	Peterson	Stoa
Clawson	Heinitz	Lemke	Petrafaso	Suss
Corbid	Hokanson	Mangan	Pleasant	Swanson
Cummiskey	Jacobs	Mann	Prahl	Tomlinson
Dahl	Jaros	McCarron	Reding	Vanasek
Dean	Jensen	McCollar	Rice	Voss
Den Ouden	Johnson	McDonald	Rose	Waldorf
Eckstein	Jude	McEachern	St. Onge	Welch
Eken	Kahn	Metzen	Sarna	Wenstrom
Ellingson	Kaley	Moe	Savelkoul	Wenzel
Enebo	Kalis	Munger	Scheid	White
Erickson	Kelly, R.	Murphy	Schulz	Wieser
Esau	Kelly, W.	Neisen	Searle	Williamson
Ewald	Kempe, A.	Nelsen, B.	Searles	Wynia
Faricy	Kempe, R.	Nelsen, M.	Sherwood	Zubay
Fjoslien	King	Nelson	Sieben, H.	Speaker Sabo
Forsythe	Knickerbocker	Niehaus	Sieben, M.	
Friedrich	Kostohryz	Norton	Simoneau	
Fugina	Kroening	Novak	Skoglund	

The bill was passed and its title agreed to.

### CALENDAR

S. F. No. 616, A bill for an act relating to the disposition of unclaimed property; changing certain definitions; changing the length of time unclaimed property must be held before disposition; changing certain disposition procedures; amending Minnesota Statutes 1976, Sections 345.31, Subdivisions 3 and 6; 345.32; 345.33; 345.35; 345.37; 345.39; 345.41; 345.43; 345.47; and Chapter 345, by adding sections; repealing Minnesota Statutes 1976, Section 55.14.

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 120 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Ewald	Kahn	Mann
Adams	Byrne	Faricy	Kaley	McCarron
Albrecht	Carlson, A.	Fjoslien	Kalis	McCollar
Anderson, B.	Carlson, L.	Forsythe	Kelly, R.	McDonald
Anderson, G.	Casserly	Friedrich	Kelly, W.	McEachern
Anderson, I.	Fugina	Fugina	Kempe, A.	Metzen
Anderson, R.	Clawson	George	Kempe, R.	Moe
Arlandson	Cohen	Gunter	King	Munger
Battaglia	Corbid	Hanson	King	Knickerbocker
Beauchamp	Cummiskey	Heinitz	King	Murphy
Begich	Dahl	Hokanson	Kostohryz	Neisen
Berg	Dean	Jacobs	Kroening	Nelsen, B.
Berglin	Den Ouden	Jaros	Laidig	Nelsen, M.
Berkelman	Eken	Jensen	Langseth	Nelson
Biersdorf	Ellingson	Johnson	Lehto	Niehaus
Birnstihl	Enebo	Jude	Lemke	Norton
			Mangan	Novak

Osthoff	Rice	Sherwood	Stoa	Wenstrom
Patton	Rose	Sieben, H.	Suss	Wenzel
Pehler	St. Onge	Sieben, M.	Swanson	White
Peterson	Sarna	Simoneau	Tomlinson	Wieser
Petraleso	Savelkoul	Skoglund	Vanasek	Williamson
Pleasant	Scheid	Smogard	Voss	Wynia
Prahl	Schulz	Spanish	Waldorf	Zubay
Reding	Searles	Stanton	Welch	Speaker Sabo

Those who voted in the negative were:

Anderson, D.	Eckstein	Erickson	Kvam	Searle
Braun				

The bill was passed and its title agreed to.

S. F. No. 963, A bill for an act relating to public safety; permitting only owners of gas containers to fill them with industrial gases; amending Minnesota Statutes 1976, Section 299F.40.

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 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Metzen	Searle
Adams	Cummiskey	Johnson	Moe	Searles
Albrecht	Dahl	Jude	Munger	Sherwood
Anderson, B.	Dean	Kahn	Murphy	Sieben, H.
Anderson, D.	Den Ouden	Kaley	Neisen	Sieben, M.
Anderson, G.	Eckstein	Kalis	Nelsen, B.	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelsen, M.	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Nelson	Smogard
Arlandson	Enebo	Kempe, A.	Niehaus	Spanish
Battaglia	Erickson	Kempe, R.	Novak	Stanton
Beauchamp	Esau	King	Osthoff	Stoa
Begich	Ewald	Knickerbocker	Patton	Suss
Berg	Faricy	Kostohryz	Pehler	Swanson
Berglin	Fjoslien	Kroening	Peterson	Vanasek
Berkelman	Forsythe	Kvam	Petraleso	Voss
Biersdorf	Friedrich	Laidig	Pleasant	Waldorf
Birnstihl	Fugina	Langseth	Prahl	Welch
Brandl	George	Lehto	Reding	Wenstrom
Byrne	Gunter	Lemke	Rice	Wenzel
Carlson, A.	Hanson	Mangan	Rose	White
Carlson, L.	Haugerud	Mann	St. Onge	Williamson
Casserly	Heinitz	McCarron	Sarna	Wynia
Clark	Hokanson	McCollar	Savelkoul	Zubay
Clawson	Jacobs	McDonald	Scheid	Speaker Sabo
Cohen	Jaros	McEachern	Schulz	

Those who voted in the negative were:

Wieser

The bill was passed and its title agreed to.

S. F. No. 833, A bill for an act relating to highways; state-aid system; contracts for construction and improvement of county state-aid highways and municipal state-aid streets; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Sections 162.04 and 162.10.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Munger	Searles
Adams	Corbid	Kahn	Murphy	Sherwood
Albrecht	Cummiskey	Kaley	Neisen	Sieben, H.
Anderson, B.	Dahl	Kalis	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Kelly, R.	Nelsen, M.	Simoneau
Anderson, G.	Eckstein	Kelly, W.	Nelson	Skoglund
Anderson, I.	Eken	Kempe, A.	Niehaus	Smogard
Anderson, R.	Enebo	Kempe, R.	Norton	Spanish
Arlandson	Erickson	King	Novak	Stanton
Battaglia	Esau	Knickerbocker	Osthoff	Stoa
Beauchamp	Ewald	Kostohryz	Patton	Suss
Begich	Faricy	Kroening	Pehler	Swanson
Berg	Fjoslien	Kvam	Peterson	Tomlinson
Berglin	Forsythe	Laidig	Petrafeso	Vanasek
Berkelman	Friedrich	Langseth	Pleasant	Voss
Biersdorf	Fugina	Lehto	Prahl	Waldorf
Birnstihl	George	Lemke	Reding	Welch
Brandl	Gunter	Mangan	Rice	Wenstrom
Braun	Hanson	Mann	Rose	Wenzel
Byrne	Haugerud	McCarron	St. Onge	White
Carlson, A.	Hokanson	McCollar	Sarna	Wieser
Carlson, L.	Jacobs	McDonald	Savelkoul	Williamson
Cassery	Jaros	McEachern	Scheid	Wynia
Clark	Jensen	Metzen	Schulz	Zubay
Clawson	Johnson	Moe	Searle	Speaker Sabo

Those who voted in the negative were:

Den Ouden

The bill was passed and its title agreed to.

### SPECIAL ORDERS

H. F. No. 1322 was reported to the House.

Johnson moved that H. F. No. 1322 be returned to its author. The motion prevailed.

H. F. No. 788 was reported to the House.

There being no objection, H. F. No. 788 was continued on Special Orders for one day.

S. F. No. 1166, A bill for an act relating to administrative procedures; providing for water resource and conservation hearings to be held in accordance with the administrative procedure act; amending Minnesota Statutes 1976, Sections 105.44, Subdivisions 3, 5, 6, 7, and 8; 105.45 and 105.461; repealing Minnesota Statutes 1976, Section 105.47.

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:

Abeln	Corbid	Jude	Murphy	Sieben, H.
Adams	Cummiskey	Kahn	Neisen	Sieben, M.
Albrecht	Dahl	Kaley	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kalis	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Smogard
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Spanish
Anderson, I.	Eken	Kempe, A.	Norton	Stanton
Anderson, R.	Ellingson	Kempe, R.	Novak	Stoa
Arlandson	Enebo	King	Osthoff	Suss
Battaglia	Erickson	Knickerbocker	Patton	Swanson
Beauchamp	Ewald	Kostohryz	Pehler	Tomlinson
Begich	Faricy	Kroening	Peterson	Vanasek
Berg	Fjoslien	Kvam	Petrafeso	Voss
Berglin	Forsythe	Laidig	Pleasant	Waldorf
Berkelman	Friedrich	Langseth	Prahl	Welch
Biersdorf	Fugina	Lehto	Reding	Wenstrom
Birnstihl	George	Lemke	Rice	Wenzel
Brandl	Gunter	Mangan	Rose	White
Braun	Hanson	Mann	St. Onge	Wieser
Byrne	Haugerud	McCarron	Sarna	Wigley
Carlson, A.	Heinitz	McCollar	Savelkoul	Williamson
Carlson, L.	Hokanson	McDonald	Scheid	Wynia
Casserly	Jacobs	McEachern	Schulz	Zubay
Clark	Jaros	Metzen	Searle	Speaker Sabo
Clawson	Jensen	Moe	Searles	
Cohen	Johnson	Munger	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 1234 was reported to the House.

There being no objection, S. F. No. 1234 was continued on Special Orders for one day.

S. F. No. 1382, A bill for an act relating to the city of St. Paul; providing that the employees of the housing and redevelopment authority of the city of St. Paul may remain employees of the authority or become employees of the city as the governing body of the city may determine; amending Laws 1976, Chapter 234, Section 4, Subdivision 4, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sieben, M.
Adams	Corbid	Jude	Neisen	Simoneau
Albrecht	Cummiskey	Kahn	Nelsen, B.	Skoglund
Anderson, B.	Dahl	Kaley	Nelsen, M.	Smogard
Anderson, D.	Dean	Kalis	Nelson	Spanish
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Stanton
Anderson, I.	Eken	Kelly, W.	Norton	Stoa
Anderson, R.	Ellingson	Kempe, A.	Novak	Suss
Arlandson	Enebo	Kempe, R.	Patton	Swanson
Battaglia	Erickson	King	Pehler	Tomlinson
Beauchamp	Esau	Knickerbocker	Peterson	Vanasek
Begich	Ewald	Kostohryz	Petrafeso	Voss
Berg	Faricy	Kroening	Pleasant	Waldorf
Berglin	Fjoslien	Kvam	Prahl	Welch
Berkelman	Forsythe	Laidig	Rice	Wenstrom
Biersdorf	Friedrich	Langseth	Rose	Wenzel
Birnstihl	Fugina	Lehto	St. Onge	White
Brandl	George	Lemke	Samuelson	Wieser
Braun	Gunter	Mangan	Sarna	Wigley
Brinkman	Hanson	Mann	Savelkoul	Williamson
Byrne	Haugerud	McCollar	Scheid	Wynia
Carlson, A.	Heinitz	McDonald	Schulz	Zubay
Carlson, L.	Hokanson	McEachern	Searle	Speaker Sabo
Casserly	Jacobs	Metzen	Searles	
Clark	Jaros	Moe	Sherwood	
Clawson	Jensen	Munger	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 99, A bill for an act relating to Wabasha county; authorizing the sale of Buena Vista sanitarium after rejection of bids.

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

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

Those who voted in the affirmative were:

Abeln	Biersdorf	Dean	Hanson	Kempe, R.
Adams	Birnstihl	Den Ouden	Haugerud	King
Albrecht	Brandl	Eken	Heinitz	Knickerbocker
Anderson, B.	Braun	Ellingson	Hokanson	Kostohryz
Anderson, D.	Brinkman	Enebo	Jacobs	Kroening
Anderson, G.	Byrne	Erickson	Jaros	Kvam
Anderson, I.	Carlson, A.	Esau	Jensen	Laidig
Anderson, R.	Carlson, L.	Ewald	Johnson	Langseth
Arlandson	Casserly	Faricy	Jude	Lehto
Battaglia	Clark	Fjoslien	Kahn	Lemke
Beauchamp	Clawson	Forsythe	Kaley	Mangan
Begich	Cohen	Friedrich	Kalis	Mann
Berg	Corbid	Fugina	Kelly, R.	McCarron
Berglin	Cummiskey	George	Kelly, W.	McCollar
Berkelman	Dahl	Gunter	Kempe, A.	McDonald

McEachern	Novak	Samuelson	Skoglund	Welch
Metzen	Osthoff	Sarna	Smogard	Wenstrom
Moe	Patton	Savelkoul	Spanish	Wenzel
Munger	Pehler	Scheid	Stanton	White
Murphy	Peterson	Schulz	Stoa	Wieser
Neisen	Petrafeso	Searle	Suss	Wigley
Nelsen, B.	Pleasant	Searles	Swanson	Williamson
Nelsen, M.	Prahl	Sherwood	Tomlinson	Wynia
Nelson	Rice	Sieben, H.	Vanasek	Zubay
Niehaus	Rose	Sieben, M.	Voss	Speaker Sabo
Norton	St. Onge	Simoneau	Waldorf	

The bill was passed and its title agreed to.

S. F. No. 1140 was reported to the House.

There being no objection, S. F. No. 1140 was continued on Special Orders for one day.

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

S. F. No. 667, A bill for an act relating to the city of Minneapolis; authorizing a rehabilitation loan program for small and medium sized commercial buildings; and providing for the issuance and security of limited general obligation and revenue bonds to finance the program.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Murphy	Sieben, H.
Adams	Cohen	Johnson	Neisen	Sieben, M.
Albrecht	Corbid	Jude	Nelsen, B.	Simoneau
Anderson, B.	Cummiskey	Kahn	Nelsen, M.	Skoglund
Anderson, D.	Dean	Kaley	Nelson	Smogard
Anderson, G.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, I.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, R.	Eken	Kelly, W.	Novak	Stoa
Arlandson	Ellingson	Kempe, A.	Osthoff	Suss
Battaglia	Enebo	Kempe, R.	Patton	Swanson
Beauchamp	Erickson	King	Pehler	Tomlinson
Begich	Esau	Knickerbocker	Peterson	Vanasek
Berg	Ewald	Kostohryz	Petrafeso	Voss
Berglin	Farcy	Kroening	Prahl	Waldorf
Berkelman	Fjoslien	Langseth	Reding	Welch
Biersdorf	Forsythe	Lehto	Rice	Wenstrom
Birnstihl	Friedrich	Lemke	Rose	Wenzel
Brandl	George	Mangan	St. Onge	White
Braun	Gunter	Mann	Samuelson	Wieser
Brinkman	Hanson	McCarron	Sarna	Wigley
Byrne	Haugerud	McCollar	Savelkoul	Williamson
Carlson, A.	Heinitz	McDonald	Scheid	Wynia
Carlson, L.	Hokanson	McEachern	Searle	Zubay
Casserly	Jacobs	Metzen	Searles	Speaker Sabo
Clark	Jaros	Munger	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 760 was reported to the House.

Jensen moved to amend S. F. No. 760, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 100.27, Subdivision 2, is amended to read:

Subd. 2. Deer (AND), moose *and bear* may be taken in such areas of the state, under such restrictions and on such dates within the periods hereafter prescribed as the commissioner may, by order, provide:

(1) Deer (, BY BOW AND ARROW ONLY, BETWEEN OCTOBER 1 AND OCTOBER 31 AND IN ANY AREA OF THE STATE DESIGNATED BY THE COMMISSIONER SOUTH OF A LINE STARTING AT THE NORTH DAKOTA BORDER AT MOORHEAD, EAST ON ROUTES 10 AND 218 TO BRAINERD AND THENCE TO DULUTH BETWEEN DECEMBER 1 AND DECEMBER 31) *and bear by bow and arrow; legal muzzle loading firearms as defined in section 100.29, subdivision 3, clause (2), or both, between September 1 and December 31 and in any areas of the state designated by the commissioner. Legal muzzle loading firearms shall be permitted by the commissioner on public lands only;*

(2) Deer, by legal firearms and with bow and arrow, between November 1 and December 15, with the length of the season to be determined by the commissioner; *and*

(3) Moose, between January 1 and December 31 in any of the calendar years 1976 through 1979 as determined by the commissioner, by legal firearms and with bow and arrow, in areas of the state, and under such restrictions and on such dates as the commissioner may by order provide; for purposes of this section a split season in any one calendar year shall be considered as one season (;)

((4) DEER, BY BOW AND ARROW ONLY, BETWEEN OCTOBER 15 AND NOVEMBER 15 IN A YEAR AND AREA WHEN THE COMMISSIONER HAS PROVIDED THAT DEER MAY NOT BE TAKEN BY LEGAL FIREARMS IN THAT YEAR IN THAT AREA;)

((5) THE COMMISSIONER MAY DESIGNATE ANY AREA OF THE STATE TO BE OPEN FOR THE TAKING OF DEER BY BOW AND ARROW PROHIBITING OTHER MEANS OF TAKING DEER IN THESE AREAS).

Sec. 2. Minnesota Statutes 1976, Section 100.27, Subdivision 9, is amended to read:

Subd. 9. *In addition to the season prescribed in clause (6) of subdivision 2, bear may be taken in such areas of the state, under such restrictions, and on such dates as the commissioner may, by order, provide. Nothing in this subdivision shall prevent a person from taking a bear to protect his property. Such taking shall be reported to a conservation officer within 48 hours. Bear so taken may thereafter be disposed of in the same manner as provided in section 97.50, subdivision 5, for the disposition of wild animals unlawfully taken.*

Sec. 3. *This act is effective the day following final enactment.*"

The motion prevailed and the amendment was adopted.

Fjoslien moved to amend S. F. No. 760, as amended, as follows:

Page 1, line 21, strike "*September 1*" and insert "*October 1*".

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

S. F. No. 760, A bill for an act relating to natural resources; establishing a season for taking deer and bear with muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.27, Subdivisions 2 and 9.

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 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abela	Brandl	Eken	Jacobs	Langseth
Adams	Braun	Ellingson	Jaros	Lehto
Anderson, B.	Brinkman	Enebo	Jensen	Lemke
Anderson, D.	Byrne	Erickson	Johnson	Mangan
Anderson, G.	Carlson, A.	Esau	Jude	Mann
Anderson, I.	Carlson, L.	Ewald	Kahn	McCollar
Anderson, R.	Casserly	Faricy	Kaley	McDonald
Arlandson	Clark	Forsythe	Kalis	McEachern
Battaglia	Clawson	Friedrich	Kelly, R.	Metzen
Beauchamp	Cohen	Fugina	Kelly, W.	Moe
Begich	Corbid	George	Kempe, R.	Munger
Berg	Cummiskey	Gunter	King	Murphy
Berglin	Dahl	Hanson	Knickerbocker	Neisen
Berkelman	Dean	Haugerud	Kostohryz	Nelsen, M.
Biersdorf	Den Ouden	Heinitz	Kroening	Nelson
Birnstihl	Eckstein	Hokanson	Kvam	Niehaus

Norton	Rice	Searles	Suss	White
Novak	Rose	Sherwood	Swanson	Wieser
Patton	St. Onge	Sieben, H.	Tomlinson	Wigley
Pehler	Samuelson	Sieben, M.	Vanasek	Williamson
Peterson	Sarna	Simoneau	Voss	Zubay
Petrafeso	Savelkoul	Skoglund	Waldorf	Speaker Sabo
Pleasant	Scheid	Smogard	Welch	
Prahl	Schulz	Stanton	Wenstrom	
Reding	Searle	Stoa	Wenzel	

Those who voted in the negative were:

Fjoslien	McCarron	Nelsen, B.	Osthoff	Spanish
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The bill was passed, as amended, and its title agreed to.

S. F. No. 845, A bill for an act relating to St. Louis county Independent School District No. 710; providing for separate election districts.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Munger	Sherwood
Adams	Corbid	Johnson	Murphy	Sieben, H.
Albrecht	Cummiskey	Jude	Neisen	Sieben, M.
Anderson, B.	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kalis	Nelson	Smogard
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Spanish
Anderson, R.	Eken	Kelly, W.	Norton	Stanton
Arlandson	Ellingson	Kempe, A.	Novak	Stoa
Battaglia	Enebo	Kempe, R.	Osthoff	Suss
Beauchamp	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Ewald	Kostohryz	Peterson	Vanasek
Berglin	Faricy	Kroening	Petrafeso	Voss
Berkelman	Fjoslien	Kvam	Pleasant	Waldorf
Biersdorf	Forsythe	Langseth	Prahl	Welch
Birnstihl	Friedrich	Lehto	Reding	Wenstrom
Brandl	Fugina	Lemke	Rose	Wenzel
Braun	George	Mangan	St. Onge	White
Brinkman	Gunter	Mann	Samuelson	Wieser
Byrne	Hanson	McCarron	Sarna	Wigley
Carlson, A.	Haugerud	McCollar	Savelkoul	Williamson
Carlson, L.	Heinitz	McDonald	Scheid	Wynia
Casserly	Hokanson	McEachern	Schulz	Zubay
Clark	Jacobs	Metzen	Searle	Speaker Sabo
Clawson	Jaros	Moe	Searles	

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

S. F. No. 916, A bill for an act relating to elections; precinct boundaries; including annexed area in adjacent precinct; amending Minnesota Statutes 1976, Section 204A.06, Subdivision 1; repealing Minnesota Statutes 1976, Section 204A.06, 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 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sherwood
Adams	Corbid	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kalis	Nelson	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, W.	Norton	Spanish
Anderson, R.	Eken	Kempe, A.	Novak	Stanton
Arlandson	Ellingson	Kempe, R.	Osthoff	Stoa
Battaglia	Enebo	King	Patton	Suss
Beauchamp	Erickson	Knickerbocker	Pehler	Swanson
Begich	Esau	Kostohryz	Peterson	Tomlinson
Berg	Ewald	Kroening	Petrafeso	Vanasek
Berglin	Faricy	Kvam	Pleasant	Voss
Berkelman	Fjoslien	Langseth	Prahl	Waldorf
Biersdorf	Forsythe	Lehto	Reding	Welch
Birnstihl	Friedrich	Lemke	Rice	Wenstrom
Brandl	Fugina	Mangan	Rose	Wenzel
Braun	George	Mann	St. Onge	White
Brinkman	Gunter	McCarron	Samuelson	Wieser
Byrne	Hanson	McCollar	Sarna	Wigley
Carlson, A.	Haugerud	McDonald	Savelkoul	Williamson
Carlson, L.	Heinitz	McEachern	Scheid	Wynia
Casserly	Hokanson	Metzen	Schulz	Speaker Sabo
Clark	Jacobs	Moe	Searle	
Clawson	Jaros	Munger	Searles	

Those who voted in the negative were:

Jensen

The bill was passed and its title agreed to.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders until Friday, May 6, 1977, immediately following the Calendar. The motion prevailed.

### GENERAL ORDERS

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

## REPORT OF COMMITTEE OF THE WHOLE

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

H. F. No. 544 which it recommended to pass.

H. F. Nos. 756 and 424 which it recommended progress.

S. F. Nos. 895 and 125 which it recommended progress.

H. F. No. 790 which it recommended progress retaining its place on General Orders.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

## ROLL CALLS IN COMMITTEE OF THE WHOLE

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

The question was taken on the motion by Patton to re-refer H. F. No. 544 to the Committee on Transportation and the roll was called. There were 19 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Albrecht	Eckstein	Moe	Patton	Skoglund
Berglin	Ellingson	Nelson	Pehler	Stanton
Corbid	Kahn	Niehaus	Searle	Stoa
Cummiskey	Lemke	Norton	Sherwood	

Those who voted in the negative were:

Abeln	Casslerly	Jensen	Metzen	Searles
Adams	Clark	Johnson	Murphy	Sieben, H.
Anderson, B.	Clawson	Jude	Neisen	Sieben, M.
Anderson, D.	Cohen	Kaley	Nelsen, B.	Simoneau
Anderson, G.	Dean	Kelly, R.	Nelsen, M.	Smogard
Arlandson	Den Ouden	Kelly, W.	Novak	Spanish
Battaglia	Eken	Kempe, A.	Osthoff	Suss
Beauchamp	Erickson	Kempe, R.	Peterson	Swanson
Begich	Ewald	King	Petrafeso	Tomlinson
Berg	Faricy	Knickerbocker	Pleasant	Vanasek
Berkelman	Fjoslien	Kostohryz	Reding	Waldorf
Biersdorf	Forsythe	Kroening	Rice	Wenstrom
Birnstihl	Friedrich	Kvam	Rose	Wenzel
Brandl	George	Langseth	St. Onge	White
Braun	Hanson	Mangan	Samuelson	Wieser
Brinkman	Haugerud	Mann	Sarna	Wigley
Byrne	Heinitz	McCollar	Savelkoul	Wynia
Carlson, A.	Jacobs	McDonald	Scheid	Zubay
Carlson, L.	Jaros	McEachern	Schulz	Speaker Sabo

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 544 and the roll was called. There were 92 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Kelly, R.	Nelsen, M.	Simoneau
Adams	Enebo	Kelly, W.	Novak	Smogard
Anderson, D.	Erickson	Kempe, A.	Osthoff	Spanish
Anderson, G.	Ewald	Kempe, R.	Peterson	Suss
Anderson, I.	Faricy	Knickerbocker	Petrafeso	Swanson
Battaglia	Fjoslien	Kostohryz	Pleasant	Tomlinson
Beauchamp	Forsythe	Kroening	Prahl	Vanasek
Begich	Friedrich	Kvam	Reding	Waldorf
Berkelman	Fugina	Langseth	Rice	Wenstrom
Biersdorf	George	Mangan	Rose	Wenzel
Birnstihl	Gunter	Mann	St. Onge	White
Braun	Hanson	McCarron	Samuelson	Wieser
Brinkman	Heinitz	McCollar	Sarna	Wigley
Byrne	Hokanson	McDonald	Savelkoul	Williamson
Carlson, L.	Jacobs	McEachern	Scheid	Wynia
Casserly	Jensen	Metzen	Schulz	Zubay
Clawson	Johnson	Murphy	Searles	
Cohen	Jude	Neisen	Sieben, H.	
Dahl	Kaley	Nelsen, B.	Sieben, M.	

Those who voted in the negative were:

Albrecht	Carlson, A.	Eken	Lemke	Pehler
Anderson, B.	Clark	Ellingson	Moe	Sherwood
Arlandson	Corbid	Esau	Nelson	Skoglund
Berg	Cummiskey	Haugerud	Niehaus	Stanton
Berglin	Dean	Jaros	Norton	Stoa
Brandl	Eckstein	Kahn	Patton	Speaker Sabo

The motion prevailed.

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 82 and 1510 was reported to the House.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 320:

Reding, St. Onge, and Rose.

#### MOTIONS AND RESOLUTIONS

Suss moved that S. F. No. 1338 be recalled from the Committee on Financial Institutions and Insurance and together with

H. F. No. 1484, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Ellingson moved that S. F. No. 581 be recalled from the Committee on Financial Institutions and Insurance and together with H. F. No. 528, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Friday, May 6, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FORTY-NINTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 6, 1977

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Corbid	Jaros	Moe	Searles
Adams	Cummiskey	Jensen	Munger	Sherwood
Albrecht	Dahl	Jude	Murphy	Sieben, H.
Anderson, B.	Dean	Kahn	Neisen	Sieben, M.
Anderson, G.	Den Ouden	Kaley	Nelsen, B.	Simoneau
Anderson, I.	Eckstein	Kalis	Nelson	Skoglund
Anderson, R.	Eken	Kelly, R.	Niehaus	Smogard
Arlandson	Ellingson	Kelly, W.	Norton	Spanish
Battaglia	Enebo	Kempe, A.	Novak	Stanton
Beauchamp	Erickson	Kempe, R.	Osthoff	Stoa
Begich	Esau	King	Patton	Suss
Berg	Evans	Knickerbocker	Pehler	Swanson
Berglin	Ewald	Kostohryz	Peterson	Tomlinson
Berkelman	Farcy	Kroening	Petrafeso	Vanasek
Birnstihl	Fjoslien	Kvam	Pleasant	Voss
Brandl	Forsythe	Laidig	Prahl	Waldorf
Braun	Friedrich	Langseth	Reding	Welch
Brinkman	Fudro	Lehto	Rice	Wenstrom
Byrne	Fugina	Lemke	Rose	Wenzel
Carlson, A.	George	Mangan	St. Onge	White
Carlson, D.	Gunter	Mann	Samuelson	Wieser
Carlson, L.	Hanson	McCarron	Sarna	Williamson
Casserly	Haugerud	McCollar	Savelkoul	Wynia
Clark	Heinitz	McDonald	Scheid	Zubay
Clawson	Hokanson	McEachern	Schulz	Speaker Sabo
Cohen	Jacobs	Metzen	Searle	

A quorum was present.

Anderson, D., and Nelsen, M., were excused. Biersdorf was excused until 2:50 p.m. Johnson and Wigley were excused until 3:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau 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. 848, 528, 1060, 1484, 8, 613, 733, 1193, 1498, 1582, 501, 772 and 1405 and S. F. Nos. 157, 158, 1070, 1086, 1106, 1369, 1017, 1140, 742, 1418 and 1077 have been placed in the members' files.

S. F. No. 1070 and H. F. No. 1132, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Arlandson moved that S. F. No. 1070 be substituted for H. F. No. 1132 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1338 and H. F. No. 1484, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Suss moved that S. F. No. 1338 be substituted for H. F. No. 1484 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 581 and H. F. No. 528, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Ellingson moved that the rules be so far suspended that S. F. No. 581 be substituted for H. F. No. 528 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 5, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 38, An act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty.

Sincerely,

RUDY PERPICH  
Governor

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

May 5, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	61	38	May 4	May 5
	148	39	May 4	May 5
	301	40	May 4	May 5
	380	41	May 4	May 5
	489	42	May 4	May 5
	557	43	May 4	May 5
	681	44	May 4	May 5
	705	45	May 4	May 5
	720	46	May 4	May 5
	763	47	May 4	May 5
	809	48	May 4	May 5

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	1208	49	May 4	May 5
10		50	May 4	May 5
70		51	May 4	May 5
72		52	May 4	May 5
108		53	May 4	May 5
111		54	May 4	May 5
170		55	May 4	May 5
305		56	May 4	May 5
345		57	May 4	May 5
569		58	May 4	May 5
600		59	May 4	May 5
855		60	May 4	May 5
1039		61	May 4	May 5
1331		62	May 4	May 5
1381		63	May 4	May 5
1387		64	May 4	May 5

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of

the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

Reported the same back with the following amendments:

Page 14, delete lines 29 to 32.

Page 15, delete lines 1 to 8 and insert:

*"By February 15, 1978, the director shall make recommendations to the legislature on methods to obtain compliance with the standards set forth in this subdivision."*

Page 15, line 9, delete "3" and insert "2".

Page 16, line 32, delete *"The following sums are"* and insert *"\$200,000 shall be"*.

Page 17, line 1, after *"fund"* insert *"to the Minnesota energy agency which shall be designated as the lead agency"*.

Page 17, line 1, delete *"during the fiscal"*.

Page 17, line 2, delete *"year"* and insert *"for the biennium"*.

Page 17, line 2, delete the colon.

Page 17, delete lines 3 to 12 and insert the following: *"The state planning agency, the pollution control agency, the department of natural resources, and the department of transportation shall be participating agencies."*

*Subd. 3. The sum of \$18,000 is appropriated from the general fund to the director of the energy agency for the purpose of studying and reporting to the legislature by November 15, 1977, on state impacts of increased insulation activity including the need for insulation product and application standards, the need for state assistance in insuring adequate insulation supplies, and such other issues as the study may identify."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1126, A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [168B.21] [DILAPIDATED BUILDINGS; FINDINGS.] *The legislature finds that the public health, safety and well-being require that dilapidated buildings be either restored to productive use or removed. The legislature further determines that state assistance is necessary and required by the public interest to eliminate the dangers posed to the citizens of this state by dilapidated buildings.*

Sec. 2. [168B.22] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 7, the terms defined in this section have the meanings given them.*

*Subd. 2. “Agency” means the Minnesota pollution control agency.*

*Subd. 3. “Building” means any structure or part of a structure, and includes the contents thereof, if any.*

*Subd. 4. “Dilapidated building” means any building which in accordance with section 5 has been voluntarily surrendered by its owner for removal and which:*

*(a) Is blighted or deteriorated, as determined by the unit of government having jurisdiction thereof; or*

*(b) Because of inadequate maintenance, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health, as certified by the appropriate local or state official.*

*“Dilapidated building” also means any hazardous building whose removal is ordered or authorized pursuant to Minnesota Statutes, Sections 463.15 to 463.261.*

*“Dilapidated building” does not include:*

*(1) Any building whose expense of removal, not including legal fees, equals or exceeds the estimated expense of bringing*

*the building into compliance with applicable building code requirements for new construction of similar buildings;*

*(2) Any building listed in the national register of historic places;*

*(3) Any building listed in the state registry of historic sites and the state inventory of historic sites maintained by the Minnesota historical society;*

*(4) Any building included in an historic district;*

*(5) Any building included in a redevelopment project established pursuant to law; or*

*(6) Any building recommended for preservation by a municipal heritage preservation commission.*

*Subd. 5. "Expense of removal" means the reasonable expense directly attributable to the inventory or removal of a dilapidated building, including legal fees incurred by a unit of government to remove a dilapidated building, and any other reasonable expense directly attributable to an activity required by the agency as a condition to reimbursement of expenses of removal. The agency may by rule further define expense of removal.*

*Subd. 6. "Director" means the director of the Minnesota pollution control agency.*

*Subd. 7. "Unit of government" means any county, home rule charter or statutory city, town, Indian tribe or authorized tribal organization or any combination thereof acting jointly.*

*Subd. 8. "Owner" means the owner, owner of record or lien holder of record, as those terms are defined in Minnesota Statutes, Section 463.15, Subdivision 4. "Owner" does not include any housing and redevelopment authority.*

*Subd. 9. "Removal" means demolition of a dilapidated building, disposal of debris from the demolition, and landscaping to remove safety hazards or to restore the premises to a natural condition, as required by the rules of agency or any applicable statute or ordinance.*

*Subd. 10. "Services" mean labor, equipment or materials to be used in the removal of a dilapidated building.*

**Sec. 3. [168B.23] [REMOVAL AUTHORITY.]** *A unit of government may contract with others or may utilize its own services for the inventory and removal of dilapidated buildings.*

**Sec. 4. [168B.24] [REIMBURSEMENT FOR REMOVAL.]**  
*Subdivision 1. The agency shall provide state assistance to units of government to aid in the removal of dilapidated buildings.*

*Subd. 2. Upon completion of the removal of a dilapidated building, the unit of government initiating the removal may apply to the agency for reimbursement of the expenses of removal. The application shall be on forms provided by the agency. If the removal of the dilapidated building conforms to the requirements of sections 1 to 7 and the rules promulgated thereunder, the agency shall reimburse the unit of government in accordance with the priorities and formula established pursuant to section 6.*

*Subd. 3. The agency may adopt, amend, suspend or repeal rules as necessary or desirable to accomplish the purposes of sections 1 to 7. The agency may for the purpose of implementing sections 1 to 7 exercise emergency power and adopt emergency rules under the provisions of Minnesota Statutes, Section 15.0412, Subdivision 5. No emergency rules may be adopted by the agency pursuant to this subdivision after January 1, 1978.*

**Sec. 5. [168B.25] [SURRENDER OF BUILDINGS FOR REMOVAL.]**  
*Subdivision 1. The owners of any building meeting the requirements of section 2, subdivision 4, clause (a) or (b) may surrender the building to the unit of government having jurisdiction thereof for the purpose of having it removed. Only buildings voluntarily surrendered or otherwise qualifying as dilapidated buildings under section 2, subdivision 4, may be removed pursuant to sections 1 to 7. The agency shall supply surrender forms approved as to legal form by the attorney general to any person requesting them. The forms shall provide for the owner's surrender of any right in or title to the building to be removed, subject to the retention of any interest extending to the real property on which the building is situated.*

*Subd. 2. Upon removal of a dilapidated building, the unit of government causing the removal shall have a lien on the property for the full amount of the expenses of removal. The lien shall attach at the time the first visible signs of removal occur and shall be preferred over every subsequent encumbrance except a lien for taxes or a mortgage securing an advance of funds used to improve the property. The unit of government shall within 60 days of completion of the removal file with the county recorder a lien notice identifying the owner, the affected property, and the amount of the claim. Failure to file the notice within 60 days shall invalidate the lien. No fee shall be required for the filing. The lien shall be enforceable if the property is sold or transferred by gift to a private party within ten years of completion of the dilapidated building's removal. If the sale or transfer occurs within five years of the building's removal, the full amount of the expenses of removal shall be recovered. In each succeeding year the amount which may be recovered shall be reduced by 20*

percent of the original sum. If the owner constructs a new building on the property within five years of completion of removal, the lien shall thereupon expire. The lien may be enforced by the unit of government against any subsequent purchaser or grantee in the manner provided by Minnesota Statutes, Sections 514.10 to 514.15. Any funds recovered pursuant to this section in excess of non-reimbursed expenses of removal and expenses incurred to enforce the lien shall be remitted by the unit of government to the agency for deposit to the credit of the general fund.

Subd. 3. The surrender of a dilapidated building shall become effective upon its acceptance by the unit of government. Acceptance by the unit of government shall constitute an assumption of liability for any damages arising from the removal of the dilapidated building, which damages are caused by the negligent acts of the unit of government or its agents.

Subd. 4. Persons surrendering buildings pursuant to this section shall not be eligible for relocation assistance provided pursuant to Minnesota Statutes, Sections 117.50 to 117.56.

Subd. 5. The owner of each dilapidated building shall in a space provided on the surrender form list all wells known to exist on the property and all wells whose abandonment is contemplated as part of the removal. The agency shall notify the state board of health if any well is abandoned as a result of a removal.

Sec. 6. [168B.26] [REIMBURSEMENT PRIORITIES AND FORMULAS.] Subdivision 1. The agency shall by rule establish priorities for the reimbursement of expenses of removal not reimbursable from funds available in a unit of government's dilapidated building removal account. The priorities shall provide:

(a) That reimbursement go first to units of government seeking to remove dilapidated buildings which are voluntarily surrendered for removal; and

(b) That reimbursement go first to units of government which have not previously received reimbursement from the agency.

Subject to the priorities contained in clauses (a) and (b) the agency shall reimburse units of government in the order in which applications for reimbursement are received.

Subd. 2. The agency may by rule require a unit of government to provide not more than 50 percent of the funds required for removal of a dilapidated building or an equal value of services, or any combination thereof. The exact level of required match shall be determined by the agency each year and fixed for the next fiscal year.

*Subd. 3. The agency may by rule establish different rates of reimbursement based on the population of the unit of government. The rates may provide for reimbursement of a greater proportion of the expenses of removal in units of government with smaller populations and fewer building permits.*

Sec. 7. [168B.27] [DILAPIDATED BUILDING REMOVAL ACCOUNTS; UNITS OF GOVERNMENT TO MAINTAIN.] *Each unit of government collecting a surcharge authorized by Minnesota Statutes, Section 16.866, shall establish a dilapidated building removal account wherein the sums specified by Minnesota Statutes, Section 16.866, shall be deposited. The sums deposited to the account shall accumulate and be available to the unit of government for payment of expenses of removal incurred by the unit of government and for matching funds required by section 6. Each unit of government maintaining an account pursuant to this section shall at the close of its fiscal year ending in calendar year 1978 and every second year thereafter, remit to the commissioner of administration any sums remaining unexpended or unencumbered in the account as of that date, for deposit by the commissioner to the credit of the general fund.*

*This section expires January 1, 1983, and any funds remaining unencumbered and unexpended as of that date in any account maintained pursuant to this section shall be remitted to the commissioner for deposit to the credit of the general fund.*

Sec. 8. Minnesota Statutes 1976, Section 16.866, is amended to read:

16.866 [SURCHARGE.] Subdivision 1. [COMPUTATION.] (FOR THE PURPOSE OF DEFRAYING THE COSTS OF ADMINISTERING THE PROVISIONS OF LAWS 1971, CHAPTER 561) There is hereby imposed a surcharge on all permits issued by municipalities in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances (, ON AND AFTER JULY 1, 1971,).

*Subd. 1a. During the period commencing July 1, 1977 and ending June 30, 1982, the surcharge shall be computed as follows:*

((A) WHERE) *If the fee for the permit (ISSUED) is fixed in amount the surcharge shall be equivalent to (1/2) one mill ((.0005)) (.001) of (SUCH) the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to (1/2) one mill ((.0005)) (.001) of the valuation of the structure, addition or alteration. Provided however, that (WHERE) if the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be (\$1,000, WHERE SAID) \$1,500; if the valuation is equal to or greater than \$10,000,000 but less than*

\$20,000,000 the surcharge shall be (\$1,500) \$3,000; and (WHERE SAID) if the valuation is equal to or greater than \$20,000,000 the surcharge shall be (\$2,000) \$4,000.

Subd. 2. [COLLECTION AND REPORTS.] All permit surcharges shall be collected by each municipality and a portion thereof remitted to the state. Each municipality having a population greater than 20,000 people shall, on a monthly basis, prepare and submit to the commissioner a report of fees and surcharges thereon collected during the previous month, but shall retain two percent of the surcharges collected to apply against the administrative expenses each such municipality incurs in collecting said surcharges. All other municipalities shall submit said report and surcharges thereon on a quarterly basis, but shall retain four percent of the surcharges collected to apply against the administrative expenses such municipalities incur in collecting said surcharges. *During the period commencing July 1, 1977, and ending June 30, 1982, 25 percent of the amount remaining after deduction of the administrative expense allowance shall be retained by the municipality for deposit to its dilapidated building removal account established pursuant to section 7 of this act.* The (REPORT) reports required by this section, which shall be in a form prescribed by the commissioner, shall be submitted together with a remittance covering the surcharges collected by no later than the 15th day following the month or quarter in which said surcharges are collected. All surcharges and other fees prescribed by (LAWS 1971, CHAPTER 561, AS AMENDED) sections 16.851 to 16.867, which are payable to the state, shall be paid to the commissioner who shall deposit same in the state treasury for credit to the general fund.

Subd. 3. *Commencing July 1, 1982, the surcharge shall be computed as follows:*

*Where the fee for the permit issued is fixed in amount the surcharge shall be equivalent to 1/2 mill (.0005) of such fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to 1/2 mill (.0005) of the valuation of the structure, addition or alteration. Provided, however, that where the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be \$1,000, where said valuation is equal to or greater than \$10,000,000 but less than \$20,000,000 the surcharge shall be \$1,500 and where said valuation is equal to or greater than \$20,000,000 the surcharge shall be \$2,000.*

Sec. 9. [APPROPRIATION.] *There is appropriated from the general fund to the Minnesota pollution control agency the sum of \$600,000 to be used for the purposes of this act during the biennium ending June 30, 1979. Of this amount, not more than \$ . . . . . per year may be used for the administrative expenses of the agency.*

Sec. 10. [EFFECTIVE DATE.] *Section 7 is effective July 1, 1977. The remaining provisions of this act are effective the day following final enactment.*"

Further, strike the title and insert:

"A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; increasing surcharges on certain building permits; requiring certain units of government to establish dilapidated building removal accounts; appropriating money; amending Minnesota Statutes 1976, Section 16.866."

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

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 147, A bill for an act relating to commerce; limiting deficiency judgments in consumer transactions; restricting waiver of garnishment exemptions; amending Minnesota Statutes 1976, Section 550.37, Subdivision 4.

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

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 166, A bill for an act relating to real estate; landlord and tenant; venue of actions brought to recover rent deposits; amending Minnesota Statutes 1976, Sections 487.30, by adding a subdivision; 488.04, by adding a subdivision; 488A.01, by adding a subdivision; 488A.12, Subdivision 3; 488A.18, Subdivision 4; 488A.29, Subdivision 3; and 504.20, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, delete "rent".

Page 2, line 3, delete "rent".

Page 2, line 13, delete "rent".

Page 2, line 29, delete "rent".

Page 3, line 22, delete "rent".

Page 4, line 6, delete "rent".

Page 4, line 12, delete "rent" and after "deposit" insert "on rental property".

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 274, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

Reported the same back with the following amendments:

Page 1, line 12, delete "WITHDRAWAL" and insert "ADDITION".

Page 6, after line 10, insert a new subdivision as follows:

*"Subd. 6. [CROSS RIVER STATE PARK; DELETION.] The following area is deleted from Cross River State Park: The Southeast Quarter of the Southeast Quarter of Section 36 in Township 59 North, Range 5 West."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 530, A bill for an act relating to insurance; regulating the use of credit life and credit health and accident insurance; amending Minnesota Statutes 1976, Sections 61A.12, by adding subdivisions; 62B.01; 62B.04, Subdivision 1; 62B.05; 62B.06, by adding subdivisions; 62B.07, Subdivision 2, and by adding a subdivision; 62B.08, Subdivision 2, and by adding subdivisions; and 62B.11.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1976, Section 53.051, is amended to read:

53.051 [INSURANCE IN CONNECTION WITH LOANS.] Any policy or certificate of insurance procured by a licensee in connection with any loan or transaction subject to this chapter, for which the premium has been paid by the obligor *or obligors* out of the proceeds of the loan or transaction, shall contain the amount and description of the coverage, all of the terms and conditions, the period of time for which it is written, the premium therefor, and shall be delivered to the obligor *or obligors* within a reasonable time. (NO) *Any* policy or certificate providing *credit* life insurance or *credit* accident and health benefits shall be written (FOR A TERM EXTENDING MORE THAN 15 DAYS BEYOND THE MATURITY OF THE RELATED OBLIGATION AND SHALL NOT PROVIDE BENEFITS GREATER THAN THE INITIAL AMOUNT OF SUCH OBLIGATION.)

(IF THE COVERAGE PROVIDES CREDIT ACCIDENT AND HEALTH INSURANCE, THE POLICY OR CERTIFICATE SHALL CONTAIN A PROVISION THAT IF THE INSURED OBLIGOR IS DISABLED, AS DEFINED IN THE POLICY, FOR A PERIOD OF MORE THAN 14 DAYS, BENEFITS SHALL COMMENCE AS OF THE FIRST DAY OF DISABILITY) *in a manner consistent with chapter 62B and rules promulgated thereunder.*

*A policy or certificate for credit accident and health insurance shall disclose whether or not the benefits shall commence as of the first day of disability and shall further disclose the number of days that an insured obligor must be disabled, as defined in the policy, before benefits, whether retroactive or nonretroactive, shall commence.*

In case there are multiple obligors under a transaction subject to (SUCH) *this* chapter, no policy or certificate of insurance providing (LIFE INSURANCE OR) *credit* accident and health benefits shall be procured by or through a licensee upon more than one of such obligors. *In case there are multiple obligors under a transaction subject to this chapter no policy or certificate of insurance providing credit life insurance shall be procured by or through a licensee upon more than two of the obligors in which case they shall be insured jointly.*

(IF AN OBLIGATION IS PREPAID IN FULL BY CASH, A NEW LOAN, REFINANCING, OR OTHERWISE, ANY POLICY OR CERTIFICATE OF INSURANCE PROVIDING LIFE INSURANCE OR ACCIDENT AND HEALTH BENEFITS PROCURED BY OR THROUGH A LICENSEE AND FOR WHICH THE PREMIUM HAS BEEN PAID BY THE OBLIGOR OUT OF THE PROCEEDS OF THE OBLIGATION

SHALL BE CANCELLED UPON SURRENDER OF THE POLICY, CERTIFICATE OR OTHER EVIDENCE AND THE UNEARNED PREMIUM REFUNDED UNLESS THE OBLIGOR SHALL REQUEST IN WRITING THAT SUCH INSURANCE BE CONTINUED IN FORCE, AND A COPY OF SUCH WRITTEN REQUEST SHALL BE DELIVERED TO THE INSURED AT TIME OF SIGNATURE.)

No licensee shall decline to accept a policy of insurance furnished by the borrower from another source.

Sec. 2. Minnesota Statutes 1976, Section 56.15, Subdivision 2, is amended to read:

Subd. 2. No licensee shall, directly or indirectly, sell or offer for sale any insurance in connection with any loan made under this chapter except as and to the extent authorized by this section. Life, accident and health insurance, or any of them, may be written upon or in connection with any loan (FOR A TERM NOT EXTENDING BEYOND THE FINAL MATURITY DATE OF THE LOAN CONTRACT BUT ONLY UPON ONE OBLIGOR ON ANY ONE LOAN CONTRACT. THE AMOUNT OF LIFE INSURANCE SHALL AT NO TIME EXCEED THE UNPAID BALANCE OF PRINCIPAL AND CHARGES COMBINED WHICH ARE SCHEDULED TO BE OUTSTANDING UNDER THE TERMS OF THE LOAN CONTRACT OR THE ACTUAL AMOUNT UNPAID ON THE LOAN CONTRACT, WHICHEVER IS GREATER. ACCIDENT AND HEALTH INSURANCE SHALL PROVIDE BENEFITS NOT IN EXCESS OF THE UNPAID BALANCE SCHEDULED TO BE OUTSTANDING UNDER THE TERMS OF THE LOAN CONTRACT AND THE AMOUNT OF EACH PERIODIC BENEFIT PAYMENT SHALL NOT EXCEED THE TOTAL AMOUNT PAYABLE DIVIDED BY THE NUMBER OF INSTALLMENTS AND SHALL PROVIDE THAT IF THE INSURED OBLIGOR IS DISABLED, AS DEFINED IN THE POLICY, FOR A PERIOD OF MORE THAN 14 DAYS, BENEFITS SHALL COMMENCE AS OF THE FIRST DAY OF DISABILITY) *in a manner consistent with chapter 62B and rules promulgated thereunder. The licensee shall disclose whether or not the benefits shall commence as of the first day of disability and shall further disclose the number of days that an insured obligor must be disabled, as defined in the policy, before benefits, whether retroactive or nonretroactive, shall commence. In case there are multiple obligors under a transaction subject to this chapter no policy or certificate of insurance providing credit accident and health benefits shall be procured by or through a licensee upon more than one of the obligors. In case there are multiple obligors under a transaction subject to this chapter no policy or certificate of insurance providing credit life insurance shall be procured by or through a licensee upon more than two of the obligors in which case they shall be insured jointly. The*

premium or identifiable charge for such insurance shall not exceed that filed by the insurer with the insurance division of the department of commerce. Such charge, computed at the time the loan is made for the full term of the loan contract on the total amount required to pay principal and charges, may be deducted from the proceeds or may be included as part of the principal of any loan. If a borrower procures insurance by or through a licensee, the statement required by section 56.14 of this chapter shall disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time. No licensee shall decline new or existing insurance which meets the standards set out herein nor prevent any obligor from obtaining such insurance coverage from other sources. (IF THE LOAN CONTRACT IS PREPAID IN FULL BY CASH, A NEW LOAN, RENEWAL, REFINANCING, OR OTHERWISE (EXCEPT BY THE INSURANCE) ANY LIFE, ACCIDENT AND HEALTH INSURANCE PROCURED BY OR THROUGH A LICENSEE SHALL BE CANCELED AND A REFUND OF THE UNEARNED PREMIUM OR IDENTIFIABLE CHARGE SHALL BE REBATED.) Notwithstanding any other provision of this chapter, any gain or advantage to the licensee or to any employee, affiliate, or associate of the licensee from such insurance or the sale or provision thereof shall not be deemed to be additional or further charges in connection with such loan; nor shall any of the provisions pertaining to insurance contained in this section be deemed prohibited by any other provision of this chapter.

Sec. 3. Minnesota Statutes 1976, Section 62B.04, Subdivision 1, is amended to read:

62B.04 [AMOUNT OF CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE.] Subdivision 1. [CREDIT LIFE INSURANCE.] (1) The initial amount of credit life insurance shall not exceed the total amount repayable under the contract of indebtedness. Thereafter, if the indebtedness is repayable in substantially equal installments, the amount of insurance shall not exceed the scheduled or actual amount of indebtedness, whichever is greater, UNLESS THE DEBTOR IS APPRISED OF HIS RIGHT TO HAVE INSURANCE COVERING ONLY THE SCHEDULED OR ACTUAL AMOUNT OF INDEBTEDNESS, AT A LESSER COST THAN LEVEL TERM INSURANCE, AND THE DEBTOR NONE-THELESS ELECTS IN WRITING TO CARRY LEVEL TERM INSURANCE). *A transaction under section 53.04 wherein the certificate of indebtedness provides for payment in substantially equal installments shall constitute an indebtedness repayable in substantially equal installments under this subdivision.*

(2) Notwithstanding (THE PROVISIONS OF SUBDIVISION 1, PARAGRAPH) *clause* (1) (OF THIS OR ANY OTHER SECTION), insurance on educational, agricultural and

horticultural credit transaction commitments may be written on a *nondecreasing or level term plan* for the amount of the (PORTION OF SUCH) *loan commitment* (THAT HAS NOT BEEN ADVANCED BY THE CREDITOR).

Sec. 4. Minnesota Statutes 1976, Section 62B.05, is amended to read:

62B.05 [TERM OF CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE.] The term of any credit life insurance or credit accident and health insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor, except that, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to the indebtedness shall commence on the effective date of the policy. Where evidence of insurability is required and the evidence is furnished more than 30 days after the date when the debtor becomes obligated to the creditor, the term of the insurance may commence on the date on which the insurance company determines the evidence to be satisfactory, and in that event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance. The term of the insurance shall not extend more than 15 days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. (IF THE INDEBTEDNESS IS DISCHARGED DUE TO RENEWAL OR REFINANCING PRIOR TO THE SCHEDULED MATURITY DATE, THE INSURANCE IN FORCE SHALL BE TERMINATED BEFORE ANY NEW INSURANCE MAY BE ISSUED IN CONNECTION WITH THE RENEWED OR REFINANCED INDEBTEDNESS, UNLESS THE DEBTOR REQUESTS IN WRITING THAT IT BE CONTINUED. IN ALL CASES OF TERMINATION PRIOR TO SCHEDULED MATURITY, A REFUND SHALL BE PAID OR CREDITED AS PROVIDED IN SECTION 62B.08)

*If an indebtedness is prepaid in full before its scheduled maturity, except by a new loan from or by refinancing by the same creditor and except by performance of the insurer's obligation under the policy, any policy or certificate of insurance providing credit life or credit accident and health benefits procured by or through a creditor and for which the premium has been paid by the debtor or debtors out of the proceeds of the indebtedness shall be canceled upon surrender of the policy, certificate or other evidence, and a refund shall be paid or credited as provided in section 62B.08. If the policy or certificate by its own terms terminates upon prepayment in full before its scheduled maturity date, it need not be surrendered but a refund shall be paid or credited as provided in section 62B.08.*

*If an indebtedness is prepaid in full before its scheduled maturity date by a new loan from or by refinancing by the same creditor through which the debtor or debtors procured a policy or cer-*

*tificate of credit life or credit accident and health insurance issued after the effective date of this act, the insurance shall be deemed cancelled if any new policy or certificate for the same type of insurance is issued in connection with the new loan or refinancing, and a refund shall be paid or credited as provided in section 62B.08. For the purposes of this subdivision, an assignee creditor and an assignor creditor shall not be construed to be the same creditor.*

Sec. 5. Minnesota Statutes 1976, Section 61A.12, is amended by adding a subdivision to read:

*Subd. 5. [SUBSTITUTION.] When a creditor requires credit life insurance, credit accident and health insurance, or both, as additional security for an indebtedness, the debtor shall be given the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or procuring and furnishing the required coverage through any insurer authorized to transact insurance business in this state. If this subsection is applicable, the debtor shall be informed by the creditor of his right to provide alternative coverage before the transaction is completed.*

Sec. 6. *This act is effective January 1, 1978."*

Further amend the title by deleting it entirely and inserting:

*"A bill for an act relating to commerce; regulating the use of credit life and credit health and accident insurance; eliminating level term credit life insurance; eliminating "pyramiding" of credit life insurance; permitting joint life credit insurance policies; permitting certain classes of credit accident and health insurance; amending Minnesota Statutes 1976, Sections 53.051; 56.15, Subdivision 2; 61A.12, by adding a subdivision; 62B.04, Subdivision 1; and 62B.05."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1299, A bill for an act relating to health care; catastrophic health expense protection; providing protection against certain nursing home expenses incurred for long term care; excluding certain dependent income from the definition of household income; amending Minnesota Statutes 1976, Section 62E.52, Subdivisions 3 and 5.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1976, Section 62E.52, Subdivision 2, is amended to read:

Subd. 2. "Eligible person" means any person who is a resident of Minnesota and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

(1) qualified expenses for himself and any dependents in any 12 consecutive months exceeding:

(a) 40 percent of his household income up to \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000; or

(b) \$2,500, whichever is greater; or

(2) *qualified nursing home expenses for himself and any dependents in any 12 consecutive months exceeding 20 percent of his household income.*

Sec. 2. Minnesota Statutes 1976, Section 62E.52, is amended by adding a subdivision to read:

*Subd. 3a. "Qualified nursing home expense" includes any charge incurred for nursing home services after 36 months of continuous care provided to a person 64 years of age or younger in long term care facilities.*

Sec. 3. Minnesota Statutes 1976, Section 62E.52, Subdivision 5, is amended to read:

Subd. 5. "Household income" means the gross income of an eligible person and all his dependents *23 years of age or older* for the calendar year preceding the year in which an application is filed pursuant to section 62E.53.

Sec. 4. Minnesota Statutes 1976, Section 62E.53, Subdivision 2, is amended to read:

Subd. 2. If the commissioner determines that an applicant is an eligible person, he shall pay (1) 90 percent of all qualified expenses of the eligible person and his dependents in excess of:

(a) 40 percent of his household income under \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000; or

(b) \$2,500;

whichever is greater for the 12 month period in which the applicant becomes an eligible person; and

(2) *all qualified nursing home expenses of the eligible person and his dependents in excess of 20 percent of his household income.* If the commissioner determines that the charge for a health service is excessive, he may limit his payment to the usual and customary charge for that service. If the commissioner determines that a health service provided to an eligible person was not medically necessary, he may refuse to pay for the service. To the extent feasible, the commissioner shall contract with a review organization as defined in section 145.61, in making any determinations as to whether or not a charge is excessive. To the extent feasible, the commissioner shall contract with a review organization as defined in section 145.61, in making any determination as to whether or not a service was medically necessary. If the commissioner in accordance with this section refuses to pay all or a part of the charge for a health service, the unpaid portion of the charge shall be deemed to be an unconscionable fee, against the public policy of this state, and unenforceable in any action brought for the recovery of moneys owed.”.

Further, amend the title as follows:

Page 1, line 7, delete “Section” and insert “Sections”.

Page 1, line 8, delete “3” and insert “2”.

Page 1, line 8, after “5” insert “, and by adding a subdivision; and 62E.53, Subdivision 2”.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 96, A bill for an act relating to insurance; providing that individual persons may cancel certain policies of insurance within ten days after receipt; setting out notice requirements.

Reported the same back with the following amendments:

Page 2, line 3, delete “deposit”.

Page 2, line 4, delete “in a mailbox” and insert “being post-marked”.

Page 2, line 30, delete "deposit in a mailbox" and insert "being postmarked,".

Page 3, after line 13, insert a new section to read:

"Sec. 3. Sections 1 and 2 shall not apply to insurance sold pursuant to section 60A.18.".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 767, A bill for an act relating to mortgages; authorizing appointment of a receiver upon foreclosure and upon a showing that a mortgagor has breached certain covenants in the mortgage; amending Minnesota Statutes 1976, Sections 559.17; and 576.01.

Reported the same back with the following amendments:

Page 2, line 17, after "*original*" insert "*principal*".

Page 2, line 20, delete "*apply to*" and insert "*bring an action in*".

Page 2, line 22, after "*receiver*" insert "*; provided, however, if the foreclosure is by action under chapter 581, a separate action need not be filed*".

Page 2, line 22, delete "*An*".

Page 2, delete lines 23 to 27 and insert "*Pending trial of the action on the merits, the court may make a temporary appointment of a receiver following the procedures applicable to temporary injunctions under the rules of civil procedure. If the motion for temporary appointment of a receiver is denied, the trial of the action on the merits shall be held as early as practicable, but not to exceed 30 days after the motion for temporary appointment of a receiver is heard. The court shall*".

Page 5, line 14, after "*Subd. 2.*" delete the remainder of the line.

Page 5, delete lines 15 to 21.

Page 5, line 22, delete "*profits from the mortgaged real*" and insert "*A mortgagor may assign, as additional security for the*".

*debt secured by the mortgage, the rents and profits from the mortgaged real property, if the mortgage:*

*(1) Was executed, modified or amended subsequent to August 1, 1977;*

*(2) Secured an original principal amount of \$500,000 or more; and*

*(3) Is not a lien upon property which was entirely homesteaded as agricultural”.*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 194, A bill for an act relating to cemeteries; prohibiting trespassing on public or private cemeteries; providing penalties; amending Minnesota Statutes 1976, Section 609.605.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Criminal Justice.

The report was adopted.

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

S. F. No. 977, A bill for an act relating to marriage; requiring certain information to be included on an application for a marriage license; amending Minnesota Statutes 1976, Sections 517.08, Subdivision 1; and 517.10.

Reported the same back with the following amendments:

Page 1, before line 8, insert the following:

“Section 1. Minnesota Statutes 1976, Section 517.02, is amended to read:

517.02 [PERSONS CAPABLE OF CONTRACTING.] Every person who has attained the full age of 18 years is capable in law of contracting marriage, if otherwise competent. (A FEMALE PERSON OF THE FULL AGE OF 16 YEARS MAY, WITH THE CONSENT OF HER PARENTS, GUARDIAN, OR THE COURT, AS PROVIDED IN SECTION 517.08, RECEIVE A LICENSE TO MARRY, WHEN, AFTER A CAREFUL INQUIRY INTO THE FACTS AND THE SURROUNDING CIR-

CUMSTANCES, HER APPLICATION FOR A LICENSE IS APPROVED BY THE JUDGE OF THE JUVENILE COURT OF THE COUNTY IN WHICH SHE RESIDES. IF THE JUDGE OF JUVENILE COURT OF THE COUNTY IN WHICH SHE RESIDES IS ABSENT FROM THE COUNTY AND HAS NOT BY ORDER ASSIGNED ANOTHER PROBATE JUDGE OR A RETIRED PROBATE JUDGE TO ACT IN HIS STEAD, THEN THE COURT COMMISSIONER OR ANY JUDGE OF DISTRICT COURT OF THE COUNTY MAY APPROVE HER APPLICATION FOR A LICENSE.)”.

Page 2, line 10, strike “\$10” and insert “\$11”.

Page 2, after line 20, insert a new section:

“Sec. 3. Minnesota Statutes 1976, Section 517.08, Subdivision 3, is amended to read:

Subd. 3. The personal information necessary to complete the report of marriage shall be furnished by the applicant prior to the issuance of the license. The report shall contain only the following information:

(a) Personal information on bride and groom.

1. Name.
2. Residence.
3. Date and place of birth.
4. Race.
5. If previously married, how terminated.
6. Name after marriage.
7. Signature of applicant and date signed.

(b) Information concerning the marriage.

1. Date of marriage.
2. Place of marriage.
3. Civil or religious ceremony.

(c) Signature of clerk of court and date signed.

(d) *Address of the bride and groom after the marriage to which the clerk shall send a certified copy of the marriage certificate.*

Sec. 4. Minnesota Statutes 1976, Chapter 517, is amended by adding a section to read:

[517.101] [CERTIFIED COPIES OF MARRIAGE CERTIFICATE.] *Within ten days of receipt of the certificate and after recording the certificate the clerk shall prepare two certified copies of the certificate of which he shall mail one to the married parties and the other to the person solemnizing the marriage. The person solemnizing the marriage may indicate at the time he files the certificate with the clerk that he does not wish to receive a certified copy.*

Renumber the sections accordingly.

Amend the title as follows:

Page 1, line 2, after the semicolon insert "persons capable of contracting;"

Page 1, line 4, after the semicolon insert "requiring the clerk of court to furnish certified copies of marriage license;"

Page 1, line 5, after "Sections" insert "517.02;" and delete "Subdivision" and insert "Subdivisions" and after "1" insert "and 3" and delete "and" and before the period insert "and Chapter 517, by adding a section".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1365, A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for hearing examiners, subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

Reported the same back with the following amendments:

Pages 1 and 2, delete all of section 1.

Renumber the remaining sections in sequence.

Page 8, line 31, delete "of".

Page 8, line 32, delete "supervisors".

Page 9, line 5, strike "15.01" and insert "15.0411".

Page 9, line 25, delete "its or".

Page 9, line 27, delete "office of hearing examiners or the" and insert "chief".

Page 9, line 28, delete "before whom a hearing is held".

Further amend title:

Line 3, delete "adding metropolitan and".

Line 4, delete entire line.

Line 5, delete "administrative procedure act;"

Line 12, delete "hearing examiners,"

Line 14, delete "15.0411, Subdivision 2;"

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

The report was adopted.

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

S. F. No. 411, A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 626, is amended by adding a section to read:

[626.84] [DEFINITIONS.] *For the purposes of section 1 and sections 626.841 to 626.854, the following terms shall have the meanings given them:*

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

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

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

Sec. 2. Minnesota Statutes 1976, Section 626.841, is amended to read:

626.841 [ESTABLISHMENT OF BOARD; MEMBERS.] (THERE IS HEREBY CREATED IN THE OFFICE OF THE ATTORNEY GENERAL THE MINNESOTA PEACE OFFICER TRAINING BOARD, HEREINAFTER REFERRED TO AS THE "BOARD.") The board of *peace officer standards and training* shall be composed of the following:

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

(b) (TWO) *Four* members to be appointed by the governor from among (THE CHIEFS OF POLICE OF MINNESOTA MUNICIPALITIES) *peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;*

((C) TWO MEMBERS TO BE APPOINTED BY THE GOVERNOR FROM AMONG PEACE OFFICERS IN MINNESOTA MUNICIPALITIES OTHER THAN CHIEFS OF POLICE OR COUNTY SHERIFFS;)

((D) TWO MEMBERS TO BE APPOINTED BY THE GOVERNOR FROM AMONG THE COUNTY ATTORNEYS OR THEIR ASSISTANTS IN MINNESOTA, ONE OF WHOM SHALL BE FROM A COUNTY CONTAINING A CITY OF THE FIRST CLASS;)

((E) THE CHIEFS OF POLICE OF EACH CITY OF THE FIRST CLASS;)

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

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

((G) THE CHIEF OF THE MINNESOTA HIGHWAY PATROL OR HIS DESIGNEE;)

((H) THE SPECIAL AGENT IN CHARGE OF A FIELD OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION IN THIS STATE OR HIS DESIGNEE;)

((I) THE ATTORNEY GENERAL OR HIS DESIGNEE, AND)

((J)) (e) *Two members to be appointed by the governor from among the general public; and*

(f) *A chairman, to be appointed by the governor from among the members.*

Sec. 3. Minnesota Statutes 1976, Section 626.842, is amended to read:

626.842 [TERMS; MEETINGS; COMPENSATION; REMOVAL; VACANCIES.] Subdivision 1. (IF ANY INCUMBENT SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY SO APPOINTED CEASES TO BE A SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY PRIOR TO THE EXPIRATION OF HIS TERM AS A MEMBER OF THE BOARD, THE GOVERNOR SHALL BE NOTIFIED BY THE EXECUTIVE DIRECTOR OF THE BOARD THAT A VACANCY EXISTS OR IS ABOUT TO EXIST, AND THE GOVERNOR SHALL FORTHWITH APPOINT SOME OTHER INCUMBENT SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY TO COMPLETE HIS TERM. SIMILAR NOTIFICATION SHALL BE MADE BY THE EXECUTIVE DIRECTOR OF A VACANCY EXISTING OR ABOUT TO EXIST AS TO A MEMBER APPOINTED PURSUANT TO CLAUSE (J) AND THE GOVERNOR SHALL MAKE A SIMILAR APPOINTMENT.)

Meetings shall be called at the request of the (EXECUTIVE DIRECTOR, THE ATTORNEY GENERAL,) *chairman* or upon the written request of a majority of the members of the board. (ALL RECOMMENDATIONS BY THE BOARD TO THE ATTORNEY GENERAL SHALL REQUIRE THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD.)

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required

to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of his appointment to the board, nor shall he forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary.

Subd. 2. The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, clauses (a), (b), ((C),) (d) and ((J)) (e) on the board (SHALL BE AS PROVIDED IN SECTION 15.0575); *the provision of staff, administrative services and office space; the review and processing of complaints; the renewal of licenses; the setting of fees; and other matters relating to board operations shall be as provided in chapter 214.*

Sec. 4. Minnesota Statutes 1976, Section 626.843, Subdivision 1, is amended to read:

626.843 [RULES AND REGULATIONS, RECOMMENDATIONS; EXECUTIVE DIRECTOR.] Subdivision 1. The (MINNESOTA PEACE OFFICER TRAINING) board (MAY RECOMMEND TO THE ATTORNEY GENERAL) *shall adopt rules (AND REGULATIONS) with respect to:*

(a) The (APPROVAL OR DISAPPROVAL THEREOF,) *certification* of peace officer training schools, *programs*, or courses including training schools for the Minnesota highway patrol. Such schools, *programs and courses* shall include (SCHOOLS) *those* administered by the state, county, school district, municipality, or joint or contractual combinations thereof, (AND SUCH COURSES SHALL INCLUDE POLICE TRAINING COURSES TAUGHT AT VOCATIONAL SCHOOLS AND TRADE SCHOOLS) *and shall include preparatory instruction in law enforcement and minimum basic training courses;*

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each (APPROVED) *certified* peace officers training school located within the state;

(c) Minimum qualifications for instructors at (APPROVED) *certified* peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment *and licensing* of (NONELECTIVE) peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

*These standards shall be established and published on or before January 1, 1979.*

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum basic training which peace officers not appointed for temporary or probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent employment, and the time within which such basic training must be completed following such appointment on a nonpermanent basis;

(h) (CATEGORIES OR CLASSIFICATIONS OF ADVANCED IN SERVICE TRAINING PROGRAMS AND MINIMUM COURSES OF STUDY AND ATTENDANCE REQUIREMENTS WITH RESPECT TO SUCH CATEGORIES AND CLASSIFICATIONS) *Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement provided the student obtains employment as a peace officer within one year of completion;*

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; (AND)

(j) (SUCH OTHER MATTERS AS MAY BE NECESSARY) *Minimum continuing education courses and other requirements for the renewal of licenses of peace officers; and*

(k) *Such other matters as may be necessary consistent with sections 626.841 to 626.854, and section 1. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.841 to 626.854, and section 1.*

Sec. 5. Minnesota Statutes 1976, Section 626.843, Subdivision 2, is amended to read:

Subd. 2. An executive director shall be appointed by and serve in the unclassified service at the pleasure of the (GOV-

ERNOR) board. (HE SHALL BE IN THE UNCLASSIFIED SERVICE AND RECEIVE COMPENSATION, AS FIXED BY THE COMMISSIONER OF PERSONNEL, AND REIMBURSEMENT FOR THE EXPENSES WITHIN THE ACCOUNTS AVAILABLE BY APPROPRIATION) *The executive director shall perform such duties, on behalf of the board, as the board shall prescribe.* The board (MAY) shall appoint such employees, agents and consultants as (THEY MAY DEEM) deemed necessary, prescribe their duties, and provide for reimbursement of their expenses. Such employees shall be in the classified service (AND SUBJECT TO SECTIONS 43.09 TO 43.17).

Sec. 6. Minnesota Statutes 1976, Section 626.843, Subdivision 3, is amended to read:

Subd. 3. The board may, in addition:

(a) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 626.841 to 626.854;

(b) Visit and inspect any peace officer training school approved by the executive director or for which application for such approval has been made;

(c) Make recommendations, from time to time, to the executive director, attorney general, governor, and the legislature regarding the carrying out of the objectives and purposes of sections 626.841 to 626.854 (.) ;

(d) Perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board as set forth in sections 626.841 to 626.849;

(e) *Cooperate with and receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of the purposes of this act.*

Sec. 7. Minnesota Statutes 1976, Section 626.845, is amended to read:

626.845 [POWERS AND DUTIES.] The (EXECUTIVE DIRECTOR, ON BEHALF OF THE) board (,) shall have the following powers and duties (, TO BE EXERCISED WITH THE APPROVAL OF THE BOARD AND TO BE EXECUTED ONLY IN FULL ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE ATTORNEY GENERAL PURSUANT TO SECTION 626.844;):

(a) To (APPROVE) *certify* peace officers' training schools or programs administered by state, county and municipalities

located within this state *in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;*

(b) To issue certificates (OF APPROVAL) to (SUCH APPROVED) schools, and to revoke such certification (OF APPROVAL) when necessary to maintain the objectives and purposes of sections 626.841 to 626.854;

(c) To certify, as qualified, instructors at (APPROVED) peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To (CERTIFY) *issue licenses and renewals of licenses to peace officers who have satisfactorily completed certified basic training programs, (AND TO ISSUE APPROPRIATE CERTIFICATES TO SUCH PEACE OFFICERS) and passed examinations as required by the board;*

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of (ADVANCED) in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer *standards and training;*

(i) To perform such other acts as may be necessary and appropriate to carry out (HIS) *the powers and duties as set forth in the provisions of sections 626.841 to 626.854;*

(j) (TO REPORT TO THE BOARD, FROM TIME TO TIME, AT THE REGULAR MEETINGS OF THE BOARD AND AT SUCH OTHER TIMES AS MAY BE REQUIRED BY THE BOARD) *To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs.*

Sec. 8. Minnesota Statutes 1976, Section 626.846, is amended to read:

**626.846 [ATTENDANCE, FORFEITURE OF POSITION.]**  
Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any peace officer employed or elected on or after (JULY 1, 1967) *January 1, 1978*, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota (WITH A POPULATION OF MORE THAN 1,000 ACCORDING TO THE LAST FEDERAL CENSUS) shall (ATTEND A PEACE OFFICERS TRAINING COURSE WITHIN 12 MONTHS OF HIS APPOINTMENT, EXCEPT AS PROVIDED IN SECTION 626.853) *not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843.*

Subd. 2. Every peace officer who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota (WITH A POPULATION OF MORE THAN 1,000 ACCORDING TO THE LAST FEDERAL CENSUS,) on a temporary basis or for a probationary term, shall forfeit his position unless he has (SATISFACTORILY COMPLETED, WITHIN THE TIME PRESCRIBED BY THE RULES AND REGULATIONS PROMULGATED) *been licensed by the board pursuant to sections 626.841 to 626.854 (, AN APPROVED PEACE OFFICER TRAINING PROGRAM, EXCEPT AS PROVIDED IN SECTION 626.853).* Any other peace officer employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses *and be licensed by the board subject to the rules (AND REGULATIONS) promulgated pursuant to (SECTIONS 626.841 TO 626.854) section 626.843.*

Subd.3. *No peace officer required to be licensed under this section shall be eligible for continued employment without having his license renewed biennially pursuant to rules promulgated pursuant to section 626.843.*

Subd. 4. *A peace officer who has received a permanent appointment prior to January 1, 1978, shall be licensed by the board if the officer has met the requirements of sections 626.841 to 626.854 in effect on June 30, 1977 and if the officer has requested licensing by the board. Peace officers receiving a license under this subdivision shall have their license renewed biennially in the same manner as required of other licensed peace officers. An elected or appointed town constable who takes office on or after July 1, 1978, if his duties are substantially similar to those of a peace officer as determined by the board, shall be licensed by the board in respect to his term of office as if he has met the preservice and licensing requirements of the board, but he must satisfy renewal requirements of the board during his term of elected office.*

Sec. 9. Minnesota Statutes 1976, Section 626.847, is amended to read:

**626.847 [COMPULSORY PROGRAM; EXEMPTIONS.]** Nothing contained in sections 626.841 to 626.854 (, EXCEPT THE POPULATION LIMITS IN SECTIONS 626.846 AND 626.853,) shall be construed to exempt any peace officer (CHARGED WITH THE ENFORCEMENT OF THE GENERAL CRIMINAL LAWS OF THE STATE) from the provisions of sections 626.841 to 626.854, or to exempt a peace officer having received his last permanent appointment as a peace officer prior to July 1, 1967. (THE PEACE OFFICERS TRAINING BOARD MAY RECOMMEND BY A TWO-THIRDS VOTE RULES AND REGULATIONS FOR MINIMUM BASIC TRAINING FOR ALL PEACE OFFICERS WHO RECEIVED AN APPOINTMENT PRIOR TO JULY 1, 1967. UPON THE ADOPTION OF SUCH RULES AND REGULATIONS BY THE ATTORNEY GENERAL ALL SUCH PEACE OFFICERS SHALL COMPLY WITH SUCH RULES AND REGULATIONS.)

Sec. 10. Minnesota Statutes 1976, Section 626.848, is amended to read:

**626.848 [TRAINING COURSES, LOCATIONS.]** *Subject to board rules*, the superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

Sec. 11. Minnesota Statutes 1976, Section 626.85, Subdivision 1, is amended to read:

**626.85 [INSTRUCTORS; DONATIONS, CONTRIBUTIONS.]** Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part time instructors as he deems proper and necessary to furnish the best possible instruction in police sciences, *subject to board rules and to the limitation of funds as appropriated and available for expenditure.* Sections 43.09 to 43.17 shall not apply to such part time employees.

Sec. 12. Minnesota Statutes 1976, Section 626.851, Subdivision 2, is amended to read:

Subd. 2. Any student successfully completing (1000 HOURS) *a program of law enforcement instruction in a post secondary educational (LAW ENFORCEMENT PROGRAM WHICH IS) institution, which program has been certified by the board, and which institution has been approved by the Minnesota state de-*

partment of education or an accredited institution of higher learning shall be eligible, (UPON COMPLIANCE WITH THE REQUIREMENTS PRESCRIBED BY RULES OF THE ATTORNEY GENERAL FOR THE MINNESOTA PEACE OFFICER TRAINING BOARD,) to (RECEIVE THE MINIMUM BASIC POLICE TRAINING AS ESTABLISHED UNDER SECTION 626.843 CONDUCTED BY THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION IN FACILITIES PROVIDED BY THE INSTITUTE. UPON SATISFACTORY COMPLETION OF THE TRAINING COURSE CONDUCTED BY THE BUREAU THE CERTIFICATE SHALL BE AWARDED TO THE INDIVIDUAL) *attend a skills oriented basic training course as established under section 626.843. Nothing contained in section 1 and sections 626.841 to 626.854 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board.*

Sec. 13. *Minnesota Statutes 1976, Sections 626.844 and 626.854 are repealed.*

Sec. 14. *The effective date of this act is July 1, 1977.*

Sec. 15. [TRANSITION PROVISIONS.] *The Minnesota board of peace officer standards and training, created pursuant to section 1, supersedes and replaces the Minnesota peace officer training board. The Minnesota peace officer training board shall cease to exist on and after June 30, 1977."*

Further delete the title in its entirety and insert:

"A bill for an act relating to peace officers; providing for training and licensing; renaming the peace officer training board and giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 626.841; 626.842; 626.843, Subdivisions 1, 2 and 3; 626.845; 626.846; 626.847; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.844 and 626.854."

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

The report was adopted.

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

S. F. No. 541, A bill for an act relating to the operation of state government; authorizing value analysis of certain department of transportation construction projects; establishing procedures for implementing value analysis change proposals.

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

The report was adopted.

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

S. F. No. 737, A bill for an act relating to local government; providing leaves of absence for certain governmental officers and employees elected to city or county office; amending Minnesota Statutes 1976, Section 3.088, Subdivisions 1, 2, 3 and 5.

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

The report was adopted.

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

S. F. No. 816, A bill for an act relating to taxation; exempting the department of revenue from certain administrative procedure act requirements in certain inheritance, iron ore, and occupation tax proceedings; authorizing the commissioner of revenue to enter into administrative agreements with the secretary of the treasury and the governing bodies of certain Indian reservations; changing requirements for orders of the commissioner; allowing commissioner to dismiss certain confiscation procedures; providing penalties for cigarette tax violations; appropriating money; amending Minnesota Statutes 1976, Sections 270.06; 270.10, Subdivision 1; 273.1104; 291.09, Subdivisions 1 and 2; 297.08, Subdivision 4; 297.12, Subdivision 1, and by adding a subdivision; 298.09, Subdivision 2; and Chapter 270, by adding a section.

Reported the same back with the following amendments:

Page 14, delete all of section 9.

Renumber sections accordingly.

Further amend the title as follows:

Page 1, line 16, delete “, and by”.

Page 1, line 17, delete “adding a subdivision”.

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

The report was adopted.

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

S. F. No. 967, A bill for an act relating to probate; guardianships and conservatorships; providing for resignations and removals of guardians; providing for joinder of sureties in final account hearings; amending Minnesota Statutes 1976, Section 525.582.

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

The report was adopted.

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

S. F. No. 968, A bill for an act relating to probate; decrees of descent; changing the requirements for the notice of hearing on a petition for a decree of descent; amending Minnesota Statutes 1976, Section 525.312.

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

The report was adopted.

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

S. F. No. 969, A bill for an act relating to probate; authorizing the court to issue interim orders; surety bonds; authorizing court to order accounting by and judgment against surety in proceedings to settle estate; amending Minnesota Statutes 1976, Sections 524.3-105; and 524.3-606.

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

The report was adopted.

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

S. F. No. 970, A bill for an act relating to probate; personal representatives; providing for appointment of successor representatives; amending Minnesota Statutes 1976, Section 524.3-613.

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

The report was adopted.

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

S. F. No. 972, A bill for an act relating to probate; personal representatives; protecting certain good faith purchasers dealing with personal representatives; amending Minnesota Statutes 1976, Section 524.3-714.

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

The report was adopted.

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

S. F. No. 973, A bill for an act relating to probate; rules of procedure; providing for probate proceedings to be governed by rules of civil procedure; amending Minnesota Statutes 1976, Chapter 524, by adding a section.

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

The report was adopted.

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

S. F. No. 1014, A bill for an act relating to courts; authorizing the supreme court to prescribe uniform conciliation court forms; directing the clerks of conciliation courts to accept uniform complaints and counterclaims from other jurisdictions; amending Minnesota Statutes 1976, Sections 487.23, by adding a subdivision; 487.30, by adding a subdivision; 488A.14, by adding a subdivision; and 488A.31, by adding a subdivision.

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

The report was adopted.

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

S. F. No. 1064, A bill for an act relating to the state board of investment; creating an advisory council; requiring annual reports; replacing existing agencies; amending Minnesota Statutes 1976, Chapter 11, by adding sections.

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

The report was adopted.

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

S. F. No. 1138, A bill for an act relating to probate; changing requirements for collection of personalty by affidavit; amending Minnesota Statutes 1976, Section 524.3-1201.

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 914, A bill for an act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 14, delete "*regional commission*" and insert "*board*".

Page 1, line 17, delete "*regional commission*" and insert "*board*".

Page 1, line 19, delete "*If a county has organized pursuant to*".

Page 1, delete lines 20 to 23.

Page 2, line 1, delete "*chapter 401*".

Page 2, line 2, delete "*chapters*".

Page 2, line 3, delete "*401 or*" and insert "*chapter*".

Page 5, line 13, delete "*adult and juvenile correctional*" and insert "*corrections*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1497, A bill for an act relating to health; providing state grants to finance health related research activities; directing the state health coordinating council to establish a health research subcommittee; providing for its powers and duties; appropriating money.

Reported the same back with the following amendments:

Page 1, line 15, after "1524," insert "42".

Page 2, line 7, after the period insert "The state planning agency may adopt rules as necessary for purposes of implementing and administering section 2."

Page 2, line 10, after "shall" insert "provide".

Page 2, line 11, delete "provide".

Page 2, line 15, delete "with annual cost of living increases".

Page 2, line 31, delete "his" and insert "the results of".

Page 2, delete line 32.

Page 3, delete lines 1 to 19.

Renumber the subdivisions in sequence.

Page 3, delete lines 21 to 32.

Page 4, delete lines 1 to 4 and insert "health research subcommittee shall establish within the state planning agency or another institution selected by the subcommittee a nonmedical health policy research program. This program shall provide information, analysis and technical support to health planners, state agencies, and the legislature, on matters relating to health costs, productivity, health care regulation, and organization of the delivery of health care. The program may also investigate and evaluate the public health value of various preventive health care techniques. The program may receive grants and funds from other governmental or private bodies, but shall expend state moneys only in efforts to support activities and studies that are consistent with state health priorities as established by the state health coordinating council. The program may contract with other agencies or organizations for purposes of health related research."

Page 4, after line 13, insert a new subdivision to read:

"Subd. 6. [REPORTS ON RESEARCH.] Complete reports concerning periodic progress and complete results of any re-

search conducted pursuant to this section shall be submitted by grant recipients and other researchers conducting that research at least annually to the health research subcommittee, the governor, and the legislature.”.

Page 4, line 16, after “subcommittee” insert “during the biennium ending June 30, 1979”.

Page 4, line 19, delete “\$3,200,000” and insert “\$1,600,000”.

Page 4, delete lines 20 to 22.

Page 4, line 23, delete “(c)” and insert “(b)”.

Page 4, line 24, delete “3” and insert “2”.

Page 4, line 25, delete “\$2,000,000” and insert “\$1,000,000”.

Page 4, line 26, delete “(d)” and insert “(c)”.

Page 4, line 27, delete “4” and insert “3”.

Page 4, line 28, delete “\$400,000” and insert “\$200,000”.

Page 4, line 30, delete “(d)” and insert “(c)”.

Page 5, delete lines 1 to 3.

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1547, A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Section 252.27, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 246.51, is amended to read:

246.51 [PAYMENT FOR CARE AND TREATMENT; DETERMINATION.] The commissioner shall make (SUCH) investigation as (HE DEEMS) necessary (AND) to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If (THE COMMISSIONER FINDS THAT) the patient is unable to pay the full cost of care (HE) *the commissioner* shall make a determination as to the ability of the relatives to pay (PROVIDED,). However, (THAT) in no case shall the relatives, unless they reside outside the state, be ordered to pay more (FOR EACH PATIENT) than ten percent of the cost of care *for each patient* (BUT) not to exceed (\$60) \$125 per month (BUT). Voluntary payments in excess (THEREOF) of \$125 per month may be accepted by the commissioner. (IN THE CASE OF NONRESIDENT PARENTS OF CHILDREN RECEIVING CARE IN STATE HOSPITALS IN MINNESOTA,) The commissioner may require payment of the full per capita cost of (CARING) *care in state hospitals* for (SUCH PATIENTS) *children whose parents or guardians do not reside in Minnesota*. No parent shall be liable for the cost of care given a patient at a state hospital after (SUCH) *the patient* has reached the age of 18 years. (SUCH) *The commissioner's* determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as (HEREINAFTER) provided *in section 246.55*. All money received shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept (THEREOF) of it. Responsibility under this section shall not apply to those relatives (EARNING) *having gross earnings of less than (\$4,000) \$11,000 per year*.

Sec. 2. Minnesota Statutes 1976, Section 252.27, Subdivision 1, is amended to read:

252.27 [COST OF BOARDING CARE OUTSIDE OF HOME OR INSTITUTION.] Subdivision 1. Whenever any child who is mentally retarded, epileptic, (OR) emotionally handicapped *or who has cerebral palsy* is (CARED FOR) *in 24 hour care* outside the home and outside the (SEVERAL) state institutions, in a facility (APPROVED) *licensed* by the commissioner of public welfare, the cost of (SUCH) care shall be paid by the county (IN WHICH SUCH CHILD HAS SETTLEMENT FOR POOR RELIEF PURPOSES,) *of financial responsibility determined pursuant to section 256D.18*. If the (CHILD DOES) *child's parents or guardians* do not (HAVE A SETTLEMENT) *reside* in this state, (SUCH) *the cost* shall be paid by the county in which (HE) *the child* is found. The county paying the costs of (SUCH) care and treatment shall, subject to (UNIFORM REGULATIONS ESTABLISHED) *rules promulgated* by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of (SUCH) *the costs* from funds made available for this purpose by the legislature(, PROVIDED, HOWEVER, THAT SUCH). Reimbursement shall cease (UPON) *when the mentally retarded, epileptic or emotionally handicapped*

child (REACHING) *reaches* age 18. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric (OR OTHER) disorder which substantially impairs his mental health and who (IS IN NEED OF) *requires 24 hour treatment or supervision.*

Sec. 3. Minnesota Statutes 1976, Section 252.27, Subdivision 2, is amended to read:

Subd. 2. *The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for the cost of care shall be up to a maximum of \$125. Reimbursement by the parents and child (PARENTS) shall be (RESPONSIBLE) made to (REIMBURSE) the county making (SUCH) any payments(, ON THE SAME BASIS AS IF THE CHILD WERE IN A STATE INSTITUTION FOR THE MENTALLY RETARDED, EPILEPTIC OR EMOTIONALLY HANDICAPPED, AS PROVIDED IN SECTIONS 246.51 TO 246.53 EXCEPT THAT THIS PROVISION IS NOT APPLICABLE TO MENTALLY RETARDED, EPILEPTIC, OR EMOTIONALLY HANDICAPPED CHILDREN 18 YEARS OF AGE AND OLDER) for care and treatment. The commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 246.55.*

Sec. 4. *The commissioner is authorized to promulgate an emergency rule to implement sections 1 to 3.*

Sec. 5. *This act is effective July 1, 1977."*

Further amend the title as follows:

Page 1, line 8, delete "Section" and insert "Sections 246.51; and".

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 321, A bill for an act relating to health; permitting certain nursing homes to require and accept certain payments

from residents; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 562, A bill for an act relating to the practice of chiropractic; prescribing academic requirements for licensure, grounds for disciplinary action, and penalties; amending Minnesota Statutes 1976, Sections 148.06, Subdivision 1; and 148.10, Subdivision 1, and by adding a subdivision.

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 796, A bill for an act relating to health; prohibiting the operation of professional nursing business without a license; amending Minnesota Statutes 1976, Sections 148.271; 148.281, by adding a subdivision; and 319A.02, Subdivision 2.

Reported the same back with the following amendments:

Page 3, line 15, after "*registered*" insert "*pursuant to rules adopted*".

Further amend the title as follows:

Page 1, line 2, after "health;" insert "relating to unlicensed nursing practices;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 93, A bill for an act relating to taxation; establishing filing requirements for a condominium association; amending Minnesota Statutes 1976, Section 290.37, Subdivision 1.

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 992, A bill for an act relating to taxation; altering requirements for income adjusted homestead credit; eliminating local debt exclusion from homestead credit calculation; increasing acreage available for agricultural homesteads and the minimum acreage for agricultural homestead; increasing the agricultural mill rate credit; increasing the distribution of local government aid; appropriating money; amending Minnesota Statutes 1976, Sections 273.13, Subdivisions 6 and 7; 273.132; 290A.03, Subdivisions 6, 8 and 13; 477A.01, Subdivisions 1, 2, 4, 4a and 4b, and by adding a subdivision; and 477A.03; and Laws 1976, Chapter 334, Section 21; repealing Minnesota Statutes 1976, Section 477A.01, Subdivision 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 290A.03, Subdivision 6, is amended to read:

Subd. 6. [HOMESTEAD.] “Homestead” means the dwelling occupied by a claimant as a place of residence and so much of the land surrounding it, not exceeding (ONE ACRE) *ten acres*, as is reasonably necessary for use of the dwelling as a home, except that this restriction shall not be applicable to agricultural land assessed as part of a homestead pursuant to section 273.13, subdivision 6. The homestead may be owned or rented and may be a part of a multi-dwelling or multi-purpose building and the land on which it is built. A mobile home, as defined in section 168.011, subdivision 8, assessed as personal property may be a dwelling for purposes of this subdivision.

Sec. 2. Minnesota Statutes 1976, Section 290A.03, Subdivision 7, is amended to read:

Subd. 7. [DEPENDENT.] “Dependent” means any person who is under 18 years of age at the end of the calendar year who receives more than 50 percent of his support from the claimant, or who is between 18 and 21 years of age and is a full time student who receives more than 50 percent of his support from the claimant. *“Dependent” includes a parent of the claimant or spouse who lives in the claimant’s homestead. “Dependent” includes a person over 18 years of age who lives in the claimant’s homestead and who receives more than 50 percent of his support from the claimant.*

Sec. 3. Minnesota Statutes 1976, Section 290A.03, Subdivision 8, is amended to read:

Subd. 8. [CLAIMANT.] "Claimant" means a person, *other than a dependent*, who filed a claim authorized by sections 290A.01 to 290A.21 and who was domiciled in this state during the calendar year for which the claim for relief was filed. In the case of a claim relating to rent constituting property taxes, the claimant shall have resided in a rented or leased unit on which ad valorem taxes or *payments paid in lieu of ad valorem taxes* are payable (FOR NOT LESS THAN SIX MONTHS OF) *at some time during* the calendar year covered by the claim, except that a claimant who is disabled or who has attained the age of 65 on the date specified in section 290A.04, subdivision 1, may file a claim based on residence in a unit on which ad valorem taxes were not payable. In the case of a part year resident, the income and rental reflected in this computation shall be for the period of Minnesota residency only. Any rental expenses paid which may be reflected in arriving at federal adjusted gross income cannot be utilized for this computation. (MAXIMUM CREDIT ALLOWED UNDER THIS COMPUTATION WOULD BE AT A RATE OF ONE-TWELFTH OF THE MAXIMUM CREDIT ALLOWED PURSUANT TO SECTION 290A.04 PER MONTH OF RESIDENCY COMPUTED TO THE NEAREST FULL MONTH.) When two individuals of a household are able to meet the qualifications for a claimant, they may determine among them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final.

If a homestead is occupied by two or more (UNRELATED) renters, *who are not husband and wife*, the rent shall be deemed to be paid equally by each, and separate claims shall be filed by each. The income of each shall be his household income for purposes of computing the amount of credit to be allowed.

Sec. 4. Minnesota Statutes 1976, Section 290A.03, Subdivision 11, is amended to read:

Subd. 11. [RENT CONSTITUTING PROPERTY TAXES.] "Rent constituting property taxes" means 20 percent of the gross rent actually paid in cash, or its equivalent, *or that portion of gross rent which is paid in lieu of property taxes*, in 1975 or any subsequent calendar year by a claimant solely for the right of occupancy of his Minnesota homestead in the calendar year, and which rent constitutes the basis, in the succeeding calendar year of a claim for relief under sections 290A.01 to 290A.21 by the claimant.

Sec. 5. Minnesota Statutes 1976, Section 290A.03, Subdivision 12, is amended to read:

Subd. 12. [GROSS RENT.] "Gross rent" means rental paid solely for the right of occupancy, at arms-length, of a homestead, exclusive of charges for any utilities, services, furniture, or furnishings (OR PERSONAL PROPERTY APPLIANCES) furnished by the landlord as a part of the rental agreement, whether expressly set out in the rental agreement or not. If the landlord and tenant have not dealt with each other at arms-length and the commissioner determines that the gross rent charged was excessive, he may adjust the gross rent to a reasonable amount for purposes of sections 290A.01 to 290A.21.

If the landlord does not supply the charges for any utilities, furniture, or furnishings (OR PERSONAL PROPERTY APPLIANCES) furnished by him, or if the charges appear to be incorrect the commissioner may apply a percentage determined from samples of similar gross rents paid solely for the right of occupancy.

Any amount paid by a claimant residing in property assessed pursuant to section 273.133 for occupancy in that property shall be excluded from gross rent for purposes of this chapter. However, property taxes imputed to the homestead of the claimant pursuant to section 273.133 shall be included within the term "property taxes payable" as defined in subdivision 13, notwithstanding the fact that ownership is not in the name of the claimant.

Sec. 6. Minnesota Statutes 1976, Section 290A.03, Subdivision 13, is amended to read:

Subd. 13. [PROPERTY TAXES PAYABLE.] "Property taxes payable" means the property tax exclusive of special assessments, penalties, and interest payable on a claimant's homestead before reductions made pursuant to section 273.13, subdivisions 6 and 7, but after deductions made pursuant to sections 273.132 and 273.135, in 1976 or any calendar year thereafter. For homesteads which are mobile homes as defined in section 168.011, subdivision 8, "property taxes payable" shall also include 20 percent of gross rent paid in the preceding year for the site on which the homestead is located, exclusive of charges for utilities or services. When a homestead is owned by two or more persons as joint tenants or tenants in common, ("PROPERTY TAXES PAYABLE" IS THAT PART OF) *such tenants shall determine between them which tenant may claim the property taxes payable on the homestead (AS REFLECTS THE PERCENTAGE OF OWNERSHIP OF THE CLAIMANT AND SPOUSE). If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final.* Property taxes are considered payable in the year prescribed by law for payment of the taxes.

In the case of a claim relating to "property taxes payable", the claimant must have owned and occupied the homestead on January 2 of the year in which the tax is payable.

Sec. 7. Minnesota Statutes 1976, Section 290A.05, is amended to read:

290A.05 [COMBINED HOUSEHOLD INCOME.] If a person occupies a homestead with another person or persons not related to the person as husband and wife, excluding (DEPENDENT CHILDREN) *dependents*, roomers or boarders on contract, and has property tax payable with respect to the homestead, the household income of the claimant or claimants for the purpose of computing the credit allowed by section 290A.04 shall include the total income received by the other persons residing in the homestead. If a person occupies a homestead with another person or persons not related as husband and wife or as (DEPENDENT CHILDREN) *dependents*, the property tax payable or rent constituting property tax shall be reduced as follows:

If the other person or persons are residing at the homestead under rental or lease agreement, the amount of property tax payable or rent constituting property tax shall be that portion not covered by the rental agreement.

Sec. 8. Minnesota Statutes 1976, Section 290A.08, is amended to read:

290A.08 [ONE CLAIMANT PER HOUSEHOLD.] Only one claimant per household per year is entitled to relief under sections 290A.01 to 290A.21. *Payment of the claim for relief may be made payable to the husband and wife as one claimant. The commissioner, on request, may issue separate checks, to the husband and wife for one-half of the relief provided the original check has not been issued or has been returned.*

Sec. 9. Minnesota Statutes 1976, Section 290A.10, is amended to read:

290A.10 [PROOF OF TAXES PAID.] Every claimant who files a claim for relief for property taxes payable shall include with his claim a property tax statement indicating that there are no delinquent property taxes on the homestead. Indication on the property tax statement from the county treasurer that there are no delinquent taxes on the homestead shall be sufficient proof. *Taxes included in a confession of judgment under section 279.37 shall not constitute delinquent taxes as long as the claimant is current on the payments required to be made under section 279.37.*

Sec. 10. Minnesota Statutes 1976, Section 290A.14, is amended to read:

290A.14 [PROPERTY TAX STATEMENT.] The county treasurer shall prepare and send a sufficient number of copies of the property tax statement to the owner, and to his escrow agent if the taxes are paid via an escrow account, to enable him to comply with the filing requirements of (LAWS 1975, CHAPTER 437, ARTICLE 1) *this chapter* and to retain one copy for his records. The property tax statement, in a form prescribed by the commissioner, shall indicate the manner in which the claimant may claim relief from the state and the amount of the tax for which the applicant may claim relief. The statement shall also indicate if there are delinquent property taxes on the property in the preceding year. *Taxes included in a confession of judgment under section 279.37 shall not constitute delinquent taxes as long as the claimant is current on the payments required to be made under section 279.37.*

Sec. 11. Minnesota Statutes 1976, Section 290A.18, is amended to read:

290A.18 [RIGHT TO FILE CLAIM.] If a (CLAIMANT) person entitled to relief under sections 290A.01 to 290A.21 dies prior to *filing a claim* or receiving relief, the surviving spouse or dependent (CHILD) of the (CLAIMANT) person shall be entitled to *file the claim and receive (IT) relief*. If there is no surviving spouse or dependent (CHILD), the right to the credit shall lapse.

Sec. 12. Minnesota Statutes 1976, Section 290A.19, is amended to read:

290A.19 [LANDLORD TO FURNISH RENT CERTIFICATE; PENALTY.] The owner or managing agent of any property for which rent is paid for occupancy as a homestead shall furnish a certificate of rent paid to each *person who is a renter on December 31*, in the form prescribed by the commissioner. *If the renter moves prior to December 31, the obligation of the owner or managing agent shall be limited to either providing the certificate to the renter at the time he moves or mailing the certificate to the forwarding address provided by the renter.* The certificate shall be made available to the renter not later than February 15 of the year following the year in which the rent was paid. *Upon request of any other person who rented property of the owner during the previous year, the owner or managing agent shall furnish a certificate of rent paid to that person.* Any owner or managing agent who willfully fails to furnish a certificate as provided herein shall be liable to the commissioner for a penalty of \$20 for each act or failure to act. The penalty shall be assessed and collected in the manner provided in chapter 290 for the assessment and collection of income tax.

Sec. 13. Minnesota Statutes 1976, Section 290.066, Subdivision 1, is amended to read:

290.066 [SPECIAL PROPERTY TAX CREDIT.] Subdivision 1. A person entitled to an amount equal to the qualified property tax credit allowed by section 273.012 shall file a claim with the department of revenue on or before the date provided in chapter 290A for filing a claim for property tax relief. The department of revenue shall make available suitable forms with instructions for the claimant, including a form which may be included with or as a part of the individual income tax blank. The claim shall be in such form as the commissioner may prescribe. *Such claim shall be subject to the provisions of chapter 290A, where applicable.*

Sec. 14. Laws 1976, Chapter 334, Section 21, is amended to read:

Sec. 21. [EFFECTIVE DATE.] Sections 5, 6, 8, 10, 11, 13, 17 and 19 are effective the day following final enactment. (SECTIONS) *Section 12 (AND 15 ARE) is effective for taxable years beginning after December 31, 1975. Section 15 is effective for taxable years beginning after December 31, 1974.* Sections 7, 9 and 20 are effective for taxes payable in 1977 and subsequent years. Section 16 shall be effective for claims filed in 1977 and subsequent years. Section 14 is a declaration of law existing prior to enactment of Laws 1975, Chapter 349, Section 17, and is not a change in such preexisting law. Sections 1 and 18 are effective for taxable years beginning after December 31, 1974. Sections 2, 3 and 4 are effective for taxable years beginning after December 31, 1976.

Sec. 15. [REPEALER.] *Minnesota Statutes 1976, Sections 290.0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.066, Subdivisions 2 and 3; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; and 290A.21 are repealed.*

Sec. 16. [EFFECTIVE DATE.] *Sections 1, 3, 4, 5, 6, and 12 are effective for claims filed in 1978 and subsequent years. Sections 2, 7, 8, 9, 10, and 13 are effective for claims filed in 1977 and subsequent years. Section 11 is effective for claims based on rent paid in 1975 and subsequent years and property taxes payable in 1976 and subsequent years. Persons who file claims pursuant to section 11 prior to December 31, 1977, for previous years, shall not be subject to the penalties provided in Minnesota Statutes, Section 290A.06. Section 14 is effective on the day after enactment, and claims allowable as a result of the changes made in that section shall not be subject to the penalties provided in Minnesota Statutes, Section 290A.06."*

Further, amend the title:

Line 3, delete "eliminating".

Delete lines 4 to 9.

Line 10, delete "appropriating money;"

Line 11, delete "273.13, Subdivisions 6 and 7" and insert "290.066, Subdivision 1".

Line 12, delete "273.132;"

Line 12, after "6," insert "7,"

Line 12, after "8" insert ", 11, 12".

Delete lines 13 to 16 and insert "290A.05; 290A.08; 290A.10; 290A.14; 290A.18; 290A.19; and Laws 1976, Chapter 334, Section 21; repealing Minnesota Statutes 1976, Sections 290.0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.066, Subdivisions 2 and 3; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; and 290A.21."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1337, A bill for an act relating to taxation; removing membership dues, fees and assessments received by certain homeowners associations from definition of gross income for corporate income tax purposes; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 522, 530, 1365, 914, 93, 992 and 1337 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1070, 1338, 581, 147, 166, 274, 96, 767, 977, 541, 737, 816, 967, 968, 969, 970, 972, 973, 1014, 1064, 1138, 321, 562 and 796 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Fugina introduced:

H. F. No. 1615, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Sections 2, 4 and 12; providing for the sessions, size and terms of the legislature.

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

Swanson; Carlson, L.; Dean; Samuelson and Petrafeso introduced:

H. F. No. 1616, A bill for an act relating to public health; requiring uniform accounting and reporting standards for hospitals; authorizing the establishment of a comprehensive hospital rate setting and control system; requiring certain information from certain professional standards review organizations; amending Minnesota Statutes 1976, Sections 144.697, by adding subdivisions; 144.698, Subdivision 1, and by adding a subdivision; and 144.701, Subdivisions 2, 5 and 6; repealing Minnesota Statutes 1976, Section 144.702.

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

## 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. 1003, A bill for an act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on trailers; dimensional specifications for trailer number plates; amending Minnesota Statutes 1976, Sections 168.013, Subdivision 1d; and 168.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Lemke moved that the House concur in the Senate amendments to H. F. No. 1003 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1003, A bill for an act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on certain trailers; dimensional specifications for trailer number plates; amending Minnesota Statutes 1976, Sections 168.013, Subdivision 1d; and 168.12.

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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Moe	Sieben, H.
Adams	Cummiskey	Jude	Munger	Sieben, M.
Albrecht	Dahl	Kaley	Murphy	Simoneau
Anderson, B.	Dean	Kalis	Neisen	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Nelsen, B.	Smogard
Anderson, I.	Eckstein	Kelly, W.	Nelson	Spanish
Anderson, R.	Eken	Kempe, A.	Norton	Stanton
Arlandson	Erickson	Kempe, R.	Novak	Stoa
Battaglia	Esau	King	Osthoff	Suss
Begich	Evans	Knickerbocker	Patton	Swanson
Berg	Ewald	Kostohryz	Peterson	Tomlinson
Berglin	Faricy	Kroening	Petrafeso	Vanasek
Berkelman	Fjoslien	Kvam	Pleasant	Voss
Birnstihl	Forsythe	Laidig	Prahl	Waldorf
Brandl	Friedrich	Langseth	Reding	Welch
Braun	Fugina	Lehto	Rice	Wenstrom
Brinkman	George	Lemke	Rose	Wenzel
Byrne	Gunter	Mangan	St. Onge	White
Carlson, A.	Hanson	Mann	Samuelson	Wieser
Carlson, D.	Haugerud	McCollar	Sarna	Williamson
Carlson, L.	Hokanson	McDonald	Savelkoul	Wynia
Clark	Jacobs	McEachern	Scheid	Zubay
Clawson	Jaros	Metzen	Sherwood	Speaker Sabo

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

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 550, A bill for an act relating to the operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; providing additional aids and levies

for school districts with declining enrollment; eliminating foundation aid for summer programs for non-handicapped children; changing the method of distributing the agricultural tax credit; eliminating state aid for community education; establishing formulas for current funding of adult and secondary vocational education; creating a legislative school finance study commission; providing special retirement privileges for experienced teachers who teach part time or take an extended leave of absence; appropriating money; amending Minnesota Statutes 1976, Sections 120.10, Subdivision 1; 120.17, Subdivisions 1a and 5a; 121.11, Subdivision 5; 121.902; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivisions 1 and 2; 123.335, Subdivision 2; 123.39, Subdivision 5; 123.351, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2; 123.742, Subdivision 1; 124.11; 124.14, Subdivision 1; 124.17, Subdivisions 1, 2, and by adding a subdivision; 124.19, Subdivision 1; 124.20; 124.212, Subdivisions 1, 3a, 6b, 7b and 8a, and by adding a subdivision; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3, 6, and by adding a subdivision; 124.223; 124.26, Subdivisions 1 and 4; 124.271, Subdivisions 2 and 5; 124.30, Subdivision 5; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 128A.02, Subdivisions 2 and 3; 128A.-06; 273.132; 273.138, Subdivision 3; 275.125, Subdivisions 2a, 8, 9, 9a, and 13; and 475.61, Subdivision 4; amending Minnesota Statutes 1976, Chapter 136A, by adding a section; Chapter 354, by adding sections and Chapter 354A, by adding sections; amending Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapter 775, Section 4, Subdivision 2, as amended; Laws 1969, Chapter 1060, Section 7, as amended; and Laws 1976, Chapter 271, Section 94; repealing Minnesota Statutes 1976, Sections 124.215, Subdivision 2a; 124.222, Subdivisions 4 and 5; 124.25; 124.271, Subdivisions 1, 2, 3, 4 and 5; 124.30; 124.562, Subdivision 6; 124.563, Subdivision 4; 124.565, Subdivision 2; 124.57, Subdivisions 1 and 3, as added; 473.633; and 473.635.

The Senate has appointed as such committee Messrs. Merriam, Anderson, Sillers, Hughes and Dieterich.

House File No. 550 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the return of Senate File No. 919 for further consideration:

S. F. No. 919, A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; amending Minnesota Statutes 1976, Section 169.80, Subdivision 2.

Senate File No. 919 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Lemke moved that the vote whereby S. F. No. 919 was passed by the House on Monday, April 25, 1977, be now reconsidered. The motion prevailed.

Lemke moved that the action whereby S. F. No. 919 was given a third reading by the House on Monday, April 25, 1977, be now reconsidered. The motion prevailed.

S. F. No. 919 was reported to the House.

Lemke moved to amend S. F. No. 919, as follows:

Page 2, line 6, after "width" and before the period insert "*except that any such low bed trailer or equipment dolly with a total outside width, including the load thereon, in excess of eight feet shall not be operated on any interstate highway without first having obtained a permit for such operation pursuant to section 169.86*".

The motion prevailed and the amendment was adopted.

S. F. No. 919, A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; amending Minnesota Statutes 1976, Section 169.80, Subdivision 2.

The bill was read for the third time, as amended, 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 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Fjoslien	Kempe, A.	Moe
Adams	Byrne	Forsythe	Kempe, R.	Munger
Albrecht	Carlson, A.	Friedrich	King	Murphy
Anderson, B.	Carlson, D.	Fudro	Knickerbocker	Neisen
Anderson, G.	Carlson, L.	Fugina	Kostohryz	Nelsen, B.
Anderson, I.	Clark	George	Kroening	Nelson
Anderson, R.	Cohen	Gunter	Kvam	Niehaus
Arlandson	Cummiskey	Hanson	Laidig	Norton
Battaglia	Dahl	Haugerud	Langseth	Novak
Beauchamp	Dean	Jacobs	Lehto	Osthoff
Begich	Den Ouden	Jaros	Lemke	Patton
Berg	Eckstein	Jensen	Mangan	Pehler
Berglin	Eken	Jude	Mann	Peterson
Berkelman	Erickson	Kaley	McCollar	Petrafeso
Birnstihl	Esau	Kalis	McDonald	Pleasant
Brandl	Evans	Kelly, R.	McEachern	Prahl
Braun	Ewald	Kelly, W.	Metzen	Reding

Rice	Schulz	Smogard	Voss	Williamson
Rose	Searle	Spanish	Waldorf	Wynia
St. Onge	Sherwood	Stoa	Welch	Zubay
Samuelson	Sieben, H.	Suss	Wenstrom	Speaker Sabo
Sarna	Sieben, M.	Swanson	Wenzel	
Savelkoul	Simoneau	Tomlinson	White	
Scheid	Skoglund	Vanasek	Wieser	

The bill was repassed, as amended, 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. 341 and 896.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 341, A bill for an act relating to taxation; providing for a credit against income tax for the cost of care for certain dependents; appropriating money; amending Minnesota Statutes 1976, Chapter 290, by adding a section; repealing Minnesota Statutes 1976, Section 290.09, Subdivision 26.

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

S. F. No. 896, A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned and annual payments for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; providing for a property tax credit for land crossed by high voltage transmission lines; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; 116C.69; 273.42; 276.04; and Chapters 116C, by adding a section; and 273, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

The bill was read for the first time.

Sieben, H. moved that S. F. No. 896 and H. F. No. 1028, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

## CONSENT CALENDAR

S. F. No. 1423, A bill for an act relating to state lands; authorizing the exchange of certain public lake access land in Polk county.

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 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jude	Murphy	Simoneau
Adams	Dahl	Kaley	Neisen	Skoglund
Albrecht	Dean	Kalis	Nelsen, B.	Smogard
Anderson, B.	Den Ouden	Kelly, R.	Nelson	Spanish
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Stanton
Anderson, I.	Eken	Kempe, A.	Norton	Stoa
Anderson, R.	Ellingson	Kempe, R.	Novak	Suss
Arlandson	Erickson	King	Osthoff	Swanson
Battaglia	Esau	Knickerbocker	Patton	Tomlinson
Beauchamp	Evans	Kostohryz	Peterson	Vanasek
Begich	Ewald	Kroening	Petrafeso	Voss
Berg	Faricy	Kvam	Pleasant	Waldorf
Berglin	Fjoslien	Laidig	Reding	Welch
Berkelman	Forsythe	Langseth	Rice	Wenstrom
Birnstihl	Friedrich	Lehto	Rose	Wenzel
Brandl	Fudro	Lemke	St. Onge	White
Braun	Fugina	Mangan	Samuelson	Wieser
Brinkman	George	Mann	Sarna	Williamson
Byrne	Gunter	McCarron	Savelkoul	Wynia
Carlson, A.	Hanson	McCollar	Scheid	Zubay
Carlson, D.	Haugerud	McDonald	Schulz	Speaker Sabo
Carlson, L.	Hokanson	McEachern	Searles	
Clark	Jacobs	Metzen	Sherwood	
Cohen	Jaros	Moe	Sieben, H.	
Corbid	Jensen	Munger	Sieben, M.	

Those who voted in the negative were:

Heinitz

The bill was passed and its title agreed to.

S. F. No. 69 was reported to the House.

There being no objection, S. F. No. 69 was continued on the Consent Calendar for one day.

S. F. No. 880, A bill for an act relating to towns; granting certain towns the powers of statutory cities.

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

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

Those who voted in the affirmative were:

Abeln	Cummiskey	Jude	Neisen	Simoneau
Adams	Dahl	Kaley	Nelsen, B.	Skoglund
Albrecht	Dean	Kalis	Nelson	Smogard
Anderson, B.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, I.	Eken	Kempe, A.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Suss
Arlandson	Enebo	King	Patton	Swanson
Battaglia	Erickson	Knickerbocker	Pehler	Tomlinson
Beauchamp	Esau	Kostohryz	Peterson	Vanasek
Begich	Evans	Kroening	Petrafeso	Voss
Berg	Ewald	Kvam	Pleasant	Waldorf
Berglin	Farcy	Laidig	Prahl	Welch
Berkelman	Fjoslien	Langseth	Reding	Wenstrom
Birnstihl	Forsythe	Lehto	Rice	Wenzel
Brandl	Friedrich	Lemke	Rose	White
Braun	Fudro	Mangan	St. Onge	Wieser
Brinkman	Fugina	Mann	Samuelson	Williamson
Byrne	George	McCarron	Sarna	Wynia
Carlson, A.	Gunter	McCollar	Savelkoul	Zubay
Carlson, D.	Haugerud	McDonald	Scheid	Speaker Sabo
Carlson, L.	Heintz	McEachern	Schulz	
Clark	Hokanson	Metzen	Searles	
Clawson	Jacobs	Moe	Sherwood	
Cohen	Jaros	Munger	Sieben, H.	
Corbid	Jensen	Murphy	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 1457 was reported to the House.

There being no objection, H. F. No. 1457 was continued on the Consent Calendar for one day.

S. F. No. 13, A bill for an act relating to jurisdiction over federal lands; permitting acceptance by the state of retrocession of jurisdiction over federal lands by federal agencies; amending Minnesota Statutes 1976, Section 1.043; and Chapter 1, by adding a section.

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

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

Those who voted in the affirmative were:

Abeln	Anderson, R.	Berglin	Byrne	Clawson
Adams	Arlandson	Berkelman	Carlson, A.	Cohen
Albrecht	Battaglia	Birnstihl	Carlson, D.	Cummiskey
Anderson, B.	Beauchamp	Brandl	Carlson, L.	Dahl
Anderson, G.	Begich	Braun	Casserly	Dean
Anderson, I.	Berg	Brinkman	Clark	Den Ouden

Eckstein	Jacobs	Mangan	Peterson	Smogard
Eken	Jaros	Mann	Petrafaso	Spanish
Ellingson	Jensen	McCarron	Pleasant	Stanton
Enebo	Jude	McCollar	Prahl	Stoa
Erickson	Kaley	McDonald	Reding	Suss
Esau	Kalis	McEachern	Rice	Swanson
Evans	Kelly, R.	Metzen	Rose	Tomlinson
Ewald	Kelly, W.	Moe	St. Onge	Vanasek
Faricy	Kempe, A.	Munger	Samuelson	Voss
Fjoslien	Kempe, R.	Murphy	Sarna	Waldorf
Forsythe	King	Neisen	Savelkoul	Welch
Friedrich	Knickerbocker	Neisen, B.	Scheid	Wenstrom
Fudro	Kostohryz	Nelson	Schulz	Wenzel
Fugina	Kroening	Niehaus	Searles	White
Gunter	Kvam	Norton	Sherwood	Wieser
Hanson	Laidig	Novak	Sieben, H.	Williamson
Haugerud	Langseth	Osthoff	Sieben, M.	Wynia
Heinitz	Lehto	Patton	Simoneau	Zubay
Hokanson	Lemke	Pehler	Skoglund	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 499, A bill for an act relating to the operation of state government; providing for a study on improving public access to state services and facilities; requiring a report.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Jude	Neisen	Sieben, M.
Anderson, B.	Dahl	Kaley	Nelsen, B.	Simoneau
Anderson, G.	Dean	Kalis	Nelson	Skoglund
Anderson, I.	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, R.	Eckstein	Kelly, W.	Norton	Spanish
Arlandson	Eken	Kempe, A.	Novak	Stanton
Battaglia	Ellingson	Kempe, R.	Osthoff	Stoa
Beauchamp	Enebo	King	Patton	Suss
Begich	Erickson	Knickerbocker	Pehler	Swanson
Berg	Esau	Kostohryz	Peterson	Tomlinson
Berglin	Evans	Kroening	Petrafaso	Vanasek
Berkelman	Ewald	Kvam	Pleasant	Voss
Birnstihl	Faricy	Laidig	Prahl	Waldorf
Brandl	Fjoslien	Langseth	Reding	Welch
Braun	Forsythe	Lehto	Rice	Wenstrom
Brinkman	Friedrich	Lemke	Rose	Wenzel
Byrne	Fugina	Mangan	St. Onge	White
Carlson, A.	Gunter	Mann	Samuelson	Wieser
Carlson, D.	Hanson	McCarron	Sarna	Williamson
Carlson, L.	Haugerud	McDonald	Savelkoul	Wynia
Casserly	Heinitz	McEachern	Scheid	Zubay
Clark	Hokanson	Metzen	Schulz	Speaker Sabo
Clawson	Jacobs	Moe	Searles	

The bill was passed and its title agreed to.

S. F. No. 721, A bill for an act relating to veterinarians; license filing fee; amending Minnesota Statutes 1976, Section 156.09.

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

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

Those who voted in the affirmative were:

Abein	Corbid	Jaros	Moe	Searles
Adams	Cummiskey	Jensen	Munger	Sherwood
Albrecht	Dahl	Jude	Murphy	Sieben, H.
Anderson, B.	Dean	Kahn	Neisen	Sieben, M.
Anderson, G.	Den Ouden	Kaley	Nelsen, B.	Simoneau
Anderson, I.	Eckstein	Kalis	Nelson	Skoglund
Anderson, R.	Eken	Kelly, R.	Niehaus	Smogard
Arlanson	Ellingson	Kelly, W.	Norton	Spanish
Battaglia	Erickson	Kempe, A.	Novak	Stanton
Beauchamp	Esau	Kempe, R.	Osthoff	Stoa
Begich	Evans	King	Patton	Suss
Berg	Ewald	Knickerbocker	Pehler	Swanson
Berglin	Faricy	Kostohryz	Peterson	Tomlinson
Berkelman	Fjoslien	Kroening	Petraieso	Vanasek
Birnstihl	Forsythe	Kvam	Pleasant	Voss
Brandl	Friedrich	Laidig	Prahl	Waldorf
Braun	Fudro	Langseth	Reding	Welch
Brinkman	Fugina	Lehto	Rice	Wenstrom
Byrne	George	Lemke	Rose	Wenzel
Carlson, A.	Gunter	Mangan	St. Onge	White
Carlson, L.	Hanson	Mann	Samuelson	Wieser
Casserly	Hangerud	McCarron	Sarna	Williamson
Clark	Heinitz	McDonald	Savelkoul	Wynia
Clawson	Hokanson	McEachern	Scheid	Zubay
Cohen	Jacobs	Metzen	Schulz	Speaker Sabo

The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. No. 1060.

H. F. No. 1060, A bill for an act relating to education; loans to medical students; changing requirements for loan forgiveness and limitations on loan amounts; amending Minnesota Statutes 1976, Section 147.30.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Sieben, M.
Adams	Cummiskey	Jude	Neisen	Simoneau
Albrecht	Dahl	Kaley	Nelsen, B.	Skoglund
Anderson, B.	Dean	Kalis	Nelson	Smogard
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, I.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, R.	Eken	Kempe, A.	Osthoff	Stoa
Arlandson	Ellingson	Kempe, R.	Patton	Suss
Battaglia	Erickson	King	Pehler	Swanson
Beauchamp	Esau	Knickerbocker	Peterson	Tomlinson
Begich	Evans	Kostohryz	Petraeso	Vanasek
Berg	Ewald	Kvam	Pleasant	Voss
Berglin	Faricy	Laidig	Prahl	Waldorf
Berkelman	Fjoslien	Langseth	Reding	Welch
Birnstihl	Forsythe	Lehto	Rice	Wenstrom
Brandl	Friedrich	Lemke	Rose	Wenzel
Braun	Fudro	Mangan	St. Onge	White
Brinkman	Fugina	Mann	Samuelson	Wieser
Byrne	George	McCarron	Sarna	Williamson
Carlson, A.	Gunter	McCollar	Savelkoul	Wynia
Carlson, D.	Hanson	McDonald	Scheid	Zubay
Carlson, L.	Heinitz	McEachern	Schulz	Speaker Sabo
Casserly	Hokanson	Metzen	Searles	
Clark	Jacobs	Moe	Sherwood	
Cohen	Jaros	Munger	Sieben, H.	

The bill was passed and its title agreed to.

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of H. F. No. 1475.

H. F. No. 1475 was reported to the House.

Fugina moved to amend H. F. No. 1475 as follows:

Page 68, line 14, delete "24" and insert "26".

Page 69, line 2, delete "27" and insert "29".

Page 73, line 17, delete "22" and insert "24".

Page 73, delete lines 29 to 32.

Page 74, delete lines 1 to 28.

Page 74, line 29, delete "*resources and rehabilitation board from*".

Page 75, line 6, delete "*industrial parks*".

Page 75, delete lines 10 to 26 and insert:

"Sec. 17. [TACONITE AREA ENVIRONMENTAL PROTECTION COUNCIL.] *Subdivision 1. A taconite area en-*

*vironmental protection and economic development council is created.*

*Subd. 2. The membership of the council shall consist of the director of the state planning agency, the commissioner of economic development, the commissioner of natural resources, the director of the pollution control agency, and five members appointed by the governor. Four of the members appointed by the governor shall reside in a tax relief area as defined in Minnesota Statutes, Section 273.134. The fifth member shall reside in a county which is within region 3, as defined in governor's executive order number 60 issued on June 12, 1970, but shall not reside in a tax relief area as defined in Minnesota Statutes, Section 273.134.*

*Subd. 3. The chairman of the council shall be elected by the members of the council. The council shall appoint an executive director.*

*Subd. 4. Subject to the approval of the council, the executive director may employ employees or consultants as authorized by law for the execution of the directives of the council. Employees of the council shall be in the classified service of the state, except that the executive director shall be in the unclassified service. Annual administrative expenses approved by the council, including salaries, shall not exceed five percent of the funds appropriated to the council in that year.*

*Subd. 5. Of the five members originally appointed by the governor, one shall serve for a one year term, one shall serve for a two year term, one shall serve for a three year term, and two shall serve for four year terms. All appointments to terms subsequent to the original term shall be for terms of four years, except that an appointment to fill a vacancy shall be made only for the unexpired term of the member who is being replaced. The executive director shall serve at the pleasure of the council.*

*Subd. 6. The governor may remove a council member appointed by him at any time for cause after notice and hearing.*

*Subd. 7. Members of the council shall receive \$35 for each day spent in the performance of their duties, unless they are state employees. Council members shall be reimbursed for necessary and ordinary expenses in the same manner and amount as state employees.*

*Subd. 8. The council shall make a report to the governor and the legislature on or before November 15 of each even numbered year.*

**Sec. 18. [COUNCIL AUTHORITY AND DUTIES.]** *Sub-division 1. The powers and duties of the council shall be as pro-*

vided in sections 15 to 24 and in other law. Actions of the council shall be taken only at an open meeting by a majority vote of the members. The council may approve a project only if six members approve of the project.

*Subd. 2. The council shall initiate investigations into matters it determines are in need of study, and shall determine which environmental and economic problems require remedial action.*

*Subd. 3. The council shall have the following powers:*

*(a) to accept appropriations, gifts, grants, bequests and devises, and utilize or dispose of them to carry out its purposes;*

*(b) to enter into agreements or other transactions with any federal, state, county, or municipal agency, any person, partnership, corporation, association or organization; and*

*(c) to make and execute contracts and other instruments necessary and convenient for the exercise of its authority.*

**Sec. 19. [HEARINGS; FUNDING PROJECTS.]** *Subdivision 1. The council shall hold public hearings on matters it determines to be of major environmental and economic importance in northeast Minnesota and it shall prescribe the rules in conformity with Minnesota Statutes, Chapter 15.*

*Subd. 2. At the conclusion of its hearings, the council shall allocate available funds to finance the projects that it approves. There is hereby appropriated to the council the funds available under section 20. The council shall expend money from the fund only on those projects which are to be performed within the group of counties contained within region 3 as defined in governor's executive order number 60 issued on June 12, 1970."*

Page 75, line 27, delete "19" and insert "20".

Page 75, line 28, delete "22" and insert "24".

Page 75, after line 31 insert:

*"Sec. 21. [DISBURSEMENTS.] The council shall pay for audits, payments required under section 23, and repayment of loans from the general fund. It is the declared intent of the legislature that the fund established in section 16 shall not be depleted for the purpose of any projects authorized by the council by an annual amount exceeding 50 percent of the total amount in the fund after those payments required by the preceding sentence have been made."*

Renumber the sections accordingly.

Page 76, line 5, delete "22" and insert "24".

Page 76, line 15, after "fund" insert "to the taconite area environmental protection and economic development council".

Page 76, line 24, after "fund" insert "to the taconite area environmental protection and economic development council".

Page 76, line 29, delete "21" and insert "23".

Page 77, line 5, delete "23 to 26" and insert "25 to 28".

Page 78, line 7, delete "24" and insert "26".

Page 80, line 18, delete "29" and insert "31".

Page 80, line 21, delete "28" and insert "30".

Page 80, line 23, delete "27" and insert "29".

Further, amend the title:

Line 11, after "fund" insert "and council".

Line 28, delete "and 2, and by adding a subdivision".

The motion prevailed and the amendment was adopted.

Kvam moved to amend H. F. No. 1475, as follows:

Pages 9 and 10, strike Section 3 in its entirety.

Renumber the remaining sections accordingly.

Pages 19 and 20, strike Sections 10 and 11.

Renumber the remaining sections accordingly.

Pages 26 and 27, strike Section 10 "[ASSESSMENT DISPERSION PENALTY]" in its entirety.

Renumber the remaining section accordingly.

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

#### CALL OF THE HOUSE

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

Abeln	Clawson	Jacobs	Murphy	Sherwood
Adams	Cohen	Jensen	Neisen	Sieben, H.
Albrecht	Corbid	Johnson	Nelsen, B.	Simoneau
Anderson, B.	Cummiskey	Jude	Nelson	Skoglund
Anderson, G.	Dahl	Kahn	Niehaus	Smogard
Anderson, I.	Dean	Kaley	Norton	Spanish
Anderson, R.	Den Ouden	Kalis	Novak	Stanton
Årlandson	Eken	Kelly, R.	Osthoff	Stoa
Battaglia	Enebo	Kelly, W.	Patton	Suss
Beauchamp	Esau	Kempe, R.	Pehler	Swanson
Begich	Evans	King	Peterson	Tomlinson
Berg	Ewald	Knickerbocker	Petrafeso	Vanasek
Berglin	Faricy	Kostohryz	Pleasant	Voss
Berkelman	Fjoslien	Kroening	Reding	Waldorf
Biersdorf	Forsythe	Lehto	Rice	Welch
Birnstihl	Friedrich	Mangan	Rose	Wenstrom
Brandl	Fudro	Mann	St. Onge	Wenzel
Braun	Fugina	McCarron	Samuelson	White
Brinkman	George	McCollar	Sarna	Wieser
Byrne	Gunter	McDonald	Savelkoul	Wigley
Carlson, D.	Hanson	McEachern	Scheid	Williamson
Carlson, L.	Haugerud	Metzen	Schulz	Wynia
Casserly	Heinitz	Moe	Searle	Zubay
Clark	Hokanson	Munger	Searles	Speaker Sabo

Savelkoul 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.

Savelkoul moved to amend H. F. No. 1475, as follows:

Page 47, after line 30 insert a new section as follows:

*"Sec. 2. [INCOME SPLITTING.] The commissioner of revenue shall construct tax tables which permit income splitting similar to and in direct proportion with the Internal Revenue Code of 1954, as amended through December 31, 1976."*

Page 47, line 31, strike "Section 1" and insert "Sections 1 and 2".

Renumber the remaining sections accordingly.

Amend the title accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 33 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Evans	Heinitz	Laidig
Anderson, R.	Den Ouden	Ewald	Kaley	McDonald
Biersdorf	Eckstein	Fjoslien	Kempe, R.	Nelsen, B.
Carlson, A.	Erickson	Forsythe	Knickerbocker	Niehaus
Carlson, D.	Esau	Friedrich	Kvam	Peterson

Pleasant Rose	Savelkoul Searle	Searles Spanish	Wigley	Zubay
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Those who voted in the negative were:

Abeln	Clark	Jude	Neisen	Simoneau
Adams	Clawson	Kahn	Nelson	Skoglund
Anderson, B.	Cohen	Kelly, R.	Norton	Smogard
Anderson, G.	Corbid	Kelly, W.	Novak	Stanton
Anderson, I.	Cummiskey	King	Osthoff	Stoa
Arlandson	Dahl	Kostohryz	Patton	Suss
Battaglia	Eken	Kroening	Pehler	Swanson
Beauchamp	Enebo	Langseth	Petraleso	Tomlinson
Begich	Faricy	Lehto	Prahl	Vanasek
Berg	Fudro	Lemke	Reding	Voss
Berglin	Fugina	Mangan	Rice	Waldorf
Berkelman	George	Mann	St. Onge	Welch
Birnstihl	Gunter	McCarron	Samuelson	Wenstrom
Brandl	Hanson	McCollar	Sarna	Wenzel
Braun	Hokanson	McEachern	Scheid	White
Brinkman	Jacobs	Metzen	Schulz	Wieser
Byrne	Jaros	Moe	Sherwood	Williamson
Carlson, L.	Jensen	Munger	Sieben, H.	Wynia
Casserly	Johnson	Murphy	Sieben, M.	Speaker Sabo

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

Savelkoul moved to amend H. F. No. 1475, as follows:

Page 84, after line 22, insert:

“ARTICLE . . . . .

Section 1. Minnesota Statutes 1976, Section 290.06, Subdivision 3c, is amended to read:

Subd. 3c. [CREDITS AGAINST TAX.] Notwithstanding the provisions of subdivision 3a for taxable years which begin after December 31, 1971, the taxes due under the computation in accordance with section 290.06 shall be credited with the following amounts, *subject to the modification provided in subdivision 3e*:

(1) In the case of an unmarried individual, and, except as provided in paragraph 6, in the case of the estate of a decedent, (\$21) \$35, and in the case of a trust, \$5;

(2) In the case of a married individual, living with husband or wife, and in the case of a head of a household, (\$42) \$56. If such husband and wife make separate returns the personal exemption may be taken by either or divided between them;

(3) In the case of an individual, (\$21) \$35 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer. One taxpayer only shall be al-

lowed this credit with respect to any given dependent. In the case of the head of a household, a credit for one dependent shall be disallowed. A payment to a divorced or separated wife, other than a payment of the kind referred to in section 290.072, subdivision 3, shall not be considered a payment by the husband for the support of any dependent.

(4) (a) In the case of an unmarried individual who has attained the age of 65 before the close of his taxable year, an additional (\$21) \$35;

(b) For taxable years which begin after December 31, 1974, in the case of an unmarried individual who is blind at the close of the taxable year, an additional (\$25) \$39;

(c) In the case of a married individual, living with husband or wife, an additional (\$21) \$35 for each spouse who has attained the age of 65 before the close of the individual's taxable year, and an additional (\$25) \$39 for each spouse who is blind at the close of the individual's taxable year. If such husband and wife make separate returns, these credits may be taken by either or divided between them;

(d) For the purposes of sub-paragraphs (b) and (c) of paragraph (4), an individual is blind if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(e) For taxable years which begin after December 31, 1974, in the case of an unmarried individual who is deaf at the close of the taxable year, an additional (\$25) \$39;

(f) For taxable years which begin after December 31, 1974, in the case of a married individual, an additional (\$25) \$39 for each spouse who is deaf at the close of the taxable year. If the husband and wife make separate returns, these credits may be taken by either or divided between them;

(g) For taxable years which begin after December 31, 1974, in the case of an individual, an additional (\$25) \$39 for each person (other than a spouse) who is deaf and dependent upon and receiving his chief support from the taxpayer;

(h) For the purposes of subparagraphs (e), (f) and (g) of paragraph (4), an individual is deaf if the average loss in the speech frequencies (500-200 Hertz) in the better ear, unaided, is 92 decibels, American National Standards Institute, or worse.

(5) In the case of an insurance company, it shall receive a credit on the tax computed as above equal in amount to any taxes based on premiums paid by it during the period for which the tax under Extra Session Laws 1967, Chapter 32, is imposed by virtue of any law of this state, other than the surcharge on premiums imposed by Extra Session Laws 1933, Chapter 53, as amended;

(6) If the status of a taxpayer, insofar as it affects the credits allowed under paragraphs 1, 2 and 3 shall change during the taxable year, or if the taxpayer shall either become or cease to be a resident of the state during such taxable year, such credit shall be apportioned, in accordance with the number of months before and after such change. For the purpose of such apportionment, a fractional part of a month shall be disregarded unless more than one-half of the month, in which case it shall be considered as a month. In case of death during a taxable year, a credit shall be allowed to the decedent, in proportion to the number of months before his death, and to his estate, in proportion to the number of months after his death, and in any event a minimum credit of \$5 shall be allowed to the decedent and his estate, respectively;

(7) In the case of a non-resident individual, credits under paragraphs 1, 2, 3 and 4 shall be apportioned in the proportion of the gross income from sources in Minnesota to the gross income from all sources, and in any event a minimum credit of \$5 shall be allowed.

Sec. 2. Minnesota Statutes 1976, Section 290.06, is amended by adding a subdivision to read:

*Subd. 3e. [INFLATION ADJUSTMENT.] For taxable years beginning after December 31, 1977, the credits provided by subdivision 3c shall be adjusted for inflation. The commissioner of revenue shall annually determine the percentage increase in the consumer price index for the Minneapolis-St. Paul metropolitan area with 1967 as a base year. The commissioner shall determine the increase from July 1, 1977 to June 30 each year, and he shall announce the percentage figure by September 1, each year. The amount of each credit in subdivision 3c shall be multiplied by that percentage. The product of each calculation shall be added to each credit to produce inflation adjusted credits for each succeeding year; provided that if the product exceeds a whole dollar amount it shall be raised to the next highest whole dollar.*

Sec. 3. [EFFECTIVE DATE.] *This article is effective for taxable years beginning after December 31, 1976."*

Further amend the title as follows:

Page 1, line 6, after the semicolon insert "increasing individual income tax credits and providing for inflation adjustment;".

Page 1, line 24, after the second semicolon insert "290.06, Subdivision 3c, and by adding a subdivision;".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 39 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Albrecht	Eckstein	Heinitz	Laidig	Savelkoul
Anderson, R.	Erickson	Jensen	McDonald	Searle
Berkelman	Esau	Jude	Nelsen, B.	Searles
Biersdorf	Evans	Kaley	Niehaus	Sieben, H.
Carlson, A.	Ewald	Kalis	Osthoff	Wenzel
Carlson, D.	Fjoslien	Kempe, R.	Peterson	Wigley
Dean	Forsythe	Knickerbocker	Pleasant	Zubay
Den Ouden	Friedrich	Kvam	Rose	

Those who voted in the negative were:

Abeln	Clawson	Kahn	Neisen	Smogard
Adams	Cohen	Kelly, R.	Nelson	Spanish
Anderson, B.	Corbid	Kelly, W.	Norton	Stanton
Anderson, G.	Cummiskey	Kempe, A.	Novak	Stoa
Anderson, I.	Dahl	King	Patton	Suss
Arlandson	Eken	Kostohryz	Pehler	Swanson
Battaglia	Ellingson	Kroening	Petraleso	Tomlinson
Beauchamp	Enebo	Langseth	Prahl	Vanasek
Begich	Farley	Lehto	Reding	Voss
Berg	Fudro	Lemke	Rice	Waldorf
Berglin	Fugina	Mangan	St. Onge	Welch
Birnstihl	George	Mann	Samuelson	Wenstrom
Brandl	Gunter	McCarron	Sarna	White
Braun	Hanson	McCollar	Scheid	Wieser
Brinkman	Haugerud	McEachern	Schulz	Williamson
Byrne	Hokanson	Metzen	Sherwood	Wynia
Carlson, L.	Jacobs	Moe	Sieben, M.	Speaker Sabo
Casserly	Jaros	Munger	Simoneau	
Clark	Johnson	Murphy	Skoglund	

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

Savelkoul moved to amend H. F. No. 1475, as follows:

Page 38, strike lines 6 to 16, and insert:

"Sec. 2. Minnesota Statutes 1976, Section 290.06, Subdivision 3d, is amended to read:

Subd. 3d. [CREDITS AGAINST TAX.] *In the case of a claimant and his spouse whose combined taxable net income is less than \$15,000, the taxes due as computed in accordance with*

section 290.06, subdivisions 2c and 3c shall be credited with the following amounts:

(1) A credit equal to his tax liability in the case of:

(a) An unmarried claimant with an income of (\$4,400) \$5,000 or less;

(b) A claimant with one dependent, with an income of (\$5,200) \$6,200 or less;

(c) A claimant with two dependents, with an income of (\$6,000) \$7,200 or less;

(d) A claimant with three dependents, with an income of (\$6,700) \$8,100 or less;

(e) A claimant with four dependents, with an income of (\$7,300) \$8,800 or less; and

(f) A claimant with five or more dependents, with an income of (\$7,800) \$9,400 or less.

(2) In the case of a claimant with an income in excess of that set forth in the appropriate category of clause (1), he may pay a tax equal to 15 percent of that portion of his income that is in excess of the amount set forth in the appropriate category of clause (1), or his tax obligation as it would have been in the absence of section 290.012 and this subdivision, whichever is less.

(3) The total income of the claimant and his spouse, if any, shall be the figure employed for the purposes of this subdivision. No individual dependent upon and receiving his chief support from any other individual may be a claimant under section 290.012 and this subdivision. The commissioner of revenue shall prescribe the additional forms or alterations in existing forms as necessary to comply with the provisions of section 290.012 and this subdivision. All claimants shall submit their returns on these forms."

Further amend the title as follows:

Page 1, line 6, after the semicolon insert "changing limitations on low income credit;"

Page 1, line 24, after the first semicolon delete "290.012, Subdivision 2" and insert "290.06, Subdivision 3d".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 32 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Albrecht	Erickson	Heinitz	McDonald	Searle
Anderson, R.	Esau	Kaley	Nelsen, B.	Searles
Biersdorf	Evans	Kempe, R.	Niehaus	Wigley
Carlson, A.	Ewald	Knickerbocker	Peterson	Zubay
Carlson, D.	Fjoslien	Kostohryz	Pleasant	
Dean	Forsythe	Kvam	Rose	
Den Ouden	Friedrich	Laidig	Savelkoul	

Those who voted in the negative were:

Abein	Clawson	Johnson	Murphy	Simoneau
Adams	Cohen	Jude	Neisen	Skoglund
Anderson, B.	Corbid	Kahn	Nelson	Smogard
Anderson, G.	Cummiskey	Kalis	Norton	Spanish
Anderson, I.	Dahl	Kelly, R.	Novak	Stanton
Arlandson	Eckstein	Kelly, W.	Osthoff	Stoa
Battaglia	Eken	Kempe, A.	Patton	Suss
Beauchamp	Ellingson	King	Pehler	Swanson
Begich	Enebo	Kroening	Petrafeso	Tomlinson
Berg	Faricy	Langseth	Prahl	Vanasek
Berglin	Fudro	Lehto	Reding	Voss
Berkelman	Fugina	Lemke	Rice	Waldorf
Birnstihl	George	Mangan	St. Onge	Welch
Brandl	Gunter	Mann	Samuelson	Wenstrom
Braun	Hanson	McCarron	Sarna	Wenzel
Brinkman	Haugerud	McCollar	Scheid	White
Byrne	Hokanson	McEachern	Schulz	Wieser
Carlson, L.	Jacobs	Metzen	Sherwood	Williamson
Casserly	Jaros	Moe	Sieben, H.	Wynia
Clark	Jensen	Munger	Sieben, M.	Speaker Sabo

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

Savelkoul moved to amend H. F. No. 1475, as follows:

Page 84, after line 22, insert:

“Article . . .

Section 1. Minnesota Statutes 1976, Section 290.031, is amended by adding a subdivision to read:

*Subd. 7. [REDUCTION OF TAX.] The rate of tax imposed in subdivision 6, clause (a) shall be 1.5 mills per dollar beginning July 1, 1977, one mill per dollar beginning July 1, 1978, and .5 mills per dollar beginning July 1, 1979. The rate of tax imposed in subdivision 6, clause (b) on employers with taxable net income of \$0 or less shall be .75 mills per dollar beginning July 1, 1977, .5 mills per dollar beginning July 1, 1978, and .25 mills per dollar beginning July 1, 1979. The tax imposed by this section shall terminate on June 30, 1980.”*

Further, amend the title as follows:

Page 1, line 6, after the semicolon insert "phasing out the employers excise tax;"

Page 1, line 24, after the second semicolon insert "290.031, by adding a subdivision;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 42 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Heinitz	Nelsen, B.	Searles
Anderson, R.	Den Ouden	Jensen	Niehaus	Smogard
Berkelman	Erickson	Jude	Peterson	Wenstrom
Biersdorf	Esau	Kaley	Pleasant	Wieser
Birnstihl	Evans	Knickerbocker	Reding	Wigley
Carlson, A.	Ewald	Kvam	Rose	Zubay
Carlson, D.	Fjoslien	Laidig	Savelkoul	
Cohen	Forsythe	McDonald	Scheid	
Corbid	Friedrich	Neisen	Searle	

Those who voted in the negative were:

Abeln	Clawson	Kahn	Moe	Sieben, M.
Adams	Cummiskey	Kalis	Munger	Simoneau
Anderson, B.	Dahl	Kelly, R.	Murphy	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Nelson	Spanish
Anderson, I.	Eken	Kempe, A.	Norton	Stanton
Arlandson	Ellingson	Kempe, R.	Novak	Stoa
Battaglia	Enebo	King	Osthoff	Suss
Beauchamp	Faricy	Kostohryz	Patton	Swanson
Begich	Fudro	Kroening	Pehler	Tomlinson
Berg	Fugina	Langseth	Petraleso	Vanasek
Berglin	George	Lehto	Prahl	Voss
Brandl	Gunter	Lemke	Rice	Waldorf
Braun	Hanson	Mangan	St. Onge	Welch
Brinkman	Haugerud	Mann	Samuelson	Wenzel
Byrne	Hokanson	McCarron	Sarna	White
Carlson, L.	Jacobs	McCollar	Schulz	Williamson
Casserly	Jaros	McEachern	Sherwood	Wynia
Clark	Johnson	Metzen	Sieben, H.	Speaker Sabo

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

Savelkoul moved to amend H. F. No. 1475, as follows:

Page 84, after line 22, insert:

"Article . . .

Section 1. Minnesota Statutes 1976, Section 290.06, Subdivision 9a, is amended to read:

Subd. 9a. [FEEDLOT POLLUTION CONTROL EQUIPMENT.] A credit of 10 percent of the net cost of pollution con-

trol and abatement equipment, including but not limited to, lagoons, aerating equipment, concrete storage pits, slurry handling equipment, and other equipment and devices approved by the pollution control agency, purchased, installed and operated within the state by a feedlot operator to prevent pollution of air, land, or water in connection with the operation of a livestock feedlot, poultry lot or other animal lot, may be deducted from the tax due under this chapter in the taxable year in which such equipment is purchased; provided that no deduction shall be taken for any portion of the cost of the same equipment pursuant to subdivision 9.

The credits provided for in this subdivision and in subdivision 9 shall terminate on December 31, (1976) 1979.

Sec. 2. [EFFECTIVE DATE.] *This article is effective for taxable years beginning after December 31, 1976."*

Further, amend the title as follows:

Page 1, line 6, after the semicolon insert "extending the pollution control equipment credit;"

Page 1, line 24, after the second semicolon insert "290.06, Subdivision 3d;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 41 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Albrecht	Erickson	Kaley	Nelsen, B.	Wenstrom
Anderson, R.	Esau	Kalis	Niehaus	Wenzel
Biersdorf	Evans	Knickerbocker	Peterson	Wieser
Birnstihl	Ewald	Kvam	Pleasant	Wigley
Carlson, A.	Fjoslien	Laidig	Rose	Zubay
Carlson, D.	Forsythe	Langseth	Savelkoul	
Dean	Friedrich	Lemke	Searle	
Den Ouden	Gunter	Mann	Searles	
Eckstein	Heinitz	McDonald	Smogard	

Those who voted in the negative were:

Abeln	Berglin	Corbid	Hanson	Kelly, W.
Adams	Berkelman	Cummiskey	Haugerud	Kempe, A.
Anderson, B.	Brandl	Dahl	Hokanson	Kempe, R.
Anderson, G.	Braun	Eken	Jacobs	King
Anderson, I.	Brinkman	Ellingson	Jaros	Kostohryz
Arlandson	Carlson, L.	Enebo	Jensen	Kroening
Battaglia	Casserly	Faricy	Johnson	Lehto
Beauchamp	Clark	Fudro	Jude	Mangan
Begich	Clawson	Fugina	Kahn	McCarron
Berg	Cohen	George	Kelly, R.	McEachern

Metzen	Osthoff	Samuelson	Skoglund	Voss
Moe	Patton	Sarna	Spanish	Waldorf
Munger	Pehler	Scheid	Stanton	Welch
Murphy	Petrafeso	Schulz	Stoa	White
Neisen	Prahl	Sherwood	Suss	Williamson
Nelson	Reding	Sieben, H.	Swanson	Wynia
Norton	Rice	Sieben, M.	Tomlinson	Speaker Sabo
Novak	St. Onge	Simoneau	Vanasek	

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

Savelkoul moved to amend H. F. No. 1475, as follows:

Page 40, after line 25, insert a new paragraph:

*"A claimant with gross income of \$12,000 or less who has one or more dependent children six years of age or under whose spouse elects to remain at home for the exclusive purpose of providing care and attention to such dependent children shall be entitled to a credit of \$150 for each dependent or \$300 in the case of two or more dependents."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 35 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Albrecht	Esau	Hokanson	Laidig	Rose
Anderson, R.	Evans	Jensen	McDonald	Savelkoul
Biersdorf	Ewald	Jude	Nelsen, B.	Searle
Carlson, A.	Fjoslien	Kaley	Nelson	Searles
Carlson, D.	Forsythe	Kempe, R.	Niehaus	Sherwood
Den Ouden	Friedrich	Knickerbocker	Peterson	Wigley
Erickson	Heinitz	Kvam	Pleasant	Zubay

Those who voted in the negative were:

Abeln	Clawson	Kahn	Norton	Stanton
Adams	Cohen	Kalis	Novak	Stoa
Anderson, B.	Corbid	Kelly, R.	Osthoff	Suss
Anderson, G.	Cummiskey	Kelly, W.	Patton	Swanson
Anderson, I.	Dahl	King	Pehler	Tomlinson
Arlandson	Dean	Kostohryz	Petrafeso	Vanasek
Battaglia	Eckstein	Kroening	Prahl	Voss
Beauchamp	Eken	Langseth	Reding	Waldorf
Begich	Ellingson	Lehto	Rice	Welch
Berg	Enebo	Lemke	St. Onge	Wenstrom
Berglin	Faricy	Mangan	Samuelson	Wenzel
Berkelman	Fudro	Mann	Sarna	White
Birnstihl	Fugina	McCarron	Scheid	Wieser
Brandl	George	McCollar	Schulz	Williamson
Braun	Gunter	McEachern	Sieben, H.	Wynia
Brinkman	Hanson	Metzen	Sieben, M.	Speaker Sabo
Byrne	Haugerud	Moe	Simoneau	
Carlson, L.	Jacobs	Munger	Skoglund	
Casserly	Jaros	Murphy	Smogard	
Clark	Johnson	Neisen	Spanish	

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

Savelkoul moved to amend H. F. No. 1475, as follows:

Beginning on page 2, line 7, strike Sections 1 through 4 of Article I, inclusively, and insert the following:

"Section 1. Minnesota Statutes 1976, Section 273.13, Subdivision 6, is amended to read:

Subd. 6. [CLASS 3B.] Agricultural land, except as provided by class 1 hereof, and which is used for the purposes of a homestead, shall constitute class 3b and shall be valued and assessed at 20 percent of the market value thereof. The property tax to be paid on class 3b property as otherwise determined by law not exceeding 120 acres less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, (FOR ALL PURPOSES EXCEPT THE PAYMENT OF PRINCIPAL AND INTEREST ON NON-SCHOOL DISTRICT BONDED INDEBTEDNESS,) shall be reduced by (45) 65 percent of the tax; provided that the amount of said reduction shall not exceed (\$325) \$500, or, in the case of property described in this subdivision owned by a disabled person or a person who has attained the age of 65 years during the year the property was assessed, \$800. Valuation subject to relief shall be limited to 120 acres of land, most contiguous surrounding, or bordering the house occupied by the owner as his dwelling place, and, such other structures as may be included thereon utilized by the owner in an agricultural pursuit. If the market value is in excess of the homestead base value, the amount in excess of that sum shall be valued and assessed as provided for by class 3. The first \$12,000 market value of each tract of real estate which is rural in character and devoted or adaptable to rural but not necessarily agricultural use, used for the purpose of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law.

Agricultural land as used herein, and in section 124.03, shall mean contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land and land included in federal farm programs.

Real estate of less than ten acres used principally for raising poultry, livestock, fruit, vegetables or other agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

Sec. 2. Minnesota Statutes 1976, Section 273.13, Subdivision 7, is amended to read:

Subd. 7. [CLASS 3C, 3CC.] All other real estate and class 2a property, except as provided by classes 1 and 3cc, which is used for the purposes of a homestead, shall constitute class 3c, and shall be valued and assessed at 25 percent of the market value thereof. The property tax to be paid on class 3c property as otherwise determined by law, less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, (FOR ALL PURPOSES EXCEPT THE PAYMENT OF PRINCIPAL OR INTEREST ON NON-SCHOOL DISTRICT BONDED INDEBTEDNESS,) shall be reduced by (45) 65 percent of the amount of such tax; provided that the amount of said reduction shall not exceed (\$325) \$500, or, *in the case of property described in this subdivision owned by a disabled person or a person who has attained the age of 65 years during the year the property was assessed, \$800.* If the market value is in excess of the sum of the homestead base value, the amount in excess of that sum shall be valued and assessed at 40 percent of market value. The first \$12,000 market value of each tract of such real estate used for the purposes of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law. All real estate which is used for the purposes of a homestead by any blind person, if such blind person is the owner thereof or if such blind person and his or her spouse are the sole owners thereof; or by any person (hereinafter referred to as veteran) who served in the active military or naval service of the United States and who is entitled to compensation under the laws and regulations of the United States for permanent and total service-connected disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude motion without the aid of braces, crutches, canes, or a wheel chair, and who with assistance by the administration of veterans affairs has acquired a special housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability; or by any person who is permanently and totally disabled and who is receiving aid from any state as a result of that disability, or who is receiving supplemental security income for the disabled, or who is receiving worker's compensation based on a finding of total and permanent disability, or who is receiving social security disability, or who is receiving aid under the federal railroad retirement act of 1937, 45 United States Code Annotated, Section 228b(a)5 which aid is at least 90 percent of the total income of such disabled person from all sources, shall constitute class 3cc and shall be valued and assessed at five percent of the market value thereof. Permanently and totally disabled for the purpose of this subdivision means a condition which is permanent in nature and totally incapacitates the person from working at an occupation which brings him an income. The property tax to be paid on class 3cc property as otherwise determined by law, less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, (FOR ALL PURPOSES EXCEPT THE PAYMENT OF PRINCIPAL OR INTEREST ON

NON-SCHOOL DISTRICT BONDED INDEBTEDNESS,) shall be reduced by (45) 65 percent of the amount of such tax; provided that the amount of said reduction shall not exceed (\$325) \$500, or, in the case of property described in this subdivision owned by a disabled person or a person who has attained the age of 65 years during the year the property was assessed, \$800. If the market value is in excess of the sum of \$24,000, the amount in excess of that sum shall be valued and assessed at 33 1/3 percent in the case of agricultural land used for a homestead and 40 percent in the case of all other real estate used for a homestead.

Sec. 3. Minnesota Statutes 1976, Section 273.13, Subdivision 14a, is amended to read:

Subd. 14a. [BUILDINGS AND APPURTENANCES ON LAND NOT OWNED BY OCCUPANT.] The property tax to be paid in respect of the value of all buildings and appurtenances thereto owned and used by the occupant as a permanent residence, which are located upon land subject to property taxes and the title to which is vested in a person or entity other than the occupant, (FOR ALL PURPOSES EXCEPT THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDED INDEBTEDNESS,) shall be reduced by (45) 65 percent of the amount of the tax in respect of said value as otherwise determined by law, but not by more than (\$325) \$500, or, in the case of property described in this subdivision owned by a disabled person or a person who has attained the age of 65 years during the year the property was assessed, \$800.

Sec. 4. Minnesota Statutes 1976, Section 275.07, is amended to read:

275.07 [CITY, TOWN, COUNTY, SCHOOL DISTRICT AND SPECIAL DISTRICT TAXES.] The taxes voted by cities, towns, and school districts shall be certified by the proper authorities to the county auditor on or before October tenth in each year. If a city, town, county, school district or special district fails to certify its levy by that date, its levy shall be the amount levied by it for the preceding year. If the local unit notifies the commissioner of revenue before October tenth of its inability to certify its levy by that date, and the commissioner is satisfied that the delay is unavoidable and is not due to the negligence of the local unit's officials or staff, the commissioner shall extend the time within which the local unit shall certify its levy.

Sec. 5. Minnesota Statutes 1976, Section 276.01, is amended to read:

276.01 [DELIVERY OF LISTS TO TREASURER.] On or before (THE FIRST MONDAY IN JANUARY IN) Decem-

ber 15 each year, the county auditor shall deliver the lists of the several districts of the county to the county treasurer, taking therefor his receipt, showing the total amount of taxes due upon the lists and showing, for qualified property, as defined in section 273.011, for which the credit provided for in section 273.012 is claimed, the base tax, as defined in section 273.011. Where the names of taxpayers appear in the property tax lists, the county auditor shall show the addresses of such taxpayers. Such lists shall be authority for the treasurer to receive and collect taxes therein levied.

In counties in which the auditor has elected to come under the provisions of section 273.03, subdivision 2, he shall, during the year in which such lists as provided for in section 275.28, subdivision 3, are in the possession of the county treasurer, have access thereto for the purposes of changing true and full valuations and the classifications of real estate contained therein which he would have been required to change or otherwise amend in the assessment books provided for in section 273.03, subdivision 1, except for his election to discontinue the preparation of such assessment books. The county auditor shall be the official custodian of such lists after the year during which they are in the county treasurer's possession.

Sec. 6. Minnesota Statutes 1976, Section 276.04, is amended to read:

**276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.]** On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to taxpayers statements of their personal property taxes due, such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than (MAY 15) *January 31*; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. (THE STATEMENT SHALL ALSO INCLUDE THE BASE TAX AS DEFINED IN SECTION

273.011, SUBDIVISION 4, FOR QUALIFIED PROPERTY AS DEFINED IN SECTION 273.011 FOR WHICH THE CREDIT PROVIDED FOR IN SECTION 273.012 IS CLAIMED.) The statement shall show the amount attributable to section 273.132 as "state paid agricultural credit" and the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit." (THE COMMISSIONER OF REVENUE SHALL PROVIDE EACH COUNTY AUDITOR WITH THE NAMES OF THOSE PERSONS IN THE ASSESSOR'S DISTRICT WHO HAVE FILED AND QUALIFIED FOR THE PROPERTY TAX CREDIT PURSUANT TO SECTIONS 273.011 AND 273.012 AND SHALL INFORM THE ASSESSOR OF THE BASE TAX OF THOSE PERSONS) *The county treasurer shall separately show the "state paid basic homestead credit" and the "state paid supplementary homestead credit" as defined in article VI, section 1. The county treasurer shall prepare and send a sufficient number of copies of the property tax statement to the owner, and to his escrow agent if the taxes are paid via an escrow agent, to enable him to comply with article VI, section 1 and to retain one copy for his records. The property tax statement shall be in a form prescribed by the commissioner of revenue and shall state that if the owner or owners of the property and their spouses have a combined federal adjusted gross income in excess of \$15,000 in the year the property tax is payable they may be subject to pay all or part of the state paid supplementary homestead credit back to the state with their income tax return due in that year. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists."*

Renumber the remaining sections of Article I accordingly.

Beginning on page 41, strike Article VI in its entirety and insert the following new Article VI:

"Sec. 1. Minnesota Statutes 1976, Chapter 290, is amended by adding a section to read:

[290.976] [STATE PAID SUPPLEMENTAL HOMESTEAD RECAPTURE.] *Subdivision 1. For purposes of this section, unless the context indicates a different meaning, the following terms shall have the meanings given them:*

(a) "State paid basic homestead credit" means the amount by which property tax is reduced by applying 45 percent to such tax pursuant to section 273.13, subdivisions 6, 7 and 14 (a), but not in excess of \$325.

(b) "State paid supplemental homestead credit" means the amount by which property tax is reduced by applying 65 percent

to such tax pursuant to section 273.13, subdivisions 6, 7 and 14-(a), subject to the maximum dollar limitations contained in those subdivisions, less the amount of the state paid basic homestead credit.

(c) "Disabled person" means a person who has been certified as disabled by the social security administration under Title II or Title XVI of the federal social security act prior to June 1 of the year in which the property tax is payable, or a person who has a disability prior to June 1, of the year in which the property taxes are payable.

(d) "Disability" has the meaning given in section 290A.03, subdivision 10.

(e) "Person who has attained the age of 65 years" means a person who is or will be 65 or more years old on June 1 of the year the property taxes are payable.

(f) In the case of a married couple, property shall be deemed to be owned by the disabled person or person who has attained the age of 65 years, regardless of whether the property is actually owned by the other spouse or jointly owned.

(g) "Federal adjusted gross income" means a person's federal adjusted gross income for the year immediately preceding the year in which the property tax is payable. In the case of a married person, federal adjusted gross income means the combined federal adjusted gross income of the person and his spouse who for any part of the preceding year resided on the property. In the case of property in which not all of the interests are owned by one person and his spouse, federal adjusted gross income means the combined federal adjusted gross income of all persons who have a present and possessory interest in the property on January 2 of the year in which the property tax is payable and who for any part of the preceding year resided on the property.

(h) "Property" means property with respect to which a state paid supplemental homestead credit has reduced the property tax.

(i) "Person" means an individual who owns or has an ownership interest in property.

Subd. 2. A tax is hereby imposed on a person for whom real estate tax on property he owns has been reduced by the state paid supplemental homestead credit. The tax shall be computed pursuant to subdivision 3. The tax shall be a personal liability and shall be due and payable in the same manner and at the same time as the tax imposed by section 290.03. The tax shall be paid in the year in which the person's real estate tax on property subject to this subdivision is payable. The tax shall be collected in

*the same manner as the tax imposed by section 290.03, and in so far as is applicable all procedures for the determination, assessment, collection and imposition, including the imposition of penalties and interest, with respect to the tax imposed by section 290.03 shall apply to the tax imposed by this subdivision. The failure to pay the tax imposed by this subdivision shall not constitute a delinquent property tax.*

*Subd. 3. For persons whose federal adjusted gross income does not exceed \$15,000, the tax imposed by this section shall be zero. For persons whose federal adjusted gross income exceeds \$15,000, the tax imposed by this section shall be an amount determined by multiplying the state paid supplemental homestead credit which has been applied to reduce the property tax payable by five percent for each \$1,000 or portion thereof by which such person's federal adjusted gross income exceeds \$15,000.*

*Subd. 4. Each person for whom property tax on property he owns has been reduced by the state paid supplemental homestead credit shall be liable for the tax imposed by this section. In the case of property owned by two or more persons, payment of the full tax imposed by this section, including interest and penalties, if any, shall discharge the liability of all owners. The tax imposed by this section may be entirely paid by any person who owns the property or it may be paid by all owners of the property in the same percentage that each such owner's ownership interest in the property bears to the entire property interest.*

*Subd. 5. The state paid supplemental homestead credit shall be determined pursuant to this subdivision for disabled persons and persons who have attained the age of 65 years.*

*(a) A person who has attained the age of 65 years and a person who is disabled on the date he is required to file his homestead declaration shall present in duplicate to the county treasurer on forms prescribed by the commissioner, together with his homestead declaration, a signed application, under penalty of perjury, to receive the additional amount of state paid supplemental homestead credit to which he is eligible. The petition shall set forth such facts as may be prescribed by the commissioner. The county treasurer may request a certified copy of such person's certificate of birth.*

*(b) The county treasurer shall forward one copy of each petition to the commissioner.*

*(c) The county treasurer may deny application when it appears that the person does not qualify for the additional supplemental credit. In the alternative, the county treasurer may hold the petition in abeyance and refer the matter to the commissioner for his determination. Any determination of the county treasurer denying a petition shall be appealable to the commissioner within 30 days of the date of the notice of such denial. The coun-*

*ty treasurer shall promptly notify the person making the petition of such denial by certified mail setting forth the person's right of appeal. The commissioner shall within 90 days of receipt of an application referred to him by a county treasurer or an appeal of the county treasurer's order make an order granting or denying the petition. The commissioner's order shall be appealable in the same manner as any order of the commissioner assessing a tax.*

*(d) A person who has attained the age of 65 years or a person who is disabled shall be required to petition the county treasurer only for the first year to which the additional state paid supplemental homestead credit shall be payable except as provided in this paragraph. Each year thereafter on such person's homestead declaration he shall certify that he continues to be disabled and that there has been no change in ownership of the property. If there is a change in the ownership of the property or if there has been a change in a person's degree of disability to the extent that he may not continue to be disabled under this section, such person shall file a new petition with the homestead declaration that must be filed in the year next succeeding such change or changes, which shall be treated in the same manner as an original petition.*

*Subd. 6. If a person has received a state paid supplemental homestead credit in an amount in excess of that to which he is entitled, whether such excess credit is due to such person not qualifying as disabled or not having attained the age of 65 years or for any other reason, the commissioner shall assess as a tax under subdivision 2 the amount of such excess. Such assessment shall be attributed to the years in which the excess credit was allowed. In no case shall the county treasurer seek to obtain a refund of an excess credit for any person, and the commissioner shall not seek a refund of such excess credit from the county.*

*Subd. 7. The commissioner shall not assess a tax imposed by this section after the statute of limitations has run on a person's income tax return for the year in which the homestead credit is payable.*

*Subd. 8. The commissioner may make rules to accomplish the purpose of this section which are consistent with this section. The commissioner may establish reasonable and appropriate guidelines for county treasurers in the determination or referral to him of petitions filed by persons who are disabled or who have attained the age of 65 years.*

*Subd. 9. The commissioner may require the examination and certification of a person who is allegedly disabled by a physician of the person's choosing or by a physician designated by the commissioner. The cost of the examination shall be borne by the person examined, unless the examination proves the disability, in*

*which case the cost of examination shall be borne by the commissioner.*

*Subd. 10. A petition filed pursuant to this section shall be treated as confidential by the county treasurer and the commissioner, and the provisions of section 290.61 relating to publicity of returns shall apply.*

*Subd. 11. A person who prepares, causes to be prepared or assists in the preparation of a petition with the intent to defraud and to receive a credit in excess of that to which he or the applicant is entitled is guilty of a misdemeanor.*

*Subd. 12. A person who is disabled or has attained the age of 65 years who has failed to petition with his homestead declaration for the additional amount of credit to which he is entitled pursuant to this section may file such petition upon a showing of reasonable cause on or before June 1 of the year in which he is required to file such petition without penalty.*

*Subd. 13. Section 273.13, subdivision 16 shall apply with respect to a disabled person or person who has attained the age of 65 years who has purchased property prior to June 1 of the year the property taxes are payable. Such a person shall be entitled to the additional credit allowed by this section for one-half the property tax payable.*

*Sec. 2. [290B.01] [CITATION.] Sections 8 to 25 may be cited as the "Minnesota Income-Adjusted Rent Credit Act".*

*Sec. 3. [290B.02] [PURPOSE.] The purpose of sections 8 to 25 is to provide relief to renters who pay real estate tax as a part of their rent.*

*Sec. 4. [290B.03] [DEFINITIONS.] Subdivision 1. The following words, terms, and phrases when used in sections 8 to 25 shall have the meaning ascribed to them in this section, except where the context indicates a different meaning.*

*Subd. 2. "Commissioner" means the commissioner of revenue of the state of Minnesota.*

*Subd. 3. "Federal adjusted gross income" means the claimant's federal adjusted gross income for the year during which he paid the rent which is the basis for the rent credit claim. In the case of married persons, federal adjusted gross income means the combined federal adjusted gross income of the claimant and his spouse who for any part of such year resided in the rental unit upon which the rent credit is claimed.*

Subd. 4. "Rental unit" means a dwelling rented and occupied by a claimant as a place of residence and so much of the land surrounding it, not to exceed one acre, as is reasonably necessary for the use of the dwelling as a residence. A rental unit may be part of a multi-dwelling or multi-purpose building and the land upon which it is built.

Subd. 5. "Claimant" means a person who filed a claim authorized by sections 8 to 25. A claimant shall have resided in a rented or leased unit on which ad valorem taxes are payable for not less than six months of the calendar year covered by the claim, except that a claimant who is disabled or who has attained the age of 65 on the date specified in subdivision 9, may file a claim based on residence in a unit on which ad valorem taxes were not payable. In the case of a part year resident, the income and rental reflected in this computation shall be for the period of Minnesota residency only. Any rental expenses paid which may be reflected in arriving at federal adjusted gross income cannot be utilized for this computation. Maximum credit allowed under this computation would be at a rate of one-twelfth of the maximum credit allowed pursuant to section 11 per month of residency computed to the nearest full month.

Subd. 6. If a rental unit is occupied by two or more renters other than renters who are husband or wife the rent shall be deemed to be paid in the same proportion that each paid such rent. In the case of renters who are husband and wife and reside in the same rental unit the rent shall be deemed to be paid by either spouse, and either spouse may claim the entire credit. Only one spouse may claim the credit. If the spouses cannot agree as to who is entitled to claim the credit, upon application by a spouse the commissioner shall decide and his decision shall be final.

Subd. 7. "Disabled claimant" means a claimant who has a disability on or before June 1 of the year in which the credit is claimed.

Subd. 8. "Disability" means:

(a) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or

(b) Blindness; and the term "blindness" means central acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

(c) *An individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the state economy, regardless of whether the work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding sentence, "work which exists in the state economy" means work which exists in significant numbers either in the area where the individual lives or in several areas of the state.*

(d) *A "physical or mental impairment" is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.*

*Subd. 9. "Claimant who has attained the age of 65 years" means a person who has attained the age of 65 years on or before June 1 of the year in which the rent credit is claimed.*

*Subd. 10. "Rent constituting property taxes" means 20 percent of the gross rent actually paid in cash, or its equivalent, in 1977 or any subsequent calendar year by a claimant solely for the right of occupancy of his Minnesota homestead in the calendar year, and which rent constitutes the basis, in the succeeding calendar year of a claim for relief under sections 8 to 25 by the claimant.*

*Subd. 11. "Gross rent" means rental paid solely for the right of occupancy, at arms-length, of a rental unit, exclusive of charges for any utilities, services, furniture, or furnishings furnished by the landlord as a part of the rental agreement, whether expressly set out in the rental agreement or not. If the landlord and tenant have not dealt with each other at arms-length and the commissioner determines that the gross rent charged was excessive, he may adjust the gross rent to a reasonable amount for purposes of sections 8 to 25. For homesteads which are mobile homes as defined in section 168.011, subdivision 8, gross rent includes rent paid for the site upon which the mobile home is located.*

*If the landlord does not supply the charges for any utilities, furniture, or furnishings furnished by him, or if the charges appear to be incorrect the commissioner may apply a percentage determined from samples of similar gross rents paid solely for the right of occupancy.*

*An amount paid by a claimant residing in property assessed pursuant to section 273.133 for occupancy in that property shall be excluded from gross rent for purposes of sections 8 to 25.*

Sec. 5. [290B.04] [RENT CREDIT ALLOWABLE.] *Subdivision 1. The rent credit allowable under sections 8 to 25 shall be the amount of rent constituting property taxes except that the credit shall not exceed:*

(a) *\$800 in the case of a disabled claimant or a claimant who has attained the age of 65 years or*

(b) *\$500 in all other cases, reduced by the amount set forth in subdivision 2 and subject to the overall limits in subdivision 3.*

*Subd. 2. The credit allowed in subdivision 1 to a claimant shall be reduced by an amount equal to five percent for each \$1,000 by which federal adjusted gross income exceeds \$15,000, but shall not be reduced below \$120.*

*Subd. 3. Other law to the contrary notwithstanding, the maximum credit allowed under sections 8 to 25, when added to any credit available under section 7 during any year, shall not exceed \$800 in the case of a disabled claimant or a claimant who has attained the age of 65 and \$500 in all other cases.*

Sec. 6. [290B.05] [LEASES AND SUBLEASES.] *If a claimant rents, leases or subleases a part of his rental unit to another person, he shall reduce the amount of the gross rent he pays by the gross rent he receives from such rental, lease or sublease in computing his own gross rent for purposes of sections 8 to 25.*

Sec. 7. [290B.06] [FILING TIME LIMIT: LATE FILING.] *All claims shall be filed with the department of revenue on or before August 31 of the year immediately succeeding the year the rent constituting the basis for the claim was paid. The commissioner may extend the time for filing these claims for a period not to exceed six months in the case of sickness, absence, or other disability, or when in his judgment other good cause exists.*

*A claim filed after the original or extended due date shall be allowed, but the amount of credit shall be reduced by five percent of the amount otherwise allowable, plus an additional five percent for each month of delinquency, not exceeding a total reduction of 25 percent. In any event no claim shall be allowed if the claim is filed two years after the original due date for filing the claim.*

Sec. 8. [290B.07] [TIME FOR PAYMENT.] *Subdivision 1. Allowable claims filed pursuant to the provisions of sections 8 to 25 shall be paid by the commissioner from the general fund.*

*Subd. 2. A claimant shall receive full payment no later than 60 days after receipt of the application or may elect to take as a credit against his income tax the full amount.*

*Subd. 3. Claims remaining unpaid 60 days after the dates provided in subdivision 2, shall have interest added at six percent per annum from the later date until the date the claim is paid.*

**Sec. 9. [290B.08] [PROOF OF CLAIM.]** *Every claimant shall supply to the department of revenue, in support of his claim, proof of eligibility under sections 8 to 25, including but not limited to amount of rent paid, name and address of owner or managing agent of property rented, changes in homestead, household membership, federal adjusted gross income, size and nature of property claimed as a rental unit.*

*Disabled persons filing claims shall submit proof of disability in the form and manner as the department may prescribe. The department may require examination and certification by the claimant's physician or by a physician designated by the department. The cost of any examination shall be borne by the claimant, unless the examination proves the disability, in which case the cost of the examination shall be borne by the department.*

*A determination of disability of a claimant by the social security administration under Title II or Title XVI of the Social Security Act shall constitute presumptive proof of disability.*

**Sec. 10. [290B.09] [OBJECTIONS TO CLAIMS.]** *Subdivision 1. [AUDIT OF CLAIM.] When on the audit of any claim filed under sections 8 to 25 the department determines the amount thereof to have been incorrectly determined, the department shall redetermine the claim and notify the claimant of the redetermination and the reasons therefor. The redetermination shall be final unless appealed to the Minnesota tax court of appeals within 30 days of notice thereof.*

**Subd. 2. [FRAUDULENT CLAIM; PENALTY.]** *In any case in which it is determined that the claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full. If the claim has been paid, the amount disallowed shall be recovered by assessment and collection in the manner provided in chapter 290 for collection of income tax. The assessment shall bear interest from the date the claim is paid by the state until the date of repayment by the claimant, at the rate of six percent per annum. The claimant, and any person who assisted in the preparation of filing of the excessive claim or supplied information upon which the excessive claim was prepared, with fraudulent intent, is guilty of a misdemeanor.*

**Subd. 3. [EXCESSIVE OR NEGLIGENT CLAIM.]** *If it is determined that a claim is excessive and was negligently prepared, ten percent of the corrected claim shall be disallowed. If the claim has been paid, the amount erroneously paid out plus penalty shall be recovered as provided in subdivision 2.*

*Subd. 4. [INTEREST.] Amounts to be repaid to the state shall bear interest at six percent per annum from the date the state paid the claim until the date of repayment by the claimant.*

*Sec. 11. [290B.10] [APPEAL.] Any person aggrieved by the denial, in whole or in part, of relief claimed under sections 8 to 25, except when the denial is based upon late filing of a claim for relief, may appeal the denial to the Minnesota tax court of appeals by filing a petition with the tax court of appeals within 30 days after the denial, as provided in chapter 271.*

*Sec. 12. [290B.11] [NO RELIEF ALLOWED IN CERTAIN CASES.] No claim for relief under sections 8 to 25 shall be allowed if the commissioner determines that the claimant received tenancy to his rental unit primarily for the purpose of receiving benefits under sections 8 to 25 and not for bona fide residence purposes.*

*Sec. 13. [290B.12] [CLAIM APPLIED AGAINST OUTSTANDING LIABILITY.] The amount of any claim otherwise payable under sections 8 to 25 may be applied by the commissioner against any delinquent tax liability of the claimant or spouse of the claimant payable to the department of revenue.*

*Sec. 14. [290B.13] [PUBLICITY OF CLAIMS.] It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known any particulars disclosed in any claim filed pursuant to sections 8 to 25. The provisions of section 290.61 relating to the confidential nature of income tax returns shall also be applicable to claims thus filed.*

*Nothing herein shall be construed to prohibit the commissioner from making public the information concerning amounts of property tax accrued and the relief granted to taxpayers without including information which would identify individual taxpayers. The commissioner may examine income tax returns as he deems necessary and may utilize the information in legal and administrative proceedings to insure proper administration of sections 8 to 25, notwithstanding section 290.61.*

*Sec. 15. [290B.14] [RIGHT TO FILE CLAIM.] If a claimant entitled to relief under sections 8 to 25 dies prior to receiving relief, the surviving spouse or dependent child of the claimant shall be entitled to receive it. If there is no surviving spouse or dependent child, the right to the credit shall lapse.*

*Sec. 16. [290B.15] [LANDLORD TO FURNISH RENT CERTIFICATE; PENALTY.] The owner or managing agent of any property for which rent is paid for occupancy as a homestead shall furnish a certificate of rent paid to each renter in the form prescribed by the commissioner. The certificate shall be made available to the renter not later than February 15 of the year following the year in which the rent was paid. Any owner*

or managing agent who willfully fails to furnish a certificate as provided herein shall be liable to the commissioner for a penalty of \$20 for each act or failure to act. The penalty shall be assessed and collected in the manner provided in chapter 290 for the assessment and collection of income tax.

Sec. 17. [290B.16] [RULES.] *The commissioner shall promulgate rules which he deems appropriate for the administration of sections 8 to 25. He shall also make available forms with instructions for claimants as he deems necessary for the proper administration of sections 8 to 25. The claim shall be in the form the commissioner may prescribe.*

Sec. 18. [290B.17] [EXCLUSIVE RELIEF.] *Sections 290.981 to 290.992, 290.0601 to 290.0616, and 290.0618 shall not be effective with respect to any rent paid after December 31, 1974 or property taxes payable after December 31, 1975. Minnesota Statutes 1976, Chapter 290A, shall not be effective for property taxes payable after December 31, 1977.*

Sec. 19. [290B.18] [SUPPLEMENTAL HOUSING ALLOWANCE FOR AFDC RECIPIENTS.] *Recipients of the aid to families with dependent children program who receive a supplemental housing allowance under section 256.879 are not eligible for the tax credit set forth under sections 8 to 25. The commissioner of revenue shall assist the commissioner of public welfare in the administration of the supplemental housing allowance, and shall provide the commissioner of public welfare with such records and information as are necessary to administer the housing allowance.*

Sec. 20. [REPEALER.] *Minnesota Statutes 1976, Chapter 290A, is repealed.*

Sec. 21. [REPEALER.] *Minnesota Statutes 1976, Sections 273.011; 273.012; and 290.066, are repealed.*

Sec. 22. [EFFECTIVE DATE.] *Sections 1 to 7 and 27 are effective for taxes levied in 1977 and thereafter, payable in 1978 and thereafter. Sections 8 to 26 are effective for claims based on rent paid after December 31, 1976."*

Amend the title accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 31 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Albrecht      Berkelman      Biersdorf      Carlson, A.      Carlson, D.

Dean	Fjoslien	Kvam	Peterson	Wigley
Den Ouden	Forsythe	Laidig	Pleasant	Zubay
Erickson	George	Langseth	Rose	
Esau	Heinitz	McDonald	Savelkoul	
Evans	Kaley	Nelsen, B.	Searle	
Ewald	Knickerbocker	Niehaus	Searles	

Those who voted in the negative were:

Abeln	Clawson	Kahn	Nelson	Smogard
Adams	Cohen	Kalis	Norton	Spanish
Anderson, B.	Corbid	Kelly, R.	Novak	Stanton
Anderson, G.	Cummiskey	Kelly, W.	Osthoff	Stoa
Anderson, I.	Dahl	Kempe, R.	Patton	Suss
Anderson, R.	Eckstein	King	Pehler	Swanson
Arlandson	Eken	Kostohryz	Petrafeso	Tomlinson
Battaglia	Ellingson	Kroening	Prahl	Vanasek
Beauchamp	Enebo	Lehto	Reding	Voss
Begich	Faricy	Lemke	Rice	Waldorf
Berg	Fudro	Mangan	St. Onge	Welch
Berglin	Gunter	Mann	Samuelson	Wenstrom
Birnstihl	Hanson	McCarron	Sarna	Wenzel
Brandl	Haugerud	McCollar	Scheid	White
Braun	Hokanson	McEachern	Schulz	Wieser
Brinkman	Jacobs	Metzen	Sherwood	Williamson
Byrne	Jaros	Moe	Sieben, H.	Wynia
Carlson, L.	Jensen	Munger	Sieben, M.	Speaker Sabo
Casserly	Johnson	Murphy	Simoneau	
Clark	Jude	Neisen	Skoglund	

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

Rose moved to amend H. F. No. 1475, as follows:

Page 43, line 7, strike "22" and insert "25".

Page 43, line 24, strike "22" and insert "25".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 34 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Albrecht	Erickson	Heinitz	Laidig	Savelkoul
Anderson, R.	Esau	Jensen	McDonald	Searle
Biersdorf	Evans	Kaley	Nelsen, B.	Searles
Carlson, A.	Ewald	Kempe, A.	Niehaus	Wigley
Carlson, D.	Fjoslien	Kempe, R.	Peterson	Williamson
Dean	Forsythe	Knickerbocker	Pleasant	Zubay
Den Ouden	Friedrich	Kvam	Rose	

Those who voted in the negative were:

Abeln	Adams	Anderson, B.	Anderson, G.	Arlandson
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Battaglia	Eckstein	King	Osthoff	Stanton
Beauchamp	Eken	Kostohryz	Patton	Stoa
Begich	Ellingson	Kroening	Pehler	Suss
Berg	Enebo	Langseth	Petrafeso	Swanson
Berglin	Faricy	Lehto	Prahl	Tomlinson
Berkelman	Fugina	Lemke	Reding	Vanasek
Birnstihl	George	Mangan	Rice	Voss
Brandl	Gunter	Mann	St. Onge	Waldorf
Braun	Hanson	McCarron	Samuelson	Welch
Brinkman	Haugerud	McCollar	Sarna	Wenstrom
Byrne	Hokanson	McEachern	Scheid	Wenzel
Carlson, L.	Jacobs	Metzen	Schulz	White
Casserly	Jaros	Moe	Sherwood	Wieser
Clark	Johnson	Munger	Sieben, H.	Wynia
Clawson	Jude	Murphy	Sieben, M.	Speaker Sabo
Cohen	Kahn	Neisen	Simoneau	
Corbid	Kalis	Nelson	Skoglund	
Cummiskey	Kelly, R.	Norton	Smogard	
Dahl	Kelly, W.	Novak	Spanish	

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

Casserly moved to amend H. F. No. 1475, as amended, as follows:

Page 25, delete the new language in lines 12 to 23.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 123 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kahn	Neisen	Sieben, M.
Adams	Den Ouden	Kaley	Nelsen, B.	Simoneau
Albrecht	Eckstein	Kalis	Nelson	Skoglund
Anderson, B.	Eken	Kelly, R.	Norton	Smogard
Anderson, G.	Ellingson	Kelly, W.	Novak	Spanish
Anderson, I.	Enebo	Kempe, A.	Osthoff	Stanton
Anderson, R.	Erickson	Kempe, R.	Patton	Stoa
Arlandson	Esau	Knickerbocker	Pehler	Suss
Battaglia	Evans	Kostohryz	Peterson	Swanson
Beauchamp	Ewald	Kroening	Petrafeso	Tomlinson
Begich	Faricy	Kvam	Pleasant	Vanasek
Berg	Fjoslien	Laidig	Prahl	Voss
Berglin	Forsythe	Langseth	Reding	Waldorf
Berkelman	Friedrich	Lehto	Rice	Welch
Birnstihl	Fudro	Lemke	Rose	Wenstrom
Brandl	Fugina	Mangan	St. Onge	Wenzel
Brinkman	George	Mann	Samuelson	White
Byrne	Gunter	McCarron	Sarna	Wieser
Carlson, D.	Hanson	McCollar	Savelkoul	Wigley
Carlson, L.	Haugerud	McDonald	Scheid	Williamson
Casserly	Heinitz	McEachern	Schulz	Wynia
Clark	Hokanson	Metzen	Searle	Zubay
Clawson	Jacobs	Moe	Searles	Speaker Sabo
Cohen	Jensen	Munger	Sherwood	
Corbid	Jude	Murphy	Sieben, H.	

Those who voted in the negative were:

Braun	Carlson, A.	Cummiskey	Dean	Niehaus
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The motion prevailed and the amendment was adopted.

Williamson moved to amend H. F. No. 1475, as follows:

Page 24, line 11, after "rate" insert "*excluding that portion of the city or town's mill rate which is levied for the purpose of funding pension programs*".

Page 24, line 26, after "rate" insert "*excluding that portion of the city or town's mill rate which is levied for the purpose of funding pension programs*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 85 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Adams	Evans	Jude	McCollar	Rose
Albrecht	Ewald	Kaley	McDonald	Searle
Biersdorf	Fjoslien	Kempe, R.	Nelsen, B.	Searles
Carlson, L.	Forsythe	Knickerbocker	Niehaus	Swanson
Den Ouden	Friedrich	Kostohryz	Novak	Wigley
Erickson	Hokanson	Kvam	Peterson	Williamson
Esau	Jensen	Laidig	Pleasant	Zubay

Those who voted in the negative were:

Abeln	Cassery	Jaros	Murphy	Simoneau
Anderson, B.	Clark	Johnson	Neisen	Skoglund
Anderson, G.	Clawson	Kahn	Nelson	Smogard
Anderson, I.	Cohen	Kalis	Norton	Spanish
Anderson, R.	Corbid	Kelly, R.	Osthoff	Stanton
Arlandson	Cummiskey	Kelly, W.	Pehler	Stoa
Battaglia	Dahl	Kempe, A.	Petrafeso	Suss
Beauchamp	Dean	King	Prah	Tomlinson
Begich	Eckstein	Kroening	Reding	Vanasek
Berg	Eken	Langseth	Rice	Voss
Berglin	Ellingson	Lehto	St. Onge	Waldorf
Berkelman	Enebo	Lemke	Samuelson	Wenstrom
Birnstihl	Faricy	Mangan	Sarna	Wenzel
Brandl	Fudro	Mann	Savelkoul	White
Braun	Fugina	McCarron	Scheid	Wieser
Brinkman	George	McEachern	Schulz	Wynia
Byrne	Gunter	Metzen	Sherwood	Speaker Sabo
Carlson, A.	Hanson	Moe	Sieben, H.	
Carlson, D.	Jacobs	Munger	Sieben, M.	

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

Ewald was excused between the hours of 4:40 p.m. and 7:15 p.m. Haugerud was excused for the remainder of today's session.

Williamson moved to amend H. F. No. 1475, as follows:

Page 23, line 11, delete "\$52" and insert "\$45".

Page 23, line 13, delete "\$59".

Page 25, after line 23, insert a new section to read:

"Sec. 7. Minnesota Statutes 1976, Section 477A.01 is amended by adding a subdivision to read:

*Subd. . . In calendar year 1978 the commissioner of revenue shall distribute to each city and township in the state an amount equal to \$7 times the number of persons residing in said city or township as determined by the 1970 federal census.*

*In calendar year 1979 the commissioner of revenue shall distribute to each city and township in the state an amount equal to \$14 times the number of persons residing in said city or township as determined by the 1970 federal census."*

Further amend the title:

Page 1, line 23, after "adding" delete "a".

Page 1, line 33, delete "subdivision" and insert "subdivisions".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 29 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Adams	Esau	Knickerbocker	Nelsen, B.	Searles
Biersdorf	Evans	Kostohryz	Niehaus	Swanson
Carlson, D.	Fjoslien	Kvam	Peterson	Wigley
Carlson, L.	Forsythe	Laidig	Pleasant	Williamson
Den Ouden	Friedrich	McCollar	Rose	Zubay
Erickson	Jensen	McDonald	Savelkoul	

Those who voted in the negative were:

Abeln	Braun	Ellingson	Kalis	Munger
Anderson, B.	Brinkman	Enebo	Kelly, W.	Murphy
Anderson, G.	Byrne	Faricy	Kempe, A.	Neisen
Anderson, I.	Carlson, A.	Fudro	King	Nelson
Anderson, R.	Casserly	Fugina	Kroening	Norton
Arlandson	Clark	George	Langseth	Novak
Battaglia	Clawson	Gunter	Lehto	Osthoff
Beauchamp	Cohen	Hanson	Lemke	Pehler
Begich	Corbid	Jacobs	Mangan	Petrafeso
Berg	Cummiskey	Jaros	Mann	Prahl
Berglin	Dahl	Johnson	McCarron	Reding
Berkelman	Dean	Jude	McEachern	Rice
Birnstihl	Eckstein	Kahn	Metzen	St. Onge
Brandl	Eken	Kaley	Moe	Samuelson

Sarna	Sieben, M.	Stanton	Voss	Wieser
Scheid	Simoneau	Stoa	Waldorf	Wynia
Schulz	Skoglund	Suss	Wenstrom	Speaker Sabo
Sherwood	Smogard	Tomlinson	Wenzel	
Sieben, H.	Spanish	Vanasek	White	

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

McCollar moved to amend H. F. No. 1475, as follows:

Page 24, delete line 7.

Page 24, line 8, delete "*population and*".

Page 24, delete line 22.

Page 24, line 23, delete "*population and*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 47 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Albrecht	Fjoslien	Laidig	Peterson	Welch
Biersdorf	Forsythe	Mangan	Pleasant	Wenzel
Birstihl	Friedrich	McCarron	Rose	White
Braun	George	McCollar	Samuelson	Wieser
Carlson, D.	Gunter	McDonald	Savelkoul	Wigley
Clawson	Jensen	McEachern	Searles	Williamson
Dahl	Jude	Neisen	Sieben, H.	Zubay
Den Ouden	Kempe, R.	Nelsen, B.	Sieben, M.	
Esau	Knickerbocker	Niehaus	Spanish	
Evans	Kostohryz	Novak	Swanson	

Those who voted in the negative were:

Abeln	Carlson, L.	Hokanson	Metzen	Searle
Adams	Casserly	Jacobs	Moe	Sherwood
Anderson, B.	Clark	Jaros	Munger	Simoneau
Anderson, G.	Cohen	Johnson	Murphy	Skoglund
Anderson, R.	Corbid	Kahn	Nelson	Smogard
Arlandson	Cummiskey	Kaley	Norton	Stanton
Battaglia	Dean	Kalis	Osthoff	Stoa
Beauchamp	Eckstein	Kelly, R.	Pehler	Suss
Begich	Eken	Kelly, W.	Petrafeso	Tomlinson
Berg	Ellingson	Kempe, A.	Prahl	Vanasek
Berglin	Enebo	King	Reding	Voss
Berkelman	Erickson	Kroening	Rice	Waldorf
Brandl	Faricy	Langseth	St. Onge	Wenstrom
Brinkman	Fudro	Lehto	Sarna	Wynia
Byrne	Fugina	Lemke	Scheid	Speaker Sabo
Carlson, A.	Hanson	Mann	Schulz	

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

H. F. No. 1475, A bill for an act relating to taxation; providing changes in classification ratios and assessment procedures; increasing local government aids and certain tax credits; altering levy limits; imposing a minimum tax on certain types of income; establishing tax study committee; increasing the tax on taconite production and providing for the distribution of its proceeds; establishing a taconite area environmental protection and economic development fund council; establishing a Northeast Minnesota economic protection fund; imposing a tailings tax; increasing the tax on unmined taconite; requiring owners and lessees of mineral rights to file exploration data with the commissioner of revenue; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 124.212, Subdivisions 10 and 11; 273.11, Subdivisions 1 and 2; 273.12; 273.13, Subdivisions 6, 7 and 14a; 273.132; 273.134; 274.01, Subdivision 1; 275.50, Subdivision 5; 275.51, by adding a subdivision; 275.52, Subdivisions 2, 3 and 4; 275.53, Subdivisions 1 and 3; 278.01; 278.05; 287.241, Subdivision 2; 290.012, Subdivision 2; 290.09, Subdivision 4; 290A.03, Subdivisions 3, 11 and 13; 290A.04, Subdivision 2, and by adding a subdivision; 294.26; 298.03; 298.22, Subdivision 1; 298.24, Subdivisions 1 and 2; 298.244, Subdivision 2; 298.25; 298.26; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; 375.192, by adding a subdivision; 477A.01, Subdivisions 1, 2, 4, 4a, 4b, and by adding a subdivision; 477A.03; and Chapters 3, 272, 287, 290, 298 and 477A, by adding sections; repealing Minnesota Statutes 1976, Sections 275.51, Subdivisions 3b and 3c; 287.241, Subdivisions 3 and 4; 290.09, Subdivision 26; 294.27; 294.28; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; 298.281; Extra Session Laws 1971, Chapter 31, Article XIII; Laws 1973, Chapter 601; Laws 1975, Chapter 437, Article VII; and Laws 1976, Chapter 149, Section 58.

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 107 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abeln	Braun	Eckstein	Johnson	Mangan
Adams	Brinkman	Eken	Jude	Mann
Anderson, B.	Byrne	Ellingson	Kahn	McCarron
Anderson, G.	Carlson, A.	Enebo	Kalis	McCollar
Anderson, I.	Carlson, D.	Evans	Kelly, R.	McEachern
Anderson, R.	Carlson, L.	Faricy	Kelly, W.	Metzen
Arlandson	Cassery	Fudro	Kempe, A.	Moe
Battaglia	Clark	Fugina	Kempe, R.	Munger
Beauchamp	Clawson	George	King	Murphy
Begich	Cohen	Gunter	Kostohryz	Neisen
Berg	Corbid	Hanson	Kroening	Nelson
Berglin	Cummiskey	Hokanson	Laidig	Norton
Berkelman	Dahl	Jacobs	Langseth	Novak
Birnstihl	Dean	Jaros	Lehto	Osthoff
Brandl	Den Ouden	Jensen	Lemke	Patton

Pehler	Sarna	Skoglund	Vanasek	Wieser
Petrafeso	Scheid	Smogard	Voss	Williamson
Prahl	Schulz	Stanton	Waldorf	Wynia
Reding	Sherwood	Stoa	Welch	Speaker Sabo
Rice	Sieben, H.	Suss	Wenstrom	
St. Onge	Sieben, M.	Swanson	Wenzel	
Samuelson	Simoneau	Tomlinson	White	

Those who voted in the negative were:

Albrecht	Forsythe	Kvam	Pleasant	Spanish
Biersdorf	Friedrich	McDonald	Rose	Wigley
Ericksen	Heinitz	Nelsen, B.	Savelkoul	Zubay
Esau	Kaley	Niehaus	Searle	
Fjoslien	Knickerbocker	Peterson	Searles	

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

#### CALL OF THE HOUSE LIFTED

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

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. No. 1610, S. F. No. 1489, and H. F. Nos. 613 and 733.

Sieben, H., as Speaker Pro Tempore, was called to the Chair.

Birnstihl, Jensen, Sabo and Tomlinson were excused for the remainder of today's session.

H. F. No. 1610 was reported to the House.

Novak moved to amend H. F. No. 1610, as follows:

Page 14, line 5, delete "161.125, Subdivision 2;".

Further, amend the title:

Line 8, delete "161.125, Subdivision 2;".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 43 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Brandl	Clark	Farcy	Hokanson
Anderson, R.	Byrne	Clawson	Fugina	Kelly, R.
Berg	Carlson, A.	Dean	George	Kempe, A.
Berglin	Carlson, D.	Ellingson	Guntar	Kempe, R.
Berkelman	Cassery	Enebo	Hanson	Kostohryz

Kroening	Neisen	Pehler	Scheid	Williamson
Mangan	Nelson	Prahl	Skoglund	Wynia
McCarron	Novak	Rice	Swanson	
Moe	Patton	Rose	Waldorf	

Those who voted in the negative were:

Abeln	Eckstein	Kahn	Niehaus	Smogard
Albrecht	Eken	Kaley	Norton	Stanton
Anderson, G.	Erickson	Kelly, W.	Osthoff	Stoa
Arlandson	Esau	King	Peterson	Suss
Battaglia	Evans	Laidig	Pleasant	Vanasek
Beauchamp	Fjoslien	Langseth	Sarna	Voss
Begich	Forsythe	Lemke	Savelkoul	Welch
Biersdorf	Friedrich	Mann	Schulz	Wenstrom
Braun	Fudro	McCollar	Searle	Wenzel
Carlson, L.	Heinitz	McDonald	Searles	White
Corbid	Jacobs	McEachern	Sieben, H.	Wieser
Cummiskey	Johnson	Murphy	Sieben, M.	Wigley
Den Ouden	Jude	Neisen, B.	Simoneau	Zubay

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

H. F. No. 1610, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes; amending Minnesota Statutes 1976, Section 161.125, Subdivision 1; 219.40; and 299D.03, Subdivision 5; repealing Minnesota Statutes 1976, Sections 161.125, Subdivision 2; 161.50; 219.401; and 299D.03, Subdivision 4.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Fudro	Kostohryz	Niehaus
Adams	Clark	Fugina	Kroening	Norton
Albrecht	Clawson	George	Kvam	Novak
Anderson, G.	Cohen	Gunter	Laidig	Osthoff
Anderson, I.	Corbid	Hanson	Langseth	Patton
Anderson, R.	Cummiskey	Heinitz	Lehto	Pehler
Arlandson	Dahl	Hokanson	Lemke	Peterson
Battaglia	Dean	Jacobs	Mangan	Petrafeso
Beauchamp	Den Ouden	Jaros	Mann	Pleasant
Begich	Eckstein	Johnson	McCarron	Prahl
Berg	Eken	Jude	McCollar	Rice
Berglin	Ellingson	Kahn	McDonald	Rose
Berkelman	Enebo	Kaley	McEachern	St. Onge
Biersdorf	Erickson	Kalis	Metzen	Sarna
Brandl	Esau	Kelly, R.	Moe	Savelkoul
Braun	Evans	Kelly, W.	Munger	Scheid
Byrne	Faricy	Kempe, A.	Murphy	Schulz
Carlson, A.	Fjoslien	Kempe, R.	Neisen	Searle
Carlson, D.	Forsythe	King	Nelsen, B.	Searles
Carlson, L.	Friedrich	Knickerbocker	Nelson	Sherwood

Sieben, H.	Spanish	Vanasek	Wenzel	Wynia
Sieben, M.	Stanton	Voss	White	Zubay
Simoneau	Stoa	Waldorf	Wieser	
Skoglund	Suss	Welch	Wigley	
Smogard	Swanson	Wenstrom	Williamson	

The bill was passed and its title agreed to.

Evans, Kelly, W., and McDonald were excused for the remainder of today's session.

S. F. No. 1489 was reported to the House.

Norton moved to amend S. F. No. 1489, as follows:

Strike everything after the enacting clause and insert:

“Section 1. [SEMI-STATE ACTIVITIES; APPROPRIATIONS.] The sums set forth in the columns designated “APPROPRIATIONS” are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1977”, “1978”, and “1979”, wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS  
Available for the Year  
Ending June 30,

	1978	1979
	\$	\$
<b>Sec. 2. GENERAL GOVERNMENT</b>		
Subdivision 1. Great Lakes Commission .....	31,500	

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$31,500 which may be utilized for the second year of the biennium.

Subd. 2. Minnesota-Wisconsin Boundary Area Commission .....	46,300	46,000
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	1978	1979
	\$	\$
<p>The amount expended shall not exceed the amount provided for the commission by the state of Wisconsin.</p> <p>Of this appropriation, \$3,800 is money that was previously appropriated to assess recreational watercraft traffic on the lower St. Croix river, but was not spent.</p>		
Subd. 3. Uniform Laws Commission	11,000	11,000
<p>Sec. 3. STATE HORTICULTURAL SOCIETY</p>		
For maintenance	35,000	45,000
<p>Sec. 4. EDUCATION, LIBRARIES, MUSEUMS AND RECREATION</p>		
<p>Subdivision 1. Minnesota Historical Society</p>		
(a) General Operations and Management	2,412,966	2,346,256

This appropriation includes money for a seven-day-a-week tour program in the capitol and historical buildings. The historical building shall remain open for public use on Saturdays and, if necessary, adjustments in the remainder of the week day schedule may be effected by the Minnesota historical society. Notwithstanding any other laws to the contrary, the society may purchase fire, wind, hail, and vandalism insurance from this appropriation.

Any unencumbered balance remaining at the end of the first year shall be returned to the state treasury and credited to the general fund.

The Minnesota historical society shall report by January 1 of each year to the governor, the commissioners of finance and administration, and the legislature the amount and purpose for which state

	1978	1979
	\$	\$

money was expended for each fiscal year of the biennium.

\$62,500 each year is for the science museum of Minnesota. This appropriation shall be expended according to the provisions of Minnesota Statutes, Section 138.035.

\$45,000 each year is for the government learning center.

\$50,000 each year is for the Center for Minnesota Folklife.

(b) Historic Site Operations	3,424,153	1,881,537
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(1) \$300,000 the first year is to identify significant historic sites on a statewide basis and formulate a plan for their preservation. The plan shall be presented to the governor and the legislature by January 1, 1979.

(2) \$1,250,000 the first year is for interpretive center development, to be expended in accordance with the historic interpretation program plan prepared by the society. This appropriation may also be used for matching grants to localities to plan and construct interpretive centers, provided they can demonstrate their ability to operate and maintain the centers.

Any unencumbered balance remaining in (1) or (2) the first year shall not cancel but is available for the second year of the biennium.

(3) \$500,000 each year is for historic site grants to encourage local historic preservation projects. To be eligible for a grant, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines.

Subd. 2. Sibley House	15,900	16,200
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	1978	1979
	\$	\$

This appropriation is available for maintenance of the Sibley House and related buildings on the Old Mendota state historic site owned by the Sibley House Association.

The Sibley House association should seek an agreement with the Historical Society whereby the historical society will provide the Association with technical assistance in applying for federal grants, and will provide professional architectural services to prepare a report to be submitted by January 1, 1979 to the governor and the legislature on the condition of the Sibley House, the Faribault House, and other buildings on the site.

Notwithstanding any laws to the contrary, the Sibley House Association may purchase fire, wind, hail, and vandalism insurance from this appropriation.

Subd. 3. Minnesota Academy of Science .....	16,200	16,200
Subd. 4. Board of the Arts		
(a) General Support .....	271,296	279,601
(b) Subsidies and Grants .....	1,478,704	1,970,399

\$700,000 the first year and \$900,000 the second year is for subsidies to the major arts organizations of the state.

Subsidies may be allocated to arts organizations with consistent state-wide or multi-region impact. Subsidy grants are for the general purposes of the recipient, not for any specific program project. The state arts board shall set guidelines and shall be responsible for the disbursement of subsidy funds.

The board of the arts shall continue to develop regional arts task forces and regional arts councils serving each of the 13 economic development regions

	1978	1979
	\$	\$

of the state. The board shall recognize one task force from each district. The board shall, with the advice of a citizen advisory committee representing each of the 13 regions, establish guidelines for the regional arts task forces and regional arts councils. The regional arts task forces and regional arts councils may establish policy and make decisions or arts programs and grants of local and regional impact under the guidelines established by the board.

The board shall continue to develop comprehensive statewide information and publicity system and shall include a progress report on its activities in its annual report to the legislature.

The state arts board shall allocate funds for the above purposes provided that no state appropriated funds may be expended for the general administration of any of the regional arts task forces or regional arts councils.

State appropriations for grants shall not be expended unless matched by federal money.

Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Subd. 5. Minnesota Safety Council	47,500	47,500
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This appropriation is from the trunk highway fund and shall be disbursed by the commissioner of finance on certification of need therefor by the president of the Minnesota safety council. The commissioner of finance shall disburse upon certification 25 percent of the annual appropriation on the first day of July, October, January, and April of each fiscal year.

Sec. 5. SOCIAL SECURITY

	1978	1979
	\$	\$
Subdivision 1. Disabled American Veterans .....	10,000	10,000
For salaries, supplies and expenses to be expended as provided by Laws 1974, Chapter 425.		
Subd. 2. Veterans of Foreign Wars		
For carrying out the provisions of Laws 1945, Chapter 455 .....	10,500	10,500
Sec. 6. MINNESOTA SOCIETY FOR THE PREVENTION OF CRUELTY .....	15,000	
No state funds shall be expended for the care, feeding or housing of animals.		
The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$15,000 which may be utilized for the second year of the biennium.		
Sec. 7. COUNTY ATTORNEYS COUNCIL .....	50,000	50,000
Sec. 8. SOUTHERN MINNESOTA RIVERS BASIN BOARD .....	40,220	
The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$41,455 which may be utilized for the second year of the biennium.		
Sec. 9. VOYAGEURS NATIONAL PARK ADVISORY COMMITTEE .....	35,000	

	1978	1979
	\$	\$

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

**Sec. 10. UNEMPLOYMENT COMPENSATION**

For 1977 — \$5,090

To the commissioner of finance for transfer to the unemployment compensation fund, in reimbursement for unemployment compensation benefits paid to former employees of the following agencies:

Arts Board ..... \$1,190

County Attorneys' Council ..... \$3,900

Sec. 11. Minnesota Statutes 1976, Section 139.10, is amended by adding a subdivision to read:

*Subd. 3. The board shall be responsible for the administration of the professional touring program.*

Sec. 12. Minnesota Statutes 1976, Chapter 139, is amended by adding a section to read:

[139.11] [PUBLICATIONS; LEGEND.] *Every publication, program, or other graphic material prepared by the board or prepared for use by any other organization in connection with an activity paid for by the board shall bear the legend: "This activity is made possible in part by a grant provided by the Minnesota state arts board through an appropriation by the Minnesota state legislature."*

Further amend by striking the title and inserting:

*"A bill for an act relating to the organization and operation of state government; appropriating money for maintenance of various semi-state activities and for other purposes; amending Minnesota Statutes 1976, Section 139.10, by adding a subdivision; and Chapter 139, by adding a section."*

The motion prevailed and the amendment was adopted.

S. F. No. 1489, A bill for an act relating to the organization and operation of state government; appropriating money for

maintenance of various semi-state activities and for other purposes; amending Minnesota Statutes 1976, Sections 139.08, Subdivision 5; 139.10, by adding a subdivision; 343.08; 343.12; 346.216; Chapter 139, by adding sections; repealing Minnesota Statutes 1976, Sections 343.02; and 343.03.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jude	Neisen	Sieben, M.
Adams	Dahl	Kahn	Neisen, B.	Simoneau
Albrecht	Dean	Kaley	Nelson	Skoglund
Anderson, B.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, G.	Eckstein	Kelly, R.	Norton	Spanish
Anderson, I.	Elken	Kempe, A.	Novak	Stanton
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Stoa
Arlandson	Enebo	King	Patton	Suss
Battaglia	Erickson	Knickerbocker	Pehler	Swanson
Beauchamp	Esau	Kostohryz	Peterson	Vanasek
Begich	Ewald	Kroening	Petrafeso	Voss
Berg	Faricy	Kvam	Pleasant	Waldorf
Berglin	Fjoslien	Laidig	Prahl	Welch
Berkelman	Forsythe	Langseth	Reding	Wenstrom
Biersdorf	Friedrich	Lehto	Rice	Wenzel
Brandl	Fudro	Lemke	Rose	White
Byrne	Fugina	Mangan	St. Onge	Wieser
Carlson, A.	George	Mann	Sarna	Wigley
Carlson, D.	Gunter	McCarron	Savelkoul	Williamson
Carlson, L.	Hanson	McCollar	Scheid	Wynia
Cassery	Heinitz	McEachern	Schulz	Zubay
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	
Cohen	Jaros	Munger	Sherwood	
Corbid	Johnson	Murphy	Sieben, H.	

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

H. F. No. 613 was reported to the House.

Petrafeso moved to amend H. F. No. 613 as follows:

Page 2, delete lines 7 to 14.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 24 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Brandl	Dean	Jude	Kelly, R.
Berglin	Carlson, A.	Heinitz	Kahn	Kostohryz

Neisen	Pehler	Rose	Swanson	Welch
Niehaus	Petrafeso	Smogard	Voss	Wigley
Norton	Reding	Stoa	Waldorf	

Those who voted in the negative were:

Abeln	Cummiskey	Hokanson	McCollar	Sherwood
Adams	Dahl	Jacobs	McEachern	Sieben, H.
Anderson, G.	Den Ouden	Jaros	Metzen	Sieben, M.
Anderson, I.	Ellingson	Johnson	Moe	Simoneau
Arlandson	Enebo	Kaley	Munger	Skoglund
Battaglia	Erickson	Kalis	Murphy	Stanton
Beauchamp	Esau	Kempe, A.	Nelsen, B.	Suss
Begich	Ewald	Kempe, R.	Nelson	Vanasek
Berkelman	Faricy	King	Osthoff	Wenstrom
Biersdorf	Fjoslien	Kroening	Patton	Wenzel
Braun	Forsythe	Kvam	Peterson	White
Carlson, D.	Friedrich	Laidig	Prahl	Wieser
Carlson, L.	Fudro	Langseth	Rice	Williamson
Clark	Fugina	Lemke	Sarna	Wynia
Clawson	George	Mangan	Scheid	Zubay
Cohen	Gunter	Mann	Schulz	
Corbid	Hanson	McCarron	Searle	

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

H. F. No. 613, A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Neisen	Sieben, M.
Adams	Dahl	Kalis	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kelly, R.	Nelson	Skoglund
Anderson, I.	Eckstein	Kempe, A.	Norton	Smogard
Anderson, R.	Eken	Kempe, R.	Novak	Spanish
Arlandson	Ellingson	King	Osthoff	Stanton
Battaglia	Enebo	Knickerbocker	Patton	Stoa
Beauchamp	Erickson	Kostohryz	Pehler	Suss
Begich	Esau	Kroening	Peterson	Swanson
Berg	Ewald	Laidig	Petrafeso	Vanasek
Berkelman	Faricy	Langseth	Prahl	Welch
Biersdorf	Fjoslien	Lehto	Reding	Wenstrom
Brandl	Forsythe	Lemke	Rice	Wenzel
Braun	Fudro	Mangan	St. Onge	White
Byrne	Fugina	Mann	Sarna	Wieser
Carlson, A.	George	McCarron	Savelkoul	Williamson
Carlson, D.	Gunter	McCollar	Scheid	Wynia
Carlson, L.	Hanson	McEachern	Schulz	Zubay
Casserly	Hokanson	Metzen	Searle	
Clark	Jacobs	Moe	Searles	
Clawson	Jaros	Munger	Sherwood	
Cohen	Johnson	Murphy	Sieben, H.	

Those who voted in the negative were:

Dean Heinitz	Jude Kvam	Niehaus Rose	Voss Waldorf	Wigley
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The bill was passed and its title agreed to.

H. F. No. 733, A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for design, construction and reconstruction of certain bridges; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Adams	Dahl	Jude	Nelsen, B.	Simoneau
Albrecht	Dean	Kalis	Niehaus	Smogard
Anderson, G.	Den Ouden	Kempe, A.	Norton	Spanish
Anderson, I.	Eckstein	Kempe, R.	Novak	Stanton
Anderson, R.	Eken	King	Osthoff	Stoa
Battaglia	Ellingson	Knickerbocker	Patton	Suss
Beauchamp	Enebo	Kostohryz	Pehler	Swanson
Begich	Erickson	Kroening	Peterson	Vanasek
Berkelman	Ewald	Laidig	Petrafeso	Voss
Biersdorf	Faricy	Langseth	Prahl	Waldorf
Brandl	Fjoslien	Lehto	Reding	Wenstrom
Braun	Forsythe	Lemke	Rice	Wenzel
Byrne	Friedrich	Mangan	St. Onge	White
Carlson, A.	Fudro	Mann	Sarna	Wieser
Carlson, D.	Fugina	McCarron	Savelkoul	Wigley
Carlson, L.	George	McCollar	Scheid	Williamson
Casserly	Gunter	McEachern	Schulz	Wynia
Clark	Hanson	Metzen	Searle	Zubay
Clawson	Hokanson	Moe	Searles	
Cohen	Jacobs	Munger	Sherwood	
Corbid	Jaros	Murphy	Sieben, H.	
Cummiskey	Johnson	Neisen	Sieben, M.	

Those who voted in the negative were:

Abeln	Berg	Kahn	Kelly, R.	Rose
Arlandson	Heinitz	Kaley	Kvam	Skoglund

The bill was passed and its title agreed to.

## CALENDAR

There being no objection, the bill on the Calendar for today was continued on the Calendar for one day.

## SPECIAL ORDERS

Anderson, I., moved that the bills on Special Orders for today be continued on Special Orders until Monday, May 9, 1977, immediately following the Calendar. The motion prevailed.

## GENERAL ORDERS

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

## MOTIONS AND RESOLUTIONS

Petrafeso moved that his name be stricken as an author on H. F. No. 613. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, May 9, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, May 9, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 9, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Clawson	Jacobs	Metzen	Schulz
Adams	Cohen	Jaros	Moe	Searle
Albrecht	Corbid	Jensen	Munger	Searles
Anderson, B.	Cummiskey	Johnson	Murphy	Sherwood
Anderson, D.	Dahl	Jude	Neisen	Sieben, H.
Anderson, G.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, R.	Eckstein	Kalis	Nelson	Skoglund
Arlandson	Eken	Kelly, R.	Niehaus	Smogard
Battaglia	Ellingson	Kelly, W.	Norton	Stanton
Beauchamp	Enebo	Kempe, A.	Novak	Stoa
Begich	Erickson	Kempe, R.	Osthoff	Suss
Berg	Esau	King	Patton	Swanson
Berglin	Evans	Knickerbocker	Pehler	Tomlinson
Berkelman	Ewald	Kostohryz	Peterson	Vanasek
Biersdorf	Faricy	Kroening	Petrafeso	Waldorf
Birnstihl	Fjoslien	Kvam	Pleasant	Welch
Brandl	Forsythe	Laidig	Prahl	Wenstrom
Braun	Friedrich	Langseth	Reding	Wenzel
Brinkman	Fudro	Lehto	Rice	White
Byrne	Fugina	Lemke	Rose	Wieser
Carlson, A.	George	Mangan	St. Onge	Wigley
Carlson, D.	Gunter	Mann	Samuelson	Wynia
Carlson, L.	Hanson	McCollar	Sarna	Zubay
Casserly	Hejnitz	McDonald	Savelkoul	Speaker Sabo
Clark	Hokanson	McEachern	Scheid	

A quorum was present.

Voss and Williamson were excused. McCarron was excused until 2:05 p.m. Haugerud was excused until 2:30 p.m. Spanish was excused until 5:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau 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. 93, 1337, 530, 914, 1365, 522, 992 and 1475 and S. F. Nos. 341, 896, 767, 274, 96, 816, 796, 977 and 166 have been placed in the members' files.

S. F. No. 896 and H. F. No. 1028, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 896 be substituted for H. F. No. 1028 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

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

May 5, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> No.	<i>H.F.</i> No.	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> 1977	<i>Date Filed</i> 1977
	38	65	May 5	May 5
651		66	May 5	May 5

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

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

May 6, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
362		67	May 6	May 6
530		68	May 6	May 6
640		69	May 6	May 6
684		70	May 6	May 6
716		71	May 6	May 6
813		72	May 6	May 6

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., 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 S. F. No. 1140 for today, Monday, May 9, 1977: H. F. Nos. 756, 1215, 1582, 530 and 914 and S. F. Nos. 125, 875, 683, 932, 109, 930, 903, 831, 51, 213, 335, 827, 498, 78, 826, 583, 319, 49, 1290, 1291, 188 and 466.

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 361, A bill for an act relating to state employees; providing optional health insurance coverage under the Minnesota employees group insurance plan for certain former employees retired because of a disability.

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

The report was adopted.

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

S. F. No. 23, A bill for an act relating to workers' compensation; requiring an employer to furnish certain remodeling for a handicapped employee's residence; giving the council for the handicapped additional duties; amending Minnesota Statutes 1976, Chapter 176, by adding a section; and Section 256.482, Subdivision 5.

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

The report was adopted.

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

S. F. No. 181, A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11;

353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

“Section 1. Minnesota Statutes 1976, Section 3A.04, Subdivision 1, is amended to read:

3A.04 [SURVIVOR BENEFIT.] Subdivision 1. [SURVIVING SPOUSE.] Upon the death of a member of the legislature while serving as such member after June 30, 1973, or upon the death of a former member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), the surviving spouse shall be paid a survivor benefit in the amount of one-half of the retirement allowance of the member of the legislature computed as though the member were at least age 60 on the date of his death and based upon his allowable service or eight years whichever is greater. *The augmentation provided in section 3A.02, subdivision 4, if applicable, shall be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving spouse shall be entitled to one-half of the amount of the allowance being paid to the legislator.* Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.

Sec. 2. Minnesota Statutes 1976, Section 3A.04, is amended by adding a subdivision to read:

*Subd. 1a. [INCREASE IN SURVIVOR BENEFITS.] Survivor benefits provided in subdivision 1 authorized and in effect on the effective date of this act shall be increased by 25 percent, effective retroactively to January 1, 1974, or the date the survivor benefit became payable, whichever is later.*

Sec. 3. Minnesota Statutes 1976, Section 69.011, Subdivision 1, is amended to read:

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

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

(b) “Municipality” means any city of any class, and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department or a qualified incorporated fire department having a retirement plan.

(e) "Average State Aid" means the sum of the amount of aid apportioned for firemen pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.

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

(g) "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

(h) "Police officer" means any person:

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

(2) Who has been employed for a minimum of six consecutive months prior to December 31 preceding the date of the current year's certification pursuant to section 69.011, subdivision 2, clause (b);

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

(4) Who is authorized to arrest with a warrant;

(5) *Who is a member of a local police relief association or the public employees police and fire fund;*

(6) *Who, if employed in a municipality with a population of more than 1,000 inhabitants according to the most recent federal census, is certified or meets the requirements for certification by the Minnesota police officers training board; and*

(7) *Who meets the selection standards of the Minnesota police officers training board.*

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

Sec. 4. Minnesota Statutes 1976, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. [CLERK TO FILE CERTIFICATE.] (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firemen's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department and having a duly incorporated relief association shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in section (69.021, SUBDIVISION 5) 69.011, subdivision 1, clause (h), shall certify the number of such police officers (WHO WERE EMPLOYED FOR A MINIMUM OF SIX MONTHS AS OF THE PRECEDING DECEMBER 31,) to the commissioner on forms prescribed by him. *For purposes of sections 69.011 to 69.051, employment of a police officer shall*

*commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county.*

Sec. 5. Minnesota Statutes 1976, Section 69.021, Subdivision 5, is amended to read:

Subd. 5. [CALCULATION OF STATE AID.] The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and two percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to police state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The total amount for apportionment in respect to police state aid shall be distributed to the counties for apportionment to municipalities maintaining police departments and to the county on the basis of the number of active police officers, as certified pursuant to section 69.011, subdivision 2, clause (b) (, WHO ARE MEMBERS OF THE PUBLIC EMPLOYEES POLICE AND FIRE FUND OR OF A LOCAL RETIREMENT ASSOCIATION. FOR PURPOSES OF SECTIONS 69.011 TO 69.051, THE TERM "POLICE OFFICER" MEANS ANY PERSON PRIMARILY EMPLOYED BY A MUNICIPALITY OR A COUNTY AS A FULL TIME SALARIED LAW ENFORCEMENT OFFICER SWORN TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE, AUTHORIZED TO ARREST WITH A WARRANT, AND CERTIFIED OR MEETING THE REQUIREMENTS FOR CERTIFICATION BY THE MINNESOTA POLICE OFFICERS TRAINING BOARD, EXCEPT IN MUNICIPALITIES). The commissioner shall calculate the percentage of increase or decrease reflected in the apportionment over or under the previous (YEARS) *year's* available (PREMIUMS) *state aid* using the same premiums as a basis for comparison.

Sec. 6. Minnesota Statutes 1976, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORIONMENT OF AID TO MUNICIPALITIES AND FIREMEN'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on

the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner in the same manner that state aid is apportioned to the counties, one-half in proportion to the population and one-half in proportion to the assessed property valuation of the fire towns in the county for which aid is proportioned. The county auditor shall apportion the amount of aid to each municipality and/or firemen's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firemen's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firemen's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality or firemen's relief association shall receive less than provided for under this subdivision.

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state *police* aid received by him (RELATIVE TO THE PREMIUMS REPORTED ON THE MINNESOTA AID TO POLICE PREMIUM REPORTS FILED PURSUANT TO THIS CHAPTER) to each municipality *and to the county* in the following manner:

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as defined in section (69.021, SUBDIVISION 5) *69.011, subdivision 1, clause (h)*, employed by each municipality and by the county. **NO COMMUNITY SHALL RECEIVE LESS STATE AID THAN THEY RECEIVED IN 1975; AND);**

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

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

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

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Sec. 7. Minnesota Statutes 1976, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firemen's relief association if there is one organized and the association has filed

a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

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

(a) For a municipality in which a *local* police relief association exists *and all police officers are members of the association*, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt (OF THE STATE AID BY THE COUNTY AUDITOR), and the treasurer of the relief association shall *immediately* deposit the total state aid in the special fund of the relief association (UPON RECEIPT);

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

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in this subdivision, to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund *subject to all the provisions set forth in clause (b)*, or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund *subject to the provisions of clause (b)* on the basis of the respective number of active full time police officers, as defined in section (69.021, SUBDIVISION 5) 69.011, subdivision 1, clause (h).

(3) *The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's*

*employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.*

Sec. 8. Minnesota Statutes 1976, Section 352.03, Subdivision 1, is amended to read:

**352.03 [BOARD OF DIRECTORS, COMPOSITION, EXECUTIVE DIRECTOR; DUTIES, POWERS.]** Subdivision 1. **[MEMBERSHIP OF BOARD; ELECTION; TERM.]** The policy making function of the system is hereby vested in a board of (SEVEN) *eight* members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of three members appointed by the governor, one of whom shall be a constitutional officer or appointed state official and two public members knowledgeable in pension matters, (AND) four state employees who shall be elected by state employees covered by the system *and one retired employee who shall be elected by retired employees* at a time and in a manner to be fixed by the board. Two board members, whose terms of office shall begin on the first Monday in March next succeeding their election, shall be elected biennially. The term of the two board members whose terms expire in 1968 shall terminate on the first Monday in March, 1968, and the terms of the two board members whose terms expire in 1970 shall terminate on the first Monday in March, 1970. *The elected retired board member shall serve a term commencing January 1, 1978 and terminating on the first Monday in March, 1980. Thereafter* the members of the board so elected shall hold office for a term of four years, *except the retired member whose term shall be two years*, and until their successors are elected, and have qualified. A state employee on leave of absence shall not be eligible for election or re-election to membership on the board of directors; and the term of any board member who is on leave for more than six months shall automatically terminate upon the expiration of such period.

Sec. 9. Minnesota Statutes 1976, Section 352.03, Subdivision 2, is amended to read:

**Subd. 2. [VACANCY, HOW FILLED.]** Any vacancy of a state employee *or retired employee* in the board caused by death, resignation, or removal of any member so elected shall be filled by the board for the unexpired portion of the term in which the vacancy occurs.

Sec. 10. Minnesota Statutes 1976, Section 352.03, is amended by adding a subdivision to read:

*Subd. 4a. The board may consider, review and make recommendations regarding the financial and other needs of retired employees and may disseminate appropriate retirement information to the retired employee.*

**Sec. 11. Minnesota Statutes 1976, Chapter 352, is amended by adding a section to read:**

**[352.029] [COVERAGE FOR EMPLOYEES OF LABOR ORGANIZATIONS.]** *Subdivision 1. [QUALIFICATIONS.] A former state employee who is an employee of a labor organization which is an exclusive bargaining agent representing state employees may elect pursuant to subdivision 2 to be covered by the state retirement system established by this chapter with respect to service with the labor organization unless specifically excluded under section 352.01, subdivision 2b.*

*Subd. 2. [ELECTION.] A person described in subdivision 1 shall be covered by the state retirement system if written election to be covered is delivered to the executive director before July 1, 1977 or within 30 days of being employed by the labor organization, whichever is later.*

*Subd. 3. [CONTRIBUTIONS.] The employee, employer and additional employer contributions required pursuant to section 352.04 shall be the obligation of the employee who elects coverage under this section; provided, however, that the employing labor organization may pay the employer and employer additional contributions. Contributions made by the employee shall be made by salary deduction. The employing labor organization shall remit all contributions to the state retirement system pursuant to section 352.04.*

*Subd. 4. [PURCHASE OF PRIOR SERVICE CREDIT.] Any former state employee who elects membership pursuant to this section shall be allowed to make payment for service rendered prior to July 1, 1977 in a labor organization designated in subdivision 1; provided that the labor organization makes satisfactory certification of the prior service of the former state employee. Payment shall include all employee, employer and additional employer contributions at the rates in effect when the service was rendered plus interest at the rate of six percent per annum from the year of purchase to the date payment is made; provided, however, that the employing labor organization may pay the employer and employer additional contributions plus interest at the specified rate. Payment shall be made in one lump sum prior to July 1, 1982 or prior to retirement, whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received by the executive director.*

*Subd. 5. [BOARD MEMBERSHIP EXCLUDED.] Persons who become members of the state retirement system pursuant to*

*this section shall not be eligible for election to the board of trustees.*

Sec. 12. Minnesota Statutes 1976, Section 352D.02, Subdivision 1, is amended to read:

352D.02 [COVERAGE.] Subdivision 1. The following employees in the unclassified service of the state who are eligible for coverage under the Minnesota state retirement system shall participate in the unclassified program unless such employee gives notice to the executive director of the state retirement system within one year following June 5, 1975 or the commencement of his employment, whichever is later, that he desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file such notice with the executive director shall be deemed to have exercised his option to participate in the unclassified plan. The employee and applicable employer contributions for those employees covered by the regular plan on June 5, 1975, who after such date participate in the unclassified plan, shall be transferred to the supplemental fund in accordance with subdivision 4 and section 352D.03 as though the employee had elected to participate when first eligible to make such election. This subdivision shall also be applicable to any person who was an employee in an eligible position on or after January 1, 1975, has terminated service before June 5, 1975 with less than ten years of allowable service, and has not taken a refund of his contributions.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, revisor of statutes or the state board of investment,

(2) Any department, division, or agency head, the assistant department head or deputy, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 3,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a parttime legislative employee having shares in the supplemental retirement fund whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43.09, subdivision 2a which is at the deputy or assistant head of department or agency or director level, (AND)

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the

council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system, and

*(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system.*

The eligibility to participate of those employees specified in clauses (4) and (5) employed in such positions on April 21, 1976, shall be retroactive to their date of appointment to such positions.

*The eligibility to participate of those employees specified in clause (6) employed in such positions on the effective date of this section shall be retroactive to their date of appointment to such positions.*

Sec. 13. Minnesota Statutes 1976, Section 353.03, Subdivision 1, is amended to read:

353.03 [BOARD OF TRUSTEES.] Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is hereby vested in a board of trustees consisting of (14) 15 members, who shall be known as the board of trustees. This board shall consist of three trustees, one of whom shall be designated by each of the following associations, Minnesota school boards association, League of Minnesota (MUNICIPALITIES) Cities, and Association of Minnesota Counties; nine area trustees, who shall be elected from the membership employed in one of the areas described below by the members (OF THE RETIREMENT ASSOCIATION) employed in such area except members of the police and fire fund; one trustee who shall be a retired annuitant elected at large by other annuitants; and one trustee who is a member of the police and fire fund elected at large by the membership of the police and fire fund. *The remaining trustee shall be elected prior to January 1 by the governing bodies of employee organizations, as defined in section 179.63, subdivision 5, representing association employees; provided that in making the election each employee organization shall have one vote for each association employee it represents. The respective governing bodies shall implement and administer a system for the election of this member and the filling of vacancies, and any dispute in the election process shall be resolved by the secretary of state. Elected trustees shall hold office for a term of four years. For seven days beginning December 1 of each year, (EXCEPT 1974 AND EVERY FOURTH YEAR THEREAFTER,) the association shall accept at its of-*

fice filings in person or by mail of candidates for the board of trustees. (THE) *An area candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund from the area of the candidate, a retired annuitant candidate, a nominating petition signed by 25 or more such annuitants, and a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No nominee may withdraw his name from nomination after December 15. (CANDIDATES SHALL FILE AT LARGE FOR ALL SEATS VACANT AT THE FORTHCOMING ELECTION.)* By January 10 of each year in which elections are to be held the board shall distribute by mail to the members and annuitants ballots listing the candidates(, THE NUMBER OF POSITIONS TO BE FILLED AND BLANK LINES FOR WRITE-IN VOTES). *No member may vote for more than one candidate but a blank line shall be provided for a write in vote. A ballot indicating a vote for more than one person shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. Except as provided in this section, all terms expire on January 31 of the fourth year, and the position shall remain vacant until the newly elected member is qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the nine area trustees, the state shall be divided into three areas as follows: Area one shall include Anoka, Hennepin, Ramsey and Washington counties. Area two shall include Big Stone, Swift, Kandiyohi, Meeker and Wright counties and all counties south thereof, except counties in area one. Area three shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. Each year for three years one area trustee shall be elected to a four-year term from each area by the members employed in the respective areas. In the fourth year one trustee shall be elected at large by the police and fire fund membership and one trustee elected at large by the annuitants.*

*Notwithstanding the foregoing, however, in order to provide for a transition to regional elections, in the year 1978 only, a retired trustee shall be elected by the annuitants, and three trustees shall be elected from each of the three areas by the members of the area who may vote for only one candidate. The annuitant candidate receiving the most votes shall serve a three-year term, the candidate in each area receiving the largest number of votes shall serve a four-year term, the candidate in each area receiving the second largest number of votes shall serve a two-year term and the candidate in each area receiving the third largest number of votes shall serve a one-year term. The elections shall be supervised by the secretary of state. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state*

of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries.

Sec. 14. Minnesota Statutes 1976, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

(a) Elected or appointed officers and employees of elected officers.

(b) District court reporters.

(c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota (MUNICIPALITIES) *Cities*.

(e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.

(f) Employees of a school district who receive separate salaries for driving their own buses.

(g) *Employees of the Association of Minnesota Counties.*

(h) *Employees of the Metropolitan Inter-County Council.*

(i) *Employees of the Minnesota Municipal Utilities Association.*

Sec. 15. Minnesota Statutes 1976, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. (IN THE EVENT SUCH EMPLOYEES RECEIVE COMPENSATION ON A MONTHLY SALARY BASIS, EACH CALENDAR MONTH FOR WHICH THEY ARE SO PAID SHALL CONSTITUTE 30 WORKING DAYS; HOWEVER,) Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$150 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Parttime employees who receive monthly compensation not exceeding \$150, and parttime employees and elected officials whose annual compensation is stipulated in advance to be not more than \$1,800 per year, *except that members shall continue their membership until termination of public service.*

(h) Persons who first occupy an elected office after February 1, 1969, the compensation for which does not exceed \$150 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person who belongs to the public employees retirement association from also belonging to or contributing to a volunteer firemen's relief association that does not determine its benefits or contributions on the basis of the salary or compensation of the fireman.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) (PERSONS WHO MAKE APPLICATION TO BE EXEMPTED FROM MEMBERSHIP IN THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION, DUE TO MEMBERSHIP IN ANY RELIGIOUS ORGANIZATION WHICH HAS

BEEN ORGANIZED FIVE YEARS OR MORE, AND WHOSE CUSTOMS, RITES OR RELIGIOUS BELIEFS FORBID THEIR MEMBERSHIP IN ANY PUBLIC RETIREMENT ASSOCIATION, PROVIDING SUCH PERSONS FILE AN APPLICATION STATING THE APPLICABLE PROVISIONS OF THEIR RELIGIOUS ORGANIZATION, CONFIRMED BY SUCH ORGANIZATION, AND WAIVE ALL CLAIMS FOR RETIREMENT ANNUITIES OR BENEFITS OF ANY KIND PURSUANT TO THIS CHAPTER) *Chaplains and nuns who have taken a vow of poverty as members of a religious order.*

(m) (STUDENTS WHO ARE OCCASIONALLY EMPLOYED PART TIME BY A GOVERNMENTAL SUBDIVISION IN ANY CAPACITY AND) Full time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no full time public employees shall be exempt under this paragraph and any such employees presently exempt hereunder shall become members as of July 1, 1976.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

Sec. 16. Minnesota Statutes 1976, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, (THE LEAGUE OF MINNESOTA MUNICIPALITIES,) or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; or any soil conservation district organized pursuant to chapter 40; or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 Legislature.

Sec. 17. Minnesota Statutes 1976, Section 353.01, Subdivision 15, is amended to read:

Subd. 15. [DEPENDENT CHILD.] "Dependent child" means any natural or adopted child of a deceased member, provided such child is (a) under the age of 18, (b) age 18 through 21 and a fulltime student, and in either case unmarried and de-

pendent for more than one-half of his support upon such member at the time of death and for not less than 90 days prior thereto; provided, that (EFFECTIVE RETROACTIVELY TO APRIL 30, 1970) the child of a deceased member, who at the time of his death was receiving total and permanent disability benefits pursuant to section 353.33, shall be deemed dependent if he was dependent upon the decedent for more than one-half of his support during the 90 days prior to the decedent's becoming totally and permanently disabled(, EXCEPT THAT NO PAYMENT IN BEHALF OF SUCH A DEPENDENT CHILD SHALL COMMENCE PRIOR TO JULY 1, 1971). It also includes any child of the member conceived during his lifetime and born after his death (IN ANY CASE WHERE A MEMBER DIED AFTER JULY 1, 1957). It also means any dependent child who is the subject of adoption proceedings filed by a member, and who within two years after death of the member, by judgment and decree duly entered, is adjudged to be the adopted child of the deceased member; subject, however, to the qualifying conditions of age and dependency aforesaid and the dependency of the child hereunder shall date from the decree of adoption.

Sec. 18. Minnesota Statutes 1976, Section 353.27, Subdivision 4, is amended to read:

Subd. 4. [EMPLOYERS REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.] The head of each department is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries, and at the same time to issue or approve one voucher for the aggregate amount of the employer contributions and the additional employer contributions for the same period of employment as that covered by the employee contributions, and to cause the same to be remitted within 15 days thereafter to the executive director. The head of each department shall, for each pay period in which employee contributions are deducted, submit to the association a salary deduction report, in the form prescribed by the board of trustees, (OR IN LIEU THEREOF A CARBON OR DUPLICATE COPY OF DEPARTMENTAL PAYROLL ABSTRACT,) showing (a) the legal names and the association membership numbers, listed in alphabetical or association membership number sequence, of all members; (b) the legal names of all new public employees and the effective dates of appointment; (c) the amount of each salary deduction; (d) the amount of salary from which each deduction was made; (e) effective dates of all terminations of public service on account of members and if such terminations were caused by death or retirement, there shall be inserted after such date the applicable word, "death" or "retirement"; and (f) effective dates of all temporary layoffs and leaves of absence and if such leaves are sick leaves, there shall be inserted after such date the words, "sick leave." Additionally, reports of contributions shall be accompanied by

a membership enrollment form for each new employee in the form prescribed by the board, and it shall be the responsibility of department heads to obtain such enrollment forms from new employees for prompt submission to the association. The employers shall furnish such additional reports or punch cards as may be requested by the association executive director.

Sec. 19. Minnesota Statutes 1976, Section 353.29, Subdivision 4, is amended to read:

Subd. 4. [APPLICATION FOR ANNUITY.] Application for retirement annuity may be made by a member or by someone authorized to act in his behalf. Every application for retirement, in the form prescribed by the board of trustees, shall be substantiated in writing by proof of ((A)) age of the employee (AND (B) HIS PUBLIC SERVICE, WHICH SHALL BE SUBMITTED BY THE EMPLOYEE AND EMPLOYER, RESPECTIVELY).

Sec. 20. Minnesota Statutes 1976, Section 353.29, Subdivision 8, is amended to read:

Subd. 8. [ANNUITIES; PAYMENT; EVIDENCE OF RECEIPT.] Payment of any annuity or benefit for a given month shall be mailed by the association to the annuitant, recipient of a disability benefit, or survivor, during the first week of the next ensuing month. Evidence of receipt of every warrant issued by the association in payment of an annuity or benefit shall be submitted by the payee thereof to the association quarterly (BEGINNING WITH THE JUNE, 1975 PAYMENTS), together with a written declaration that the annuitant or recipient of a disability benefit has or has not returned to public service; that the surviving dependent spouse has or has not remarried; and shall be furnished on forms provided by the executive director thereof, before the association shall pay to the annuitant, disability recipient, or survivor for the next ensuing month, the annuity or benefit to which he otherwise may be entitled.

Sec. 21. Minnesota Statutes 1976, Section 353.31, Subdivision 8, is amended to read:

Subd. 8. [ACCRUAL OF BENEFITS.] All benefits under this section and survivor benefits otherwise provided in this chapter when payable to persons qualifying therefor shall accrue on the first day following the death of a "basic member" or annuitant, whichever is applicable. No payment may be made ((A)) retroactively for more than 12 months prior to that month in which the application is filed, (OR (B) FOR THE MONTH, OR ANY PORTION THEREOF,) and no benefit shall accrue beyond the end of the month in which entitlement to such benefits has terminated. (THIS SUBDIVISION SHALL HAVE RETROACTIVE EFFECT TO JANUARY 1, 1969.)

Sec. 22. Minnesota Statutes 1976, Section 353.32, Subdivision 7, is amended to read:

Subd. 7. [CERTAIN PAID PENALTIES.] A *member, former member, beneficiary, legal representative, or next of kin* shall be paid (ON DEMAND) the full amount of any additional penalty paid into the retirement fund by the *member, former member, or deceased member* in accordance with the provisions of Laws 1937, Chapter 466, Section 2; Laws 1947, Chapter 18, Section 2, or any rules made by the board of trustees pursuant to these laws, without interest thereon unless the additional penalty was previously refunded upon retirement of the said member *or former member*.

Sec. 23. Minnesota Statutes 1976, Section 353.33, Subdivision 1, is amended to read:

353.33 [TOTAL AND PERMANENT DISABILITY BENEFITS.] Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.] After June 30, 1973 any member who becomes totally and permanently disabled before age 65 and after ten years of allowable service or after age 50 *but before age 65* with five years of allowable service, whichever is sooner, shall be entitled to a disability benefit in an amount provided in subdivision 3. If such disabled person's public service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. Any member whose average salary is less than \$75 per month shall not be entitled to a disability benefit.

Sec. 24. Minnesota Statutes 1976, Section 353.33, Subdivision 9, is amended to read:

Subd. 9. [RETURN TO PUBLIC SERVICE.] Any person receiving a disability benefit who is restored to active public service except persons receiving benefits as provided in subdivision 7, shall have deductions taken for the retirement fund and upon subsequent retirement have his retirement annuity based upon all allowable service including that upon which the disability benefits were based. (NO PERSON SHALL BE ENTITLED TO RECEIVE DISABILITY BENEFITS AND A RETIREMENT ANNUITY AT THE SAME TIME.)

Sec. 25. Minnesota Statutes 1976, Section 353.36, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS; INTEREST; MATCHING PAYMENT.] A person who has *at least one year of allowable service with the association and who has prior public service on which salary deductions were not taken for the retirement fund and who does not have the required minimum number of years of allowable service credit to qualify for an annuity, may*

apply for such annuity if otherwise qualified, and within 90 days thereafter purchase whatever period of said public service is necessary to bring his total allowable service credit to said minimum, provided that last service shall be purchased first. Such person may gain such allowable service credit by paying six percent of the salary covered under the law in effect at the time that such public service was performed, with interest thereon at the rate of six percent per annum compounded annually from the date first payable to the date payment is made, plus a matching amount, unless the employer agrees to pay said matching amount pursuant to subdivision 2a. An annuity shall accrue as provided in section 353.29, subdivision 7, but no annuity shall be paid until the applicant's payment is made in full for the prior public service; if said payment is not made within such 90 days, the application for retirement shall be void.

Sec. 26. Minnesota Statutes 1976, Section 353.37, is amended to read:

**353.37 [PUBLIC RE-EMPLOYMENT OF ANNUITANT.]**  
**Subdivision 1. [EFFECT ON ANNUITIES.]** The annuity of a person otherwise eligible therefor under this chapter shall be suspended if he re-enters and as long as he remains in public service as a non-elective employee of a governmental subdivision, if his earned compensation for such service exceeds \$3,000 in any calendar year. The suspension of the annuity shall commence as of the first of the month in which the maximum permitted compensation is exceeded as herein provided, but shall not apply to any months in which the annuitant is not actually employed in non-elective service in a position covered by this chapter. Any annuitant of the association, who is elected to public office after his retirement (FOLLOWING JUNE 30, 1959) shall be entitled to hold such office and receive his annuity otherwise payable from the public employees retirement association (FROM AND AFTER JULY 1, 1959). Upon proper showing by an annuitant that this ineligibility no longer exists, the monthly annuity payments shall be resumed. Public service performed by an annuitant subsequent to his retirement under this chapter does not increase or decrease any annuity when payments thereof are resumed. The annuitant is not required to make any further contributions to the retirement fund by reason of this subsequent public service.

**Subd. 1a. [EFFECT ON PROPORTIONATE ANNUITY.]**  
*Notwithstanding Minnesota Statutes, Section 356.32 or any other provision of law, persons employed by a governmental subdivision that requires termination of employment pursuant to a uniformly applied mandatory retirement policy or law in accord with said section may receive a proportionate annuity under said section, if qualified, even if they or others are employed as substitute employees after age 65. For the purpose of this section a substitute employee is one who earns less than \$3,000 in any calendar year.*

Sec. 27. Minnesota Statutes 1976, Section 353.46, is amended by adding a subdivision to read:

*Subd. 1a. [PURCHASE OF ALLOWABLE SERVICE; ANNUITY.] A person who purchased allowable service in the public employees retirement association for a period of time including June 30, 1957, but was not in fact a member of such association on June 30, 1957, shall not be entitled to receive retirement annuity computed under Minnesota Statutes 1957, Section 353.46, Subdivision 1, and laws amendatory thereto. This section shall have retroactive application to any such person receiving or found eligible by the district court to receive benefits calculated under section 353.46, subdivision 1, and laws amendatory thereto.*

Sec. 28. Minnesota Statutes 1976, Section 353.651, Subdivision 3, is amended to read:

**Subd. 3. [RETIREMENT ANNUITY FORMULA.]** The average salary as defined in subdivision 2, multiplied by two and one-half percent per year of allowable service for the first 20 years and two percent per year of allowable service thereafter, shall determine the amount of the "normal" retirement annuity (**; PROVIDED, HOWEVER, IF THE ANNUITY CALCULATED HEREUNDER IS LESS THAN THE ANNUITY CALCULATED UNDER THE LAW IN EFFECT ON JUNE 30, 1973, THIS LATTER AMOUNT SHALL BE THE "NORMAL" ANNUITY**). If the member has earned allowable service for performing services other than those of a police officer or fire fighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30.

Sec. 29. Minnesota Statutes 1976, Section 354.05, is amended by adding a subdivision to read:

*Subd. 36. [RETIREE OF FUND.] "Retiree of fund" means any former member who has retired as provided in this chapter.*

Sec. 30. Minnesota Statutes 1976, Section 354.06, Subdivision 1, is amended to read:

**354.06 [BOARD OF TRUSTEES; MEMBERSHIP; DUTIES.]** Subdivision 1. The management of the fund shall be vested in a board of (SEVEN) *eight* trustees to be known as the board of trustees of the teachers retirement fund. It shall be composed of the following persons: the commissioner of education, the commissioner of finance, the commissioner of insurance, and four members of the fund who shall be elected by (MAIL BALLOT FOR TERMS OF FOUR YEARS BY) the members of the fund (IN A MANNER TO BE FIXED BY THE BOARD OF TRUSTEES OF THE FUND) *and one retiree who shall be*

*elected by the retirees of the fund. The five elected members of the board of trustees shall be chosen by mail ballot in a manner to be fixed by the board of trustees of the fund. In every odd numbered year there shall be elected two members of the fund to the board of trustees for terms of four years commencing on the first of July next succeeding their election. Commencing in 1977 and every two years thereafter there shall be elected one retiree of the fund to the board of trustees for a term of two years commencing on the first of July next succeeding his election except that the first term served by a retiree shall be for a period of 20 months commencing on November 1, 1977. Each election shall be completed by June (1ST) first of each succeeding odd numbered year except that the first election of a retiree shall be completed by October 1, 1977. In the case of elective members, vacancies shall be filled by appointment by the remainder of the board, the appointee to serve until the members or retirees of the fund at the next regular election have elected a trustee to serve for the unexpired term caused by such vacancy. No member or retiree shall be appointed by the board, or elected by the members of the fund as a trustee who is not a member or retiree of the fund in good standing at the time of such appointment or election. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it and the teachers who are its beneficiaries.*

Sec. 31. Minnesota Statutes 1976, Section 354.44, Subdivision 1a, is amended to read:

Subd. 1a. [MANDATORY RETIREMENT.] Notwithstanding the provisions of sections 43.30 or 197.45 to 197.48, a member shall terminate employment on August 31, 1976, or at the end of the academic year in which he reaches the age of 65, whichever is later. For purposes of this subdivision, an academic year shall be deemed to end August 31. A member who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this subdivision shall, for the purpose of determining eligibility for a proportionate retirement annuity, be considered to have been required to terminate employment at age 65 or earlier pursuant to this subdivision. Nothing contained in this subdivision shall preclude (A DISTRICT) *an employer unit covered by this chapter* from employing a retired teacher as a substitute or part time teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute or part time teacher; provided further that upon having earned \$3,000 in any academic year from employment as a substitute or part time teacher, any person over the age of 65 years shall terminate employment for the remainder of that academic year.

Sec. 32. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.201] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 32 to 41 of this act, the terms defined in this section shall have the meaning ascribed to them.*

*Subd. 2. "Enabling act" means sections 355.01 to 355.07.*

*Subd. 3. The terms "social security act", "state agency", "employment", "wages", "contribution fund", "Federal Insurance Contributions Act", and "political subdivision" means as defined in the enabling act.*

*Subd. 4. "Teacher" means all employees of political subdivisions who hold positions covered by the St. Paul teachers retirement fund association established under the provisions of chapter 354A.*

Sec. 33. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.202] [REFERENDUM.] *Pursuant to the provisions of the enabling act, the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, 1978, in accordance with the provisions of section 218(d)(6)(C) of the social security act, for teachers.*

Sec. 34. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.203] [NOTICE OF REFERENDUM.] *The notice of referendum required by section 218(d) of the social security act which is to be given to the teachers shall contain a statement in such form as the agency or individual designated to supervise the referendum shall deem necessary and sufficient to inform the teachers of the rights which accrue to them under the social security act. The statement shall also inform the teachers of the effect that coverage under the social security act will have on their public retirement program.*

Sec. 35. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.204] [DIVISION OF THE ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION.] *In accordance with section 218(d)(6)(C) of the social security act, the state agency shall divide into two divisions or parts the St. Paul teachers retirement fund association established under the provisions of Minnesota Statutes, Chapter 354A. One division or part of the retirement fund association shall be composed of positions of*

*teachers who desire coverage under an agreement under section 218(d) of the social security act. The other division or part of the retirement fund association shall be composed of positions of teachers who do not desire coverage under such an agreement. Each division or part shall be deemed to be a separate retirement system for the purposes of section 218(d) of the social security act. There shall be included in the division or part composed of members desiring such coverage the positions of teachers who become members of the St. Paul teachers retirement fund association after such coverage is extended; provided, a teacher whose service in a position covered by the retirement fund association commences after the date on which such social security coverage is extended shall be deemed to become a member of the retirement fund association upon the commencement of such service for purposes of this section, notwithstanding the date of any employment contract.*

Sec. 36. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.205] [TRANSFER OF MEMBERS.] *In accordance with section 218(d)(6)(F) of the social security act, and when the St. Paul teachers retirement fund association is divided into two divisions or parts, the position of any member of the division or part composed of positions of teachers who do not desire coverage under an agreement under section 218(d) of the social security act may be transferred to the separate retirement system composed of teachers who desire such coverage; and a modification of agreement between the state and the secretary of health, education, and welfare may so provide, but only if prior to such modification the individual occupying such position files with the state agency a written request for such transfer.*

Sec. 37. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.206] [CERTIFICATION BY GOVERNOR.] *If the governor receives satisfactory evidence that the conditions specified in section 218(d)(7) of the social security act have been met with respect to the St. Paul teachers retirement fund association, he shall so certify to the secretary of health, education, and welfare.*

Sec. 38. Minnesota Statutes, 1976, Chapter 355, is amended by adding a section to read:

[355.207] [AGREEMENTS WITH FEDERAL AGENCY.] *Upon the governor's certification pursuant to section 37 of this act, the state agency, with the approval of the governor, shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers.*

*The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.*

Sec. 39. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.208] [EMPLOYEE CONTRIBUTIONS.] *Contributions required under the agreement or modification entered into pursuant to section 38 of this act to be made by political subdivisions employing teachers, and payments required by Minnesota Statutes, Section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the state.*

Sec. 40. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.209] [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.] *After the date the agreement or modification is entered into pursuant to section 38 of this act, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the state and each political subdivision in respect thereto. Failure to deduct such contribution shall not relieve the employee or the state or the political subdivision of liability therefor.*

Sec. 41. Minnesota Statutes 1976, Section 355.281, is amended to read:

355.281 [REFERENDUM.] Pursuant to the provisions of the enabling act the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, (1977) 1978, in accordance with the provisions of section 218 (d) (6) (C) of the social security act, for teachers.

Sec. 42. Minnesota Statutes 1976, Section 355.286, is amended to read:

355.286 [AGREEMENTS WITH FEDERAL AGENCY.] Upon the governor's certification pursuant to section 355.285, the state agency, with the approval of the governor, shall be authorized after June 30, (1977) 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 43. Minnesota Statutes 1976, Section 356.34, Subdivision 1, is amended to read:

356.34 [LIMITATION ON AVERAGE SALARY FOR BENEFITS.] Subdivision 1. Effective for any disability benefit or retirement annuity commencing after June 30, (1977) 1978 from a fund enumerated in subdivision 2, which benefit or annuity is based on a final average salary, no year of salary used in determining the final average salary as defined by the laws governing the fund shall exceed the salary paid in the previous year by more than 15 percent.

Sec. 44. Minnesota Statutes 1976, Section 422A.02, is amended to read:

422A.02 [RETIREMENT BOARD; MEMBERS.] A retirement board of (FIVE) *seven* members is hereby constituted which shall consist of the following:

- (1) Mayor;
- (2) The city comptroller or corresponding official;
- (3) (THE CHAIRMAN OF THE WAYS AND MEANS COMMITTEE OF THE CITY COUNCIL OR CORRESPONDING MEMBER OF THE CHIEF GOVERNING BODY OF THE CITY) *One member of the city council selected by the council;* and
- (4) (TWO) *Four* legally qualified voters of the city, residents thereof for the preceding five years, to be chosen by the employees as defined in sections 422A.01 to 422A.25 who are contributors to the retirement fund created by sections 422A.01 to 422A.25. The employees may form an association for that purpose and the employing authorities are authorized to make payroll deductions for the payment of dues to said association. The persons selected shall serve for staggered terms of two years from the first of the next succeeding January after their election, and until their successors are duly elected. Such selection shall be made by the employees during the first week of December of each year. Vacancies occurring by death, resignation, or removal of such representatives shall be filled by representatives chosen by the employees.

Sec. 45. *The two additional members authorized by section 44, clause (4) shall be chosen on the effective date of this act in the manner prescribed for the filling of vacancies on the board, with one designated to serve until January 1, 1978 and one until January 1, 1979. Thereafter the additional members shall be selected for regular two year terms in the manner provided in section 44.*

Sec. 46. Minnesota Statutes 1976, Section 422A.03, Subdivision 1, is amended to read:

422A.03 [MEETINGS; EMPLOYEES; RULES AND REGULATIONS.] Subdivision 1. The retirement board shall meet on the (SECOND) *third* Tuesday of each calendar month of each year and may adjourn from time to time. Special meetings may be held upon the call of the president. The board shall, by a four-fifths vote of all members of the board, appoint an executive secretary, who shall have charge of the performance of the duties required by the provisions of sections 422A.01 to 422A.25, and shall appoint other necessary clerical help. If at the time of his appointment as executive secretary the appointee holds a position subject to the civil service rules and regulations of the city he shall be deemed to be on leave of absence from such civil service position during his tenure as executive secretary, and upon termination of such service shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classified position, seniority shall prevail, and the person most recently certified to such position shall be returned to the permanent civil service classification held by him prior to such certification.

Sec. 47. Laws 1975, Chapter 388, Section 1, is amended to read:

Section 1. [RETIREMENT; LEGISLATIVE EMPLOYEES; RETIREMENT AND PENSIONS; APPROPRIATION.] *Subdivision 1.* A permanent employee of the legislature who prior to attaining such status was employed by the legislature, or either body thereof on an intermittent basis may obtain allowable service credit for such service by paying to the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the days and months of such legislative service for which he or she desires to obtain allowable service credit. (IF THE EMPLOYEE AT THE TIME OF PAYMENT IS A PARTICIPANT IN THE UNCLASSIFIED PROGRAM THE PAYMENT BY THE EMPLOYEE AND EMPLOYER SHALL BE USED TO PURCHASE SHARES IN THE MINNESOTA SUPPLEMENTAL FUND.) Proof of legislative service and the duration thereof shall be established by a house employee by the certification of the committee on rules and legislative administration and by a senate employee by the certification of the committee on rules and administration. Certification to the director of the Minnesota state retirement system shall include the exact periods of time for which the employee is eligible to obtain credit for service and credit therefor shall be computed and granted on the basis of full employment.

*Subd. 2.* A permanent employee of the legislature who prior to attaining such status provided professional services for the legislature prior to July 1, 1977 as an employee of a foundation or a nonprofit corporation pursuant to a contract with the legislative coordinating commission may obtain allowable service credit for the period of the professional services by paying to

*the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the periods of service for which he or she desires to obtain allowable service credit. Proof of the professional services and the duration thereof shall be established by the certification of the legislative coordinating commission.*

*Subd. 3. The payments shall be made either in a lump sum or payroll deductions made (OR ARRANGED FOR) on or before July 1, (1976) 1978. The payments permitted herein, by a person who is a senate employee on the date of payment shall be matched by the senate employer, and for a house employee by the house employer and such sums as are necessary therefor are hereby appropriated from the respective legislative expense funds and transferred to the Minnesota state retirement system. If the employee at the time of payment is a participant in the unclassified program, the payment by the employee and employer shall be used to purchase shares in the Minnesota supplemental fund.*

Sec. 48. Laws 1975, Chapter 424, Section 9, is amended to read:

Sec. 9. [COLUMBIA HEIGHTS, CITY OF; RETIREMENT BENEFITS FOR FIREFIGHTERS.] As used in sections 6, 7, and 8, a "unit" shall be one-eightieth of the monthly salary of a first grade (FIREMAN) firefighter as established from time to time. *In the event that there is no longer a paid first grade firefighter on the payroll on the city of Columbia Heights, then and in that event a "unit" shall be one-eightieth of the monthly salary of a first grade firefighter or a firefighter of an equivalent grade to a first grade firefighter, performing similar duties as performed by a first grade firefighter of the city of Columbia Heights, in a city located within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington having approximately the same population as the city of Columbia Heights and having a paid firefighter's department. The board of trustees of the paid division, or the trustee as provided in section 76 of this act, and the city council of the city of Columbia Heights shall jointly determine which city shall qualify for purposes of determining the monthly salary upon which a "unit" is based. In the event no city maintains a paid firefighter's department, or if the determination of which city qualifies is unable to be agreed upon by the parties, then and in that event a unit shall be one-eightieth of the monthly salary of a top patrolman of the police department of the city of Columbia Heights, said monthly salary adjusted by an amount equal to the percentage difference in monthly salaries between a top patrolman's monthly salary and a first grade firefighter's monthly salary, as of the date that a paid firefighter was last enrolled on the payroll of the city of Columbia Heights. Provided that in all events the adjustment of the "unit" caused by a change in the salary of a first grade firefighter or his equivalent, as provided in this section, shall be made at the end of every calendar year. In com-*

puting retirement or disability benefits of a member pursuant to section 6 or 7, a member shall be entitled to service credit for service as a volunteer (FIREMAN) firefighter on the basis of one year service credit for each three years service as a volunteer, with proportionate credit for lesser periods of service.

*For purposes of this section the term "monthly salary of a first grade firefighter" shall mean the salary of a non-ranked fire fighter on the payroll of the city of Columbia Heights paid for work performed during the one "work week", as defined in Article III, 3.12 of the labor agreement between the city of Columbia Heights and the international association of firefighters local no. 1216 in effect on the effective date of this act multiplied by a factor of 4.3. Such monthly salary shall exclude all overtime and call-out pay, hospitalization and insurance pay, education incentive and inspector allotment pay and payment for uniforms. A ranked firefighter includes: captain, chief and assistant chief of the Columbia Heights fire department.*

Sec. 49. Laws 1976, Chapter 238, Section 12, is amended to read:

Sec. 12. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.] Subdivision 1. There shall be established effective July 1, (1977) 1978, a coordinated retirement program within the Minneapolis teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation of the Minneapolis teachers retirement fund association pertaining to annual automatic annuity increases, eligibility for membership in the association, and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.

Subd. 2. The articles of incorporation of the Minneapolis teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective

July 1, (1977) 1978. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes, (1975 SUPPLEMENT,) Section 354A.12.

Sec. 50. Laws 1977, Chapter 35, Section 18, is amended to read:

Sec. 18. [TEMPORARY PROVISION.] Notwithstanding any other provision of (THIS ACT) *Laws 1977, Chapter 35* to the contrary, an increase in compensation provided a district or supreme court judge (HEREIN) in *Laws 1977, Chapter 35* shall not take effect (UNTIL EVERY) *as to any* judge of the district court (AND) *or any* justice of the supreme court who served in the district or supreme court prior to July 1, 1967, *until he* submits an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106.

Sec. 51. *An employee of the Hennepin county district court who has attained the age of 65 years or older and who has not less than seven years of allowable service as a member of the public employees retirement association following part-time service on an intermittent basis with the court, shall be entitled a proportionate retirement annuity pursuant to Minnesota Statutes, Section 356.32, notwithstanding the fact that the employee was not required to terminate service at age 65 or earlier. Payment of an annuity pursuant to this section shall be made retroactive to August 1, 1976 or the employee's date of termination, whichever is later.*

Sec. 52. [RAMSEY COUNTY; PUBLIC EMPLOYEES' RETIREMENT BENEFITS FOR SHERIFF'S PERSONNEL.]  
(a) *An employee of the Ramsey county sheriff's department, who is a member of the public employees police and fire fund and who was employed by the department before January 1, 1970 in a position that becomes covered by the police and fire fund membership after December 31, 1969 may receive allowable service credit in the police and fire fund for prior service by paying into the fund before December 31, 1977, the difference between the employee, employer and employer additional contributions actually paid, and the employee, employer and employer additional contributions that would have been paid under applicable law if the employee had been in the police and fire fund before January 1, 1970, together with six percent compound interest from the time the deductions would have been made to time of payment.*

(b) *If an employee makes payment in accord with this subdivision, allowable service credit in the general fund with respect to this prior service is eliminated and the executive director shall transfer the employee's account with respect to this service from the general to the police and fire fund.*

(c) Ramsey county may assume the obligation for additional payments, with interest, with respect to each employee who elects to pay the employee contributions and interest authorized by this section.

Sec. 53. Any person who, prior to May 1, 1975, had

(a) begun to receive a retirement annuity from the state employees' retirement fund established pursuant to Minnesota Statutes, Chapter 352;

(b) completed at least four years but fewer than eight years of service as a constitutional officer or commissioner and made employee contributions for that entire period of service to the elective state officers' retirement plan established pursuant to Minnesota Statutes, Chapter 352C;

(c) taken a refund of the employee contributions from the elective state officers' retirement plan upon termination of service as a constitutional officer or commissioner; and

(d) attained the age of 65 years or older; may elect to repay the refund to the elective state officers' retirement plan plus interest at six percent per annum compounded annually. Upon repayment the former constitutional officer or commissioner shall be entitled to receive a retirement allowance from the elective state officers' retirement plan. The amount of the retirement allowance shall be prorated, based on the relationship between the number of years of service for which the former constitutional officer or commissioner made contributions to the plan and eight years; provided, that payments from the elective state officers' retirement plan shall not be reduced by the amount of annuity or benefit payments from the state employees' retirement fund. In all other respects the laws in effect as of the date of termination of service shall govern.

Sec. 54. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.] Subdivision 1. The following amendment to the articles of incorporation of the Minneapolis teachers retirement fund association is hereby approved in accordance with Minnesota Statutes, Section 354A.12.

Subd. 2. [EARLY RETIREMENT.] Subsection (11) of Article IX shall be amended prior to July 1, 1977 to provide that all teachers who become members of the association after July 1, 1977, who have 30 years of service to their credit upon retirement, but who have not attained the age of 60 years upon the effective date of an application for a retirement annuity pursuant to that subsection, shall be entitled to a retirement annuity in an amount equal to the normal retirement annuity provided pursuant to that subsection reduced by one-quarter of one percent for each month that the member is under age 60 at the time of retirement.

**Sec. 55. [ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.]** *Subdivision 1. There shall be established effective July 1, 1978, a coordinated retirement program within the St. Paul teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation and the bylaws of the St. Paul teachers retirement fund association pertaining to eligibility for membership in the association and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.*

*Subd. 2. The articles of incorporation and the bylaws of the St. Paul teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective July 1, 1978. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes 1976, Section 354A.12.*

**Sec. 56. Notwithstanding anything to the contrary in Article IV, Section 3, Paragraph 3, of the bylaws of the St. Paul teachers retirement fund association, the annual amount of the pension payable to a member who retires on or after July 1, 1977 upon or after attaining the age of 60 years shall equal the product obtained by multiplying an amount equal to two percent of his average salary as defined in Article IX, Section 1, Paragraph 2 of the bylaws, by the number of years of his accredited service, subject to a maximum of 40 years. A pension payable prior to the member attaining the age of 60 years shall be reduced in accordance with the provisions of Article IV, Section 3, Paragraph 3 of the bylaws.**

**Sec. 57. [COLUMBIA HEIGHTS, CITY OF; FIREFIGHTERS SERVICE PENSIONS.]** *The Columbia Heights fire department relief association is separated into two divisions. One division shall be for the benefit of paid firefighters, first employed by the city of Columbia Heights, on or prior to December 31, 1974. This division shall be known as the "Columbia Heights*

fire department relief association, paid division" hereinafter referred to as "paid division". "Paid firefighter" means a person regularly entered onto the payroll of the fire department of the city as a paid full time regular firefighter serving on active duty. The other division shall be known as the "Columbia Heights fire department relief association, volunteer division" hereinafter referred to as the "volunteer division", which division shall include all volunteer firefighters hereinafter called "volunteers", of the city. Volunteers shall be persons who are not regularly entered on the full time payroll of the fire department of the city, but who regularly comply with such rules as may be prescribed by the public safety director or fire chief of the city upon delegation by the city council to such public safety director or fire chief of the right to prescribe rules for service by volunteers with the fire department of the city, and who by reason of their status as such volunteers are engaged in the hazards of fire fighting.

Sec. 58. Sections 57 to 77 shall not affect any pensions or other benefits which have been allowed or which are being paid by the Columbia Heights fire department relief association under or in accordance with any prior law in effect on the date these sections become effective. Payment of pensions and benefits shall be continued by the association, subject only to the provisions of sections 57 to 77. When every member of the volunteer division is deceased, the funds of such division shall become a trust fund managed for the benefit of the beneficiaries of such fund. In the event the city council shall abolish the volunteer branch of its fire department, any surplus remaining in the account of the special fund of the volunteer division after discharging all obligations to all members and other beneficiaries of the volunteer division shall be paid into the general treasury of the city of Columbia Heights. In the event the paid division is terminated by attrition or any other reason, any surplus remaining in the account of the special fund of the paid division after discharging all obligations shall be paid into the general treasury of the city. Upon the effective date of sections 57 to 77, the funds of the Columbia Heights fire department relief association may be allocated by three-fifths vote of the city council to the respective accounts of the special funds of each division of the relief association.

Sec. 59. The governing body of the Columbia Heights fire department relief association volunteer division shall consist of a board of trustees composed of the members of the Columbia Heights city council. The city manager, clerk-treasurer, chief of the fire department and the public safety director of the city shall be ex-officio members of the board of trustees. The ex-officio members shall not vote, nor shall they regulate the management or affairs of the division except as provided herein. The board of trustees of the volunteer division shall have the exclusive control and management of all affairs, property, and funds of the volunteer division from whatever source received for the benefit of the volunteer division special fund and shall have au-

thority to carry out the objects and purposes of the volunteer division as set forth in sections 57 to 77.

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

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

Sec. 60. *The mayor of the city of Columbia Heights shall be designated the president of the volunteer division's board of trustees and shall preside at all meetings of the board, provided, that in the mayor's absence the members of the city council who are present shall elect one council member as temporary presiding officer. The mayor shall have general supervision over the volunteer division and its affairs.*

*The city treasurer or finance director shall from time to time collect from the city of Columbia Heights and from the county of Anoka all funds derived from taxes levied by the city for the benefit of the special fund of the division and the interest from the investment thereof. He shall also collect from the state of Minnesota all funds and interest thereon derived from levies imposed and collected by the state for the benefit of the volunteer division on fire insurance premiums collected within the corporate limits of the city. He shall further receive and collect all funds derived from private sources specifically for the benefit of the volunteer division special fund. Such funds shall be transmitted to the division's board of trustees for investment.*

Sec. 61. *The volunteer division may adopt bylaws not in conflict with sections 57 to 77. The board of examiners shall be the representative of the volunteer division membership at any meeting with the volunteer division board of trustees. Members of the board of examiners shall act as advisors to the board of trustees but shall not have a vote in any matters coming before the board.*

Sec. 62. *Special meetings between the board of examiners and the board of trustees of the volunteer division shall be held in the Columbia Heights city council chambers and may be called at any time by the board of examiners upon the written request of any member of the board of examiners, upon written request of at least 30 percent of the members of such division or upon written request of the president of the board of trustees. A re-*

quest shall be delivered to the Columbia Heights city manager and shall include the agenda for the meeting and the time and date of the meeting. It shall be the duty of the city manager to give all active and retired members of the volunteer division, members of the board of trustees and ex-officio members of the board of trustees 48 hours' written notice of the special meeting. The notice shall include the agenda for the meeting and the time and date of the meeting. No business shall be transacted at any special meeting except business stated in the notice. Notices mailed by U. S. mail to the last known address of each active and retired volunteer division member and to each member of the volunteer division board of trustees including ex-officio members shall be sufficient to satisfy the requirements of this section provided the notices are posted no later than the fifth day prior to the meeting, not including Sundays or holidays.

A special meeting between the board of trustees and the board of examiners of the volunteer division shall be called no later than 15 days subsequent to the date the city manager receives written request for such meeting including the agenda for the meeting and the time and date of the meeting.

A special meeting of the volunteer division membership shall be called no later than 15 days subsequent to the date the city manager receives a written request for such meeting, including the agenda for such meeting and setting the time, date and place for such meeting, signed by at least 20 percent of the membership of such division. Meetings of the volunteer division membership shall be held at the place designated in the written request for the meeting but in any case shall be held either at the Columbia Heights fire department or at the city council chambers.

Sec. 63. The account in the special fund for the benefit of members of the Columbia Heights fire department relief association who are volunteers shall be continued and shall be designated the Columbia Heights fire department relief association volunteer division special fund and the special fund for the benefit of the members of the Columbia Heights fire department relief association who are paid firemen shall continue and shall be designated the Columbia Heights fire department relief association paid division special fund. The funds received by either division of the Columbia Heights fire department relief association from dues, fines, initiation fees, and entertainments shall be kept in a fund called the general fund and may be disbursed upon a majority vote of all members of the association for any purposes authorized by the articles of incorporation and bylaws of both divisions of the association. All moneys received by the association which are derived from payroll deductions from paid division members' salaries shall be paid into the account of the paid division special fund for the benefit of the paid firemen only. Funds received from all other sources may be allocated between the paid division special fund and the volunteer division

*special fund in such proportions as shall be designated from time to time by three-fifths vote of the Columbia Heights city council. State aid funds for fire relief associations received by the city pursuant to Minnesota Statutes, Chapter 69 and taxes collected may be transferred to the Columbia Heights fire department relief association in accordance with the provisions of chapter 69 or retained in whole or in part by the city as a portion of the required employer's pension contribution for firefighters who are members of the public employees' police and fire fund.*

*Sec. 64. The volunteer division, the city of Columbia Heights, and the officers of each, are authorized to do all things required by sections 57 to 77 and the Volunteer Firemen's Relief Association Guidelines Act of 1971, as a condition for the use of public funds or the levy of taxes for the support of the volunteer division.*

*Sec. 65. The minimum obligation of the city of Columbia Heights to the Columbia Heights fire department relief association shall be determined by the applicable provisions of Minnesota Statutes, Chapter 69 except that the normal cost of the paid division special fund shall be computed as a percentage of the salary paid only to members of the paid division.*

*Sec. 66. Commencing in the year 1980, in addition to the minimum obligation required by Minnesota Statutes, Chapter 69, the city of Columbia Heights shall provide additional financing to the Columbia Heights fire department relief association sufficient to amortize by the year 2010 the fund deficits as determined in accordance with the applicable provisions of Minnesota Statutes, Chapter 69. For the purpose of providing the financial requirements of sections 57 to 77, the city may levy taxes for the payment thereof without limitation as to rate or amount, notwithstanding any city charter limitation or any law to the contrary. The levy of such taxes shall not cause the amount of other tax levies of the city to be reduced in any amount. The city shall provide in its annual budget for the financial requirements of sections 57 to 77.*

*Sec. 67. Except as provided by sections 57 to 77, by specific enactment of the legislature or by charter amendment to the charter of the city of Columbia Heights, no relief association shall be established in the city to provide benefits for firefighters. No person who is a member of the Columbia Heights fire department relief association paid division shall be a member of the public employees retirement association. Provided, however, a volunteer firefighter who is a full time employee of some other department or agency of the city of Columbia Heights, the state of Minnesota, or of some other political subdivision of the state, may be a member of the public employees retirement association.*

Sec. 68. *Subdivision 1. Notwithstanding any provision of the law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide that the service pension payable to a retired volunteer firefighter, age 50 years or more with 20 years of service, shall be in the amount of not more than \$150 per month, hereinafter referred to as the "base service pension", plus an additional \$3 per month for each year of service in excess of 20 years to a maximum of \$180 per month. The base service pension as of the effective date of sections 57 to 77 shall be in the amount of \$150 per month.*

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

*Subd. 3. Notwithstanding any provision of the law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide that the estate of each volunteer shall be given a payment of \$1,000 for funeral benefits upon the death of the volunteer regardless of date or cause of death. No payment shall be made pursuant to this subdivision unless the volunteer is a member in good standing of the volunteer division or has retired as a member in good standing of the division.*

*Subd. 4. The city of Columbia Heights shall not reduce benefits provided in this act to volunteers unless a majority of the active and retired volunteers who are eligible to receive such benefits request such reduction in writing to the Columbia Heights city council.*

Sec. 69. *The Columbia Heights city council may provide for an increase in benefits paid to members of the paid division or to members of the volunteer division without further special or general legislation by the state, provided the action by the city council complies with the provisions of sections 57 to 77. The city council may increase or decrease the benefits paid to members of the paid division only by increasing or decreasing the monthly salary of a first grade firefighter pursuant to the provisions of Laws 1975, Chapter 424, Section 9. Nothing in sections 57 to 77 shall be construed to give authorization to the city council to increase or decrease benefits of members of the paid division by increasing or decreasing the number or value of "units" as defined in Laws 1975, Chapter 424, for periods of service in the fire department, nor shall the city council be authorized to change the definition of a "unit" or "units".*

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

*It shall be unlawful for the city of Columbia Heights to contribute any public funds, or to levy taxes for any such increase in benefits paid to members of the paid division or to members of the volunteer division, as the case may be, unless the city council has first complied with the provisions of sections 68 and 69.*

*Sec. 70. Minnesota Statutes, Section 69.021 shall specifically apply to the city of Columbia Heights and to the Columbia Heights fire department relief association.*

*Sec. 71. The Columbia Heights city clerk, when the state aid and tax collected is received by him, shall within five days transmit the payments to the city treasurer or city finance director who shall within 25 days of receipt by him pay over such amount to the board of trustees of each division of the Columbia Heights fire department relief association as such amount of state aid and tax is apportioned to each such division from time to time by three-fifths vote of the Columbia Heights city council.*

*Sec. 72. For the purpose of computation of service requirements in connection with payment of any pensions or other benefits provided by sections 57 to 77, service of volunteers who were members of the Columbia Heights fire department relief association prior to the date sections 57 to 77 become effective and service of all paid firefighters shall be taken into account on the same basis as though sections 57 to 77 were in existence during all the time such service was rendered.*

*Sec. 73. Section 48 and sections 57 to 77 and 79 shall become effective upon approval by the Columbia Heights city council and upon compliance with the provisions of Minnesota Statutes, Section 645.021.*

*Sec. 74. Notwithstanding any other law to the contrary, the governing body of the paid division shall be composed of a board of trustees. The board of trustees shall consist of six active paid firefighters, except as otherwise provided herein. The officers*

of the board of trustees shall be a president, one or more vice presidents, a secretary, a treasurer, assistant secretary, and assistant treasurer. Each officer shall be elected by the members of the paid division including retired, disabled whether permanently or temporarily, and active members. Nothing contained herein shall prevent a temporarily disabled active member from being elected or continuing as an officer of the board of trustees. In the event there are not six active members, or temporarily disabled active members, to fill the required six offices, the number of required offices shall be reduced to the number of active or temporarily disabled active members available.

Provided in no event shall said board of trustees consist of less than two officers, and said officers shall be a president and a secretary-treasurer.

In the event there are not enough active or temporarily disabled active members to act as a board of trustees, the paid division shall be governed as provided in section 76.

Sec. 75. The affairs of the paid division shall be managed by the board of trustees in the manner prescribed by law and the board of trustees of the paid division shall have exclusive control and management of all funds allocated to it under applicable law and received by its treasurer, including the funds derived under the provisions of Minnesota Statutes, Sections 424.30 and 424.31, funds derived from the state of Minnesota, and all moneys or property donated, given, granted, or devised for the benefit of the paid division special fund; and such funds when received shall be kept in a separate account in the special fund account of the paid division and never disbursed for any purposes except the following:

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

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

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

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

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

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

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

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

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

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

(ii) *\$2,000;*

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

*In the event that there are not enough paid members available to act as a board of trustees, funds shall be paid to a trustee, as provided in section 76, for the benefit of the beneficiaries of such funds and for purposes consistent with clauses (1) through (6) hereinabove.*

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

*Sec. 76. In the event the paid division board of trustees ceases to exist as provided in section 74, the existing funds of said division, and all funds said division would have been entitled to, had it continued to exist, shall be paid to a federally insured banking institution chartered by the state of Minnesota or by the United States as trustee for the beneficiaries and shall be managed for the benefit of the beneficiaries of such funds as provided in sections 20, 21, 22, 23, 24, 25 and 26, Laws 1965, Chapter 605, as amended by sections 6, 7, 8 and 9, Laws 1975, Chapter 424, and sections 57 to 77. When the trustee determines that there are no longer any persons entitled to benefits, the trustee shall pay all remaining funds to the general fund of the city of Columbia Heights, and the trust shall terminate.*

*Notwithstanding the provisions of any other law to the contrary, the trustee of the paid division shall have all the powers and duties that the board of trustees of the paid division would have had if said board would have continued to manage and administer the affairs of the paid division.*

Sec. 77. *The board of trustees of the paid division of the Columbia Heights fire department relief association, or the trustee acting in its place as provided in section 76, shall have full and permanent charge of and the responsibility for the proper management and control of its special fund.*

Sec. 78. [REPEALER.] *Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5, are repealed.*

Sec. 79. [REPEALER.] *Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3, are repealed.*

Sec. 80. [EFFECTIVE DATE.] *Sections 1, 2, 3, 4, 5, 6, 7, 11, 15, 21, 26, 27, 31, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, and 54 are effective the day following final enactment. Sections 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 55, 56, and 78 shall be effective July 1, 1977. Sections 48, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 79 shall be effective upon approval by the Columbia Heights city council and upon compliance with Minnesota Statutes, Section 645.021."*

Further, delete the title and insert the following: "A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; various technical amendments to the police state aid program; pension coverage for employees of state employee labor organizations; inclusions in the unclassified employees retirement plan; employment of certain substitute teachers beyond the mandatory retirement age; establishment of a coordinated program and providing for an increased retirement formula for the St. Paul teachers retirement fund association; delaying the establishment of a coordinated program for the Minneapolis teachers retirement fund association; delaying implementation of a limitation on the average salary for retirement benefits; purchase of prior service for certain legislative employees; administration and retirement benefits of the Columbia Heights firemen's relief association; modifying waiver requirement for certain district court judges and supreme court judges; proportionate annuity for certain Hennepin county district court employees; purchase of prior service for certain Ramsey county sheriff's department employees; repayment of refund for certain former members of the elective state officers plan; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5 and 7; 69.031, Subdivision 5; 352.03, Subdivisions 1, 2, and by adding a subdivision; 352D.02, Subdivi-

sion 1; 353.01, Subdivisions 2a, 2b, 6, and 15; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1 and 9; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 354.44, Subdivision 1a; 355.281; 355.286; 356.34, Subdivision 1; 422A.02; 422A.03, Subdivision 1; Chapters 352, by adding a section; and 355, by adding sections; Laws 1975, Chapter 388, Section 1; Laws 1975, Chapter 424, Section 9; Laws 1976, Chapter 238, Section 12; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; 353.64, Subdivision 5; Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 193, A bill for an act relating to courts; providing terms for district judges designated as juvenile judges in Hennepin and Ramsey counties; providing terms for district judges designated as family court judges in Hennepin county; amending Minnesota Statutes 1976, Sections 260.021, Subdivisions 2 and 3; and 484.65, Subdivisions 1 and 6.

Reported the same back with the following amendments:

Page 1, line 15, after "one" insert "*or more*".

Page 1, line 18, delete "*two*" and insert "*four*".

Page 1, line 19, delete "*the*" and insert "*a*".

Page 1, line 21, strike "*the*" and insert "*any*".

Page 1, line 22, strike "*The*" and insert "*Any*".

Page 1, line 23, strike "*the*".

Page 2, line 12, after the comma strike "*the*" and insert "*a*".

Page 2, line 20, delete "*two*" and insert "*four*".

Page 2, line 22, delete "*two*" and insert "*four*".

Page 2, line 23, before "judge" strike "*The*" and insert "*A*".

Page 2, line 26, strike "the" and insert "a".

Page 2, line 30, strike "the" and insert "a".

Page 4, after line 25, add:

*"Subd. 4. If the district court judges in either Hennepin or Ramsey county designate more than one district court judge to serve as juvenile court judge in Hennepin or Ramsey county, that additional judge shall be designated and appointed during the third year of the term of the juvenile court judge then serving."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 254, A bill for an act relating to trusts; clarifying county court jurisdiction over trusts; permitting a trustee or beneficiary of a trust to petition the court to release jurisdiction over certain trusts; amending Minnesota Statutes 1976, Sections 501.11; 501.12, Subdivision 3; 501.17; 501.211, Subdivision 4; 501.22, Subdivisions 2, 4, and 5; 501.23; 501.24; 501.25; 501.27; 501.33; 501.34; 501.35; 501.38; 501.42; 501.44; and Chapter 501, by adding a section.

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

The report was adopted.

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

S. F. No. 380, A bill for an act relating to courts; lapse of causes of action arising outside the state; amending Minnesota Statutes 1976, Section 541.14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 541.14, is repealed."

Amend the title:

Line 3, delete "amending" and insert "repealing".

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

The report was adopted.

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

S. F. No. 587, A bill for an act relating to courts; criminal defendants; providing authority to county courts to order examination of a defendant's mental capacity; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 30.

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

The report was adopted.

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

S. F. No. 603, A bill for an act relating to the public service commission; confining appeals from its decisions to the record; allowing the commission to appeal adverse decisions of the district court to the supreme court; amending Minnesota Statutes 1976, Section 216.25.

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

The report was adopted.

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

S. F. No. 718, A bill for an act relating to courts; jurors; ballots for selection; authorizing an alternative method of identification of jurors; amending Minnesota Statutes 1976, Section 593.07.

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

The report was adopted.

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

S. F. No. 719, A bill for an act relating to courts; repealing the law that requires court clerks to make costs and disbursements

reports to the county attorney in criminal cases; repealing Minnesota Statutes 1976, Section 485.09.

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

The report was adopted.

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

S. F. No. 720, A bill for an act relating to fees; repealing the filing fee in certain juvenile court proceedings; repealing Minnesota Statutes 1976, Section 260.106, Subdivisions 1 and 2.

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

The report was adopted.

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

S. F. No. 722, A bill for an act relating to courts; providing that petit jurors in probate court be selected in the same manner as petit jurors are selected in district court; amending Minnesota Statutes 1976, Section 525.013, by adding a subdivision; repealing Minnesota Statutes 1976, Section 525.013, Subdivisions 2 and 3.

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

The report was adopted.

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

S. F. No. 825, A bill for an act relating to eminent domain; court appointed commissioners; disqualifying certain attorneys from acting as a commissioner; amending Minnesota Statutes 1976, Section 117.075.

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

The report was adopted.

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

S. F. No. 860, A bill for an act relating to courts; county court districts; judges; prescribing the areas where the county court judges of St. Louis county shall reside, serve in, and be elected from; amending Minnesota Statutes 1976, Section 487.01, Subdivision 5.

Reported the same back with the following amendments:

Page 2, line 19, after "counties" insert "*, the district consisting of Pine, Chisago and Isanti counties,*".

Page 2, line 23, after "counties," insert "*and*".

Page 2, line 24, after "counties" strike "*and*".

Page 2, strike all of line 25.

Amend the title:

Line 3, delete "areas where the county".

Line 4, delete all of line 4.

Line 5, delete "serve in, and be elected from" and insert "places of residence, election, service and the numbers of certain county judges".

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

The report was adopted.

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

S. F. No. 971, A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

Reported the same back with the following amendments:

Page 1, line 21, delete "*shall*" and insert "*may*".

Page 1, line 21, after "*exemplified*" insert "*by the registrar or*".

Page 2, line 1, after "*court.*" insert "*Notwithstanding any law to the contrary, the probate registrar, his deputy and staff may advise inquiring persons of the availability of various methods of transferring the property of decedents domiciled in the county*".

*under the laws of this state. This section shall not be construed to require the probate registrar or his staff to render advice calling for the exercise of such professional judgment as constitutes the practice of law."*

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

The report was adopted.

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

S. F. No. 1293, A bill for an act relating to the Minnesota humane society; restructuring its board; making miscellaneous operational changes; repealing obsolete language; amending Minnesota Statutes 1976, Sections 343.01; 343.06 and 343.08; repealing Minnesota Statutes 1976, Sections 343.02; 343.03; 343.04; 343.05; 343.07 and 343.09.

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

The report was adopted.

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

S. F. No. 1349, A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for the source of per diem and expense payments; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, Subdivision 1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 238.04, Subdivision 2; 363.04, Subdivisions 4, 4a and 5; Chapter 15, by adding a section; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

Reported the same back with the following amendments:

Pages 5 to 7, delete sections 9 and 10.

Page 9, line 23, after "expenditures" insert "*during the fiscal biennium*".

Page 11, after line 19, insert:

"Sec. 21. *This act is effective the day following final enactment.*"

Renumber the sections in sequence.

Amend the title:

Page 1, line 19, delete "139.10."

Page 1, delete all of line 20.

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

The report was adopted.

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

H. F. No. 1166, A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.12, by adding a subdivision; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivision 3.

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

The report was adopted.

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

H. F. No. 1191, A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivisions 1 and 4; and repealing Minnesota Statutes 1976,

Sections 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.71] [CITATION.] *Sections 1 to 5 may be cited as the tax increment financing act.*

Sec. 2. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.72] *Subdivision 1. [DEFINITIONS.] For the purposes of this act the terms defined in this section shall have the meaning given them.*

*Subd. 2. [TAX INCREMENT DISTRICT.] Tax increment district is a geographic area delineated exclusively for the purpose of financing development, redevelopment or renewal in municipalities. The tax increment district is a redevelopment area consisting of contiguous or noncontiguous properties as specified in a city approved tax increment financing plan. In such districts the original assessed value is frozen and any increase in value is captured for financing the cost of development, redevelopment or renewal of such properties for a time period not to exceed the period during which tax increments may be remitted to an authority under section 4, subdivision 4.*

*Subd. 3. [ORIGINAL ASSESSED VALUE.] Original assessed value is the assessed value of all taxable real property within a tax increment district as most recently determined by the county auditor at the time of approval by the city council of the tax increment financing plan.*

*Subd. 4. [REDEVELOPMENT PROJECT.] Redevelopment project is a project as defined in Minnesota Statutes, Section 462.421, Subdivision 13, an industrial development district as defined in Minnesota Statutes, Section 458.191 or a development program as authorized in Minnesota Statutes, Chapter 472A, or any other development district project under any general or special law which is financed in whole or in part by tax increment financing.*

*Subd. 5. [AUTHORITY.] Authority means a housing and redevelopment authority created or authorized to be created by Minnesota Statutes, Chapter 462, a port authority created under chapter 458; or a municipality which is administering a development district created pursuant to chapter 472A or any special*

*law, or which exercises the powers of a port authority pursuant to any general or special law.*

*Subd. 6. [MUNICIPALITY.] Municipality means any city, however organized.*

*Subd. 7. [GOVERNING BODY.] Governing body means the duly elected council of a city.*

*Subd. 8. [BONDS.] Bonds means any bonds, including re-funding bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this act.*

*Subd. 9. [REDEVELOPMENT AREA.] Redevelopment area means a deteriorated area as defined in Minnesota Statutes, Section 462.421, Subdivisions 11 and 13, Clause (2).*

**Sec. 3.** Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.73] *Subdivision 1. [TAX INCREMENT FINANCING PLAN.] A tax increment financing plan shall contain a statement of objectives of an authority for improvement of a tax increment district. The plan shall contain a description of the development or redevelopment program for the district. This plan shall contain a statement as to the public facilities to be constructed within the district, the open space to be created, and the proposed reuse of property. It shall contain estimates of the following: cost of the redevelopment project; sources of revenue to finance these costs including estimates of tax increments; amount of bonded indebtedness to be incurred; and the duration of the district's existence. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the district is located. The plan shall be accompanied by a full disclosure of any commitments, agreements or contracts which have been made with a developer or developers for the proposed development or redevelopment.*

*Subd. 2. [APPLICATION, NOTICE, HEARING.] (a) Whenever an authority determines that an area is a redevelopment area and a tax increment district should be formed, it shall apply to the governing body of the municipality in which the district is located for approval thereof. The application shall be accompanied by a tax increment financing plan. Before approving any tax increment financing plan, the governing body shall hold a public hearing thereon after published notice in a newspaper of general circulation in the municipality at least once not less than ten days nor more than 30 days prior to the date of hearing. The authority shall make the plan available to the public at least 15 days prior to the public hearing.*

(b) Whenever tax increment financing is used for a redevelopment project which is approved under Minnesota Statutes, Section 462.521, the tax increment financing plan may accompany the renewal plan and such portions of section 3, subdivision 1, which are contained in the renewal plan need not be repeated in the tax increment financing plan.

Subd. 3. [FINDINGS, NOTICE, DETERMINATION; GOVERNING BODY.] The authority shall not proceed with a redevelopment project financed through tax increments unless the governing body finds by resolution that (a) the project is in a redevelopment area; (b) tax increment financing is necessary to successfully complete the project; (c) the development or redevelopment plans for the tax increment district in the municipality will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the redevelopment of such areas by private enterprise; and (d) the tax increment financing plan conforms to a general plan for the development of the municipality as a whole. The governing body shall within 90 days after submission of the application or resubmission as hereinafter provided, give written notice to the authority of its decision with respect to the tax increment financing plan. If approval is not given within 90 days the application shall be deemed to have been rejected. A plan which has not been approved by the governing body when submitted to it may be again submitted to it with such modifications as are necessary to meet its objections.

Subd. 4. [LIMITATIONS ON TAX INCREMENT DISTRICTS.] The total market value of taxable real property in any one tax increment district at the time the tax increment financing plan for the district is adopted shall not exceed three percent of the total market value of taxable real property in the municipality as then most recently certified by the county auditor, and shall not, when added to the current market value of taxable real property within tax increment districts for which the unrecovered cost of bonds remain, exceed seven percent of the total market value of taxable real property in the municipality as most recently certified by the county auditor.

Subd. 5. [CONSULTATIONS WITH OTHER JURISDICTIONS.] Prior to the public hearing on formation of a tax increment district the governing body and the authority shall meet with the members of the board of commissioners of any county in which a portion of the tax increment district is located and with the members of the school board of any school district in which a portion of the tax increment district is located. The members of the boards of commissioners and of the school boards shall be informed of the fiscal and economic implications of the proposed tax increment district. The members of the boards of commissioners and of the school boards may present their recommendations at the public hearing on the tax increment financing plan.

*Subd. 6. [MODIFICATION OF PLAN.] A tax increment financing plan may be modified by an authority at any time, provided that any enlargement of geographic area, increase in amount of bonded indebtedness to be incurred, increase in the portion of captured assessed value to be retained by the authority or use of revenues derived from the tax increment district in the municipality, if not previously included in the tax increment financing plan shall be approved by the governing body upon such notice and after such public hearings and agreements as are required for approval of the original plan, prior to being put into effect. The geographic area of a tax increment district shall not be enlarged after five years following the date of approval of the original tax increment financing plan or five years from the effective date of this act for districts authorized prior to the effective date of this act. For such purposes of determining original assessed value and compliance with the limitations imposed in tax increment districts in section 3, subdivision 4, any real property added to the district as a result of a modification shall be regarded as part of the original tax increment district and its original value shall be its value as was most recently determined prior to the date of approval of the original tax increment financing plan.*

Sec. 4. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.74] [COMPUTATION OF TAX INCREMENT.] *Subdivision 1. [ORIGINAL ASSESSED VALUE.] Upon or after adoption of a tax increment financing plan by the governing body the auditor of the county in which it is situated shall upon request of the authority certify the original assessed value of the real property within the boundaries of the tax increment district as described in the tax increment financing plan. Property taxable at the time of the request shall be included in the original assessed value at its most recently determined valuation. Property exempt from taxation at the time of the request shall be included at zero unless it was taxable when the tax increment financing plan was approved in which case its most recently determined assessed valuation before it became exempt shall be included.*

*Subd. 2. [CAPTURED ASSESSED VALUE.] Any amount by which the current assessed value of a tax increment district exceeds the original assessed value is referred to as the captured assessed value. The county auditor shall certify the amount of the captured assessed value to the authority each year thereafter.*

(a) *An authority may choose to retain any part or all of the captured assessed value for purposes of tax increment financing according to one of the following options:*

(1) *If the plan provides that all the captured assessed value is necessary to finance the redevelopment costs the authority may retain the full captured assessed value.*

(2) *If the plan provides that only a portion of the captured assessed value is necessary to finance the redevelopment costs of the project only that portion should be set aside and the remainder shall be distributed among the affected taxing districts by the county auditor.*

(b) *The portion of captured assessed value that an authority intends to use for purposes of tax increment financing must be clearly stated in the tax increment financing plan.*

(c) *The total captured assessed value shall be included in the determination of adjusted assessed value under the provisions of section 124.212 for purposes of determining any state aids or measures of local effort which use the value derived under the provisions of section 124.212.*

**Subd. 3. [TAX INCREMENTS.]** (a) *In each subsequent year the county auditor shall compute assessed valuation, mill rates and tax increments according to the following method:*

(1) *If the authority retains the full captured assessed value the county auditor shall include no more than the original assessed value of the real property in the tax increment district for purposes of determining assessed value for local mill rates. He shall compute the mill rates of all taxes levied by the state, the county, the municipality or town, the school district and every other taxing district in which the district is located on the aforementioned assessed value. He shall extend all mill rates against the current assessed value, including the captured assessed value. In each year for which the current assessed value exceeds the original assessed value the county treasurer shall remit to the authority that proportion of all taxes paid that year on real property in the district which the captured assessed value bears to the total current assessed value. The amount so remitted each year is referred to in this section as the tax increment for that year.*

(2) *If the authority retains only a portion of the captured assessed value for its use and returns the remaining portion to the tax rolls of all affected taxing districts, the county auditor shall include the original assessed value and that portion of the captured assessed value which is shared with all the affected taxing districts in determining the assessed value for computing mill rates. He shall compute the mill rates of all taxes levied by the state, county, municipality, school district, and every other taxing district in which the district is located on this aforementioned assessed value. He shall extend all mill rates against the total current assessed value including that portion of the captured assessed value which the authority is retaining for its use only. In each year for which the current assessed value exceeds the original assessed value the county treasurer shall remit to the municipality that proportion of all taxes paid on real property in the district that the retained captured assessed value*

bears to the total current assessed value in the district. The amount so remitted each year is referred to as the tax increment.

(b) In any year in which the current assessed value of the tax increment district is equal to or less than the original assessed value of the district, the county auditor shall compute and extend taxes against the current value. Taxes shall be distributed from the affected property to each of the taxing authorities as determined by the current levy and there is no tax increment.

Subd. 4. [TAX INCREMENT ACCOUNT.] Tax increments received with respect to a tax increment district shall be segregated by the authority entitled to receive them in a special account on its official books and records. The tax increments shall be remitted to the authority under a pledge agreement until the public cost of the development program authorized in the tax increment financing plan for the district has been fully reimbursed from the tax increments or until 20 years from the date of approval of the tax increment financing plan, whichever is sooner.

In any year in which the tax increments exceed the amount necessary to pay the costs authorized by the tax increment financing plan, including the amount necessary to cancel any tax levy as required in subdivision 5, the authority shall use the excess amount to prepay any outstanding bonds or discharge the pledge of tax increments therefor or shall return the money to the municipality, county and school district in which the tax increment district is located in direct proportion to their respective mill rates.

Subd. 5. [TAX INCREMENT FINANCING.] The authority shall expend the tax increments received for any development or redevelopment project only in accordance with the tax increment financing plan, subject to the provisions of subdivision 4. Tax increments may be pledged and appropriated for the payment of the principal of and interest on general obligation bonds issued in aid of the project pursuant to Minnesota Statutes, Chapter 458, or bonds issued in aid of the project pursuant to Minnesota Statutes, Chapters 462 and 472A; Laws 1971, Chapters 548 and 677; and Laws 1973, Chapters 196, 761 and 764, by the authority or by the municipality within whose corporate limits the tax increment district is situated. Any such pledge for the payment of bonds issued by the municipality shall be made by written agreement executed on behalf of the authority and the municipality and filed with the county auditor. The collections of the tax increments shall be certified annually to reduce or cancel the initial tax levies in accordance with Minnesota Statutes, Section 475.61, Subdivision 3. When such an agreement is made and filed, the bonds may be issued by the municipality in the same manner and subject to the same conditions as those provided in Minnesota Statutes, Chapter 475, for bonds financing improvement costs reimbursable from special assess-

ments except that these bonds shall be subject to the limitations on net debt provided in section 475.53. However, in all first class cities where the net debt limitation is at the minimum level stated in section 475.53 those municipalities shall be authorized under the provisions of this section to issue after the date of this act additional tax increment bonds not to exceed \$6,000,000 in total amount which shall not be included in the computation of the net debt limitation under section 475.53.

Any other revenues derived from the tax increment district may also be pledged to the payment of the bonds and interest thereof. The pledge of any revenues, including tax increments to the payment of bonds and interest thereon may be discharged if sufficient funds have been irrevocably deposited in escrow to provide for payment when due of the bonds and interest thereon. The full faith and credit and taxing powers of the municipality shall continue to be pledged to the payment of any general obligation bonds until the principal of and interest on the bonds have been paid in full.

Subd. 6. [LIMITATION ON USE OF TAX INCREMENTS.] Revenues derived from tax increments shall be used only to pay off bonds capital costs, redevelopment costs, and administrative expenses authorized by the existing general or special law under which the authority was created as authorized in the tax increment financing plan, provided that tax increments shall not be used to pay any administrative expenses which exceed five percent of the total cost of the project. Prior to the sale of bonds, written agreements shall be negotiated and shall provide that the increment generated from the development or redevelopment shall be determined by the governing body to be sufficient to retire the bonds.

Subd. 7. [ANNUAL DISCLOSURE.] On or before July 1, of each year, the authority shall submit to the governing body of the municipality, the county board and the school board a report on the status of the account. The report shall include the following information: the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the amount of principal and interest on any outstanding bonded indebtedness, the original assessed value of the district, the captured assessed value retained by the district, the captured assessed value shared with other taxing districts, the tax increments received and any additional information necessary to demonstrate compliance with the tax increment financing plan. An annual statement showing the tax increments received and expended in that year, the original assessed value, captured assessed value, amount of outstanding bonded indebtedness, and any additional information the governing body deems necessary shall be placed on file with the city clerk and county auditor and made available to the public upon request.

Sec. 5. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.75] [EXISTING PROJECTS.] *This act does not affect any project which was approved by a city council under Minnesota Statutes, Sections 462.545, 462.585, 474.10, and Chapter 472A; Laws 1971, Chapters 548 and 677; and Laws 1973, Chapters 196, 761, or 764 prior to its enactment, unless the authority undertaking the project and the governing body elect to proceed with the project under the provisions of this act. Provided, however, that any existing project using tax increment financing which was approved prior to the effective date of this act may not incur indebtedness in excess of the amount which has been previously approved in a financing plan by the governing body unless the project follows the procedures provided for modification of tax increment financing plans pursuant to section 3, subdivision 6, of this act.*

*If an existing project has been established without a financing plan, the authority must present to the governing body a tax increment financing plan in accordance with the procedures established in section 3, subdivision 6, and said plan must be approved prior to June 1, 1978, provided that the authority may not enlarge the geographic area of the district or lengthen the time of its duration through this process. If the governing body approves the tax increment financing plan, the project shall only proceed according to the plan and shall not be subject to the limitations contained in section 3, subdivision 4, or any other limitations contained in this act.*

*Beginning July 1, 1978 all projects using tax increment financing which have been approved prior to July 1, 1978 shall comply with the provisions of section 4, subdivision 7.*

Sec. 6. Minnesota Statutes 1976, Section 458.192, Subdivision 11, is amended to read:

Subd. 11. Upon or after the creation of an industrial development district under section 458.191, (THE AUDITOR OF THE COUNTY IN WHICH IT IS SITUATED SHALL UPON REQUEST OF THE PORT AUTHORITY CERTIFY THE THEN MOST RECENTLY DETERMINED ASSESSED VALUATION OF ALL OR SO MUCH OF THE TAXABLE REAL PROPERTY WITHIN THE DISTRICT AS IS IDENTIFIED BY LEGAL DESCRIPTION IN THE REQUEST, OTHER THAN THAT PORTION OF THE VALUATION WHICH IS CONTRIBUTED TO AN AREA-WIDE TAX BASE UNDER CHAPTER 473F. THE AUDITOR SHALL CERTIFY TO THE AUTHORITY IN EACH YEAR THEREAFTER THE AMOUNTS AND PERCENTAGES OF SUBSEQUENT INCREASES OR DECREASES IN SUCH VALUATION OTHER THAN THAT PORTION OF SUCH INCREASES OR DECREASES WHICH IS CONTRIBUTED TO AN AREA-WIDE

TAX BASE UNDER CHAPTER 473F. THE AUDITOR SHALL COMPUTE THE MILL RATES OF TAXES AGAINST SUCH ORIGINAL VALUATION BUT SHALL EXTEND SUCH RATES ALSO AGAINST ANY INCREMENTAL VALUE AND REMIT THE RESULTING TAX INCREMENT TO THE PORT AUTHORITY IN THE SAME MANNER AS THAT PROVIDED FOR THE COMPUTATION AND REMITTANCE OF TAX INCREMENTS UNDER SECTION 462.585, SUBDIVISIONS 2 AND 3. THE PORT AUTHORITY SHALL SEGREGATE TAX INCREMENTS RECEIVED WITH RESPECT TO ANY SUCH PROPERTY DISTRICT IN A SPECIAL ACCOUNT ON ITS OFFICIAL BOOKS AND RECORDS. SUCH TAX INCREMENTS SHALL BE REMITTED TO THE PORT AUTHORITY UNTIL THE COST OF REDEVELOPMENT OF THE MARGINAL LAND WITHIN THE DISTRICT, INCLUDING INTEREST THEREON, HAS BEEN FULLY REIMBURSED FROM THE TAX INCREMENTS. WHEN SUCH FULL REIMBURSEMENT HAS BEEN MADE, IT SHALL BE REPORTED BY THE PORT AUTHORITY TO THE COUNTY AUDITOR, WHO SHALL THEREAFTER INCLUDE THE ENTIRE ASSESSED VALUATION OF THE PROPERTY IN THE ASSESSED VALUATIONS UPON WHICH TAX MILL RATES ARE COMPUTED AND EXTENDED AND TAXES ARE REMITTED TO ALL TAXING DISTRICTS. ANY PART OR ALL OF SUCH TAX, IF SO DIRECTED BY THE CITY COUNCIL, SHALL BE PLEDGED AND APPROPRIATED FOR THE PAYMENT OF ANY GENERAL OBLIGATION BONDS OF THE PORT AUTHORITY. INCREASES IN THE VALUE OF SUCH PROPERTY, SUBSEQUENT TO CERTIFICATION OF THE BASE FOR COMPUTING THE TAX INCREMENT THEREFROM, SHALL NOT BE INCLUDED IN THE ASSESSED VALUATION OF ANY TAXING DISTRICT FOR THE PURPOSE OF COMPUTING ANY DEBT OR LEVY LIMITATION OR THE AMOUNT OF ANY STATE OR FEDERAL AID TO THE TAXING DISTRICT, SO LONG AS THE TAX INCREMENT THEREFROM IS SEGREGATED UNDER THE PROVISIONS OF THIS SECTION) *the port authority may apply to the governing body of the municipality in which the industrial development district is located for approval to form a tax increment district and use tax increment financing to pay the costs of development or redevelopment under the provisions of sections 1 to 5.*

Sec. 7. Minnesota Statutes 1976, Section 462.585, Subdivision 1, is amended to read:

462.585 [AGREEMENTS RESPECTING TAX INCREMENTS AND EQUIVALENTS; PLEDGE FOR BONDS.] Subdivision 1. [GENERAL.] In connection with any project of an authority located wholly or partly within the corporate limits of any municipality or other state public body, such body may agree with the authority with respect to the payment by the authority of such sums in lieu of taxes for any year or period of years in accordance with the provisions of section 462.575, but

for no longer period than the period of tax exemption provided for under that section. In any case where property owned by the authority in a redevelopment project area is leased or otherwise made available by the authority to a private individual, firm, or corporation which previously owned the same or other property within the area, not for development in connection with the project but for temporary use pending relocation of such former owner's residence or business, the authority may agree to payment of sums in lieu of taxes for any year or period of such temporary use, not exceeding the amount of the annual rentals or other payments it receives for such use, but during such use the property and the authority shall be exempt from all taxes and special assessments as provided in section 462.575, and the provisions of section 272.01, subdivision 2 and of section 273.19 shall not apply to such property or to such use thereof. In connection with any redevelopment project, an authority may make further agreements respecting taxes as provided (BELOW) in sections 1 to 5.

Sec. 8. Minnesota Statutes 1976, Section 472A.06, is amended to read:

472A.06 [ISSUANCE OF BONDS.] The governing body of the municipality, may authorize, issue and sell general obligation bonds, which shall mature within 30 years from the date of issue, to finance the acquisition and betterment of real and personal property needed to carry out the development program within the development district together with all relocation costs incidental thereto in accordance with sections 475.51, 475.53, 475.54, 475.55, 475.56, 475.60, 475.61, 475.62, 475.63, 475.65, 475.66, 475.69, 475.70, 475.71. All tax increments received by the municipality pursuant to (SECTION 472A.08) sections 1 to 5 shall be pledged for the payment of these bonds and used to reduce or cancel the taxes otherwise required to be extended for that purpose, and the bonds shall (NOT) be included when computing the municipality's net debt.

Sec. 9. Minnesota Statutes 1976, Section 473F.02, Subdivision 3, is amended to read:

Subd. 3. "Commercial-industrial property" means the following categories of property, as defined in section 273.13, excluding that portion of such property (a) (WHICH MAY, BY LAW, CONSTITUTE THE TAX BASE FOR A TAX INCREMENT PLEDGED PURSUANT TO SECTIONS 462.585 OR 474.10, TO THE EXTENT AND WHILE SUCH TAX INCREMENT IS SO PLEDGED; (B)) which may, by law, constitute the tax base for tax revenues set aside and paid over for credit to a sinking fund pursuant to direction of the city council in accordance with Laws 1963, Chapter 881, as amended, to the extent that such revenues are so treated in any year; or ((C)) (b) which is exempt from taxation pursuant to section 272.02:

(a) That portion of class 3 property consisting of stocks of merchandise and furniture and fixtures used therewith; manufacturers' materials and manufactured articles; and tools, implements and machinery, whether fixtures or otherwise.

(b) Class 3h property.

(c) Class 3j property.

(d) That portion of class 4 property which is either used or zoned for use for any commercial or industrial purpose, except for such property which is, or, in the case of property under construction, will when completed be used exclusively for residential occupancy and the provision of services to residential occupants thereof. Property shall be considered as used exclusively for residential occupancy only if each of not less than 80 percent of its occupied residential units is, or, in the case of property under construction, will when completed be occupied under an oral or written agreement for occupancy over a continuous period of not less than 30 days.

If the classification of property prescribed by section 273.13 is modified by legislative amendment, the references in this subdivision shall be to such successor class or classes of property, or portions thereof, as embrace the kinds of property designated in this subdivision.

(e) That property valued and assessed under section 273.13, subdivision 14.

Sec. 10. Minnesota Statutes 1976, Section 474.10, Subdivision 1, is amended to read:

474.10 [SOURCE OF PAYMENT FOR BONDS.] Subdivision 1. Revenue bonds issued under this chapter shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, (EXCEPT AS PROVIDED IN THIS SECTION,) nor shall the municipality or redevelopment agency issuing the same be subject to any liability thereon. No holder or holders of such bonds shall ever have the right to compel any exercise of the taxing power of the municipality or redevelopment agency to pay any such bonds or the interest thereon, (EXCEPT AS PROVIDED IN SUBDIVISION 2,) nor to enforce payment thereof against any property of the municipality or redevelopment agency except those projects, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purpose of this chapter.

Sec. 11. Minnesota Statutes 1976, Section 474.10, Subdivision 4, is amended to read:

Subd. 4. Such bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the mu-

municipality or redevelopment agency, except those projects, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purposes of this chapter. Each bond issued hereunder shall recite in substance that the bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof, ( BUT MAY CONTAIN A REFERENCE TO THE LEASE INSURANCE OR BOND RESERVE FOR WHICH THE TAX INCREMENT IS PLEDGED AND APPROPRIATED). No such bond shall constitute a debt of the municipality or redevelopment agency within the meaning of any constitutional or statutory limitation. However, nothing herein shall impair the rights of holders of bonds issued hereunder to enforce covenants made for the security thereof as provided in section 474.11.

Sec. 12. [REPEALER.] *Minnesota Statutes 1976, Sections 458.192, Subdivision 12; 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3, are repealed.*

Sec. 13. [EFFECTIVE DATE.] *The provisions of this act shall be effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 10, after "Sections" insert "458.192, Subdivision 12;".

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

The report was adopted.

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

H. F. No. 1266, A bill for an act relating to the town of McDavitt; authorizing the town to issue general obligations for acquisition and betterment of a town hall.

Reported the same back with the following amendments:

Page 1, line 16, delete ", nor shall".

Page 1, delete lines 17 to 19.

Page 1, delete line 20 to the period.

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.

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

S. F. No. 218, A bill for an act relating to municipalities; procedures required for the letting of certain contracts; amending Minnesota Statutes 1976, Section 471.345, Subdivisions 3, 4 and 5.

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

The report was adopted.

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

S. F. No. 628, A bill for an act relating to counties; extending the compliance date for county official controls; amending Minnesota Statutes 1976, Section 394.312.

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

The report was adopted.

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

S. F. No. 695, A bill for an act relating to the Como Park zoo; requiring the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

Reported the same back with the following amendments :

Strike everything after the enacting clause and insert :

“Section 1. Minnesota Statutes 1976, Chapter 473, is amended by adding a section to read :

[473.326] [BONDS; COMO PARK ZOO.] *Subdivision 1. Subject to the provisions of subdivision 2, the metropolitan council shall by resolution authorize the issuance of general obligation bonds of the council in an aggregate principal amount not exceeding \$2,000,000, in addition to the amount authorized under the provisions of section 473.325. The proceeds shall be used by the council for grants to the city of Saint Paul for the repair, construction, reconstruction, improvement, and rehabilitation*

of the Como Park zoo owned and operated by the city. The council shall reduce the principal amount of bonds issued under this section by an amount equal to any federal funds in excess of \$181,000 which may become available for use for the same purposes. If such federal funds in excess of \$181,000 become available after the issuance of the bonds and within two years following the effective date of this act, the proceeds paid to the city shall be reduced by or reimbursed to the council in an amount or amounts equal to the excess, and, accordingly, the council may use the remaining or reimbursed proceeds for the other purposes authorized by section 473.325. The bonds shall be sold, issued, and secured as provided in section 473.325, and the terms of each series thereof shall be fixed so that the annual principal and interest payments thereon, together with those on all outstanding and undischarged bonds issued pursuant to section 473.325, will not exceed the limit provided in that section.

Subd. 2. The city council shall cause to be prepared, approve, and submit to the metropolitan council plans for any work for which a grant is requested. The metropolitan council shall determine whether the plans are consistent with Ramsey county's master plan and the metropolitan council's policy plan for regional recreation open space. If not, or if the determination cannot be made on the basis of the plans as submitted, they shall be returned with comments to the city council for revision and resubmission. No bonds shall be issued under this section until the plans for the work to be financed thereby are approved by the metropolitan council.

Subd. 3. Of any state funds reappropriated to the metropolitan council for use for the acquisition and betterment of regional recreation open space, at least \$1,000,000 shall be used by the council for grants to the city of Saint Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo.

Subd. 4. No grant made under this section shall affect the city's ownership of or power to manage and operate the zoo, in a manner consistent with the master plan and policy plan.

Sec. 2. [EFFECTIVE DATE.] Pursuant to Article XII, Section 2, of the Constitution and section 645.023, it is determined that this act is a special law applicable on its effective date to the metropolitan council and the city of Saint Paul and in the metropolitan area including the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and that this act shall become effective without local approval on the day following final enactment."

Further, amend the title as follows:

Page 1, line 2, delete "relating to the Como Park zoo; requiring" and insert "authorizing".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 828, A bill for an act relating to the city of Duluth; authorizing the city to acquire, construct, and maintain parking facilities and to finance same.

Reported the same back with the following amendments:

Page 4, line 5, delete everything after the period.

Page 4, delete lines 6 to 9.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1023, A bill for an act relating to public indebtedness; regulating the sale of securities by municipalities subject to reverse repurchase agreements; providing penalties for misconduct of municipal officers in the execution of agreements; amending Minnesota Statutes 1976, Section 475.51, by adding a subdivision; and Chapter 475, by adding a section.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 270, A bill for an act relating to motor vehicles; increasing gross weight limitations on interstate highways and routes designated by the commissioner of transportation; increasing truck registration taxes on heaviest trucks; establishing procedures for route designation and undesignation; requiring weight enforcement reports by county sheriffs; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1c, 1e and 12; 169.79; 169.83, Subdivisions 1 and 2; 169.85; 169.86, by adding a subdivision; and Chapter 169, by adding sections.

Reported the same back with the following amendments:

Page 3, line 11, delete "1,120.00" and insert "1,155.00".

Page 3, line 11, delete "672.00" and insert "693.00".

Page 3, line 12, delete "1,190.00" and insert "1,260.00".

Page 3, line 12, delete "714.00" and insert "746.00".

Page 20, line 15, delete "July 1 of each year" and insert "January 15, 1979,".

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 1196, A bill for an act relating to aeronautics; requiring out of state airports operating under joint agreement with a Minnesota municipality to be treated as airports located in Minnesota for purposes of state and federal assistance; amending Minnesota Statutes 1976, Section 360.042, by adding a subdivision.

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

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. Nos. 896, 23, 181, 193, 254, 380, 587, 603, 718, 719, 720, 722, 825, 860, 971, 1293, 1349, 218, 628, 695, 828, 1023, 270 and 1196 were read for the second time.

## 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. 300, A bill for an act relating to elections; removing a provision for special hours during which registration locations must be open; amending Minnesota Statutes 1976, Section 201.091, Subdivision 6.

H. F. No. 307, A bill for an act relating to retirement; correcting outdated references in the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 25; 354.41, Subdivision 3; 354.49, Subdivision 1; 354.53, Subdivision 1; 354.55, Subdivisions 6, 15, and 18; and 354.58.

H. F. No. 334, A bill for an act relating to highway traffic regulations; lengths of certain vehicles and combinations of vehicles; amending Minnesota Statutes 1976, Section 169.81, Subdivision 3.

H. F. No. 521, A bill for an act relating to Independent School District No. 196 (Rosemount) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 196 and annexed to Independent School District No. 194.

H. F. No. 563, A bill for an act relating to Independent School District No. 721 (New Prague) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 721 and annexed to Independent School District No. 194.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 598, A bill for an act relating to Becker county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing the same and prescribing penalties for violations thereof.

H. F. No. 707, A bill for an act relating to taxation; changing certain procedures for objecting to real or personal property taxes; providing for city and town attorneys to handle prosecutions; amending Minnesota Statutes 1976, Sections 277.011, Subdivisions 1 and 5; 278.01 and 278.05.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1172.

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. 544 and 556.

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. 698, 1029 and 1051.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 1172, A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

The bill was read for the first time.

Sieben, H., moved that S. F. No. 1172 and H. F. No. 1365, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 544, A bill for an act relating to public employment labor relations; clarifying and revising the powers and duties of the director of the bureau of mediation services and the public employment relations board; authorizing the director to decertify exclusive representatives and to clarify or amend appropriate bargaining units; authorizing the public employment relations board to obtain administrative services and staff subject to appropriation, and to issue notices, subpoenas and orders; revising

the criteria for determining appropriate units; authorizing the appeal of certain decisions by the public employment relations board to the supreme court; revising the compensation of arbitrators; eliminating the independent review of grievances; amending Minnesota Statutes 1976, Sections 179.61; 179.62; 179.63, Subdivisions 1, 6, 8, 9, 9a, 10, 11, 13, 14 and 17; 179.64, Subdivision 7; 179.65, Subdivisions 1, 2 and 6; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivisions 4, 5, 6, 14, and by adding a subdivision; 179.68; 179.69, Subdivisions 1 and 2; 179.70, Subdivision 1; 179.71, Subdivisions 2, 3, 4 and 5; 179.72, Subdivisions 1, 3, 4, 6 and 7; 179.74, Subdivisions 2 and 4; repealing Minnesota Statutes 1976, Section 179.76.

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

S. F. No. 556, A bill for an act relating to the city of Minneapolis and Hennepin county municipal building commission; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

The bill was read for the first time.

Enebo moved that S. F. No. 556 and H. F. No. 501, now on General Orders, be referred to the Chief Clerk for comparison.

The motion prevailed.

S. F. No. 698, A bill for an act relating to insurance companies; simplifying language and removing obsolete provisions; clarifying ambiguities; establishing certain responsibilities; requiring performance bonds for certain corporate officers and employees; increasing certain fees; increasing certain capitalization and reserve requirements; providing certain restrictions; authorizing mutual companies to write certain additional kinds of insurance; prescribing certain penalties; amending Minnesota Statutes 1976, Sections 60A.07, Subdivisions 5d and 11; 60A.09, Subdivision 1; 60A.10, Subdivision 1; 60A.11, Subdivision 2; 60A.12, Subdivision 5; 60A.19, Subdivision 1; 60A.23, Subdivision 7; 60C.06, Subdivision 1; 61A.40; 66A.08, Subdivision 1; 66A.09; 66A.10; 66A.16, Subdivision 2; repealing Minnesota Statutes 1976, Sections 60A.12, Subdivision 6; and 63.36.

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

S. F. No. 1029, A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.02, by adding a subdivision; 116A.09; 116A.11, Subdivision 4; 116A.12, by adding a subdivision; 116A.16;

116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivisions 1, 2 and 3.

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

S. F. No. 1051, A bill for an act relating to grand juries; providing for grand juries drawn from more than one county; amending Minnesota Statutes 1976, Section 628.41.

The bill was read for the first time.

Nelson moved that S. F. No. 1051 and H. F. No. 1347, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 437, 586 and 339 was reported to the House.

#### CONSENT CALENDAR

S. F. No. 69, A bill for an act relating to adoption; increasing the exceptions in execution of consents to adoptions; requiring consents to be in writing, before witnesses; amending Minnesota Statutes 1976, Section 259.24, Subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Hanson	Mann	Savelkoul
Adams	Clark	Heinitz	McDonald	Scheid
Albrecht	Clawson	Hokanson	McEachern	Schulz
Anderson, B.	Cohen	Jacobs	Metzen	Searle
Anderson, D.	Corbid	Jensen	Moe	Searles
Anderson, G.	Dahl	Johnson	Munger	Sherwood
Anderson, I.	Dean	Jude	Murphy	Sieben, H.
Anderson, R.	Den Ouden	Kahn	Neisen	Sieben, M.
Arlandson	Eckstein	Kaley	Nelsen, B.	Simoneau
Battaglia	Eken	Kalis	Nelsen, M.	Skoglund
Beauchamp	Ellingson	Kelly, R.	Nelson	Smogard
Begich	Enebo	Kelly, W.	Niehau	Stanton
Berg	Erickson	Kempe, A.	Novak	Stoa
Berglin	Esau	Kempe, R.	Osthoff	Suss
Berkelman	Evans	King	Patton	Swanson
Biersdorf	Ewald	Knickerbocker	Pehler	Waldorf
Birnstihl	Faricy	Kostohryz	Peterson	Welch
Brandl	Fjoslien	Kroening	Petrafeso	Wenstrom
Braun	Forsythe	Kvam	Pleasant	Wenzel
Brinkman	Friedrich	Laidig	Reding	White
Byrne	Fudro	Langseth	Rose	Wieser
Carlson, A.	Fugina	Lehto	St. Onge	Wynia
Carlson, D.	George	Lemke	Samuelson	Zubay
Carlson, L.	Gunter	Mangan	Sarna	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1457 was reported to the House.

There being no objection, H. F. No. 1457 was continued on the Consent Calendar for one day.

H. F. No. 1405, A bill for an act relating to state employees; providing for investment options for deferred compensation; amending Minnesota Statutes 1976, Section 352.96, Subdivisions 2, 3 and 4.

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:

Abeln	Clawson	Jacobs	Metzen	Searle
Adams	Cohen	Jaros	Moe	Searles
Albrecht	Corbid	Jensen	Munger	Sherwood
Anderson, B.	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, D.	Dahl	Jude	Neisen	Sieben, M.
Anderson, G.	Dean	Kahn	Neisen, B.	Simoneau
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, R.	Eckstein	Kalis	Nelson	Smogard
Arlandson	Eken	Kelly, R.	Niehaus	Stanton
Battaglia	Ellingson	Kelly, W.	Norton	Stoa
Beauchamp	Enebo	Kempe, A.	Novak	Suss
Begich	Erickson	Kempe, R.	Osthoff	Swanson
Berg	Esau	King	Patton	Tomlinson
Berglin	Evans	Knickerbocker	Pehler	Vanasek
Berkelman	Ewald	Kostohryz	Peterson	Waldorf
Biersdorf	Faricy	Kroening	Petrafaso	Welch
Birnstihl	Fjoslien	Kvam	Pleasant	Wenstrom
Brandl	Forsythe	Laidig	Reding	Wenzel
Braun	Friedrich	Langseth	Rice	Wieser
Brinkman	Fudro	Lehto	Rose	Wynia
Byrne	Fugina	Lemke	St. Onge	Zubay
Carlson, A.	George	Mangan	Samuelson	Speaker Sabo
Carlson, D.	Gunter	Mann	Sarna	
Carlson, L.	Hanson	McCollar	Savelkoul	
Casserly	Heinitz	McDonald	Scheid	
Clark	Hokanson	McEachern	Schulz	

The bill was passed and its title agreed to.

H. F. No. 1193, A bill for an act relating to the city of Bloomington in Hennepin County, the city of South St. Paul in Dakota County and the city of Mankato in Blue Earth County; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement, rental assistance, and financial assistance; amending Laws 1971, Chapter 616, Sections 1 and 2.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	McEachern	Scheid
Adams	Cohen	Jaros	Metzen	Schulz
Anderson, B.	Corbid	Jensen	Moe	Searle
Anderson, D.	Cummiskey	Johnson	Munger	Searles
Anderson, G.	Dahl	Jude	Murphy	Sherwood
Anderson, I.	Dean	Kahn	Neisen	Sieben, H.
Anderson, R.	Den Ouden	Kaley	Nelsen, B.	Sieben, M.
Arlandson	Eckstein	Kalis	Nelsen, M.	Simoneau
Battaglia	Eken	Kelly, R.	Nelson	Skoglund
Beauchamp	Ellingson	Kelly, W.	Niehaus	Smogard
Begich	Enebo	Kempe, A.	Norton	Stanton
Berg	Erickson	Kempe, R.	Novak	Stoa
Berglin	Esau	King	Osthoff	Suss
Berkelman	Ewald	Knickerbocker	Patton	Swanson
Biersdorf	Farcy	Kostohryz	Pehler	Tomlinson
Birnstihl	Fjoslien	Kroening	Peterson	Vanasek
Brandl	Forsythe	Kvam	Petrafeso	Waldorf
Braun	Friedrich	Laidig	Pleasant	Wenstrom
Brinkman	Fudro	Langseth	Reding	Wenzel
Byrne	Fugina	Lehto	Rice	White
Carlson, A.	George	Lemke	Rose	Wieser
Carlson, D.	Gunter	Mangan	St. Onge	Wynia
Carlson, L.	Hanson	Mann	Samuelson	Zubay
Casserly	Heinitz	McCollar	Sarna	Speaker Sabo
Clark	Hokanson	McDonald	Savelkoul	

Those who voted in the negative were:

Welch

The bill was passed and its title agreed to.

S. F. No. 586 was reported to the House.

There being no objection, S. F. No. 586 was continued on the Consent Calendar for one day.

S. F. No. 1369, A bill for an act relating to the cities of St. Paul, Minneapolis, and Duluth; firemen's survivor benefits; amending Laws 1955, Chapter 375, Section 25, as amended; Laws 1965, Chapter 519, Section 1, as amended; and Laws 1975, Chapter 127, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Munger	Searles
Adams	Cohen	Johnson	Murphy	Sherwood
Albrecht	Corbid	Jude	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, D.	Dahl	Kaley	Nelsen, M.	Simoneau
Anderson, G.	Dean	Kalis	Nelson	Skoglund
Anderson, I.	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, R.	Eckstein	Kelly, W.	Norton	Stanton
Arlandson	Eken	Kempe, A.	Novak	Stoa
Battaglia	Enebo	Kempe, R.	Osthoff	Suss
Beauchamp	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Ewald	Kostohryz	Peterson	Vanasek
Berglin	Faricy	Kroening	Petraieso	Waldorf
Berkelman	Fjoslien	Kvam	Pleasant	Welch
Biersdorf	Forsythe	Laidig	Prahl	Wenstrom
Birnstihl	Friedrich	Langseth	Reding	Wenzel
Brandl	Fudro	Lehto	Rice	White
Braun	Fugina	Lemke	Rose	Wieser
Brinkman	George	Mangan	St. Onge	Wigley
Byrne	Gunter	Mann	Samuelson	Wynia
Carlson, A.	Hanson	McCollar	Sarna	Zubay
Carlson, D.	Heinitz	McDonald	Savelkoul	Speaker Sabo
Carlson, L.	Hokanson	McEachern	Scheid	
Casserly	Jacobs	Metzen	Schulz	
Clark	Jaros	Moe	Searle	

The bill was passed and its title agreed to.

S. F. No. 742, A bill for an act relating to the White Bear Lake conservation district; increasing membership on its governing board; providing for selection of board officers; amending Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	Den Ouden	Heinitz	Kostohryz
Adams	Brandl	Eckstein	Hokanson	Kroening
Albrecht	Braun	Eken	Jacobs	Kvam
Anderson, B.	Brinkman	Ellingson	Jaros	Laidig
Anderson, D.	Byrne	Enebo	Jensen	Langseth
Anderson, G.	Carlson, A.	Erickson	Johnson	Lemke
Anderson, I.	Carlson, D.	Esau	Jude	Mangan
Anderson, R.	Carlson, L.	Evans	Kahn	Mann
Arlandson	Casserly	Ewald	Kaley	McCollar
Battaglia	Clark	Fjoslien	Kalis	McDonald
Beauchamp	Clawson	Forsythe	Kelly, R.	McEachern
Begich	Cohen	Friedrich	Kelly, W.	Metzen
Berg	Corbid	Fudro	Kempe, A.	Moe
Berglin	Cummiskey	Fugina	Kempe, R.	Murphy
Berkelman	Dahl	Gunter	King	Neisen
Biersdorf	Dean	Hanson	Knickerbocker	Neisen, B.

Nelsen, M.	Pleasant	Schulz	Stanton	Wenzel
Nelson	Reding	Searle	Stoa	White
Norton	Rice	Searles	Suss	Wieser
Novak	Rose	Sherwood	Swanson	Wigley
Osthoff	St. Onge	Sieben, H.	Tomlinson	Wynia
Patton	Samuelson	Sieben, M.	Vanasek	Zubay
Pehler	Sarna	Simoneau	Waldorf	Speaker Sabo
Peterson	Savelkoul	Skoglund	Welch	
Petraseso	Scheid	Smogard	Wenstrom	

Those who voted in the negative were:

Faricy

The bill was passed and its title agreed to.

S. F. No. 769 was reported to the House.

There being no objection, S. F. No. 769 was continued on the Consent Calendar for one day.

S. F. No. 905 was reported to the House.

There being no objection, S. F. No. 905 was continued on the Consent Calendar for one day.

S. F. No. 914, A bill for an act relating to the city of Mankato; providing for the service of the police and fire chiefs.

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 83 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Kelly, R.	Novak	Simoneau
Anderson, B.	Corbid	Kelly, W.	Osthoff	Skoglund
Arlandson	Cummiskey	King	Patton	Smogard
Battaglia	Dahl	Langseth	Pehler	Stanton
Beauchamp	Eckstein	Lehto	Petraseso	Stoa
Begich	Eken	Lemke	Prahl	Suss
Berg	Ellingson	Mangan	Reding	Tomlinson
Berglin	Enebo	Mann	Rice	Vanasek
Berkelman	Fudro	McEachern	St. Onge	Welch
Brandl	Fugina	Metzen	Samuelson	Wenstrom
Braun	George	Moe	Sarna	Wenzel
Brinkman	Hokanson	Munger	Scheid	White
Byrne	Jacobs	Murphy	Schulz	Wieser
Carlson, L.	Jaros	Neisen	Searles	Wynia
Casserly	Jensen	Nelsen, M.	Sherwood	Speaker Sabo
Clark	Jude	Nelson	Sieben, H.	
Clawson	Kahn	Norton	Sieben, M.	

Those who voted in the negative were:

Abeln	Albrecht	Anderson, D.	Anderson, R.	Biersdorf
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Birnstihl	Evans	Hanson	Laidig	Savelkoul
Carlson, A.	Ewald	Heinitz	McDonald	Searle
Carlson, D.	Faricy	Kaley	Nelsen, B.	Swanson
Dean	Fjoslien	Kempe, R.	Niehaus	Waldorf
Den Ouden	Forsythe	Knickerbocker	Peterson	Wigley
Erickson	Friedrich	Kostohryz	Pleasant	
Esau	Gunter	Kvam	Rose	

The bill was passed and its title agreed to.

S. F. No. 1017, A bill for an act relating to the town of Bass Brook; authorizing the town board to exercise the powers described in Minnesota Statutes, Section 368.01 and Chapters 412, 429, 474 and 475.

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

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

Those who voted in the affirmative were:

Aabeln	Clawson	Jacobs	Metzen	Schulz
Adams	Cohen	Jaros	Moe	Searle
Albrecht	Corbid	Jensen	Munger	Searles
Anderson, B.	Cummiskey	Johnson	Murphy	Sherwood
Anderson, D.	Dahl	Jude	Neisen	Sieben, H.
Anderson, G.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, R.	Eckstein	Kalis	Nelson	Skoglund
Arlandson	Eken	Kelly, R.	Niehaus	Smogard
Battaglia	Ellingson	Kelly, W.	Norton	Stanton
Beauchamp	Enebo	Kempe, A.	Novak	Stoa
Begich	Erickson	Kempe, R.	Osthoff	Suss
Berg	Esau	King	Patton	Swanson
Berglin	Evans	Knickerbocker	Pehler	Tomlinson
Berkelman	Ewald	Kostohryz	Peterson	Vanasek
Biersdorf	Faricy	Kroening	Petrafeso	Waldorf
Birnstihl	Fjoslien	Kvam	Pleasant	Welch
Brandl	Forsythe	Laidig	Prahl	Wenstrom
Braun	Friedrich	Langseth	Reding	Wenzel
Brinkman	Fudro	Lehto	Rice	White
Byrne	Fugina	Lemke	Rose	Wieser
Carlson, A.	George	Mangan	St. Onge	Wigley
Carlson, D.	Gunter	Mann	Samuelson	Wynia
Carlson, L.	Hanson	McCollar	Sarna	Zubay
Casserly	Heinitz	McDonald	Savelkoul	Speaker Sabo
Clark	Hokanson	McEachern	Scheid	

The bill was passed and its title agreed to.

S. F. No. 1103, A bill for an act relating to counties; providing for county appropriations for patrol of county highways and roads; eliminating the restriction on the Hennepin county board of commissioners in relation thereto; amending Minnesota Statutes 1976, Section 375.46, Subdivision 1.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Metzen	Searles
Adams	Cohen	Jaros	Moe	Sherwood
Albrecht	Corbid	Jensen	Munger	Sieben, H.
Anderson, B.	Cummiskey	Johnson	Murphy	Sieben, M.
Anderson, D.	Dahl	Jude	Neisen	Simoneau
Anderson, G.	Dean	Kahn	Nelsen, B.	Skoglund
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Smogard
Anderson, R.	Eckstein	Kalis	Nelson	Stanton
Arlandson	Eken	Kelly, R.	Niehaus	Stoa
Battaglia	Ellingson	Kelly, W.	Norton	Suss
Beauchamp	Enebo	Kempe, A.	Novak	Swanson
Begich	Erickson	Kempe, R.	Osthoff	Tomlinson
Berg	Esau	King	Pehler	Vanasek
Berglin	Evans	Knickerbocker	Peterson	Waldorf
Berkelman	Ewald	Kostohryz	Petrafeso	Welch
Biersdorf	Faricy	Kroening	Pleasant	Wenstrom
Birnstihl	Fjoslien	Kvam	Prahl	Wenzel
Brandl	Forsythe	Laidig	Reding	White
Braun	Friedrich	Langseth	Rice	Wieser
Brinkman	Fudro	Lehto	Rose	Wigley
Byrne	Fugina	Lemke	St. Onge	Wynia
Carlson, A.	George	Mangan	Samuelson	Zubay
Carlson, D.	Gunter	Mann	Sarna	Speaker Sabo
Carlson, L.	Hanson	McCollar	Savelkoul	
Casserly	Heinitz	McDonald	Scheid	
Clark	Hokanson	McEachern	Schulz	

The bill was passed and its title agreed to.

S. F. No. 1164, A bill for an act relating to Olmsted county; permitting sidewalk and related improvements to be financed by special assessment; Rochester city officials' salaries.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Berg	Carlson, L.	Eken	Fudro
Adams	Berglin	Casserly	Ellingson	Fugina
Albrecht	Berkelman	Clark	Enebo	George
Anderson, B.	Biersdorf	Clawson	Erickson	Gunter
Anderson, D.	Birnstihl	Cohen	Esau	Hanson
Anderson, G.	Brandl	Corbid	Evans	Heinitz
Anderson, I.	Braun	Cummiskey	Ewald	Hokanson
Anderson, R.	Brinkman	Dahl	Faricy	Jacobs
Arlandson	Byrne	Dean	Fjoslien	Jaros
Beauchamp	Carlson, A.	Den Ouden	Forsythe	Jensen
Regich	Carlson, D.	Eckstein	Friedrich	Johnson

Jude	Lehto	Nelson	Sarna	Suss
Kahn	Lemke	Niehaus	Savelkoul	Swanson
Kaley	Mangan	Norton	Scheid	Tomlinson
Kalis	Mann	Novak	Schulz	Vanasek
Kelly, R.	McCollar	Patton	Searle	Waldorf
Kelly, W.	McDonald	Peterson	Searles	Weich
Kempe, R.	McEachern	Petrafeso	Sherwood	Wenstrom
King	Metzen	Pleasant	Sieben, H.	Wenzel
Knickerbocker	Moe	Prahl	Sieben, M.	White
Kostohryz	Munger	Reding	Simoneau	Wieser
Kroening	Murphy	Rice	Skoglund	Wigley
Kvam	Neisen	Rose	Smogard	Wynia
Laidig	Nelsen, B.	St. Onge	Stanton	Zubay
Langseth	Nelsen, M.	Samuelson	Stoa	Speaker Sabo

Those who voted in the negative were:

Battaglia Pehler

The bill was passed and its title agreed to.

S. F. No. 465, A bill for an act relating to transportation; prohibiting motorcyclists with instruction permits from driving on interstate highways; amending Minnesota Statutes 1976, Section 169.974, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Searles
Adams	Corbid	Jensen	Munger	Sherwood
Albrecht	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, B.	Dahl	Jude	Neisen	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Neison	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Stanton
Arlandson	Ellingson	Kelly, W.	Norton	Stoa
Battaglia	Enebo	Kempe, A.	Novak	Suss
Beauchamp	Erickson	Kempe, R.	Osthoff	Swanson
Begich	Esau	King	Patton	Tomlinson
Berg	Evans	Knickerbocker	Pehler	Vanasek
Berglin	Ewald	Kostohryz	Peterson	Waldorf
Berkelman	Faricy	Kroening	Petrafeso	Weich
Biersdorf	Fjoslien	Kvam	Prahl	Wenstrom
Birnstihl	Forsythe	Laidig	Reding	Wenzel
Brاندl	Friedrich	Langseth	Rice	White
Braun	Fudro	Lehto	Rose	Wieser
Brinkman	Fugina	Lemke	St. Onge	Wigley
Byrne	George	Mangan	Samuelson	Wynia
Carlson, A.	Gunter	Mann	Sarna	Zubay
Carlson, L.	Hanson	McCollar	Savelkoul	Speaker Sabo
Casserly	Heinritz	McDonald	Scheid	
Clark	Hokanson	McEachern	Schulz	
Clawson	Jacobs	Metzen	Searle	

The bill was passed and its title agreed to.

S. F. No. 166, A bill for an act relating to real estate; landlord and tenant; venue of actions brought to recover rent deposits; amending Minnesota Statutes 1976, Sections 487.30, by adding a subdivision; 488.04, by adding a subdivision; 488A.01, by adding a subdivision; 488A.12, Subdivision 3; 488A.18, Subdivision 4; 488A.29, Subdivision 3; and 504.20, by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Searle
Adams	Corbid	Jensen	Munger	Searles
Anderson, B.	Cummiskey	Johnson	Murphy	Sherwood
Anderson, D.	Dahl	Jude	Neisen	Sieben, H.
Anderson, G.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, R.	Eckstein	Kalis	Nelson	Skoglund
Arlandson	Eken	Kelly, R.	Niehaus	Smogard
Battaglia	Ellingson	Kelly, W.	Norton	Stanton
Beauchamp	Enebo	Kempe, A.	Novak	Stoa
Begich	Erickson	Kempe, R.	Osthoff	Suss
Berg	Esau	King	Patton	Swanson
Berglin	Evans	Knickerbocker	Pehler	Tomlinson
Berkelman	Ewald	Kostohryz	Peterson	Vanasek
Biersdorf	Faricy	Kroening	Petrafaso	Waldorf
Birnstihl	Fjoslien	Kvam	Pleasant	Welch
Brandl	Forsythe	Laidig	Prahl	Wenstrom
Braun	Friedrich	Langseth	Reding	Wenzel
Brinkman	Fudro	Lehto	Rice	White
Byrne	Fugina	Lemke	Rose	Wieser
Carlson, A.	George	Mangan	St. Onge	Wigley
Carlson, D.	Gunter	Mann	Samuelson	Wynia
Carlson, L.	Hanson	McCollar	Sarna	Zubay
Casserly	Heinitz	McDonald	Savelkoui	Speaker Sabo
Clark	Hokanson	McEachern	Scheid	
Clawson	Jacobs	Metzen	Schulz	

The bill was passed and its title agreed to.

S. F. No. 737, A bill for an act relating to local government; providing leaves of absence for certain governmental officers and employees elected to city or county office; amending Minnesota Statutes 1976, Section 3.088, Subdivisions 1, 2, 3 and 5.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Adams	Albrecht	Anderson, B.	Anderson, D.
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Anderson, G.	Dean	Johnson	Munger	Searle
Anderson, I.	Den Ouden	Jude	Murphy	Searles
Anderson, R.	Eckstein	Kahn	Neisen	Sherwood
Arlandson	Eken	Kaley	Nelsen, B.	Sieben, H.
Battaglia	Ellingson	Kalis	Nelsen, M.	Sieben, M.
Beauchamp	Enebo	Kelly, R.	Nelson	Simoneau
Begich	Erickson	Kempe, A.	Niehaus	Skoglund
Berg	Esau	Kempe, R.	Norton	Smogard
Berglin	Evans	King	Novak	Stanton
Berkelman	Ewald	Knickerbocker	Osthoff	Stoa
Birnstihl	Faricy	Kostohryz	Patton	Suss
Braun	Fjoslien	Kroening	Peterson	Swanson
Brinkman	Forsythe	Kvam	Petrafeso	Tomlinson
Byrne	Friedrich	Laidig	Pleasant	Vanasek
Carlson, A.	Fudro	Langseth	Prahl	Waldorf
Carlson, D.	Fugina	Lehto	Reding	Welch
Carlson, L.	George	Lemke	Rice	Wenstrom
Casserly	Gunter	Mangan	Rose	Wenzel
Clark	Hanson	Mann	St. Onge	White
Clawson	Heinitz	McCollar	Samuelson	Wieser
Cohen	Hokanson	McDonald	Sarna	Wigley
Corbid	Jacobs	McEachern	Savelkoul	Wynia
Cummiskey	Jaros	Metzen	Scheid	Zubay
Dahl	Jensen	Moe	Schulz	Speaker Sabo

Those who voted in the negative were:

Brandl

The bill was passed and its title agreed to.

S. F. No. 816 was reported to the House.

There being no objection, S. F. No. 816 was continued on the Consent Calendar for one day.

S. F. No. 967, A bill for an act relating to probate; guardianships and conservatorships; providing for resignations and removals of guardians; providing for joinder of sureties in final account hearings; amending Minnesota Statutes 1976, Section 525.582.

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:

Abeln	Battaglia	Braun	Cohen	Enebo
Adams	Beauchamp	Brinkman	Corbid	Erickson
Albrecht	Begich	Byrne	Cummiskey	Esau
Anderson, B.	Berg	Carlson, A.	Dahl	Evans
Anderson, D.	Berglin	Carlson, D.	Dean	Ewald
Anderson, G.	Berkelman	Carlson, L.	Den Ouden	Faricy
Anderson, I.	Biersdorf	Casserly	Eckstein	Fjoslien
Anderson, R.	Birnstihl	Clark	Eken	Forsythe
Arlandson	Brandl	Clawson	Ellingson	Friedrich

Fudro	Kempe, A.	Murphy	Rose	Suss
Fugina	Kempe, R.	Neisen	St. Onge	Swanson
George	King	Nelsen, B.	Samuelson	Tomlinson
Gunter	Knickerbocker	Nelsen, M.	Sarna	Vanasek
Hanson	Kostohryz	Nelson	Savelkoul	Waldorf
Heinitz	Kroening	Niehaus	Scheid	Welch
Hokanson	Kvam	Norton	Schulz	Wenstrom
Jacobs	Laidig	Novak	Searle	Wenzel
Jaros	Langseth	Osthoff	Searles	White
Jensen	Lehto	Patton	Sherwood	Wieser
Johnson	Lemke	Pehler	Sieben, H.	Wigley
Jude	Mangan	Peterson	Sieben, M.	Wynia
Kahn	Mann	Petrafeso	Simoneau	Zubay
Kaley	McCollar	Pleasant	Skoglund	Speaker Sabo
Kalis	McDonald	Prahl	Smogard	
Kelly, R.	Metzen	Reding	Stanton	
Kelly, W.	Munger	Rice	Stoa	

The bill was passed and its title agreed to.

S. F. No. 968 was reported to the House. Upon objection of ten members S. F. No. 968 was stricken from the Consent Calendar and returned to General Orders.

S. F. No. 969, A bill for an act relating to probate; authorizing the court to issue interim orders; surety bonds; authorizing court to order accounting by and judgment against surety in proceedings to settle estate; amending Minnesota Statutes 1976, Sections 524.3-105; and 524.3-606.

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:

Abeln	Carlson, L.	Fugina	Laidig	Petrafeso
Adams	Casserly	George	Langseth	Pleasant
Albrecht	Clark	Gunter	Lehto	Prahl
Anderson, B.	Clawson	Hanson	Lemke	Reding
Anderson, D.	Cohen	Heinitz	Mangan	Rice
Anderson, G.	Corbid	Hokanson	Mann	Rose
Anderson, I.	Cummiskey	Jacobs	McCollar	St. Onge
Anderson, R.	Dahl	Jaros	McDonald	Samuelson
Arlanson	Dean	Jensen	McEachern	Sarna
Battaglia	Den Ouden	Johnson	Metzen	Savelkoul
Beauchamp	Eckstein	Jude	Munger	Scheid
Begich	Eken	Kahn	Murphy	Schulz
Berg	Ellingson	Kaley	Murphy	Searle
Berglin	Enebo	Kalis	Neisen	Searles
Berkelman	Erickson	Kelly, R.	Nelsen, B.	Sherwood
Biersdorf	Esau	Kelly, W.	Neison	Sieben, H.
Birnstihl	Evans	Kempe, A.	Niehaus	Sieben, M.
Brandl	Ewald	Kempe, R.	Norton	Simoneau
Braun	Faricy	King	Novak	Skoglund
Brinkman	Fjoslien	Knickerbocker	Osthoff	Smogard
Byrne	Forsythe	Kostohryz	Patton	Stanton
Carlson, A.	Friedrich	Kroening	Pehler	Stoa
Carlson, D.	Fudro	Kvam	Peterson	Suss

Swanson  
Tomlinson  
Vanasek

Waldorf  
Welch  
Wenstrom

Wenzel  
White  
Wieser

Wigley  
Wynia

Zubay

The bill was passed and its title agreed to.

S. F. No. 970, A bill for an act relating to probate; personal representatives; providing for appointment of successor representatives; amending Minnesota Statutes 1976, Section 524.3-613.

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:

Adams	Cohen	Jaros	Moe	Sherwood
Albrecht	Corbid	Jensen	Munger	Sieben, H.
Anderson, B.	Cummiskey	Johnson	Murphy	Sieben, M.
Anderson, D.	Dahl	Jude	Neisen	Simoneau
Anderson, G.	Dean	Kahn	Nelsen, B.	Skoglund
Anderson, I.	Den Ouden	Kaley	Nelson	Smogard
Anderson, R.	Eckstein	Kalis	Niehaus	Stanton
Arlandson	Eken	Kelly, R.	Norton	Stoa
Battaglia	Ellingson	Kelly, W.	Novak	Susa
Beauchamp	Enebo	Kempe, A.	Osthoff	Swanson
Begich	Erickson	Kempe, R.	Patton	Tomlinson
Berg	Esau	King	Pehler	Vanasek
Berglin	Evans	Knickerbocker	Peterson	Waldorf
Berkelman	Ewald	Kostohryz	Petrafeso	Welch
Biersdorf	Faricy	Kroening	Pleasant	Wenstrom
Birnstihl	Fjoslien	Kvam	Prahl	Wenzel
Brandl	Forsythe	Laidig	Reding	White
Braun	Friedrich	Langseth	Rice	Wieser
Brinkman	Fudro	Lehto	Rose	Wigley
Byrne	Fugina	Lemke	St. Onge	Wynia
Carlson, A.	George	Mangan	Samuelson	Zubay
Carlson, D.	Gunter	Mann	Sarna	Speaker Sabo
Carlson, L.	Hanson	McCollar	Savelkoul	
Casserly	Heinitz	McDonald	Scheld	
Clark	Hokanson	McEachern	Searle	
Clawson	Jacobs	Metzen	Searles	

The bill was passed and its title agreed to.

S. F. No. 972, A bill for an act relating to probate; personal representatives; protecting certain good faith purchasers dealing with personal representatives; amending Minnesota Statutes 1976, Section 524.3-714.

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:

Abeln	Clawson	Jaros	Moe	Searles
Adams	Cohen	Jensen	Munger	Sherwood
Albrecht	Corbid	Johnson	Murphy	Sieben, H.
Anderson, B.	Gummiskey	Jude	Neisen	Sieben, M.
Anderson, D.	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Dean	Kaley	Nelson	Skoglund
Anderson, I.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, R.	Eckstein	Kelly, R.	Norton	Stanton
Arlandson	Eken	Kelly, W.	Novak	Stoa
Battaglia	Ellingson	Kempe, A.	Osthoff	Swanson
Beauchamp	Enebo	Kempe, R.	Patton	Tomlinson
Begich	Erickson	King	Pehler	Vanasek
Berg	Esau	Knickerbocker	Peterson	Waldorf
Berglin	Ewald	Kostohryz	Petraleso	Welch
Berkelman	Faricy	Kroening	Pleasant	Wenstrom
Biersdorf	Fjoslien	Kvam	Prahl	Wenzel
Birnstihl	Forsythe	Laidig	Reding	White
Brandl	Friedrich	Langseth	Rice	Wieser
Braun	Fudro	Lehto	Rose	Wigley
Brinkman	Fugina	Lemke	St. Onge	Wymia
Byrne	George	Mangan	Samuelson	Zubay
Carlson, A.	Gunter	Mann	Sarna	Speaker Sabo
Carlson, D.	Hanson	McCollar	Savelkoul	
Carlson, L.	Heinitz	McDonald	Scheid	
Casserly	Hokanson	McEachern	Schulz	
Clark	Jacobs	Metzen	Searle	

The bill was passed and its title agreed to.

S. F. No. 973, A bill for an act relating to probate; rules of procedure; providing for probate proceedings to be governed by rules of civil procedure; amending Minnesota Statutes 1976, Chapter 524, by adding a section.

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

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

Those who voted in the affirmative were:

Abeln	Braun	Enebo	Jensen	Lemke
Adams	Brinkman	Erickson	Johnson	Mangan
Albrecht	Byrne	Esau	Jude	Mann
Anderson, B.	Carlson, A.	Evans	Kahn	McCollar
Anderson, D.	Carlson, D.	Ewald	Kaley	McDonald
Anderson, G.	Carlson, L.	Faricy	Kalis	McEachern
Anderson, I.	Casserly	Fjoslien	Kelly, R.	Metzen
Anderson, R.	Clark	Forsythe	Kelly, W.	Moe
Arlandson	Clawson	Friedrich	Kempe, A.	Munger
Battaglia	Cohen	Fudro	Kempe, R.	Murphy
Beauchamp	Corbid	Fugina	King	Neisen
Begich	Gummiskey	George	Knickerbocker	Nelsen, B.
Berg	Dahl	Gunter	Kostohryz	Nelsen, M.
Berglin	Dean	Hanson	Kroening	Nelson
Berkelman	Den Ouden	Heinitz	Kvam	Niehaus
Biersdorf	Eckstein	Hokanson	Laidig	Norton
Birnstihl	Eken	Jacobs	Langseth	Novak
Brandl	Ellingson	Jaros	Lehto	Osthoff

Patton	Rose	Searles	Stoa	Wenzel
Pehler	St. Onge	Sherwood	Suss	White
Peterson	Samuelson	Sieben, H.	Swanson	Wieser
Petrafeso	Sarna	Sieben, M.	Tomlinson	Wigley
Pleasant	Savelkoul	Simoneau	Vanasek	Wynia
Prahl	Scheid	Skoglund	Waldorf	Zubay
Reding	Schulz	Smogard	Welch	Speaker Sabo
Rice	Searle	Stanton	Wenstrom	

The bill was passed and its title agreed to.

S. F. No. 1014, A bill for an act relating to courts; authorizing the supreme court to prescribe uniform conciliation court forms; directing the clerks of conciliation courts to accept uniform complaints and counterclaims from other jurisdictions; amending Minnesota Statutes 1976, Sections 487.23, by adding a subdivision; 487.30, by adding a subdivision; 488A.14, by adding a subdivision; and 488A.31, by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Murphy	Sherwood
Adams	Cohen	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kalis	Nelson	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, R.	Eken	Kempe, A.	Novak	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	King	Patton	Swanson
Beauchamp	Esau	Knickerbocker	Pehler	Tomlinson
Begich	Evans	Kostohryz	Peterson	Vanasek
Berg	Ewald	Kroening	Petrafeso	Waldorf
Berglin	Farcy	Kvam	Pleasant	Welch
Berkelman	Fjoslien	Laidig	Prahl	Wenstrom
Biersdorf	Forsythe	Langseth	Reding	Wenzel
Birnstihl	Friedrich	Lehto	Rice	White
Brandl	Fudro	Lemke	Rose	Wieser
Braun	Fugina	Mangan	St. Onge	Wigley
Brinkman	George	Mann	Samuelson	Wynia
Byrne	Gunter	McCollar	Sarna	Zubay
Carlson, A.	Heinitz	McDonald	Savelkoul	Speaker Sabo
Carlson, D.	Hokanson	McEachern	Scheid	
Carlson, L.	Jacobs	Metzen	Schulz	
Casserly	Jaros	Moe	Searle	
Clark	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 1138, A bill for an act relating to probate; changing requirements for collection of personalty by affidavit; amending Minnesota Statutes 1976, Section 524.3-1201.

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:

Abeln	Cohen	Jensen	Munger	Searles
Adams	Corbid	Johnson	Murphy	Sherwood
Albrecht	Cummiskey	Jude	Neisen	Sieben, H.
Anderson, B.	Dahl	Kahn	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, G.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Smogard
Arlandson	Eken	Kelly, W.	Norton	Stanton
Battaglia	Ellingson	Kempe, A.	Novak	Stoa
Beauchamp	Enebo	Kempe, R.	Osthoff	Suss
Begich	Erickson	King	Patton	Swanson
Berg	Esau	Knickerbocker	Pehler	Tomlinson
Berglin	Ewald	Kostohryz	Peterson	Vanasek
Berkelman	Faricy	Kroening	Petrafeso	Waldorf
Biersdorf	Fjoslien	Kvam	Pleasant	Welch
Birnstihl	Forsythe	Laidig	Prahl	Wenstrom
Brandl	Friedrich	Langseth	Reding	Wenzel
Braun	Fudro	Lehto	Rice	White
Brinkman	Fugina	Lemke	Rose	Wieser
Byrne	George	Mangan	St. Onge	Wigley
Carlson, A.	Gunter	Mann	Samuelson	Wynia
Carlson, D.	Hanson	McCollar	Sarna	Zubay
Carlson, L.	Heinitz	McDonald	Savelkoul	Speaker Sabo
Casserly	Hokanson	McEachern	Scheid	
Clark	Jacobs	Metzen	Schulz	
Clawson	Jaros	Moe	Searle	

The bill was passed and its title agreed to.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of H. F. No. 992.

H. F. No. 992 was reported to the House.

Scheid moved to amend H. F. No. 992, as follows:

Page 7, line 32, delete *"limited"*.

Page 8, line 1, delete *"providing"* insert *"provide"*.

Page 8, line 2, after *"moves"* insert *" , upon the renter's request,"*.

Page 8, line 2, delete *"mailing"* insert *"to mail"*.

Page 8, delete lines 6 to 8.

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend H. F. No. 992, as follows:

Page 5, line 1, after the period, insert "*No apportionment or reduction of the "property taxes payable" shall be required for the use of a portion of the claimant's homestead for a business purpose if the claimant does not deduct any business depreciation expenses for the use of a portion of the homestead in the determination of federal adjusted gross income.*".

The motion prevailed and the amendment was adopted.

H. F. No. 992, A bill for an act relating to taxation; altering requirements for income adjusted homestead credit; amending Minnesota Statutes 1976, Sections 290.066, Subdivision 1; 290A.-03, Subdivisions 6, 7, 8, 11, 12 and 13; 290A.05; 290A.08; 290A.-10; 290A.14; 290A.18; 290A.19; and Laws 1976, Chapter 334, Section 21; repealing Minnesota Statutes 1976, Sections 290.-0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.-0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.-0615; 290.0616; 290.0618; 290.066, Subdivisions 2 and 3; 290.-981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.-988; 290.989; 290.99; 290.991; 290.992; and 290A.21.

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

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

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Moe	Schulz
Adams	Clawson	Jensen	Munger	Searle
Albrecht	Cohen	Johnson	Murphy	Searles
Anderson, B.	Corbid	Jude	Neisen	Sherwood
Anderson, D.	Dahl	Kahn	Nelsen, B.	Sieben, H.
Anderson, G.	Dean	Kaley	Nelsen, M.	Sieben, M.
Anderson, I.	Den Ouden	Kalis	Nelson	Simoneau
Anderson, R.	Eckstein	Kelly, R.	Niehaus	Skoglund
Arlandson	Eken	Kelly, W.	Norton	Smogard
Battaglia	Ellingson	Kempe, A.	Novak	Stanton
Beauchamp	Enebo	Kempe, R.	Osthoff	Stoa
Begich	Erickson	King	Patton	Suss
Berg	Esau	Knickerbocker	Pehler	Swanson
Berglin	Evans	Kostohryz	Peterson	Tomlinson
Berkelman	Faricy	Kroening	Petrafeso	Vanasek
Biersdorf	Fjoslien	Kvam	Pleasant	Waldorf
Birnstihl	Foraythe	Laidig	Prahl	Welch
Brandl	Friedrich	Langseth	Reding	Wenstrom
Braun	Fudro	Lehto	Rice	Wenzel
Brinkman	Fugina	Mangan	Rose	White
Byrne	Gunter	Mann	St. Onge	Wieser
Carlson, A.	Hanson	McCarron	Samuelson	Wigley
Carlson, D.	Heinitz	McCollar	Sarna	Wynia
Carlson, L.	Hokanson	McDonald	Savelkoul	Zubay
Casserly	Jacobs	McEachern	Scheid	Speaker Sabo

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

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 8, 772 and 1498.

H. F. No. 8 was reported to the House.

Faricy moved to amend H. F. No. 8 as follows:

Page 5, after line 15, insert:

"Subd. 2. Any seller at retail whose primary business is other than the sale of food or food related commodities shall be exempt from the provisions of this act. Provided, however, that if the establishment of a seller at retail exempted by this subdivision contains a department or section whose primary business is the sale of food or food related commodities, the provisions of this act shall apply to commodities sold in that department or section."

Renumber the subdivisions.

The motion prevailed and the amendment was adopted.

Faricy moved to amend H. F. No. 8 as follows:

Page 6, line 28, delete ", except that the department" and insert a period.

Page 6, delete lines 29 and 30.

The motion prevailed and the amendment was adopted.

Faricy moved to amend H. F. No. 8, as amended, as follows:

Page 5, line 11, delete "\$500,000" insert "\$1,000,000".

Page 5, line 14, delete "\$500,000" insert "\$1,000,000".

Evans moved to amend the Faricy amendment to H. F. No. 8, as follows:

Page 5, line 11, strike "\$1,000,000" insert "\$2,000,000".

Page 5, line 14, strike "\$1,000,000" insert "\$2,000,000".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Evans amendment to the Faricy amendment and the roll was called. There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Heinitz	Metzen	Sherwood
Anderson, B.	Den Ouden	Jensen	Nelsen, B.	Smogard
Anderson, D.	Eckstein	Johnson	Niehau	Suss
Anderson, G.	Eken	Jude	Peterson	Vanasek
Anderson, R.	Erickson	Kaley	Pleasant	Welch
Berkelman	Esau	Knickerbocker	Rose	Wenstrom
Bieradorf	Evans	Kvam	St. Onge	Wenzel
Brandl	Ewald	Laidig	Samuelson	Wieser
Brinkman	Fjoslien	Langseth	Sarna	Wigley
Carlson, A.	Forsythe	Mangan	Savelkoul	Zubay
Carlson, D.	Friedrich	Mann	Searle	
Dahl	Gunter	McDonald	Searles	

Those who voted in the negative were:

Abeln	Clark	Kahn	Moe	Scheid
Adams	Cohen	Kalis	Munger	Schulz
Anderson, I.	Corbid	Kelly, R.	Murphy	Sieben, H.
Arlanson	Cummiskey	Kelly, W.	Neisen	Sieben, M.
Battaglia	Ellingson	Kempe, A.	Nelsen, M.	Simoneau
Beauchamp	Enebo	Kempe, R.	Nelson	Skoglund
Begich	Faricy	King	Norton	Stanten
Berg	Fudro	Kostohryz	Novak	Stoa
Berglin	Fugina	Kroening	Patton	Swanson
Birnstihl	George	Lehto	Pehler	Tomlinson
Braun	Hanson	Lemke	Petrafeso	Waldorf
Byrne	Hokanson	McCarron	Prahl	White
Carlson, L.	Jacobs	McCollar	Reding	Wynia
Casserly	Jaros	McEachern	Rice	Speaker Sabo

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

The question recurred on the adoption of the Faricy amendment to H. F. No. 8. The motion prevailed and the amendment was adopted.

Evans moved to amend H. F. No. 8, as follows:

Page 6, line 23, strike the period and insert: “; (c) Establish a level of error whereby no action shall be brought under sections 1 through 6. The maximum level of error for unmarked or mismarked unit price labels shall be set between fifteen (15) percent to twenty-five (25) percent of those items covered in sections 1 through 6.”.

Faricy moved to amend the Evans amendment to H. F. No. 8, as follows:

After “labels shall” delete “be set between” and insert “not exceed”.

After “fifteen (15) percent” delete “to twenty-five (25) percent”.

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

The question recurred on the adoption of the Evans amendment, as amended. The motion prevailed and the amendment, as amended, was adopted.

H. F. No. 8, A bill for an act relating to trade regulations; providing for unit pricing of certain packaged commodities; providing for exemptions; providing a penalty.

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 82 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kempe, A.	Norton	Simoneau
Adams	Corbid	Kempe, R.	Novak	Skoglund
Anderson, I.	Cummiskey	King	Osthoff	Smogard
Arlandson	Ellingson	Knickerbocker	Patton	Stanton
Battaglia	Enebo	Kostohryz	Pehler	Stoa
Beauchamp	Faricy	Kroening	Petrafeso	Swanson
Begich	Fudro	Laidig	Pleasant	Tomlinson
Berg	Fugina	Lehto	Prahl	Waldorf
Berglin	George	McCarron	Reding	Welch
Berkelman	Hanson	McCollar	Rice	Wenstrom
Brandl	Hokanson	Metzen	St. Onge	Wenzel
Braun	Jacobs	Moe	Sarna	White
Byrne	Jaros	Munger	Scheid	Wynia
Carlson, A.	Jude	Murphy	Schulz	Speaker Sabo
Carlson, L.	Kahn	Neisen	Sherwood	
Cassery	Kelly, R.	Nelsen, M.	Sieben, H.	
Clark	Kelly, W.	Nelson	Sieben, M.	

Those who voted in the negative were:

Albrecht	Dahl	Forsythe	Langseth	Samuelson
Anderson, B.	Dean	Friedrich	Lemke	Searle
Anderson, D.	Den Ouden	Gunter	Mangan	Searles
Anderson, G.	Eckstein	Hangerud	Mann	Suss
Anderson, R.	Eken	Heinitz	McDonald	Vanasek
Biersdorf	Erickson	Jensen	McEachern	Wieser
Birnstihl	Esau	Johnson	Nelsen, B.	Wigley
Brinkman	Evans	Kaley	Niehaus	Zubay
Carlson, D.	Ewald	Kalis	Peterson	
Clawson	Fjoslien	Kvam	Rose	

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

H. F. No. 772, A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Metzen	Searle
Adams	Corbid	Jensen	Moe	Searles
Anderson, B.	Cummiskey	Johnson	Munger	Sherwood
Anderson, D.	Dahl	Jude	Murphy	Sieben, H.
Anderson, G.	Dean	Kahn	Neisen	Sieben, M.
Anderson, I.	Den Ouden	Kaley	Nelsen, B.	Simoneau
Anderson, R.	Eken	Kalis	Nelsen, M.	Skoglund
Arlandson	Ellingson	Kelly, R.	Nelson	Smogard
Battaglia	Enebo	Kelly, W.	Norton	Stanton
Beauchamp	Erickson	Kempe, A.	Novak	Stoa
Begich	Esau	Kempe, R.	Osthoff	Suss
Berg	Evans	King	Patton	Swanson
Berglin	Ewald	Knickerbocker	Pehler	Tomlinson
Berkelman	Farcy	Kostohryz	Peterson	Vanasek
Biersdorf	Fjoslien	Kroening	Petrafeso	Welch
Birnstihl	Foraythe	Laidig	Pleasant	Wenstrom
Brandl	Friedrich	Langseth	Prahl	Wenzel
Braun	Fudro	Lehto	Reding	White
Brinkman	Fugina	Lemke	Rice	Wieser
Byrne	George	Mangan	Rose	Wigley
Carlson, A.	Gunter	Mann	St. Onge	Wynia
Carlson, D.	Hanson	McCarron	Samuelson	Zubay
Carlson, L.	Haugerud	McCollar	Sarna	Speaker Sabo
Casserly	Hokanson	McDonald	Savelkoul	
Clark	Jacobs	McEachern	Schulz	

Those who voted in the negative were:

Niehaus      Waldorf

The bill was passed and its title agreed to.

H. F. No. 1498, A bill for an act relating to public welfare; mandating the working of certain general assistance recipients; allowing the use of general assistance funds for the work equity program; empowering the commissioner of public welfare to contract for recipient services and grant distribution; amending Minnesota Statutes 1976, Sections 256D.02, by adding subdivisions; 256D.04; 256D.06, by adding a subdivision; and 256D.11, Subdivisions 1 and 4, and by adding subdivisions.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln      Albrecht      Anderson, B.      Anderson, D.      Anderson, G.

Anderson, I.	Eckstein	Kalis	Nelson	Sieben, H.
Arlandson	Ellingson	Kelly, W.	Niehaus	Sieben, M.
Battaglia	Erickson	Kempe, A.	Norton	Simoneau
Beauchamp	Esau	Kempe, R.	Novak	Skoglund
Begich	Evans	King	Osthoff	Smogard
Berg	Faricy	Knickerbocker	Patton	Stanton
Berglin	Fjoslien	Kostohryz	Pehler	Stoa
Berkelman	Forsythe	Kroening	Peterson	Suss
Biersdorf	Friedrich	Laidig	Petrafeso	Swanson
Birnstihl	Fugina	Langseth	Pleasant	Tomlinson
Brandl	George	Lehto	Prahl	Vanasek
Brinkman	Gunter	Lemke	Reding	Waldorf
Byrne	Hanson	Mangan	Rice	Wenstrom
Carlson, A.	Haugerud	Mann	Rose	Wenzel
Carlson, D.	Heinitz	McCollar	St. Onge	White
Carlson, L.	Hokanson	McDonald	Samuelson	Wieser
Casserly	Jacobs	McEachern	Sarna	Wigley
Clark	Jaros	Moe	Savelkoul	Wynia
Clawson	Jensen	Munger	Scheid	Zubay
Cummiskey	Johnson	Murphy	Schulz	Speaker Sabo
Dahl	Jude	Neisen	Searle	
Dean	Kahn	Nelsen, B.	Searles	
Den Ouden	Kaley	Nelsen, M.	Sherwood	

Those who voted in the negative were:

Anderson, R.	Corbid	Enebo	Kvam	Welch
Braun				

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 544, A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

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 94 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Fudro	Kempe, A.	Metzen
Adams	Clawson	Fugina	Kempe, R.	Murphy
Anderson, D.	Cohen	George	Knickerbocker	Murphy
Anderson, G.	Dahl	Hanson	Kostohryz	Neisen
Anderson, I.	Den Ouden	Heinitz	Kroening	Nelsen, B.
Battaglia	Eckstein	Hokanson	Kvam	Nelsen, M.
Begich	Enebo	Jacobs	Laidig	Novak
Berkelman	Erickson	Jensen	Langseth	Osthoff
Biersdorf	Esau	Johnson	Lemke	Pehler
Birnstihl	Ewald	Jude	Mangan	Peterson
Braun	Faricy	Kaley	Mann	Pleasant
Byrne	Fjoslien	Kalis	McCarron	Reding
Carlson, D.	Forsythe	Kelly, R.	McCollar	Rice
Carlson, L.	Friedrich	Kelly, W.	McEachern	Rose
				St. Onge

Samuelson	Searles	Stoa	Waldorf	Wieser
Sarna	Sieben, H.	Suss	Welch	Wigley
Savelkoul	Sieben, M.	Swanson	Wenstrom	Wynia
Scheid	Simoneau	Tomlinson	Wenzel	Zubay
Schulz	Smogard	Vanasek	White	

Those who voted in the negative were:

Albrecht	Brinkman	Ellingson	Moe	Stanton
Anderson, B.	Carlson, A.	Gunter	Munger	Speaker Sabo
Arlandson	Clark	Haugerud	Niehaus	
Beauchamp	Corbid	Jaros	Norton	
Berglin	Cummiskey	Kahn	Sherwood	
Brandl	Dean	King	Skoglund	

The bill was passed and its title agreed to.

### SPECIAL ORDERS

H. F. No. 788 was reported to the House.

Kempe, A., moved that H. F. No. 788 be returned to the bottom of General Orders. The motion prevailed.

H. F. No. 1004 was reported to the House.

Moe moved to amend H. F. No. 1004, as follows:

Page 8, line 21, after the period insert *"This chapter does not apply to those persons employed by a corporation where those persons are related by blood or marriage, within the third degree of kindred according to the rules of civil law, to all of the officers of the corporation, and if the corporation files a written election with the commissioner of labor and industry to have those persons excluded from this chapter. This chapter does not apply to a nonprofit association which does not pay more than \$500 in salary or wages in a year."*

Page 12, line 10, delete *"period from October 1, 1977, to December"*.

Page 12, line 11, delete *"31, 1978,"* and insert *"year commencing on October 1, 1977, and each year thereafter, commencing on October 1,"*.

Page 12, line 13, delete *"1976"* and insert *"of the preceding year"*.

Page 12, delete lines 14 through 25.

Page 12, line 26, delete *"(5)"* and insert *"(2)"*.

Page 23, lines 8 through 21, delete all of section 13 and renumber the succeeding sections.

Page 23, line 25, strike "leave" and insert "leaves".

Page 30, line 23, after the period insert "No adjustment increase made on October 1, 1977 or thereafter under this section shall exceed six percent a year. In those instances where the adjustment under the formula of this section would exceed this maximum the increase shall be deemed to be six percent."

Page 30, between lines 23 and 24, add a new section to read:

"Sec. 25. Minnesota Statutes 1976, Chapter 79, is amended by adding a section to read:

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

Renumber the succeeding sections.

Page 31, between lines 8 and 9, insert a new section to read:

"Sec. 27. [WORKERS' COMPENSATION STUDY COMMISSION.] *Subdivision 1. A study commission is hereby created to study and report on:*

(a) *the procedure by which workers' compensation insurance premium rates are established;*

(b) *the level of Minnesota workers' compensation premiums as compared to premium levels in other jurisdictions; and,*

(c) *the various methods of providing workers' compensation insurance to employers in other jurisdictions.*

*Subd. 2. The commission shall consist of three members of the house of representatives appointed by the speaker, three members of the senate appointed by the subcommittee on committees, the commissioner of labor and industry or his designee, the commissioner of insurance or his designee, two citizens appointed by the governor, two representatives of the insurance industry appointed by the governor, two employer representatives appointed by the governor and two labor representatives appointed by the governor. Members shall serve until the expiration date of this section. The compensation of non-legislator members, their removal and the filling of vacancies shall be as provided in section 15.059.*

*Subd. 3. The commission shall report its findings and recommendations to the governor and legislature not later than December 15, 1978. The report shall recommend any necessary changes in laws in order to improve the system of providing workers' compensation insurance at fair and reasonable rates to employers within the state.*

*Subd. 4. The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this section. It shall select a chairman and other officers from its membership as it deems necessary.*

*Subd. 5. The commission shall make use of existing legislative facilities and staff, but it may also request the legislative coordinating commission to supply it with additional necessary staff, office space, and administrative services. All such additional personnel shall be used to assist and supplement the work of the existing legislative staff and shall, as much as is practical, be integrated with existing legislative staff.*

*Subd. 6. [APPROPRIATION.] There is appropriated from the general fund to the legislative coordinating commission the sum of \$10,000 for the period ending December 31, 1978 to pay the expenses incurred by the commission."*

Renumber the succeeding sections.

Page 31, line 11, delete "15" and insert "21".

Page 31, line 12, delete "9" and insert "12".

Page 31, line 14, delete "18" and insert "23".

Page 31, line 15, after the period insert "Section 17 is effective on July 1, 1977."

Page 31, line 16, after the period insert "The provisions of section 27 shall expire December 31, 1978."

Further, amend the title as follows:

Page 1, line 2, after "compensation;" insert "permitting the commissioner of insurance to employ an actuary;"

Page 1, line 4, after "non-coverage;" insert "excluding certain family corporations and certain nonprofit associations from coverage;"

Page 1, line 11, after "payments;" insert "creating a workers' compensation study commission; appropriating money;"

Page 1, line 15, delete "1,".

Page 1, line 19, after "176.645;" insert "and Chapter 79 by adding a section;".

The motion prevailed and the amendment was adopted.

Pehler moved to amend H. F. No. 1004, as amended, as follows:

Page 30, between lines 23 and 24 insert a new section to read:

"Sec. 26. Minnesota Statutes 1976, Section 79.07, is amended to read:

79.07 [INSURANCE RATES.] To provide for the solvency of insurers writing workers compensation insurance in this state and to secure reasonable rates, the commissioner shall approve a minimum, adequate, fair, and reasonable rate, including the expense of a reasonable charge which the commissioner may approve for the services of an agent of record whether or not an employee or agent of the insurer, for the service of rejected risks as set forth in sections 79.24 to 79.27, for each classification under which such business is written. In approving these rates, the commissioner shall make findings in support thereof and make use of the experience which from time to time may be available and of such other helpful information as may be obtainable. For the purpose of uniformity and equality, the commissioner, after consultation with insurers, shall approve a system of merit and experience rating for use in writing such business in this state. No other system of merit or experience rating shall be used in this state. Every insurer referred to in section 79.20 who issues participating policies shall file with the commissioner a true copy or summary as the commissioner shall direct of its participating dividend rates as to policy holders. The commissioner shall study such rates and make recommendations to the legislature concerning possible basis for discrimination. Such filing shall be made at the same time as the filing required in section 79.20. *In determining what is a reasonable, fair, and adequate rate the commissioner shall allow insurers to charge an amount for profit and expenses in addition to the amounts necessary to pay any benefits or charges required by chapter 176. The amount allowed for profit and expenses shall not exceed 22.5 percent of the total premiums paid for workers' compensation insurance within this state.*"

Renumber the succeeding sections.

Page 31, line 15, after the period insert the following new sentence:

*“Section 25 shall be effective the day following final enactment for all general rates approved after that date, but it shall not affect the continuing validity of any general rates approved prior to that date.”.*

Further, amend the title as follows:

Page 1, line 2, after the semicolon insert:

“limiting expenses and profit includable in workers’ compensation insurance premiums;”.

Page 1, line 12, after “Sections” insert “79.07;”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 87 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Haugerud	McCollar	Searles
Albrecht	Clawson	Jacobs	McEachern	Sherwood
Anderson, B.	Cohen	Jude	Munger	Simoneau
Anderson, D.	Dahl	Kalis	Murphy	Skoglund
Anderson, G.	Dean	Kelly, R.	Neisen	Smogard
Anderson, I.	Eckstein	Kelly, W.	Nelsen, M.	Stanton
Anderson, R.	Ellingson	Kempe, A.	Niehaus	Stoa
Battaglia	Enebo	Kempe, R.	Novak	Swanson
Beauchamp	Erickson	Knickerbocker	Pehler	Tomlinson
Begich	Esau	Kostohryz	Peterson	Waldorf
Berglin	Evans	Kvam	Pleasant	Welch
Berkelman	Ewald	Laidig	Prahl	Wenstrom
Birnstihl	Forsythe	Langseth	Reding	White
Braun	Friedrich	Lehto	St. Onge	Wieser
Brinkman	Fugina	Lemke	Samuelson	Wynia
Carlson, A.	George	Mangan	Sarna	
Carlson, D.	Gunter	Mann	Savelkoul	
Carlson, L.	Hanson	McCarron	Schulz	

Those who voted in the negative were:

Adams	Corbid	Jensen	Moe	Scheid
Arlandson	Cummiskey	Kaley	Nelsen, B.	Sieben, H.
Biersdorf	Fjoslien	King	Osthoff	Vanasek
Brandl	Fudro	Kroening	Petrateso	Wenzel
Byrne	Heinitz	McDonald	Rice	Wigley
Clark	Hokanson	Metzen	Rose	Zubay

The motion prevailed and the amendment was adopted.

White moved to amend H. F. No. 1004, as amended, as follows:

Page 29, lines 2 to 12, strike Section 22 from the bill.

Renumber the following sections accordingly.

Further, amend the title, as follows:

Page 1, lines 17 and 18, delete "176.215, by adding a subdivision;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 92 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jensen	McDonald	Savelkoul
Albrecht	Dean	Johnson	McEachern	Schulz
Anderson, B.	Den Ouden	Jude	Metzen	Searle
Anderson, D.	Eckstein	Kaley	Munger	Searles
Anderson, G.	Eken	Kalis	Murphy	Sherwood
Anderson, I.	Enebo	Kelly, R.	Neisen	Skoglund
Anderson, R.	Erickson	Kelly, W.	Nelsen, B.	Smogard
Arlandson	Esau	Kempe, R.	Nelsen, M.	Suss
Beauchamp	Evans	Knickerbocker	Niehaus	Swanson
Berkelman	Ewald	Kostohryz	Novak	Waldorf
Biersdorf	Fjoslien	Kvam	Osthoff	Wenstrom
Birnstihl	Forsythe	Laidig	Patton	Wenzel
Braun	Friedrich	Langseth	Pehler	White
Brinkman	Fudro	Lehto	Peherson	Wieser
Carlson, A.	Gunter	Lemke	Pleasant	Wigley
Carlson, D.	Hanson	Mangan	Reding	Zubay
Cassery	Heinitz	Mann	Rose	
Clawson	Hokanson	McCarron	Samuelson	
Cohen	Jaros	McCollar	Sarna	

Those who voted in the negative were:

Adams	Byrne	Jacobs	Nelson	Simoneau
Battaglia	Carlson, L.	Kahn	Prahl	Stanton
Begich	Clark	Kempe, A.	Rice	Stoa
Berg	Cummiskey	King	St. Onge	Wynia
Berglin	Ellingson	Kroening	Scheid	Speaker Sabo
Brandl	Fugina	Moe	Sieben, M.	

The motion prevailed and the amendment was adopted.

H. F. No. 1004, A bill for an act relating to worker's compensation; limiting expenses and profit includable in workers' compensation insurance premiums; permitting the commissioner of insurance to employ an actuary; including legislators in coverage; requiring owners to elect non-coverage; excluding certain family corporations and certain nonprofit associations from coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for the distribution of physician's reports; providing for adjustments to benefit payments; creating a workers' compensation study commission; ap-

appropriating money; amending Minnesota Statutes 1976, Sections 79.07; 79.30; 176.011, Subdivisions 9 and 11a; 176.012; 176.021, Subdivision 3; 176.041, Subdivision 1; 176.051; 176.081, Subdivisions 1, 2, 3, 4, and 6; 176.101; 176.111, Subdivisions 6, 11 and 21; 176.132, Subdivisions 1, 2, and 3; 176.141; 176.155, Subdivision 1; 176.221, by adding a subdivision; 176.511, Subdivision 3; 176.645; and Chapter 79 by adding a section; repealing Minnesota Statutes 1976, Sections 176.111, Subdivision 13; and 176.185, Subdivision 8.

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 86 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kahn	Murphy	Sieben, H.
Adams	Cohen	Kelly, R.	Nelson	Sieben, M.
Anderson, B.	Corbid	Kelly, W.	Norton	Simoneau
Anderson, I.	Cummiskey	Kempe, A.	Novak	Skoglund
Arlandson	Dahl	Kempe, R.	Osthoff	Stoa
Battaglia	Dean	King	Patton	Swanson
Beauchamp	Ellingson	Knickerbocker	Pehler	Tomlinson
Begich	Enebo	Kostohryz	Petrafeso	Waldorf
Berg	Ewald	Prahl	Kroening	Welch
Berglin	Fudro	Laidig	Reding	Wenstrom
Berkelman	Fugina	Lehto	Rice	Wenzel
Brandl	George	Mangan	St. Onge	White
Byrne	Gunter	McCarron	Samuelson	Wynia
Carlson, A.	Hanson	McCollar	Sarna	Speaker Sabo
Carlson, D.	Hokanson	McEachern	Savelkoul	
Carlson, L.	Jacobs	Metzen	Scheid	
Casserly	Jaros	Moe	Schulz	
Clark	Jude	Munger	Sherwood	

Those who voted in the negative were:

Albrecht	Eckstein	Jensen	Neisen	Smogard
Anderson, D.	Erickson	Johnson	Nelsen, B.	Stanton
Anderson, G.	Esau	Kaley	Nelsen, M.	Suss
Anderson, R.	Evans	Kalis	Niehaus	Vanasek
Biersdorf	Fjoslien	Kvam	Peterson	Wieser
Birnstihl	Forsythe	Langseth	Pleasant	Wigley
Braun	Friedrich	Lemke	Rose	Zubay
Brinkman	Haugerud	Mann	Searle	
Den Ouden	Heinitz	McDonald	Searles	

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

S. F. No. 1234 was reported to the House.

Petrafeso moved to amend S. F. No. 1234 as follows:

Page 1, line 15, after "subdivision" add "shall be for curriculum development purposes only and".

The motion prevailed and the amendment was adopted.

S. F. No. 1234, A bill for an act relating to education; authorizing the state board of education to create additional advisory task forces; amending Minnesota Statutes 1976, Section 15.014, 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. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jacobs	Munger	Searles
Adams	Corbid	Jaros	Murphy	Sherwood
Albrecht	Cummiskey	Jensen	Neisen	Sieben, H.
Anderson, B.	Dahl	Johnson	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Jude	Nelsen, M.	Simoneau
Anderson, G.	Den Ouden	Kahn	Nelson	Skoglund
Anderson, I.	Eckstein	Kaley	Niehaus	Smogard
Anderson, R.	Eken	Kalis	Norton	Stanton
Arlandson	Ellingson	Kelly, R.	Novak	Stoa
Battaglia	Enebo	Kelly, W.	Osthoff	Suss
Beauchamp	Erickson	Kempe, R.	Patton	Swanson
Begich	Esau	King	Pehler	Tomlinson
Berg	Evans	Knickerbocker	Peterson	Vanasek
Berglin	Ewald	Kostohryz	Petrafeso	Waldorf
Berkelman	Faricy	Kroening	Pleasant	Welch
Biersdorf	Fjoslien	Kvam	Prahl	Wenstrom
Birnstihl	Forsythe	Laidig	Reding	Wenzel
Brandl	Friedrich	Langseth	Rice	White
Brinkman	Fudro	Lehto	Rose	Wieser
Byrne	Fugina	Lemke	St. Onge	Wigley
Carlson, A.	George	Mangan	Samuelson	Wynia
Carlson, D.	Gunter	Mann	Sarna	Zubay
Carlson, L.	Hanson	McCollar	Savelkoul	Speaker Sabo
Casserly	Hangerud	McDonald	Scheid	
Clark	Heinitz	McEachern	Schulz	
Clawson	Hokanson	Metzen	Searle	

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

S. F. No. 1140, A bill for an act relating to agriculture; food licensing; defining a custom processor and providing for a custom processing permit; amending Minnesota Statutes 1976, Sections 28A.03; 28A.04; and 28A.13.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Murphy	Sherwood
Albrecht	Cohen	Jensen	Neisen	Sieben, H.
Anderson, B.	Corbid	Jude	Nelsen, B.	Sieben, M.
Anderson, D.	Cummiskey	Kahn	Nelsen, M.	Simoneau
Anderson, G.	Dahl	Kaley	Nelson	Skoglund
Anderson, I.	Dean	Kalis	Niehaus	Smogard
Anderson, R.	Den Ouden	Kelly, R.	Norton	Stanton
Arlandson	Eckstein	Kelly, W.	Novak	Stoa
Battaglia	Ellingson	Kempe, A.	Osthoff	Suss
Beauchamp	Enebo	Kempe, R.	Patton	Swanson
Begich	Erickson	King	Pehler	Tomlinson
Berg	Esau	Knickerbocker	Peterson	Waldorf
Berglin	Evans	Kostohryz	Petrafeso	Welch
Berkelman	Ewald	Kroening	Pleasant	Wenstrom
Biersdorf	Faricy	Kvam	Prahl	Wenzel
Birnstihl	Fjoslien	Laidig	Reding	White
Brandl	Forsythe	Langseth	Rose	Wieser
Braun	Friedrich	Lehto	St. Onge	Wigley
Brinkman	Fugina	Lemke	Samuelson	Wynia
Byrne	George	Mangan	Sarna	Zubay
Carlson, A.	Gunter	Mann	Savelkoul	Speaker Sabo
Carlson, D.	Hanson	McCollar	Scheid	
Carlson, L.	Heinitz	McDonald	Schulz	
Cassery	Hokanson	McEachern	Searle	
Clark	Jacobs	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 756 was reported to the House.

Kroening moved to amend H. F. No. 756, as follows:

Page 1, line 8, delete "January" insert "February".

Page 1, line 21, delete "January" insert "February".

Page 2, line 15, delete "January" insert "February".

The motion prevailed and the amendment was adopted.

H. F. No. 756, A bill for an act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

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 117 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, B.	Anderson, I.	Battaglia	Berg
Adams	Anderson, D.	Anderson, R.	Beauchamp	Berglin
Albrecht	Anderson, G.	Arlandson	Begich	Berkelman

Birnstihl	Fjoslien	Knickerbocker	Novak	Simoneau
Braun	Forsythe	Kostohryz	Osthoff	Skoglund
Byrne	Friedrich	Kroening	Patton	Smogard
Carlson, A.	Fudro	Kvam	Pehler	Stanton
Carlson, D.	Fugina	Laidig	Peterson	Stoa
Carlson, L.	Gunter	Langseth	Petrafaso	Suss
Casserly	Haugerud	Lemke	Pleasant	Swanson
Clark	Heinitz	Mangan	Prahl	Tomlinson
Clawson	Hokanson	Mann	Reding	Vanasek
Cohen	Jacobs	McCollar	Rice	Waldorf
Corbid	Jaros	McDonald	Rose	Welch
Cummiskey	Jensen	McEachern	St. Onge	Wenstrom
Dahl	Johnson	Metzen	Sarna	Wenzel
Dean	Jude	Munger	Savelkoul	White
Den Ouden	Kaley	Murphy	Scheid	Wieser
Eckstein	Kalis	Neisen	Schulz	Wigley
Ellingson	Kelly, R.	Nelsen, B.	Searle	Zubay
Enebo	Kelly, W.	Nelsen, M.	Searles	Speaker Sabo
Erickson	Kempe, A.	Nelson	Sherwood	
Evans	Kempe, R.	Niehaus	Sieben, H.	
Ewald	King	Norton	Sieben, M.	

Those who voted in the negative were:

Kahn                      Lehto

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

H. F. No. 1215, A bill for an act relating to environmental protection; prohibiting transportation of radioactive wastes into Minnesota for purposes of storage or disposal; providing exceptions; prescribing penalties.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aabeln	Carlson, L.	Fugina	Kostohryz	Novak
Adams	Casserly	George	Kroening	Osthoff
Albrecht	Clark	Gunter	Kvam	Patton
Anderson, B.	Clawson	Hanson	Laidig	Peterson
Anderson, D.	Cohen	Haugerud	Langseth	Petrafaso
Anderson, G.	Corbid	Heinitz	Lehto	Pleasant
Anderson, I.	Dahl	Hokanson	Lemke	Prahl
Arlandson	Dean	Jacobs	Mangan	Reding
Battaglia	Den Ouden	Jaros	Mann	Rice
Beauchamp	Eckstein	Jensen	McCollar	Rose
Begich	Eken	Johnson	McDonald	St. Onge
Berg	Ellingson	Jude	McEachern	Sarna
Berglin	Enebo	Kahn	Metzen	Savelkoul
Berkelman	Erickson	Kaley	Munger	Scheid
Biersdorf	Esau	Kalis	Murphy	Schulz
Birnstihl	Ewald	Kelly, R.	Neisen	Searle
Brandl	Faricy	Kelly, W.	Nelsen, B.	Searles
Braun	Fjoslien	Kempe, A.	Nelsen, M.	Sherwood
Byrne	Forsythe	Kempe, R.	Nelson	Sieben, H.
Carlson, A.	Friedrich	King	Niehaus	Sieben, M.
Carlson, D.	Fudro	Knickerbocker	Norton	Simoneau

Skoglund	Suss	Waldorf	White	Zubay
Smogard	Swanson	Welch	Wieser	Speaker Sabo
Stanton	Tomlinson	Wenstrom	Wigley	
Stoa	Vanasek	Wenzel	Wynia	

The bill was passed and its title agreed to.

H. F. No. 1582, A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice data communications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	McEachern	Searle
Adams	Cummiskey	Jensen	Metzen	Searles
Albrecht	Dahl	Johnson	Moe	Sherwood
Anderson, B.	Dean	Jude	Munger	Sieben, H.
Anderson, D.	Den Ouden	Kahn	Murphy	Sieben, M.
Anderson, G.	Eckstein	Kaley	Neisen	Simoneau
Anderson, I.	Eken	Kalis	Nelsen, B.	Skoglund
Arlandson	Ellingson	Kelly, R.	Nelsen, M.	Smogard
Battaglia	Enebo	Kelly, W.	Nelson	Stanton
Beauchamp	Erickson	Kempe, A.	Niehaus	Stoa
Begich	Esau	Kempe, R.	Norton	Suss
Berg	Ewald	King	Novak	Swanson
Berglin	Faricy	Knickerbocker	Osthoff	Tomlinson
Berkelman	Fjoslien	Kostohryz	Patton	Waldorf
Biersdorf	Forsythe	Kroening	Peterson	Welch
Birnstihl	Friedrich	Kvam	Petrafeso	Wenstrom
Brandl	Fudro	Laidig	Pleasant	Wenzel
Braun	Fugina	Langseth	Prahl	White
Byrne	George	Lehto	Reding	Wieser
Carlson, A.	Gunter	Lemke	Rose	Wigley
Carlson, D.	Hanson	Mangan	St. Onge	Wynia
Carlson, L.	Haugerud	Mann	Sarna	Zubay
Casserly	Heinitz	McCarron	Savelkoul	Speaker Sabo
Clark	Hokanson	McCollar	Scheid	
Clawson	Jacobs	McDonald	Schulz	

The bill was passed and its title agreed to.

H. F. No. 530 was reported to the House.

George moved to amend H. F. No. 530, as follows:

Page 8, strike Section 6 from the bill.

The motion prevailed and the amendment was adopted.

H. F. No. 530, A bill for an act relating to commerce; regulating the use of credit life and credit health and accident insurance; eliminating level term credit life insurance; eliminating "pyramiding" of credit life insurance; permitting joint life credit insurance policies; permitting certain classes of credit accident and health insurance; amending Minnesota Statutes 1976, Sections 53.051; 56.15, Subdivision 2; 61A.12, by adding a subdivision; 62B.04, Subdivision 1; and 62B.05.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Metzen	Schulz
Adams	Corbid	Jensen	Moe	Searle
Albrecht	Cummiskey	Johnson	Munger	Searles
Anderson, B.	Dahl	Jude	Murphy	Sherwood
Anderson, D.	Dean	Kahn	Neisen	Sieben, H.
Anderson, G.	Den Ouden	Kaley	Nelsen, B.	Sieben, M.
Anderson, I.	Eckstein	Kalis	Nelsen, M.	Simoneau
Arlandson	Eken	Kelly, R.	Nelson	Skoglund
Battaglia	Ellingson	Kelly, W.	Niehaus	Smogard
Beauchamp	Enebo	Kempe, A.	Norton	Stanton
Begich	Erickson	Kempe, R.	Novak	Stoa
Berg	Esau	King	Osthoff	Suss
Berglin	Evans	Knickerbocker	Patton	Swanson
Berkelman	Ewald	Kostohryz	Pehler	Tomlinson
Birnstihl	Fjoslien	Kroening	Peterson	Vanasek
Brandl	Forsythe	Kvam	Petrafaso	Waldorf
Braun	Friedrich	Laidig	Pehsant	Welch
Brinkman	Fudro	Langseth	Prahl	Wenstrom
Byrne	Fugina	Lemke	Reding	Wenzel
Carlson, A.	George	Mangan	Rose	White
Carlson, D.	Gunter	Mann	St. Onge	Wieser
Carlson, L.	Haugerud	McCarron	Samuelson	Wigley
Casserly	Heinitz	McCollar	Sarna	Wynia
Clark	Hokanson	McDonald	Savelkoul	Zubay
Clawson	Jacobs	McEachern	Scheid	Speaker Sabo

Those who voted in the negative were:

Biersdorf

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

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

H. F. No. 914, A bill for an act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, 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 111 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Munger	Simoneau
Adams	Cummiskey	Johnson	Murphy	Skoglund
Anderson, B.	Dahl	Jude	Neisen	Smogard
Anderson, G.	Dean	Kahn	Nelsen, M.	Spanish
Anderson, I.	Den Ouden	Kaley	Nelson	Stanton
Anderson, R.	Eckstein	Kalis	Norton	Stoa
Arlandson	Eken	Kelly, R.	Osthoff	Suss
Battaglia	Ellingson	Kelly, W.	Patton	Swanson
Beauchamp	Evans	Kempe, A.	Peterson	Tomlinson
Berg	Ewald	Kempe, R.	Petrafeso	Vanasek
Berglin	Faricy	King	Prahl	Waldorf
Berkelman	Fjoslien	Knickerbocker	Reding	Wenstrom
Biersdorf	Forsythe	Kostohryz	Rice	Wenzel
Birnstihl	Friedrich	Kroening	Rose	White
Brandl	Fudro	Laidig	St. Onge	Wieser
Braun	Fugina	Langseth	Samuelson	Wigley
Brinkman	George	Lehto	Sarna	Wynia
Byrne	Gunter	Lemke	Scheid	Zubay
Carlson, A.	Hanson	Mann	Schulz	Speaker Sabo
Carlson, L.	Heinitz	McCollar	Searles	
Casserly	Hokanson	McDonald	Sherwood	
Clark	Jacobs	McEachern	Sieben, H.	
Cohen	Jaros	Metzen	Sieben, M.	

Those who voted in the negative were:

Albrecht	Carlson, D.	Nelsen, B.	Searle	Welch
Anderson, D.	Erickson	Niehaus		
Begich	Kvam	Savelkoul		

The bill was passed and its title agreed to.

S. F. No. 125 was reported to the House.

Petrafeso moved to amend S. F. No. 125, as follows:

Page 4, line 25, after "effective" delete "April 1, 1977" and insert "the day following its final enactment".

The motion prevailed and the amendment was adopted.

S. F. No. 125, A bill for an act relating to commerce; prohibiting discriminatory trade practices; providing a penalty; amending Minnesota Statutes 1976, Section 325.8018, Subdivision 2; and Chapter 325, by adding a section.

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 119 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Metzen	Searle
Adams	Cohen	Jaros	Moe	Searles
Anderson, B.	Corbid	Jensen	Munger	Sherwood
Anderson, G.	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, I.	Dahl	Jude	Neisen	Sieben, M.
Anderson, R.	Dean	Kahn	Nelsen, B.	Simoneau
Arlandson	Den Ouden	Kalis	Nelson	Skoglund
Battaglia	Eckstein	Kelly, W.	Norton	Smogard
Beauchamp	Eken	Kempe, A.	Novak	Spanish
Begich	Ellingson	Kempe, R.	Osthoff	Stanton
Berg	Enebo	King	Patton	Stoa
Berglin	Esau	Knickerbocker	Pehler	Suss
Berkelman	Evans	Kostohryz	Peterson	Swanson
Biersdorf	Ewald	Kroening	Petrafezo	Tomlinson
Birnstihl	Farcy	Laidig	Prahl	Vanasek
Brandl	Forsythe	Langseth	Reding	Waldorf
Braun	Friedrich	Lehto	Rice	Welch
Brinkman	Fudro	Lemke	Rose	Wenstrom
Byrne	Fugina	Mangan	St. Onge	Wenzel
Carlson, A.	George	Mann	Samuelson	White
Carlson, D.	Gunter	McCarron	Sarna	Wynia
Carlson, L.	Hanson	McCollar	Savelkoul	Zubay
Cassery	Heinitz	McDonald	Scheid	Speaker Sabo
Clark	Hokanson	McEachern	Schulz	

Those who voted in the negative were:

Erickson	Kvam	Nelsen, M.	Niehaus	Wigley
Fjoslien				

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

S. F. No. 875 was reported to the House.

Carlson, A. moved to amend S. F. No. 875, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Laws 1965, Chapter 855, Section 4, Subdivision 2, is amended to read:

Subd. 2. [DUTIES AND POWERS OF BOARD.] It shall be the duty of the personnel board as a body:

(a) to frame, with the assistance of the personnel director, rules for the classified service. Such rules shall be framed only after posted notice in each department and after written notice to all department heads and labor organizations whose employees are covered under the provisions of this act providing for a public hearing on the proposed rules or changes or amendments thereto. Such rules shall be submitted to the county board who may approve or reject such rules. When approved, which shall be by majority vote and in the form of a written resolution, the rules shall have the force and effect of law. Such rules may be amended and repealed with the consent of the county board in the same manner as provided for original adoption. Notwith-

standing any other provisions of this act all personnel rules affecting employees of departments and agencies paid in whole or in part by federal funds, shall conform to any valid federal or state regulation affecting any such department. Such rules shall provide among other things:

(1) for the rejection of otherwise eligible candidates who fail to comply with the reasonable requirements of the board with regard to age, citizenship, qualifications, residence, sex, or physical or medical condition, or who have been guilty of crime involving moral turpitude, or who have attempted any deception or fraud in connection with an application or examination, or who have been dismissed from the public service for delinquency or misconduct, or who have directly or indirectly given or promised to give any money, service, or other valuable thing to any person for or on account of his examination, appointment, or proposed appointment.

(2) for examinations which shall be competitive and standardized and which may consist of any one or a combination of the following: written or oral tests of the subjective or objective type, physical tests, practical or demonstration tests, or evaluation of past training and experience. Oral tests may be of the question and answer type used to test candidates' knowledge of the duties of the position, or may be of the interview type used to test the candidates' personal fitness for the job.

(3) for the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their rating in the examination.

(4) for the appointment to fill a vacancy of one of those who have qualified through the examination process, if the vacancy is not filled by reduction, transfer, or reinstatement. (THREE PERSONS WHEN AVAILABLE SHALL BE REFERRED TO DEPARTMENT HEADS WHEN A VACANCY OCCURS, WITH WAIVER IN EXTREME OR UNIQUE CONDITIONS SUBJECT TO UNANIMOUS APPROVAL OF THE PERSONNEL BOARD.) *When a vacancy occurs the director shall certify from the list of eligibles appropriate for the grade and class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating. In the case of an eligible list for initial entry into the county services, the director shall certify the first ten names on such list. The personnel board may waive the above provisions where extreme or unique conditions exist by unanimous approval.*

(5) for a period of probation during which period such probationer may be discharged or reduced, and he shall have no right of appeal. Such period of probation shall not exceed six months unless waived by unanimous approval of the personnel board due to extreme or unique conditions.

(6) for provisional employment without examination with the consent of the director, in cases of emergency and pending appointment from an eligible list, providing no provisional employment shall continue longer than 90 days.

(7) for transfers including transfers from other merit systems provided that a transfer shall not result in a promotion or reduction; and for reinstatement of persons who without fault or delinquency on their part are separated from the service or reduced.

(8) for promotion based upon competitive examinations and upon the record of efficiency. Whenever practicable vacancies shall be filled by promotion.

(9) for suspensions without pay for no longer than 30 days for disciplinary purposes; for leaves of absence with or without pay; for layoffs; for hours of employment; for vacations and sick leave; severance pay, and such other benefits and emoluments as may improve the public service.

(10) for discharge or reduction in rank of a permanent employee only when the person to be discharged or reduced has been presented with charges specifically stated in writing and has been allowed a hearing thereon before the personnel board. Records of such charges and the hearing shall be filed in the office of the personnel director.

(b) to provide a salary and wage schedule for county employees to be presented to the county board for approval and to establish periods and manner in which salaries and wages shall be paid.

(c) to make investigations either on petition of a citizen or of its own motion concerning the enforcement and effect of this act, to require observance of its provisions and the rules made thereunder.

(d) to hear and determine appeals on complaints respecting the administrative work of the personnel director and such other matters as may be appealed to the board.

(e) to make such investigations as may be requested by the county board or the personnel director and to report thereon.

(f) to make an annual report to the county board on the activities of the personnel department.”.

Further amend by striking the title and inserting:

“A bill for an act relating to Hennepin county; personnel system; filling of vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.”.

The motion prevailed and the amendment was adopted.

S. F. No. 875, A bill for an act relating to Hennepin county; changing duties of personnel board; providing for re-referral of additional eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

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 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jacobs	Metzen	Searles
Adams	Clawson	Jaros	Moe	Sherwood
Albrecht	Cohen	Jensen	Munger	Sieben, H.
Anderson, B.	Corbid	Johnson	Murphy	Sieben, M.
Anderson, D.	Cummiskey	Jude	Neisen	Simoneau
Anderson, G.	Dahl	Kahn	Nelsen, B.	Skoglund
Anderson, I.	Dean	Kaley	Nelsen, M.	Smogard
Anderson, R.	Den Ouden	Kalis	Nelson	Spanish
Arlandson	Eckstein	Kelly, R.	Niehaus	Stanton
Battaglia	Eken	Kelly, W.	Norton	Stoa
Beauchamp	Ellingson	Kempe, A.	Novak	Suss
Begich	Enebo	Kempe, R.	Osthoff	Swanson
Berg	Erickson	King	Patton	Tomlinson
Berglin	Esau	Kostohryz	Pehler	Vanasek
Berkelman	Evans	Kvam	Peterson	Waldorf
Biersdorf	Ewald	Laidig	Petrafeso	Welch
Birnstihl	Faricy	Langseth	Pleasant	Wenstrom
Brandl	Fjoslien	Lehto	Prahl	Wenzel
Braun	Friedrich	Lemke	Reding	White
Brinkman	Fugina	Mangan	Rose	Wieser
Byrne	George	Mann	St. Onge	Wigley
Carlson, A.	Gunter	McCarron	Samuelson	Wynia
Carlson, D.	Hanson	McCollar	Scheid	Zubay
Carlson, L.	Heinitz	McDonald	Schulz	Speaker Sabo
Casserly	Hokanson	McEachern	Searle	

Those who voted in the negative were:

Fudro	Knickerbocker	Kroening	Rice	Sarna
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The bill was passed, as amended, and its title agreed to.

S. F. No. 683 was reported to the House.

There being no objection, S. F. No. 683 was continued on Special Orders for one day.

S. F. No. 932 was reported to the House.

Osthoff moved to amend S. F. No. 932, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 168.33, Subdivision 2, is amended to read:

Subd. 2. [POWERS.] The registrar shall have the power to appoint, hire and discharge and fix the compensation of the necessary employees, in the manner provided by law, as may be required to enable him to properly carry out the duties imposed upon him by the provisions of this chapter. As of April 14, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which issues motor vehicle licenses as provided in section 373.32.

Effective August 1, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau which issues motor vehicle license as provided in section 373.32. Any person appointed as a deputy registrar for any city shall be a resident of the county in which the city is situated.

The registrar may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar. The auditor, with the approval of the director of motor vehicles, may appoint, and for cause discontinue, the clerk or equivalent officer of each city or any other person as a deputy registrar as public interest and convenience may require. Notwithstanding any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar. The county auditor shall be responsible for the acts of deputy registrars appointed by him. Each such deputy, before entering upon the discharge of his duties, shall take and subscribe an oath to faithfully discharge his duties and to uphold the laws of the state. If a deputy registrar appointed hereunder is not an officer or employee of a county or city, such deputy shall in addition give bond to the state in the sum of \$10,000, or such larger sum as may be required by the registrar, conditioned upon the faithful discharge of his duties as deputy registrar. Each deputy registrar appointed hereunder shall keep and maintain, in a convenient public place within the place for which he is appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of motor vehicle taxes thereon. He shall keep such records and make such reports to the

registrar as that officer, from time to time, may require. Such records shall be maintained at the facility of the deputy registrar. The records and facilities of the deputy registrar shall at all times be open to the inspection of the registrar or his agents. He shall (CHARGE AND RECEIVE FOR EACH APPLICATION PRESENTED A FILING FEE OF \$1, AND SHALL) report daily to the registrar all registrations made and taxes and fees collected by him. The filing fee of (\$1) *\$2 imposed pursuant to subdivision 7* shall be deposited in the treasury of the place for which he is appointed, or if such deputy is not a public official, he shall retain the filing fee, but the registration tax and any additional fees for delayed registration he has collected he shall deposit each day in an approved state depository to the credit of the state through the state treasurer. The place for which the deputy registrar is appointed through its governing body shall provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if such deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public.

Sec. 2. Minnesota Statutes 1976, Section 168.33, Subdivision 7, is amended to read:

Subd. 7. [FEES.] (THE REGISTRAR SHALL CHARGE AND RECEIVE FOR EACH APPLICATION PRESENTED THROUGH THE UNITED STATES MAIL A FILING FEE OF 50 CENTS AND FOR EACH APPLICATION AT THE STATE OFFICE A FILING FEE OF \$1. SUCH FEE SHALL BE) *A \$2 filing fee, which is in addition to all other statutory fees and taxes, is imposed on every application. The \$2 filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety.*

Further amend by striking the title and inserting:

“A bill for an act relating to motor vehicles; registration and taxation; fees for filing applications; appointment and duties of deputy registrars; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.”

The motion prevailed and the amendment was adopted.

Stanton moved to amend S. F. No. 932, as amended, as follows:

Page 1, after line 7 insert:

“Section 1. Minnesota Statutes 1976, Section 168.29, is amended to read:

168.29. [DUPLICATE PLATES.] In the event of the defacement, loss or destruction of any number plates, the registrar,

upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates, together with any defaced plates and the payment of the fee of \$3 shall issue a new set of plates, *provided that if the \$3 fee exceeds the annual tax, the fee shall be the same as the annual tax.* The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle. Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of a 50 cent fee."

Renumber the subsequent sections.

Page 4, after line 9, insert:

"Sec. 4. [EFFECTIVE DATE.] *Section 1 is effective the day following its final enactment.*"

Further, amend the title:

Page 1, line 3, after "taxation;" insert "reducing the fee for duplication plates in certain circumstances;"

Page 1, line 4, delete "Section" and insert "Sections 168.29; and".

The motion prevailed and the amendment was adopted.

Berkelman offered an amendment to S. F. No. 932.

#### POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.9 that the Berkelman amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

Den Ouden moved to amend S. F. No. 932, as amended, as follows:

Page 3, line 18, delete "\$2" insert "\$1.50".

Page 4, line 5, delete "\$2" insert "\$1.50".

Page 4, line 7, delete "\$2" insert "\$1.50".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 53 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Johnson	Munger	Smogard
Adams	Erickson	Jude	Neisen	Spanish
Albrecht	Esau	Kaley	Nelsen, B.	Tomlinson
Anderson, D.	Evans	Kelly, R.	Niehaus	Vanasek
Anderson, G.	Ewald	Kempe, A.	Pleasant	Waldorf
Anderson, R.	Fjoslien	Kempe, R.	Rose	Wieser
Braun	Forsythe	King	Savelkoul	Wigley
Carlson, A.	Friedrich	Knickerbocker	Scheid	Wynia
Carlson, D.	George	Kvam	Searle	Zubay
Dean	Gunter	Laidig	Searles	
Den Ouden	Jaros	McDonald	Skoglund	

Those who voted in the negative were:

Anderson, I.	Casserly	Jensen	Murphy	Sarna
Arlandson	Clark	Kahn	Nelsen, M.	Schulz
Battaglia	Clawson	Kalis	Nelson	Sherwood
Beauchamp	Cohen	Kelly, W.	Norton	Sieben, H.
Begich	Cummiskey	Kostohryz	Novak	Sieben, M.
Berg	Dahl	Lehto	Osthoff	Simoneau
Berglin	Ellingson	Lemke	Patton	Stanton
Berkelman	Enebo	Mangan	Pehler	Stoa
Biersdorf	Faricy	Mann	Petrafeso	Suss
Birnstihl	Fudro	McCarron	Prahl	Swanson
Brandl	Fugina	McCollar	Reding	Welch
Brinkman	Hanson	McEachern	Rice	Wenzel
Byrne	Hokanson	Metzen	St. Onge	White
Carlson, L.	Jacobs	Moe	Samuelson	Speaker Sabo

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

S. F. No. 932, A bill for an act relating to motor vehicles; registration and taxation; increasing fees for filing applications; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

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

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Clark	Kahn	Metzen	Prahl
Anderson, R.	Clawson	Kalis	Moe	Reding
Arlandson	Cohen	Kelly, W.	Munger	Rice
Beauchamp	Corbid	King	Murphy	Rose
Berg	Cummiskey	Kostohryz	Nelsen, B.	St. Onge
Berglin	Dahl	Langseth	Nelsen, M.	Samuelson
Berkelman	Ellingson	Lehto	Nelson	Sarna
Biersdorf	Fudro	Lemke	Norton	Schulz
Birnstihl	Fugina	Mangan	Novak	Sherwood
Brandl	Hokanson	Mann	Osthoff	Sieben, H.
Byrne	Jacobs	McCarron	Patton	Sieben, M.
Carlson, L.	Jensen	McCollar	Pehler	Simoneau
Casserly	Johnson	McEachern	Petrafeso	Stanton

Stoa	Waldorf	White	Wieser	Speaker Sabo
Suss	Welch			
Swanson	Wenzel			

Those who voted in the negative were:

Abeln	Dean	George	Kvam	Smogard
Adams	Den Ouden	Gunter	Laidig	Spanish
Albrecht	Eckstein	Hanson	McDonald	Tomlinson
Anderson, B.	Enebo	Heinitz	Neisen	Vanasek
Anderson, D.	Erickson	Jaros	Niehaus	Wenstrom
Anderson, G.	Esau	Jude	Peterson	Wigley
Battaglia	Evans	Kaley	Pleasant	Wynia
Begich	Ewald	Kelly, R.	Savelkoul	Zubay
Braun	Faricy	Kempe, A.	Scheid	
Brinkman	Fjoslien	Kempe, R.	Searle	
Carlson, A.	Forsythe	Knickerbocker	Searles	
Carlson, D.	Friedrich	Kroening	Skoglund	

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

S. F. No. 109 was reported to the House.

Petrafeso moved to amend S. F. No. 109, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 15.06, is amended to read:

**15.06 [APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES.]** *Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, corrections, economic development, education, employment services, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation and veterans affairs; the banking, insurance and securities divisions and the consumer services section of the department of commerce; the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; and the bureau of mediation services. The heads of the foregoing departments or agencies are referred to in this section as “commissioners”.*

*Subd. 2. [ASSUMPTION OF OFFICE.] The appointing authority shall submit to the president of the senate the name of an appointee as commissioner within 90 days after the end of the term of a commissioner as defined in subdivision 3 and within 90 days after the occurrence of a vacancy. Upon designation by the governor, the appointee shall immediately have all the powers and emoluments and perform all the duties of the office. No person shall serve as commissioner or acting commissioner after the senate has voted to refuse to consent to his appointment.*

*Subd. 3. [TERM.] The term of a commissioner shall end when the governor who appointed the commissioner leaves office. A commissioner shall serve at the pleasure of the appointing authority.*

*Subd. 4. [END OF TERM; VACANCY; ACTING COMMISSIONER.] At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until his successor is appointed and qualifies. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 6 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate an acting commissioner. Upon the appointment of a commissioner and the designation of the appointee as acting commissioner, the appointee shall immediately take the place of any other acting or temporary commissioner. Notice of the designation of an acting commissioner or assumption of office by a temporary commissioner shall be filed with the president of the senate with a copy delivered to the secretary of state.*

*Subd. 5. [GENERAL POWERS OF COMMISSIONERS.] Except as otherwise expressly provided by law, (THE) a commissioner (OR HEAD OF ANY STATE DEPARTMENT OR AGENCY) shall have the following powers:*

*((1) TO DESIGNATE A DIVISION DIRECTOR OR OTHER SUBORDINATE AS HIS DEPUTY, TO SERVE AS SUCH AT HIS PLEASURE, WITH FULL AUTHORITY TO ACT FOR HIM, BUT SUBJECT TO HIS CONTROL; AND IN CASE OF A VACANCY IN THE OFFICE OF SUCH COMMISSIONER OR HEAD, SUCH DEPUTY SHALL DISCHARGE THE NECESSARY DUTIES OF THE OFFICE UNTIL THE VACANCY BE FILLED;)*

*((2)) (1) To delegate to any of his subordinate (OFFICERS OR) employees the exercise (OF SUCH) of his specified statutory powers or duties as he may deem advisable, subject to his control; provided, that every (SUCH) delegation shall be made by written order, filed with the secretary of state; and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;*

*((3)) (2) To appoint all subordinate (OFFICERS AND) employees (IN HIS DEPARTMENT OR AGENCY) and to prescribe their duties (AND FIX THEIR COMPENSATION); provided, that all departments and agencies (HEREUNDER) shall be subject to the provisions of (ANY CIVIL SERVICE LAW*

NOW OR HEREAFTER ENACTED, SO FAR AS APPLICABLE) *chapter 43*;

(4) (3) With the approval of the commissioner of administration, to (ESTABLISH WITHIN) *organize* his department or agency (SUCH BUREAUS OR SUBDIVISIONS) as he may deem advisable in the interest of economy and efficiency; and

(5) (4) To prescribe (RULES AND REGULATIONS, NOT INCONSISTENT WITH LAW,) *procedures* for the (CONDUCT) *internal management* of his department or agency (AND OTHER MATTERS WITHIN THE SCOPE OF THE FUNCTIONS THEREOF, INCLUDING THE CUSTODY AND PRESERVATION OF BOOKS, RECORDS, PAPERS, DOCUMENTS, AND OTHER PROPERTY, AND THE CERTIFICATION OF COPIES OF PAPERS AND DOCUMENTS; PROVIDED, THAT EVERY RULE OR REGULATION AFFECTING ANY PERSON OR AGENCY, OTHER THAN A MEMBER OF THE DEPARTMENT OR AGENCY CONCERNED, SHALL BE FILED WITH THE SECRETARY OF STATE) *to the extent that the procedures do not directly affect the rights of or procedure available to the public.*

*Subd. 6. [DEPUTY COMMISSIONER.] For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. He shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and he shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.*

*Subd. 7. [NUMBER OF DEPUTY COMMISSIONERS.] Unless specifically prescribed by statute, or unless a deputy commissioner position has been authorized and approved pursuant to section 43.09, subdivision 2a, prior to the effective date of this act, no department or agency specified in subdivision 1 shall have more than one deputy commissioner. Notwithstanding any other law to the contrary, none of the departments or agencies shall have more than two deputy commissioners.*

*Subd. 8. [PRIVATE EMPLOYMENT.] No commissioner or deputy commissioner shall, within one year after leaving his position as commissioner or deputy commissioner, accept private employment in a matter in which he had substantial responsibility during his preceding two years as a state employee.*

Sec. 2. [4.035] [EXECUTIVE ORDERS.] *Subdivision 1. [APPLICABILITY.] A written statement or order executed by the governor pursuant to his constitutional or statutory authority and denominated by him as an executive order, or a statement or order of the governor required by law to be in the form of an executive order, shall be uniform in format, shall be numbered consecutively, and shall be effective and expire as provided in this section. Executive orders creating agencies shall be consistent with the provisions of this section and section 5.*

*Subd. 2. [EFFECTIVE DATE.] An executive order issued pursuant to sections 12.31 to 12.32 or any other emergency executive order issued to protect a person from an imminent threat to his health and safety shall be effective immediately and shall be filed with the secretary of state and published in the state register as soon as possible after its issuance. Emergency executive orders shall be identified as such in the order. Any other executive order shall be effective, and shall be filed with the secretary of state, 15 days after its publication in the state register. The governor shall submit a copy of the executive order to the commissioner of administration to facilitate publication in the state register.*

*Subd. 3. [EXPIRATION DATE.] Unless an earlier date is specified by statute or by executive order, an executive order shall expire 30 days after the date that the governor who issued the order vacates his office.*

Sec. 3. Minnesota Statutes 1976, Section 15.051, Subdivision 1, is amended to read:

15.051 [STATE REGISTER.] **Subdivision 1. [PURPOSE.]** The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective (UPON SUCH) 15 days after publication except as provided in section 2, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as

will provide economic publication and distribution and will offer easy access to information by any interested party.

Sec. 4. Minnesota Statutes 1976, Section 15.051, Subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF ITEMS FOR PUBLICATION.] Any state agency which desires to publish a notice of hearing, rule or regulation or change thereof(, OR AN EXECUTIVE ORDER,) shall submit a copy of the entire document, including dates when adopted, and filed with the secretary of state, to the commissioner of administration in addition to any other copies which may be required to be filed with the commissioner by other law.

Sec. 5. [15.0593] [AGENCIES CREATED BY EXECUTIVE ORDER.] *The governor may by executive order create in his office advisory task forces, councils and committees to advise or assist him on matters relating to the laws of this state. A task force, council or committee so created shall have no more than 15 members, and vacancies may be filled by the governor. Members of a task force, council or committee shall receive no per diem but may be paid expenses in the same manner as state employees. A task force, council or committee shall expire two years after the date of order unless otherwise specified consistent with section 2, subdivision 3. The task force, council or committee shall be named beginning with the prefix "Governor's Task Force on", "Governor's Council on" or "Governor's Committee on". The governor shall not create a board, commission, authority or other similar multi-member agency except as provided in this section. A multi-member agency previously created by executive order shall be renamed and shall be consistent with the provisions of this section. Nothing in this section shall apply, to the extent inconsistent with statute or federal law, to any multi-member agency specifically authorized by statute or specifically authorized by federal law as a condition precedent to the receipt of federal moneys.*

Sec. 6. Minnesota Statutes 1976, Section 16.01, is amended to read:

16.01 [COMMISSIONER OF ADMINISTRATION.] The department of administration shall be under the supervision and control of a commissioner of administration, in (SECTIONS 16.01 TO 16.23) *chapter 16* also referred to as the commissioner(, WHO SHALL BE EX-OFFICIO THE STATE BUDGET DIRECTOR AND STATE PURCHASING AGENT).

The commissioner (OF ADMINISTRATION, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor(, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH

SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

Sec. 7. Minnesota Statutes 1976, Section 16A.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of finance is appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE) *under the provisions of section 1.* The commissioner (SO APPOINTED) shall have broad experience as an executive financial manager. (THE COMMISSIONER SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE.)

Sec. 8. Minnesota Statutes 1976, Section 16A.01, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint two deputy commissioners, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY. A DEPUTY MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 9. Minnesota Statutes 1976, Section 16.125, is amended to read:

16.125 [TRANSFER OF POWERS OR DUTIES.] *Subdivision 1.* The (AUTHORITY OF THE) commissioner of administration (UNDER SECTIONS 16.13 AND 16.135, INCLUDES THE AUTHORITY TO TRANSFER FUNCTIONS), *in order to improve efficiency or avoid duplication, may transfer powers or duties, and personnel necessary to perform the powers or duties, of a department (TO ANOTHER WITH THE APPROVAL OF THE GOVERNOR) or agency to another department or agency that has been in existence for at least one year prior to the date of transfer. A transfer must have received the prior approval of the governor.*

**Subd. 2. [FORM OF TRANSFER; EFFECTIVE DATE.]** *A transfer made pursuant to subdivision 1 shall be in the form of a reorganization order. A reorganization order shall be filed with the secretary of state, shall be uniform in format and shall be numbered consecutively. An order shall be effective upon filing with the secretary of state and shall remain in effect until amended or superseded. Copies of the filed order shall be delivered promptly by the commissioner to the secretary of the senate and the chief clerk of the house. A reorganization order which transfers all or substantially all of the powers or duties or personnel of a department, the energy agency, the housing finance agency or the pollution control agency shall not be effective until ratified by concurrent resolution or enacted into law.*

**Subd. 3. (IN CASE OF TRANSFER OF FUNCTION)** *The commissioner of finance shall determine the fractional part of the appropriation to the department or agency from which the (FUNCTION) power or duty is transferred (FOR THE FUNCTION) represented by that transferred power or duty, and that part of the appropriation is hereby reappropriated to the transferee department (ASSIGNED THE FUNCTION. THE COMMISSIONER SHALL FORTHWITH REPORT THE TRANSFERS TO THE COMMITTEE ON FINANCE IN THE SENATE AND THE COMMITTEE ON APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES) or agency.*

Sec. 10. Minnesota Statutes 1976, Section 17.01, is amended to read:

**17.01 [CREATION OF DEPARTMENT; COMMISSIONER; DEPUTY.]** *There is (HEREBY) created a department of agriculture, which shall be in the charge of a commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE, TO BE KNOWN AS THE COMMISSIONER) of agriculture, in this chapter called the commissioner (, WHO). He shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER OF AGRICULTURE SHALL EXPIRE. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) under the provisions of section 1. Before entering upon the duties of his office, he shall take (AND SUBSCRIBE) the oath required of state officials (AND GIVE HIS BOND TO*

THE STATE OF MINNESOTA, TO BE APPROVED BY, AND FILED WITH, THE SECRETARY OF STATE, FOR THE SUM OF \$5,000, CONDITIONED FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES). He may appoint a deputy (WHO SHALL BE IN THE UNCLASSIFIED SERVICE,) *commissioner* (AND SUCH OTHER ASSISTANTS, CLERKS, AND EMPLOYEES AS OCCASION MAY REQUIRE).

Sec. 11. Minnesota Statutes 1976, Section 43.001, Subdivision 2, is amended to read:

Subd. 2. The commissioner of personnel is appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM WHICH COINCIDES WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES) *under the provisions of section 1*. 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 GOVERNOR MAY REMOVE THE COMMISSIONER ONLY FOR CAUSE, AND AFTER A PUBLIC HEARING. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THE UNEXPIRED TERM.)

Sec. 12. Minnesota Statutes 1976, Section 43.001, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint two deputy commissioners and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY COMMISSIONER. A DEPUTY COMMISSIONER MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 13. Minnesota Statutes 1976, Section 45.02, is amended to read:

45.02 [COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES.] The governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE,) shall appoint the members of the commission *under the provisions of section 1*. (THE TERM OF EACH MEMBER SHALL BE SIX YEARS. IN CASE OF A VACANCY IT SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM.) Each member of the commission, before entering upon the discharge of his duties, shall take (, SUBSCRIBE,) and file with the secretary of state

(,) the oath of office prescribed by the constitution (, AND SHALL GIVE BOND TO THE STATE, THE COMMISSIONER OF BANKS IN THE AMOUNT OF \$50,000, THE COMMISSIONER OF INSURANCE IN THE AMOUNT OF \$25,000, AND THE COMMISSIONER OF SECURITIES IN THE AMOUNT OF \$10,000, CONDITIONED FOR THE FAITHFUL DISCHARGE OF HIS DUTIES DURING HIS CONTINUANCE IN OFFICE AND FOR THE PAYMENT WITHOUT DELAY TO THE OFFICER OR PERSON ENTITLED BY LAW THERETO OF ALL MONEYS WHICH SHALL COME INTO HIS HANDS BY VIRTUE THEREOF).

A majority of the commission shall constitute a quorum.

(EACH COMMISSIONER SHALL RECEIVE A SALARY IN AN AMOUNT SET BY THE LEGISLATURE PAYABLE SEMI-MONTHLY, AND EACH SHALL DEVOTE HIS ENTIRE TIME TO THE DUTIES OF HIS OFFICE.)

Sec. 14. Minnesota Statutes 1976, Section 45.15, is amended to read:

45.15 [ESTABLISHMENT OF CONSUMER SERVICES SECTION.] A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL A SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED FOR THE UNEXPIRED TERM) *under the provisions of section 1.*

Sec. 15. Minnesota Statutes 1976, Section 84.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of natural resources is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY

**LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE) commissioner.**

Sec. 16. Minnesota Statutes 1976, Section 116.08, Subdivision 1, is amended to read:

116.08 [DIRECTOR.] Subdivision 1. (a) The office of director of the pollution control agency is created and is under the supervision and control of the director, who is appointed by the governor (BY AND WITH THE CONSENT OF THE SENATE FOR A FOUR YEAR TERM, WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR, AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. THE GOVERNOR MAY REMOVE THE DIRECTOR AT ANY TIME AT HIS PLEASURE. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE CONSENT OF THE SENATE, FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.*

((B) IN ORDER TO EXPEDITE THE ESTABLISHING AND FUNCTIONING OF THE POLLUTION CONTROL AGENCY, THE GOVERNOR SHALL FORTHWITH APPOINT AN ACTING DIRECTOR, WHO SHALL HAVE ALL THE POWERS AND DUTIES OF THE DIRECTOR AS PROVIDED IN SECTIONS 116.01 TO 116.08. THE ACTING DIRECTOR MAY BE A PERSON IN THE SERVICE OF THE STATE AT THE TIME OF HIS APPOINTMENT, AND WHO WHILE SERVING AS ACTING DIRECTOR IS ON LEAVE OF ABSENCE FROM HIS REGULAR OFFICE OR POSITION IN THE STATE SERVICE. THE ACTING DIRECTOR SHALL SERVE AS SUCH UNTIL THE DIRECTOR IS APPOINTED AND QUALIFIES AS SUCH DIRECTOR. PENDING THE ABOLISHMENT OF THE WATER POLLUTION CONTROL COMMISSION AS SPECIFIED IN SECTION 116.02, SUBDIVISION 5, THE DIRECTOR OR ACTING DIRECTOR, AS THE CASE MAY BE, IS THE SECRETARY OF SUCH COMMISSION IN LIEU OF THE SECRETARY AND EXECUTIVE OFFICER OF THE STATE BOARD OF HEALTH.)

((C)) (b) The director may appoint a deputy director and an assistant director who shall be in the unclassified service. (THE DIRECTOR MAY DESIGNATE THE DEPUTY DIRECTOR TO THE AGENCY TO ACT IN HIS STEAD AS A MEMBER, WITH ALL HIS RIGHTS AND PRIVILEGES THEREIN, OF ANY AGENCY, BOARD, COMMITTEE, OR COMMISSION THAT THE DIRECTOR IS MADE A MEMBER OF BY LAW. THE DESIGNATION SHALL BE FILED WITH SECRETARY OF STATE. THE SALARY OF THE DEPUTY DIRECTOR AND OF THE ASSISTANT DIRECTOR SHALL BE PROVIDED BY LAW.)

Sec. 17. Minnesota Statutes 1976, Section 116H.03, Subdivision 2, is amended to read:

Subd. 2. The agency shall be under the supervision of the director who shall organize the agency (AND EMPLOY SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE FUNCTIONS OF THE AGENCY. DUTIES OF SUCH OFFICERS, AGENTS AND EMPLOYEES SHALL BE AS SPECIFIED BY THE DIRECTOR).

Sec. 18. Minnesota Statutes 1976, Section 116H.03, Subdivision 3, is amended to read:

Subd. 3. The director shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, TO A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* In appointing the director the governor should give due consideration to the listing of names submitted by the commission pursuant to section 116H.04. (THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.)

(A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR AND THE NEW APPOINTEE SHALL IMMEDIATELY TAKE OFFICE AND CARRY OUT ALL DUTIES UNTIL THE NEXT SESSION OF THE LEGISLATURE WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR CONFIRMATION.)

The director may appoint a deputy director and a personal secretary to serve at his pleasure. The salaries of the director and the deputy shall be fixed by the governor until otherwise expressly provided for by law. (THE DEPUTY MAY BE AUTHORIZED BY THE DIRECTOR TO PERFORM EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED ON THE DIRECTOR UNLESS EXPRESSLY FORBIDDEN BY LAW.) The director and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

Sec. 19. Minnesota Statutes 1976, Section 174.02, Subdivision 1, is amended to read:

174.02 [COMMISSIONER; POWERS; DUTIES.] Subdivision 1. [APPOINTMENT.] The department shall be supervised and controlled by the commissioner of transportation, who shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOV-

ERNOR AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING UNLESS OTHERWISE PROVIDED FOR IN CHAPTER 15) *and serve under the provisions of section 1.*

Sec. 20. Minnesota Statutes 1976, Section 175.001, Subdivision 1, is amended to read:

175.001 [DEPARTMENT OF LABOR AND INDUSTRY.] Subdivision 1. [CREATION AND ORGANIZATION.] The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1.*

Sec. 21. Minnesota Statutes 1976, Section 179.02, is amended to read:

179.02 [BUREAU OF MEDIATION SERVICES.] *Subdivision 1.* There is (HEREBY) established (IN THE DEPARTMENT OF LABOR AND INDUSTRY) a bureau of mediation services(, BUT NOT IN ANY WAY SUBJECT TO THE CONTROL OF THE DEPARTMENT. THIS BUREAU SHALL BE) under the supervision and control of a director. (THE OFFICE OF DIRECTOR SHALL, AS OF THE EFFECTIVE DATE OF THIS ACT, BE FILLED BY THE PERSON THEN HOLDING THE OFFICE OF LABOR CONCILIATOR AND HIS TERM SHALL EXPIRE AS OF THE DATE HIS TERM AS LABOR CONCILIATOR WOULD HAVE EXPIRED. THEREAFTER) The director shall be appointed by the governor (WITH THE ADVISE AND CONSENT OF THE SENATE. HE SHALL HOLD OFFICE FOR A TERM OF FOUR YEARS) *under the provisions of section 1.*

*Subd. 2.* The governor may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies who shall have the same power and authority as the director with respect to such dispute and such

appointment shall be for the duration only of the particular dispute. Such special mediators shall be paid a per diem of \$75 per day while so engaged and their necessary expenses. The director shall prepare a roster of persons qualified to act as such special mediators and keep the same revised at all times and available to the governor and the public.

(THE DIRECTOR MAY EMPLOY AND DISCHARGE MEDIATORS, CLERKS AND OTHER EMPLOYEES AS NEEDED, FIX THEIR COMPENSATION, AND ASSIGN THEM THEIR DUTIES. AS OF THE EFFECTIVE DATE OF THIS ACT THE DIVISION OF CONCILIATION, HERETOFORE ESTABLISHED, SHALL BE ABOLISHED, AND ALL OF ITS POWERS AND DUTIES TRANSFERRED TO THE BUREAU OF MEDIATION SERVICES. ANY MATTERS PENDING IN OR BY THE DIVISION OF CONCILIATION AS OF SUCH DATE SHALL THEN AND THEREAFTER BE CARRIED ON IN THE NAME OF THE BUREAU OF MEDIATION SERVICES.)

Sec. 22. Minnesota Statutes 1976, Section 196.02, Subdivision 1, is amended to read:

196.02 [COMMISSIONER OF VETERANS AFFAIRS.] Subdivision 1. [APPOINTMENT; QUALIFICATIONS.] The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. THE COMMISSIONER SHALL BE IN UNCLASSIFIED SERVICE) *under the provisions of section 1.* No person shall be eligible to receive appointment as commissioner unless he has the following qualifications:

(1) Residence in the state of Minnesota for at least five years prior to his appointment;

(2) Citizenship in the United States;

(3) Veteran of the armed forces of the United States as defined in section 197.447. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

Sec. 23. Minnesota Statutes 1976, Section 216A.06, Subdivision 1, is amended to read:

216A.06 [DIRECTOR.] Subdivision 1. [ESTABLISHMENT OF OFFICE, APPOINTMENT; TERM.] The office of director (OF THE ADMINISTRATIVE DIVISION) of the department of public service is hereby established. He shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM) *under the provisions of section 1.*

Sec. 24. Minnesota Statutes 1976, Section 241.01, Subdivision 1, is amended to read:

241.01 [CREATION OF DEPARTMENT.] Subdivision 1. [COMMISSIONER.] The department of corrections is (HEREBY) created under the control and supervision of the commissioner of corrections which office is (HEREBY) established. The commissioner of corrections(, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor(, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1.*

Sec. 25. Minnesota Statutes 1976, Section 241.01, Subdivision 2, is amended to read:

Subd. 2. [DIVISIONS; DEPUTIES.] The commissioner of corrections may appoint and employ no more than (FOUR) *two* deputy commissioners (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE OF THE STATE CIVIL SERVICE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED TO SO DO BY THE COMMISSIONER. APPOINTMENTS TO EXERCISE DELEGATED POWER SHALL BE BY WRITTEN ORDER FILED

WITH THE SECRETARY OF STATE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER). The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified *civil service* (OF THE STATE, AND FIX THE SALARY OF SAID SECRETARY COMMENSURATE WITH SALARIES FOR SIMILAR SERVICES IN THE CLASSIFIED SERVICE).

Sec. 26. Minnesota Statutes 1976, Section 245.03, is amended to read:

245.03 [DEPARTMENT OF PUBLIC WELFARE ESTABLISHED; COMMISSIONER.] There is (HEREBY) created (AND ESTABLISHED) a department of public welfare. A commissioner of public welfare shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.* The commissioner(, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in welfare and without regard to political affiliations. (SUBJECT TO THE PROVISIONS OF SECTIONS 245.03 TO 245.12 AND OTHER APPLICABLE LAWS, NOW OR HEREINAFTER ENACTED,) The commissioner shall (HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY, AND TO) appoint a deputy commissioner (IN UNCLASSIFIED SERVICE. HE SHALL ALSO APPOINT SUCH OTHER SUBORDINATE OFFICERS, EMPLOYEES AND AGENTS AS HE MAY DEEM NECESSARY TO DISCHARGE THE FUNCTIONS OF THE DEPARTMENT; AND DEFINE THE DUTIES OF SUCH OFFICERS, EMPLOYEES AND AGENTS AND TO DELEGATE TO THEM ANY OF HIS POWERS OR DUTIES SUBJECT TO HIS CONTROL AND UNDER SUCH CONDITIONS AS HE MAY PRESCRIBE. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE COMMISSIONER SHALL GIVE BOND IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE).

Sec. 27. Minnesota Statutes 1976, Section 268.12, Subdivision 1, is amended to read:

268.12 [CREATION.] Subdivision 1. [DEPARTMENT OF EMPLOYMENT SERVICES; COMMISSIONER.] ((1)) There is (HEREBY) created (AND ESTABLISHED) a department of employment (SECURITY WHICH SHALL BE THE SUCCESSOR TO THE DIVISION OF EMPLOYMENT AND SECURITY WHICH SAID DIVISION IS HEREBY ABOLISHED AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY AS ESTABLISHED BY LAWS 1939, ARTICLE VII, SECTION 1.) *services under the control of*

((2)) a commissioner (OF EMPLOYMENT SECURITY) *who* shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED, TO ADMINISTER THIS CHAPTER AS THE SAME MAY HEREAFTER FROM TIME TO TIME BE AMENDED. THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, MAY BE REMOVED BY THE GOVERNOR AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) *under the provisions of section 1.* The commissioner shall be selected on the basis of ability and experience and without regard to political affiliations. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. SUBJECT TO THE PROVISIONS OF SECTIONS 268.03 TO 268.24 AND OTHER APPLICABLE LAWS NOW OR HEREAFTER ENACTED, THE COMMISSIONER SHALL HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE SALARY OF THE COMMISSIONER SHALL BE PRESCRIBED BY THE LEGISLATURE AND HE SHALL GIVE BOND IN THE SUM OF \$10,000.)

((3)) ALL PROCEEDINGS, COURT ACTIONS, PROSECUTIONS OR OTHER BUSINESS UNDERTAKEN OR COMMENCED PRIOR TO APRIL 21, 1953, BY THE DIVISION OF EMPLOYMENT AND SECURITY AND ANY OTHER MATTERS OF THE DIVISION OF EMPLOYMENT AND SECURITY PENDING AT THE TIME OF THE PASSAGE OF THIS ACT MAY BE CONDUCTED AND COMPLETED

BY THE NEW DEPARTMENT OF EMPLOYMENT SECURITY IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS THOUGH IT WERE UNDERTAKEN, COMMENCED OR CONDUCTED OR COMPLETED BY SAID DIVISION OF EMPLOYMENT AND SECURITY PRIOR TO SUCH CHANGE. ALL FUNCTIONS, POWERS AND DUTIES OF SUCH DIVISION OF EMPLOYMENT AND SECURITY ARE BY THIS ACT ASSIGNED AND TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY.)

((4) ALL THE POWERS AND DUTIES NOW VESTED IN OR IMPOSED UPON THE DIRECTOR OF THE DIVISION OF EMPLOYMENT AND SECURITY AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY ARE HEREBY VESTED IN AND IMPOSED UPON THE COMMISSIONER OF EMPLOYMENT SECURITY.)

(ALL OF THE EMPLOYEES OF SAID DIVISION OF EMPLOYMENT AND SECURITY ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY CREATED BY THIS SECTION, AND SAID COMMISSIONER SHALL TAKE CHARGE OF SAID EMPLOYEES AND SHALL EMPLOY THEM IN THE EXERCISE OF THE RESPECTIVE FUNCTIONS, POWERS AND DUTIES TRANSFERRED AS AFORESAID WITHOUT REDUCTION OF COMPENSATION OR CIVIL SERVICE STATUS ENJOYED BY SAID EMPLOYEES AT THE TIME OF SUCH TRANSFER, SUBJECT, HOWEVER, TO CHANGE OR TERMINATION OF EMPLOYMENT, COMPENSATION OR CIVIL SERVICE STATUS AS MAY BE OTHERWISE PROVIDED BY LAW.)

((5) ALL OTHER ACTS OR PARTS OF ACTS NOW IN EFFECT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION ARE HEREBY REPEALED, SUPERSEDED, MODIFIED OR AMENDED SO FAR AS NECESSARY TO CONFORM TO AND GIVE FULL FORCE AND EFFECT TO THE PROVISIONS OF THIS SECTION.)

((6) LAWS 1953, CHAPTER 603, SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE; PROVIDED, THAT NO TRANSFER OF FUNCTIONS, RIGHTS, POWERS, DUTIES, OR FUNDS MADE THEREBY SHALL TAKE EFFECT UNTIL THE COMMISSIONER OF THE DEPARTMENT TO WHOM THE SAME ARE TRANSFERRED SHALL HAVE BEEN APPOINTED; TAKEN HIS OATH OF OFFICE AND FILED OATH AND BOND IN THE OFFICE OF THE SECRETARY OF STATE; AND UNTIL THEN THE FORMER DIVISION OR AGENCY VESTED THEREWITH SHALL CONTINUE TO EXERCISE AND

PERFORM SUCH FUNCTIONS, RIGHTS, POWERS, AND DUTIES, AND TO HAVE CHARGE OF SUCH FUNDS.)

Sec. 28. Minnesota Statutes 1976, Section 270.02, Subdivision 2, is amended to read:

Subd. 2. [TERMS.] The commissioner of revenue shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* The commissioner(, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in the field of (TAXATION AND) tax administration and without regard to political affiliations. (THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE, AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT IS SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL GIVE BOND TO THE STATE IN THE SUM OF \$200,000. THE PERSON OCCUPYING THE POSITION OF COMMISSIONER OF TAXATION ON JULY 1, 1973, SHALL BE DESIGNATED AS COMMISSIONER OF REVENUE, AND HIS TERM OF OFFICE SHALL COINCIDE WITH THE TERM OF THE OFFICE OF GOVERNOR.)

Sec. 29. Minnesota Statutes 1976, Section 298.22, Subdivision 1, is amended to read:

298.22 [IRON RANGE RESOURCES AND REHABILITATION.] Subdivision 1. (ON AND AFTER JULY 1, 1969,) (1) There is (HEREBY) appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts paid and credited to said fund from the proceeds of taxes paid under the provisions of sections 298.01 to 298.21.

(2) The office of commissioner of iron range resources and rehabilitation is (HEREBY) created. The commissioner shall be appointed by the governor (, WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE

NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

(3) The salary of the commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner (WHO SHALL SERVE IN THE UNCLASSIFIED SERVICE AT THE PLEASURE OF THE COMMISSIONER). All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

(4) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 30. Minnesota Statutes 1976, Section 299A.01, Subdivision 1, is amended to read:

299A.01 [DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.] Subdivision 1. (IN ORDER THAT THE FUNCTIONS AND SERVICES OF THE STATE OF MINNESOTA RELATING TO THE SAFETY AND CONVENIENCE OF ITS CITIZENS MIGHT BE COORDINATED AND DIRECTED IN AN ACCESSIBLE, IDENTIFIABLE MANNER; AND TO PROMOTE AND INSURE THE EXISTING PUBLIC SAFETY OPERATIONS OF THAT GOVERNMENT,) The department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM. THE GOVERNOR MAY REMOVE THE COMMISSIONER ONLY FOR CAUSE, AFTER A PUBLIC HEARING. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSI-

FIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE) commissioner.

Sec. 31. Minnesota Statutes 1976, Section 299A.01, Subdivision 2, is amended to read:

Subd. 2. The duties of the (DEPUTY) *commissioner* shall include (, IN ADDITION TO SUCH OTHER FUNCTIONS AND RESPONSIBILITIES AS MAY BE DELEGATED OR ASSIGNED BY THE COMMISSIONER OR IMPOSED BY LAW,) the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Sec. 32. Minnesota Statutes 1976, Section 362.09, Subdivision 1, is amended to read:

362.09 [COMMISSIONER; ADVISORY COMMITTEE.]  
Subdivision 1. The department shall be under the supervision and control of a commissioner of economic development (, IN UNCLASSIFIED SERVICE,) who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM OF FOUR YEARS TO COINCIDE WITH THAT OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) *under the provisions of section 1.* He shall be chosen with regard to his knowledge, training, experience, and ability in administering the functions of the department. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL THEREUPON IMMEDIATELY TAKE

OFFICE AND SHALL CARRY ON ALL THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL RECEIVE A SALARY AS PROVIDED BY LAW. HE SHALL GIVE A BOND TO THE STATE IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

The commissioner shall appoint a deputy (, FIX HIS SALARY UNLESS OTHERWISE PRESCRIBED BY LAW AND DEFINE HIS DUTIES. THE DEPUTY SHALL ENJOY A CONFIDENTIAL RELATIONSHIP WITH THE COMMISSIONER AND IS IN THE UNCLASSIFIED SERVICE OF THE STATE) *commissioner*.

Sec. 33. Minnesota Statutes 1976, Section 363.04, Subdivision 1, is amended to read:

363.04 [DEPARTMENT OF HUMAN RIGHTS.] Subdivision 1. [CREATION; COMMISSIONER.] There is (HEREBY) established (AT THE SEAT OF GOVERNMENT AN EXECUTIVE) a department (TO BE KNOWN AS THE DEPARTMENT) of human rights (, THERE SHALL BE AT THE HEAD OF THE DEPARTMENT) *under the direction and supervision of a commissioner (OF HUMAN RIGHTS,)* who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. THE DEPARTMENT SHALL BE ADMINISTERED UNDER THE SUPERVISION AND DIRECTION OF THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, AND SHALL RECEIVE COMPENSATION AT THE RATE PRESCRIBED BY LAW) *under the provisions of section 1.*

Sec. 34. Minnesota Statutes 1976, Section 144.02, is amended to read:

144.02 [MEETINGS; OFFICERS; QUORUM.] The (STATE) board of health shall (HOLD AN ANNUAL MEET-

ING DURING THE FIRST QUARTER OF EVERY YEAR AT A TIME AND PLACE DESIGNATED BY THE BOARD AT WHICH TIME IT SHALL) *annually* elect from its members a president. (REGULAR MEETINGS, ONE OF WHICH SHALL INCLUDE THE ANNUAL MEETING, SHALL BE HELD NOT LESS THAN FOUR TIMES A YEAR. AT LEAST ONE SUCH REGULAR MEETING SHALL BE HELD EACH QUARTER.) The time and place of (ALL SUCH) *regular* meetings shall be determined by the board, and all board members shall be notified thereof by mail seven days in advance. Special meetings may be held (AT SUCH TIMES AND PLACES AS) *on the request of* the (SECRETARY) *commissioner* or any two members of the board (SHALL APPOINT) upon three days' notice to the members by mail. (THE BOARD SHALL ELECT A SECRETARY, WITH THE ADVICE AND CONSENT OF THE SENATE, TO SERVE DURING ITS PLEASURE, WHO MAY OR MAY NOT BE ONE OF ITS MEMBERS.) A majority shall be a quorum and any meeting may be adjourned from time to time.

Sec. 35. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.011] [DEPARTMENT OF HEALTH.] *Subdivision 1. [COMMISSIONER.] The department of health shall be under the control and supervision of the commissioner of health who shall be appointed by the governor under the provisions of section 1. The state board of health is abolished and all powers and duties of the board are transferred to the commissioner of health.*

*Subd. 2. [STATE HEALTH ADVISORY COUNCIL.] The state health advisory council is hereby created to consist of 15 members appointed by the governor. Nine members of the council shall be broadly representative of the licensed health professions and six members shall be public members as defined by section 214.02. Additionally, members of the council shall be representative of the various geographic areas of the state. The council and its members shall be governed by the provisions of section 15.059. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council shall advise the commissioner of health on any matter relating to the functions of the department.*

Sec. 36. Minnesota Statutes 1976, Section 121.09, is amended to read:

121.09 [ADMINISTRATION; EXCEPTIONS.] The (STATE BOARD) *commissioner* shall administer all laws relating to (THE COMMISSIONER,) libraries(,) and other public educational institutions, except such laws as may relate to the

*university of Minnesota and to the state universities and community colleges.*

Sec. 37. Minnesota Statutes 1976, Chapter 121, is amended by adding a section to read:

[121.021] [DEPARTMENT OF EDUCATION.] *Subdivision 1. [COMMISSIONER.] The department of education shall be under the control and supervision of the commissioner of education who shall be appointed by the governor under the provisions of section 1. The state board of education is abolished and all powers and duties of the board are transferred to the commissioner of education.*

*Subd. 2. [STATE ADVISORY COUNCIL ON EDUCATION.] The state advisory council on education is hereby created to consist of nine members appointed by the governor. Members of the council shall be representative of the various geographic areas of the state. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council and its members shall be governed by the provisions of section 15.059. The council shall advise the commissioner of education on any matter relating to the functions of the department.*

Sec. 38. Minnesota Statutes 1976, Section 462A.04, Subdivision 8, is amended to read:

**Subd. 8. The agency shall (EMPLOY AN EXECUTIVE DIRECTOR, LEGAL AND TECHNICAL EXPERTS AND SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES, PERMANENT AND TEMPORARY, AS IT MAY REQUIRE, AND SHALL DETERMINE THEIR QUALIFICATIONS, DUTIES AND COMPENSATION) be under the administrative control of an executive director which office is established. He shall be appointed by the governor under the provisions of section 1.**

*The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as he deems necessary subject to the approval of the commissioner of personnel. (THE AGENCY MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES SUCH POWERS OR DUTIES AS IT MIGHT DEEM PROPER.) All permanent employees of the agency, except the executive director and deputy director, are in the classified civil service (OF THE STATE).*

Sec. 39. [TEMPORARY PROVISIONS.] *The term of any department head or commissioner dealt with in this act shall expire the first Monday in January 1979, unless Minnesota Stat-*

*utes provide for an earlier expiration date. In this event, the new appointment shall be made so as to expire the first Monday of January 1979.*

*Any department head or commissioner dealt with in this act and serving on the effective date of this act is deemed to have been appointed in compliance with the provisions of this act.*

*If any position which currently bears the title of deputy loses this title pursuant to section 1, subdivision 6, or any other provision of this act, the commissioner of personnel shall assign a new title. If the position is currently in the unclassified civil service, it shall remain in the unclassified civil service. In the event that authorized, unclassified deputy positions are not filled, the department head or commissioner may fill these positions but only as permitted by applicable personnel complement limitations.*

**Sec. 40. [INSTRUCTION TO REVISOR.]** *The revisor of statutes shall eliminate from the statutes any reference to the "secretary" or "executive officer" of the board of health or any similar title with this meaning, and shall substitute "commissioner" or "commissioner of health" as appropriate.*

*The revisor of statutes shall also eliminate from the statutes any reference to the "board of health" and shall insert in lieu thereof as appropriate the "commissioner of health" or "commissioner" and shall eliminate from the statutes any reference to the "board of education" and shall insert in lieu thereof as appropriate "commissioner of education" or "commissioner".*

**Sec. 41. [REPEALER.]** *Minnesota Statutes 1976, Sections 16.13; 121.02; 121.03; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2, are repealed.*

**Sec. 42. [EFFECTIVE DATE.]** *This act shall be effective the day following its final enactment."*

Further amend by striking the title and inserting:

*"A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of re-*

organization orders; abolishing the state board of health and state board of education and transferring their powers and duties; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 144.02; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; Chapters 121, by adding a section; and 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.02; 121.03; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

The motion prevailed and the amendment was adopted.

Petrafeso moved to amend S. F. No. 109, as amended, as follows:

Page 15, line 27, strike "In".

Page 15, strike lines 28 and 29.

Page 15, line 30, strike "commission pursuant to section 116H.04."

The motion prevailed and the amendment was adopted.

Petrafeso moved to amend S. F. No. 109, as amended, as follows:

Page 33, lines 5 and 6, delete "*Subdivision 2*".

Amend the title as follows:

Page 1, line 30, delete "*Subdivision 2*".

The motion prevailed and the amendment was adopted.

Johnson moved to amend S. F. No. 109, as amended, as follows:

Page 30, strike lines 21 to 32 and insert:

"Sec. 36. Minnesota Statutes 1976, Section 121.16, Subdivision 1, is amended to read:

121.16 [COMMISSIONER OF EDUCATION.] Subdivision 1. (THE STATE BOARD SHALL ELECT A) *The department*

shall be under the administrative control of the commissioner (WHO) of education which office is established. The commissioner shall be the (EXECUTIVE OFFICER AND) secretary of the state board. (AND WHOSE) Notwithstanding the provisions of section 1, the commissioner's term of office shall be four years. He shall be appointed by the state board with the approval of the governor and under the provisions of section 1. For purposes of section 1, the state board shall be the appointing authority.

(HE) The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. The commissioner shall (HAVE AUTHORITY TO NOMINATE, FOR APPROVAL BY THE STATE BOARD, SUCH OFFICIALS AND) appoint employees as may be necessary (TO PERFECT AND TO MAINTAIN) for the organization of the department (AS RECOMMENDED BY HIM AND AS ADOPTED BY THE STATE BOARD). He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of (THE VARIOUS OFFICES AND DIVISION IN) the (ORGANIZATION OF THE) department. He shall (BE REQUIRED TO) make recommendations to the state board which shall facilitate all of the work of the state board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out (THE PROVISIONS OF THIS CODE) its duties.

Page 31, strike lines 1 to 15.

Page 32, line 32, strike "and shall eliminate from the" and insert a period.

Page 33, strike lines 1 to 3.

Page 33, line 5, strike "121.02; 121.03;".

Page 33, line 5, after "121.16," reinsert ", Subdivision 2".

Further, amend the title as follows:

Page 1, line 20, after "121.09;" insert "121.16, Subdivision 1;".

Page 1, line 29, strike "121.02;".

Page 1, line 30, strike "121.03;".

Page 1, line 30, after "121.16" reinsert ", Subdivision 2".

A roll call was requested and properly seconded.

Swanson moved to amend the Johnson amendment to S. F. No. 109, as follows:

After "*appointed by the*" delete "*state board with the approval of*".

After "*the governor*" delete "*and*".

After "*provisions of section 1.*" delete "*For purposes of section 1, the state board shall be the appointing authority.*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Swanson amendment to the amendment and the roll was called. There were 25 yeas and 95 nays as follows:

Those who voted in affirmative were:

Berg	Enebo	Kahn	Pehler	Sieben, M.
Berglin	Fugina	Kelly, W.	Petrafaso	Stoa
Brandl	George	Moe	Samuelson	Swanson
Carlson, L.	Hokanson	Osthoff	Scheid	Tomlinson
Ellingson	Jacobs	Patton	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Abein	Cassery	Hanson	Lemke	Sarna
Adams	Clark	Heinitz	Mangan	Savelkoul
Albrecht	Clawson	Jaros	Mann	Schulz
Anderson, B.	Cohen	Jensen	McDonald	Searles
Anderson, D.	Corbid	Johnson	McEachern	Searles
Anderson, G.	Dahl	Jude	Metzen	Simoneau
Anderson, I.	Dean	Kaley	Munger	Skoglund
Arlandson	Den Ouden	Kalis	Murphy	Smogard
Battaglia	Eckstein	Kelly, R.	Neisen	Spanish
Beauchamp	Eken	Kempe, A.	Nelsen, B.	Stanton
Begich	Erickson	Kempe, R.	Nelsen, M.	Vanasek
Berkelman	Esau	King	Nelson	Waldorf
Biersdorf	Evans	Knickerbocker	Niehaus	Welch
Birnstihl	Ewald	Kostohryz	Novak	Wenstrom
Braun	Fjoalien	Kroening	Peterson	Wenzel
Brinkman	Forsythe	Kvam	Pleasant	White
Byrne	Friedrich	Laidig	Rice	Wigley
Carlson, A.	Fudro	Langseth	Rose	Wynia
Carlson, D.	Gunter	Lehto	St. Onge	Zubay

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

The question recurred on the adoption of the Johnson amendment and the roll was called. There were 83 yeas and 45 nays as follows:

Those who voted in the affirmative were :

Abeln	Dean	Hokanson	Mangan	Schulz
Adams	Den Ouden	Jensen	Mann	Searle
Albrecht	Eckstein	Johnson	McDonald	Searles
Anderson, D.	Eken	Jude	Metzen	Smogard
Anderson, G.	Erickson	Kaley	Murphy	Spanish
Anderson, R.	Esau	Kalis	Neisen	Stanton
Arlandson	Evans	Kelly, W.	Nelsen, B.	Tomlinson
Battaglia	Ewald	Kempe, A.	Nelsen, M.	Vanasek
Berkelman	Faricy	Kempe, R.	Nelson	Welch
Biersdorf	Fjoslien	King	Niehaus	Wenstrom
Birnstihl	Forsythe	Knickerbocker	Norton	Wenzel
Braun	Friedrich	Kostohryz	Novak	White
Brinkman	Fudro	Kvam	Peterson	Wieser
Carlson, A.	Fugina	Laidig	Pleasant	Wigley
Carlson, D.	Gunter	Langseth	Reding	Zubay
Carlson, L.	Hanson	Lehto	Rice	
Dahl	Heinitz	Lemke	Rose	

Those who voted in the negative were :

Anderson, B.	Clark	Jaros	Patton	Sieben, M.
Anderson, I.	Clawson	Kahn	Pehler	Simoneau
Beauchamp	Cohen	Kelly, R.	Petrafeso	Skoglund
Begich	Corbid	Kroening	Prahl	Stoa
Berg	Cummiskey	McCarron	St. Onge	Suss
Berglin	Ellingson	McEachern	Samuelson	Swanson
Brandl	Enebo	Moe	Sarna	Waldorf
Byrne	George	Munger	Scheid	Wynia
Cassery	Jacobs	Osthoff	Sieben, H.	Speaker Sabo

The motion prevailed and the amendment was adopted.

Berkelman moved to amend S. F. No. 109, as amended, as follows :

Page 30, line 2, after "under the" insert "administrative".

Page 30, line 5, strike "*The state board of health is abolished and all*".

Page 30, strike lines 6 through 20 and insert in lieu thereof "*The commissioner shall be a person who possesses training and experience in public health administration.*"

*Subd. 2. [TRANSFER OF AUTHORITY.] All administrative authority previously vested with the state board of health is transferred to the commissioner of health."*

Page 33, line 6, strike "144.01; 144.02; 144.03; 144.04".

Further amend the title accordingly.

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

Clawson moved to amend S. F. No. 109, as amended, as follows:

Page 30, line 18 after the period insert "*The commissioner shall be selected without regard to political affiliation and with regard to ability and experience in matters of public health.*"

The motion prevailed and the amendment was adopted.

Kempe, A. was excused for the remainder of today's session.

S. F. No. 109, A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 3; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

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 98 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeln	Begich	Byrne	Corbid	Ewald
Adams	Berg	Carlson, A.	Cummiskey	Fudro
Anderson, G.	Berglin	Carlson, L.	Dahl	Fugina
Anderson, I.	Berkelman	Casserly	Dean	George
Arlandson	Birnstihl	Clark	Eken	Hanson
Battaglia	Brandl	Clawson	Ellingson	Hokanson
Beauchamp	Braun	Cohen	Enebo	Jacobs

Jaros	Mangan	Norton	Scheid	Tomlinson
Johnson	Mann	Novak	Schulz	Vanasek
Jude	McCarron	Osthoff	Searles	Waldorf
Kahn	McCollar	Patton	Sherwood	Welch
Kelly, R.	McDonald	Pehler	Sieben, H.	Wenstrom
Kelly, W.	McEachern	Petrafeso	Sieben, M.	Wenzel
Kempe, R.	Metzen	Pleasant	Simoneau	White
King	Moe	Prahl	Skoglund	Wieser
Kostohryz	Munger	Reding	Smogard	Wynia
Kroening	Murphy	Rice	Stanton	Zubay
Laidig	Neisen	St. Onge	Stoa	Speaker Sabo
Langseth	Nelsen, M.	Samuelson	Suss	
Lehto	Nelson	Sarna	Swanson	

Those who voted in the negative were:

Albrecht	Eckstein	Forsythe	Kalis	Peterson
Anderson, B.	Erickson	Friedrich	Knickerbocker	Rose
Anderson, D.	Essau	Gunter	Kvam	Savelkoul
Biersdorf	Evans	Heinitz	Lemke	Searle
Carlson, D.	Faricy	Jensen	Nelsen, B.	Spanish
Den Ouden	Fjoslien	Kaley	Niehaus	Wigley

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

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 46, A bill for an act relating to taxation; exempting from sales, use, and property tax certain property to be used to provide a solar energy heating or cooling system for buildings; amending Minnesota Statutes 1976, Sections 272.02, Subdivision 1; and 297A.25, Subdivision 1.

Reported the same back with the following amendments:

Page 4, line 25, after "or" insert "solar".

Page 4, line 25, after "cooling" insert "or solar electricity generation".

Page 12, line 1, after "heating or" insert "solar".

Page 12, line 1, after "cooling" insert "or solar electricity generation".

Page 12, line 4, after "or" insert "solar".

Page 12, line 4, after "cooling" insert "or solar electricity generation".

Page 12, line 6, after "or" insert "solar".

Page 12, line 6, after "cooling" insert "or solar electricity generation".

Further amend the title as follows:

Page 1, line 4, after "or" insert "solar".

Page 1, line 4, after "cooling" insert "or solar electricity generation".

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1092, A bill for an act relating to public waters; establishing a lake restoration and protection program; making grants-in-aid available for improving water quality in public lakes; prescribing certain powers and duties for the pollution control agency; appropriating money.

Reported the same back with the following amendments:

Page 1, delete lines 10 to 23.

Page 2, delete lines 1 to 19.

Page 3, line 26, delete "accessible to the public via contiguous public".

Page 3, delete line 27 and insert "*further defined, for purposes of this act, by rule of the agency.*".

Page 9, following line 16, insert the following:

"Sec. 8. Minnesota Statutes 1976, Section 459.20, is amended to read:

459.20 [AUTHORITY OVER PUBLIC WATERS.] The governing body of any *home rule charter or statutory city or town* in the state has (THE FOLLOWING POWERS: (A) IN), with respect to any body of water situated wholly within (THE MUNICIPAL) *its* boundaries, all the powers to improve and regulate the use of such body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts under sections 378.41 to

378.56 (; AND (B) IN). *With respect to any body of water situated (PARTLY) wholly within the (MUNICIPAL) contiguous boundaries (, THE POWERS CONFERRED ON COUNTY BOARDS BY SECTION 378.31, BUT ONLY TO THE EXTENT SUCH POWERS ARE NECESSARY FOR THE PURPOSE OF PREVENTING OR CONTROLLING FLOODS WITHIN THE BOUNDARIES OF THE MUNICIPALITY AND ONLY IN CONJUNCTION WITH PROJECTS UNDERTAKEN PURSUANT TO OR IN ANTICIPATION OF AN AGREEMENT WITH THE GOVERNMENT OF THE UNITED STATES OR ANY AGENCY THEREOF) of a group of home rule charter or statutory cities or towns or any combination thereof, the city councils and town boards may, under the provisions of section 471.59, jointly exercise such powers to improve and regulate the use of the body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts as provided under sections 378.41 to 378.56, provided that, no home rule charter or statutory city or town may establish and administer a lake improvement district or exercise any of the powers granted in this section if a lake improvement district covering the same territory has been created by a county board under sections 378.41 to 378.56. References in sections 378.31 to 378.35 and 378.41 to 378.56 to the county board shall (MEAN ALSO) be construed to refer to the (APPROPRIATE) governing body of a home rule charter or statutory city or the board of supervisors of a town."*

Underline all new language.

Renumber the sections in sequence.

Further amend the title as follows:

Page 1, line 7, after "money" insert "; amending Minnesota Statutes 1976, Section 459.20".

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1254, A bill for an act relating to pollution; prohibiting littering; prescribing the powers and duties of the commissioner of transportation in regard thereto; requiring litter bags in certain vehicles and watercraft and litter receptacles in public places; prescribing a litter license fee on certain manufacturers, wholesalers, distributors, and retailers; prescribing penalties; appropriating money; repealing Minnesota Statutes 1976, Sections 169.42; and 609.68.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 116E.03, Subdivision 7, is amended to read:

Subd. 7. [EMPLOYMENT OF STAFF.] The state board and the regional councils may employ (SUCH) *the* administrative and clerical staff (AS MAY BE) necessary to carry out the functions of the state board and regional councils as described in sections 116E.01 to 116E.04 (, INCLUDING, BUT NOT LIMITED TO, AN EXECUTIVE DIRECTOR TO REPRESENT AND MANAGE THE AFFAIRS OF THE STATE BOARD, AND/OR REGIONAL COUNCILS, AS THE CASE MAY BE). *All employees, except the executive director, serving the board who were hired after July 1, 1976, shall be in the classified civil service of the state.* In addition, the state board and regional councils may employ and fix the compensation of (SUCH) *any* experts and consultants as may be necessary to carry out their functions under sections 116E.01 to 116E.04.

Sec. 2. Minnesota Statutes 1976, Section 116E.03, Subdivision 7a, is amended to read:

Subd. 7a. [EXECUTIVE DIRECTOR.] The executive director of the state board shall be experienced in the administration of environment-related programs. (ALL EMPLOYEES SERVING THE BOARD SHALL BE IN THE CLASSIFIED CIVIL SERVICE OF THE STATE. THIS SUBDIVISION SHALL NOT APPLY TO BOARD EMPLOYEES SERVING ON JULY 1, 1976) *He shall be appointed by the governor with the consent of the senate for a four year term, which shall coincide with the term of the governor and shall serve until his successor is duly appointed and qualifies. The governor may remove the director at any time at his pleasure. A vacancy in the office of executive director shall be filled by the governor with the consent of the senate, for the unexpired term.*

Sec. 3. Minnesota Statutes 1976, Section 116E.03, Subdivision 8, is amended to read:

Subd. 8. [CONTRACTS.] The (CHIEF ADMINISTRATIVE OFFICER) *executive director* of the state board may contract with persons, firms, corporations, organizations, units of government or institutions of higher learning for doing any of the work of his office, and none of the provisions of chapter 16, relating to bids, shall apply to such contracts. The regional councils may contract with the regional development commissions designated by the governor pursuant to Minnesota Statutes 1971, Section 462.385, to accomplish the purposes of sections 116E.01

to 116E.04. All personnel employed and all contracts entered into pursuant to this subdivision shall be subject to the approval of the state board. Agreements to exercise delegated powers shall be by written order filed with the secretary of state.

Sec. 4. Minnesota Statutes 1976, Section 174.02, Subdivision 2, is amended to read:

Subd. 2. [UNCLASSIFIED POSITIONS.] The commissioner may establish (FOUR) *five* positions in the unclassified service at the deputy and assistant commissioner, assistant to commissioner or personal secretary levels. No more than two of these positions shall be at the deputy commissioner level. *The commissioner shall delegate his responsibilities and duties specified in sections 5 to 18 of this act to one of the persons in the unclassified service.*

Sec. 5. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.61] [DEFINITIONS.] *Subdivision 1. For the purposes of section 5 to 18, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.*

Subd. 2. *"Commissioner" means the commissioner of transportation.*

Subd. 3. *"Department" means the department of transportation.*

Subd. 4. *"Litter" means all waste material including but not limited to any glass, bottles, nails, tacks, wire, cans, garbage, swill, papers, carcass of any dead animal, offal, trash or rubbish.*

Subd. 5. *"Litter bag" means a bag or container with a capacity of at least one quart, but not more than eight quarts.*

Subd. 6. *"Person" means any corporation, partnership, association, or individual.*

Subd. 7. *"Vehicle" means any self-propelled device licensed to be operated on the public highways of this state or any snowmobile.*

Subd. 8. *"Watercraft" means any boat, ship, vessel, barge, or other floating craft in which individuals or personal property may be transported.*

Subd. 9. *"Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.*

*Subd. 10. "Peace officer" has the meaning specified in section 352E.01, subdivision 2.*

Sec. 6. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.62] [RULES; APPLICATION.] *In addition to his other powers and duties, the commissioner shall promulgate rules necessary to carry out the provisions of sections 5 to 18, provided the rules are not inconsistent with any rules promulgated by the pollution control agency concerning the transporting, storing, dumping, or removing of solid waste. The rules shall specify standards concerning the distribution and location of litter receptacles in public places.*

Sec. 7. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.63] [ENFORCEMENT.] *All peace officers shall enforce the provisions of sections 5 to 16 and all rules adopted thereunder and may issue citations to, and arrest without warrant, persons violating any provision of sections 5 to 16 or any of the rules adopted thereunder. Any person may file a complaint in regard to a violation of sections 5 to 16 or the rules adopted thereunder with the appropriate law enforcement agency. All law enforcement officials may serve and execute all warrants, citations, and other process issued by courts in enforcing the provisions of sections 5 to 16 and rules adopted thereunder. Mailing by certified mail of a warrant, citation, or other process to the last known place of residence of the person charged shall be deemed personal service.*

Sec. 8. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.64] [LITTERING PROHIBITED.] *Subdivision 1: No person shall throw, place, dump, discard or otherwise deposit, or cause to be thrown, placed, dumped, discarded or otherwise deposited any litter on any public street, highway, land, water or the ice thereon except with the permission of and in the manner prescribed by the governing body having jurisdiction over the public places.*

*Subd. 2. No person shall throw, place, dump, discard or otherwise deposit, or cause to be thrown, placed, dumped, discarded or otherwise deposited any litter on any privately owned land or water or the ice thereon except with the permission of and in the manner prescribed by the owner thereof.*

*Subd. 3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.*

*Subd. 4. No person shall drop or hurl any destructive or injurious material or object at or upon any motor vehicle or the occupants thereof upon any highway.*

Sec. 9. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.65] [OWNER OR OPERATOR LIABILITY.] *It shall be unlawful for the owner of a vehicle or watercraft, if he is then present in the vehicle or watercraft, or the driver of the vehicle as defined in section 169.01, subdivision 25, or the operator of the watercraft as defined in section 361.02, subdivision 6, to allow a passenger in his vehicle or watercraft to violate section 8, subdivision 1 or 2. This section shall not apply to a school bus or a vehicle transporting passengers for hire.*

Sec. 10. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.66] [LITTER RECEPTACLES; PUBLIC PLACES.] *Every person owning or operating any public place in which litter receptacles are required by the rules of the commissioner shall obtain and place receptacles at his own expense on the premises in accordance with the rules adopted by the commissioner. The owner or person operating a public place may limit the litter placed in litter receptacles to that which is normally contained in approved litter bags.*

Sec. 11. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.67] [LITTER BAGS REQUIRED.] *No person shall operate a vehicle or a watercraft unless it contains a litter bag.*

Sec. 12. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.68] [LITTER BAGS; DESIGN AND DISTRIBUTION.] *The department may make available litter bags and other promotional material bearing the statewide anti-litter symbol. These litter bags may be distributed by the department of public safety, at no charge, to the owner of every licensed vehicle in this state at the time of license renewal. The department may provide these litter bags at no charge at rest areas, field offices and other places deemed appropriate by the commissioner. The department of natural resources may make these litter bags available to the owners of watercraft in this state at the time of license renewal.*

Sec. 13. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.69] [LITTER CONTROL PROGRAMS; PUBLIC EDUCATION; DISTRIBUTION OF FUNDS.] *The commissioner shall coordinate programs involving public and private agencies for the purposes of research, development, and public education concerning the litter problem. He shall actively encourage the cooperation and support of labor, industry and other persons interested in anti-litter activities. The commissioner shall be the agent of the state for receipt of public or private funds and gifts made available for purposes of sections 5 to 18. Any funds or gifts received pursuant to this section are annually appropriated to the commissioner for the purposes of sections 5 to 18. He may make grants available for the purposes stated in this section to those persons he deems appropriate and qualified.*

Sec. 14. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.70] [PENALTIES.] *Subdivision 1. Any person who violates the provisions of section 8, is guilty of a misdemeanor. Upon the conviction of any person for a violation of section 8, subdivision 1 or 2, the court may order the violator to work under the supervision of a conservation officer or the department for up to eight hours in any program of litter removal or beautification.*

*Subd. 2. Any person who fails to provide litter receptacles as required by section 10, is guilty of a petty misdemeanor.*

*Subd. 3. Any person who violates the provisions of section 11, may be fined not more than \$10.*

Sec. 15. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.71] [FINES; GOVERNMENTAL SHARING.] *Any political subdivision which collects a fine or bail forfeiture under the provisions of sections 5 to 18 shall forward one half of the collected amounts to the general fund of the state treasury. These funds are hereby appropriated to the commissioner for the purposes of implementing sections 5 to 18.*

Sec. 16. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.72] [NOTICE TO PUBLIC.] *The commissioner, with the approval and cooperation of the Minnesota environmental education board, shall take appropriate action as necessary to inform the public of the contents of sections 5 to 18 and the penalties for violation thereof.*

Sec. 17. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.73] [LITTER COLLECTION AND SURVEY.] *The department shall make a collection and survey of litter to be completed by November 30, 1978, of the types and kinds of litter that are discarded in violation of the laws of the state. The survey shall include litter found throughout the state, including standard metropolitan statistical areas and rural and recreational areas. To the fullest extent possible, in standard metropolitan statistical areas the department shall make use of local litter and trash collection services through arrangements with local governing bodies and appropriate agencies, in the discharge of the duties imposed by this section. The department shall report to the governor and the legislature on the amount of litter collected pursuant to this section and shall include in its report an analysis by item, weight and volume, and, where practicable, the biodegradability of the types of products, packages, wrappings and containers which compose the principal amounts of the litter collected. The products whose packages, wrappings and containers constitute the litter shall include, but not be limited to the following categories:*

- (a) *Food for human or pet consumption;*
- (b) *Groceries;*
- (c) *Cigarettes and tobacco products;*
- (d) *Soft drinks and carbonated waters;*
- (e) *Beer and other malt beverages;*
- (f) *Wine;*
- (g) *Newspapers and magazines;*
- (h) *Paper products and household paper;*
- (i) *Glass containers;*
- (j) *Metal containers;*
- (k) *Plastic or fiber containers made of synthetic material;*
- (l) *Cleaning agents and toiletries;*
- (m) *Nondrug drugstore sundry products; and*
- (n) *Distilled spirits.*

Sec. 18. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.74] [LITTER LICENSE FEE; AMOUNT; COLLECTION APPROPRIATION.] *There is hereby levied and imposed upon every person in the state engaged in business as a manufacturer, wholesaler, distributor or retailer of products described in section 17 whose gross sales of such products exceed \$150,000, an annual litter fee of \$25 per \$150,000 annual gross sales of such products within the state of Minnesota. In calculating gross sales for purposes of the litter fee, all sales within the meaning of section 297A.25, subdivision 1, clause (d), shall be exempt. The license fee shall be due and payable on or before January 31 of each year and shall be collected annually by the department of revenue in the same manner as the sales and use tax imposed under Minnesota Statutes, Chapter 297A. The receipts of the litter license fee and any unappropriated and unexpended revenue from the tax imposed pursuant to section 168B.11 shall be deposited in the general fund and are hereby annually appropriated as follows for the purposes of sections 5 to 18: 54 percent to the commissioner of transportation, 45 percent to the director of the pollution control agency, and one percent to the commissioner of revenue.*

Sec. 19. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.74] [RULES.] *The commissioner of revenue shall promulgate rules necessary to implement and collect the litter license fee imposed pursuant to this act.*

Sec. 20. [REPEALER.] *Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42 and 609.68, are repealed.*

Sec. 21. [APPROPRIATION.] *Subdivision 1. There is appropriated from the general fund to the commissioner of transportation the following amounts for the following purposes for the period from July 1, 1977, to June 30, 1979:*

(a) For litter pickup .....	\$800,000
(b) For a contract with the Minnesota environmental education board for public education concerning litter, recycling, and resource recovery .....	\$800,000
(c) For administrative expenses to implement sections 5 to 18 of this act .....	\$110,000

Subd. 2. *There is appropriated from the general fund to the director of the pollution control agency the following amounts for the period from July 1, 1977, to June 30, 1979:*

(a) For the purpose of making grants for recycling and resource recovery projects .....	\$800,000
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(b) *For the packaging review program* . . . . . \$600,000

*Subd. 3. There is appropriated from the general fund to the commissioner of revenue the sum of \$15,000 for the period from July 1, 1977, to June 30, 1979, for the administrative expenses of collecting the litter license fee established in section 18 of this act.*

**Sec. 22. [EFFECTIVE DATE.]** *Sections 1 to 9, 12 to 17, and 19 and 20 are effective the day following final enactment. Sections 10, 11 and 18 are effective January 1, 1978."*

Further amend the title by striking it in its entirety and inserting the following:

**"A bill for an act relating to pollution; requiring the director of the Minnesota environmental education board to be appointed by the governor; prohibiting littering; prescribing the powers and duties of the commissioner of transportation in regard thereto; requiring litter bags in certain vehicles and watercraft and litter receptacles in public places; prescribing a litter license fee on certain manufacturers, wholesalers, distributors, and retailers; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 116E.03, Subdivisions 7, 7a and 8; and 174.02, Subdivision 2; and Chapter 174, by adding sections; repealing Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42; and 609.68."**

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 558, A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

Reported the same back with the following amendments:

Page 1, line 20, after "704" insert "*; provided further that uninjured birds shall be released alive and that injured birds receive appropriate veterinary treatment*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 1165, A bill for an act relating to natural resources; state parks; requiring compatible uses of private lands within state parks; providing the commissioner of natural resources with authority to enforce compatible use standards; providing for the acquisition of private land within parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. Minnesota Statutes 1976, Chapter 85, is amended by adding a section to read:

[85.23] [LANDS, STATE PARKS.] *Subdivision 1. [FINDINGS.] The legislature finds that use of private lands within state parks in ways incompatible with park purposes creates a situation that threatens the natural resource purpose for which the park was created and prevents development of the full potential public benefit of the land within the park boundaries. Therefore, there is a need to regulate and limit uses of private land to those compatible with park purposes.*

*Subd. 2. [COMPATIBLE USES.] The use and occupancy of privately owned lands within the legislatively designated boundaries of state parks shall be limited to uses as provided herein compatible with the purposes of the park and no incompatible uses shall be permitted. In general, use of land within parks shall be limited to agricultural and continuation of existing residential uses. Impermissible, incompatible uses include the following:*

(a) *Construction of any new improvements or structures on the land. Provided that construction, repair or replacement of agricultural buildings and other agricultural improvements; repair, expansion or replacement of single family homes, and construction, repair or replacement of structures appurtenant to single family homes is expressly permitted;*

(b) *Logging or removal of timber unless approved by the state forester under a qualified forest management plan, except for incidental collection of firewood, removal of diseased or dying timber, or removal of timber creating an unsafe condition;*

(c) *Mineral excavation of any kind;*

(d) *Leases of the land, except for share-crop leases or other uses compatible with these limitations;*

(e) Any change in land use to a use different from that specified in these limitations; and

(f) Any sale or transfer of an ownership interest in the land except as specified in subdivision 4. The commissioner may establish rules, pursuant to Minnesota Statutes, Chapter 15, to further define incompatible uses, not inconsistent with this section.

**Subd. 3. [EXISTING INCOMPATIBLE USES.]** Existing incompatible uses, except for logging or mineral excavation, shall be permitted to continue, but no expansion of such use shall be allowed. In the event of destruction or damage to structures or other improvements constituting an incompatible existing use resulting from natural causes, their repair or replacement shall be allowed only if the extent of damage or destruction totals less than 50 percent of their value.

**Subd. 4. [SALE.]** (a) Any landowner, other than the United States, who owns land within the boundaries of state parks shall not sell or transfer any ownership interest in such land to any person other than the commissioner of natural resources, except as provided in this subdivision. Upon sale or transfer to the commissioner, the commissioner shall pay to the landowner the fair market value of the property on the date of acquisition, less the fair market value on such date of any right retained by the landowner. Any landowner who does not sell or transfer his property to the commissioner of natural resources during his lifetime shall be the last private owner of the land, and at the landowner's death, the commissioner of natural resources shall acquire the land from the landowner's estate upon payment of the fair market value of the land at the time of the landowner's death.

(b) Except for a family farm corporation, pursuant to section 500.24, if the landowner is not a natural person or persons, the owner shall sell the land to the commissioner no later than 25 years after the date of enactment of this act. If the landowner is a family farm corporation, the corporation shall sell the land to the commissioner upon the death of all family members who are stockholders as of the date of enactment of this act or, upon the death of issue, natural or adopted, of such family members, of any subsequent generation, to whom the stock is sold, bequeathed or otherwise transferred.

(c) In the event the commissioner and landowner or estate cannot agree as to the fair market value acquisition price, such price shall be determined by a condemnation proceeding pursuant to Minnesota Statutes, Chapter 117. Upon notification by any landowner or landowner's estate that a parcel of land within a state park boundary is subject to acquisition by the commissioner under this section, the commissioner shall notify the owner or estate within 60 days in writing of the intention to acquire

*the parcel, or this subdivision shall not apply to the sale or other transfer of that parcel. Nothing in this subdivision shall prohibit an owner, having title as of January 1, 1976, or subsequent issue of such owner, natural or adopted, from transferring by sale, bequest, or other means, the undivided ownership of a private parcel of land within a state park to the issue of that owner, natural or adopted, of any subsequent generation, of the first generation. "Landowner or owner" for purposes of this section means either a fee owner or a person purchasing on a contract for deed pursuant to which fee title will be transferred to the purchaser. The transfer of fee title pursuant to a contract for deed shall not constitute a "sale or transfer of an ownership interest" under this section.*

*Subd. 5. [INJUNCTIVE RELIEF.] If any provision of this section is violated, the commissioner of natural resources shall have the authority to enjoin violation by applying to the district court of the county in which the land is located for injunctive relief.*

**Sec. 2.** Minnesota Statutes 1976, Section 84.0272, is amended to read:

**84.0272 [PROCEDURE IN ACQUIRING LANDS.]** When the commissioner of administration is authorized to acquire lands or interests in lands for the commissioner of natural resources, the procedure set forth in this section shall apply. The commissioner of natural resources shall first submit a written request to the commissioner of administration showing the lands to be acquired, the legal authority for their acquisition, the qualities of the land that make it a desirable acquisition and a maximum purchase price. The commissioner of administration shall not purchase land for greater than the maximum purchase price without further consultation and written authorization and justification from the commissioner of natural resources. The commissioner of administration shall cause the lands to be appraised. An appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of administration shall not agree to pay more than ten percent above the appraised value, *except that the commissioner may pay 20 percent above the appraised value for land within state parks.* New appraisals may be made but not until at least six months after completion of an earlier series of appraisals.

**Sec. 3.** *This act is effective the day following its final enactment."*

Further amend the title as follows:

Page 1, line 8, after "1976," insert "Section 84.0272; and".

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. Nos. 558 and 1165 were read for the second time.

### SPECIAL ORDERS, Continued

S. F. No. 930, A bill for an act relating to unemployment compensation; providing for the assignment of veterans employment representatives; amending Minnesota Statutes 1976, Section 268.14, by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sieben, H.
Adams	Corbid	Jude	Neisen	Sieben, M.
Albrecht	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Kalis	Niehau	Smogard
Anderson, G.	Eckstein	Kelly, R.	Norton	Spanish
Anderson, I.	Eken	Kelly, W.	Novak	Stanton
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Stoa
Arlandson	Enebo	King	Patton	Suss
Battaglia	Erickson	Knickerbocker	Pehler	Swanson
Beauchamp	Esau	Kostohryz	Peterson	Tomlinson
Begich	Evans	Kroening	Petrafeso	Vanasek
Berg	Ewald	Kvam	Pleasant	Waldorf
Berglin	Fariy	Laidig	Prahl	Welch
Berkelman	Fjoslien	Langseth	Reding	Wenstrom
Biersdorf	Forsythe	Lehto	Rice	Wenzel
Birnstihl	Friedrich	Lemke	Rose	White
Brandl	Fudro	Mangan	St. Onge	Wieser
Braun	Fugina	Mann	Samuelson	Wigley
Brinkman	George	McCarron	Sarna	Wynia
Byrne	Gunter	McCollar	Savelkoul	Zubay
Carlson, A.	Heinitz	McDonald	Scheid	Speaker Sabo
Carlson, L.	Hokanson	McEachern	Schulz	
Casserly	Jacobs	Metzen	Searle	
Clark	Jaros	Moe	Searles	
Clawson	Jensen	Munger	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 903, A bill for an act relating to public safety; excepting certain personnel in the department of public safety from the requirement of reimbursing the state for the cost of using state-owned vehicles; amending Minnesota Statutes 1976, Section 16.753, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Moe	Schulz
Adams	Clawson	Jensen	Munger	Searle
Albrecht	Corbid	Johnson	Murphy	Sherwood
Anderson, B.	Cummiskey	Jude	Neisen	Sieben, H.
Anderson, D.	Dahl	Kahn	Nelsen, B.	Sieben, M.
Anderson, G.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, I.	Den Ouden	Kalis	Nelson	Skogiund
Anderson, R.	Eckstein	Kelly, R.	Niehaus	Smogard
Arlandson	Ellingson	Kelly, W.	Norton	Spanish
Battaglia	Enebo	Kempe, R.	Novak	Stanton
Beauchamp	Erickson	King	Ostoff	Stoa
Begich	Esau	Knickerbocker	Patton	Suss
Berg	Evans	Kostohryz	Pehler	Swanson
Berglin	Ewald	Kroening	Peterson	Tomlinson
Berkelman	Faricy	Kvam	Petrafeso	Vanasek
Biersdorf	Fjoslien	Laidig	Pleasant	Waldorf
Birnstihl	Forsythe	Langseth	Prahl	Welch
Brandl	Friedrich	Lehto	Reding	Wenstrom
Braun	Fudro	Lemke	Rice	Wenzel
Brinkman	Fugina	Mangan	Rose	White
Byrne	George	Mann	St. Onge	Wieser
Carlson, A.	Gunter	McCarron	Samuelson	Wigley
Carlson, D.	Heinitz	McDonald	Sarna	Wynia
Carlson, L.	Hokanson	McEachern	Savelkoul	Zubay
Casserly	Jacobs	Metzen	Scheid	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 831, A bill for an act relating to port authorities; increasing the compensation of commissioners for attending regular and special meetings; eliminating the annual limitation on such compensation; amending Minnesota Statutes 1976, Section 458.195, Subdivision 3.

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 121 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, G.	Anderson, R.	Battaglia
Adams	Anderson, B.	Anderson, I.	Arlandson	Beauchamp

Begich	Erickson	Kempe, R.	Norton	Skoglund
Berg	Esau	King	Novak	Smogard
Berglin	Evans	Knickerbocker	Osthoff	Spanish
Berkelman	Ewald	Kostohryz	Patton	Stanton
Biersdorf	Faricy	Kroening	Pehler	Stoa
Birnstill	Fjoslien	Kvam	Petrafeso	Suss
Brandl	Forsythe	Laidig	Pleasant	Swanson
Braun	Friedrich	Langseth	Prahl	Tomlinson
Brinkman	Fudro	Lehto	Reding	Vanasek
Byrne	Fugina	Lemke	Rice	Waldorf
Carlson, D.	George	Mangan	Rose	Welch
Carlson, L.	Gunter	McCarron	St. Onge	Wenstrom
Casserly	Heinitz	McCollar	Samuelson	Wenzel
Clark	Hokanson	McEachern	Sarna	White
Clawson	Jacobs	Metzen	Savelkoul	Wieser
Corbid	Jaros	Moe	Scheid	Wigley
Cummiskey	Jensen	Munger	Schulz	Wynia
Dahl	Johnson	Murphy	Searle	Zubay
Dean	Jude	Neisen	Searles	Speaker Sabo
Eckstein	Kahn	Nelsen, B.	Sherwood	
Eken	Kaley	Nelsen, M.	Sieben, H.	
Ellingson	Kalis	Nelson	Sieben, M.	
Enebo	Kelly, W.	Niehaus	Simoneau	

Those who voted in the negative were:

Anderson, D.    Carlson, A.    Den Ouden    Hanson    McDonald

The bill was passed and its title agreed to.

S. F. No. 51 was reported to the House.

Carlson, D., offered an amendment to S. F. No. 51.

#### POINT OF ORDER

Rice raised a point of order pursuant to rule 3.9 that the Carlson, D., amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

Carlson, D., offered a second amendment to S. F. No. 51.

Rice raised a point of order pursuant to rule 3.9 that the Carlson, D., amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 51, A bill for an act relating to elections; election officers; procedures for counting ballots; recounts in legislative races on request; prohibiting certain public meetings and school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; 204A.39, Subdivision 2; 204A.41; 204A.51, Subdivisions 2 and 3; 204A.53, Subdivisions 2 and 3; 204A.54, Subdivision 1; 206.026, Subdivision 5; 206.03; 206.075; 206.19, Subdivision 1; 206.23; 207.11; 207.19, Subdivision 1; and Chapter 204A, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Murphy	Sieben, H.
Adams	Corbid	Jensen	Neisen	Sieben, M.
Anderson, B.	Curnmiskey	Johnson	Nelsen, B.	Simoneau
Anderson, D.	Dahl	Jude	Nelsen, M.	Skoglund
Anderson, G.	Dean	Kahn	Nelson	Smogard
Anderson, I.	Den Ouden	Kaley	Niehaus	Spanish
Anderson, R.	Eckstein	Kalis	Norton	Stanton
Arlandson	Eken	Kelly, R.	Novak	Stoa
Battaglia	Ellingson	Kelly, W.	Osthoff	Suss
Beauchamp	Enebo	Kempe, R.	Patton	Swanson
Begich	Erickson	King	Pehler	Tomlinson
Berg	Esau	Knickerbocker	Peterson	Vanasek
Berglin	Evans	Kostohryz	Petrafero	Waldorf
Berkelman	Ewald	Kroening	Prahl	Welch
Biersdorf	Faricy	Laidig	Reding	Wenstrom
Birnstihl	Fjoslien	Langseth	Rice	Wenzel
Brandl	Forsythe	Lehto	Rose	White
Braun	Friedrich	Lemke	St. Onge	Wieser
Brinkman	Fudro	Mangan	Samuelson	Wigley
Byrne	Fugina	Mann	Sarna	Wynia
Carlson, A.	George	McCollar	Savelkoul	Zubay
Carlson, D.	Gunter	McDonald	Scheid	Speaker Sabo
Carlson, L.	Hanson	McEachern	Schulz	
Casserly	Heinitz	Metzen	Searle	
Clark	Hokanson	Moe	Searles	
Clawson	Jacobs	Munger	Sherwood	

Those who voted in the negative were:

Albrecht

The bill was passed and its title agreed to.

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

S. F. No. 213, A bill for an act relating to the city of Minneapolis; relating to elections; allowing regulation of campaign financing solely by local ordinance which contains at least the requirements of Minnesota Statutes, Chapter 10A; providing for referral of violations to the county attorney; providing penalties.

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:

Abeln	Cohen	Jaros	Murphy	Sherwood
Adams	Corbid	Jensen	Neisen	Sieben, H.
Albrecht	Cummiskey	Jude	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Kahn	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kaley	Nelson	Skoglund
Anderson, G.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, R.	Norton	Spanish
Anderson, R.	Eken	Kelly, W.	Novak	Stanton
Arlandson	Ellingson	Kempe, R.	Osthoff	Stoa
Battaglia	Enebo	King	Patton	Suss
Beauchamp	Erickson	Knickerbocker	Pehler	Swanson
Begich	Esau	Kostohryz	Peterson	Vanasek
Berg	Evans	Kroening	Petrafeso	Waldorf
Berglin	Ewald	Kvam	Pleasant	Welch
Berkelman	Faricy	Laidig	Prahl	Wenstrom
Biersdorf	Fjoslien	Lehto	Reding	Wenzel
Birnstihl	Forsythe	Lemke	Rice	White
Braun	Friedrich	Mangan	Rose	Wieser
Brinkman	Fudro	Mann	St. Onge	Wigley
Byrne	Fugina	McCarron	Samuelson	Wynia
Carlson, A.	George	McCollar	Sarna	Zubay
Carlson, D.	Gunter	McDonald	Savelkoul	Speaker Sabo
Carlson, L.	Hanson	McEachern	Scheid	
Casserly	Heintz	Metzen	Schulz	
Clark	Hokanson	Moe	Searle	
Clawson	Jacobs	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 335, A bill for an act relating to elections; providing for judges of election to serve under certain conditions; amending Minnesota Statutes 1976, Sections 207.02; and 204A.17, Sub-division 1.

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

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

Those who voted in the affirmative were:

Abeln	Brandl	Eken	Hokanson	Laidig
Adams	Braun	Ellingson	Jacobs	Langseth
Albrecht	Brinkman	Enebo	Jaros	Lehto
Anderson, B.	Byrne	Erickson	Jensen	Lemke
Anderson, D.	Carlson, A.	Esau	Johnson	Mangan
Anderson, G.	Carlson, D.	Evans	Jude	Mann
Anderson, I.	Carlson, L.	Ewald	Kahn	McCarron
Anderson, R.	Casserly	Faricy	Kaley	McCollar
Arlandson	Clark	Fjoslien	Kalis	McDonald
Battaglia	Clawson	Forsythe	Kelly, R.	McEachern
Beauchamp	Cohen	Friedrich	Kelly, W.	Metzen
Begich	Corbid	Fudro	Kempe, R.	Moe
Berg	Cummiskey	Fugina	King	Munger
Berglin	Dahl	George	Knickerbocker	Murphy
Berkelman	Dean	Gunter	Kostohryz	Neisen
Biersdorf	Den Ouden	Hanson	Kroening	Nelsen, B.
Birnstihl	Eckstein	Heintz	Kvam	Nelsen, M.

Nelson	Pleasant	Scheid	Smogard	Wenstrom
Niehaus	<b>Prahl</b>	Schulz	Spanish	Wenzel
Norton	<b>Reding</b>	Searle	Stanton	Wieser
Novak	<b>Rice</b>	Searles	Stoa	Wigley
Osthoff	Rose	Sherwood	Suss	Wynia
Patton	St. Onge	Sieben, H.	Swanson	Zubay
Pehler	Samuelson	Sieben, M.	Vanasek	Speaker Sabo
Peterson	Sarna	Simoneau	Waldorf	
Petrafeso	Saveikoul	Skoglund	Welch	

The bill was passed and its title agreed to.

S. F. No. 827, A bill for an act relating to the city of Duluth; authorizing the establishment and administration of a city housing finance program and expenditures for the purpose; providing for the issuance of revenue bonds.

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:

Abeln	Clawson	Jacobs	Munger	Searles
Adams	Cohen	Jaros	Murphy	Sherwood
Albrecht	Corbid	Jensen	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Johnson	Nelsen, B.	Sieben, M.
Anderson, D.	Dahl	Jude	Nelsen, M.	Simoneau
Anderson, G.	Dean	Kahn	Nelson	Skoglund
Anderson, I.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, R.	Eckstein	Kelly, R.	Norton	Spanish
Arlandson	Eken	Kelly, W.	Novak	Stanton
Battaglia	Ellingson	Kempe, R.	Osthoff	Stoa
Beauchamp	Enebo	King	Patton	Suss
Begich	Erickson	Knickerbocker	Pehler	Swanson
Berg	Esau	Kostohryz	Peterson	Vanasek
Berglin	Evans	Kroening	Petrafeso	Waldorf
Berkelman	Ewald	Laidig	Pleasant	Welch
Biersdorf	Faricy	Langseth	Prahl	Wenstrom
Birnstihl	Fjoslien	Lehto	Reding	Wenzel
Brandl	Forsythe	Lemke	Rice	Wieser
Braun	Friedrich	Mangan	Rose	Wigley
Brinkman	Fudro	Mann	St. Onge	Wynia
Byrne	Fugina	McCarron	Samuelson	Zubay
Carlson, A.	George	McCollar	Sarna	Speaker Sabo
Carlson, D.	Gunter	McDonald	Saveikoul	
Carlson, L.	Hanson	McEachern	Scheid	
Cassery	Heinitz	Metzen	Schulz	
Clark	Hokanson	Moe	Searle	

The bill was passed and its title agreed to.

S. F. No. 498, A bill for an act relating to public drainage systems; transferring the administration of judicial ditches to county boards; raising the interest rate limitation on ditch lien statements; increasing the interest rate limitation on certain penalties; increasing the authorized interest rates on bonds; limiting assessment levies for repairs and maintenance; providing for

a redetermination of benefits and benefited areas; amending Minnesota Statutes 1976, Sections 106.015, Subdivision 5; 106.371, Subdivisions 2 and 4; 106.411, Subdivisions 3, 4 and 7; 106.471, Subdivision 2; 106.673; and Chapter 106, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jacobs	Moe	Searles
Adams	Cohen	Jaros	Murphy	Sherwood
Albrecht	Corbid	Jensen	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Johnson	Nelsen, B.	Sieben, M.
Anderson, D.	Dahl	Jude	Nelsen, M.	Simoneau
Anderson, G.	Dean	Kahn	Nelson	Skoglund
Anderson, I.	Den Ouden	Kaley	Niehaus	Smogard
Anderson, R.	Eckstein	Kalis	Norton	Spanish
Arlandson	Eken	Kelly, R.	Osthoff	Stanton
Battaglia	Ellingson	Kelly, W.	Patton	Stoa
Beauchamp	Enebo	Kempe, R.	Peher	Suss
Begich	Erickson	King	Peterson	Swansen
Berg	Esau	Knickerbocker	Petraseso	Vanasek
Berglin	Evans	Kostohryz	Pleasant	Waldorf
Berkelman	Ewald	Kroening	Prahl	Welch
Biersdorf	Faricy	Laidig	Reding	Wenstrom
Birnstihl	Forsythe	Langseth	Rice	Wenzel
Brandl	Friedrich	Lehto	Rose	White
Braun	Fudro	Lemke	St. Onge	Wieser
Brinkman	Fugina	Mann	Samuelson	Wigley
Byrne	George	McCarron	Sarna	Wynia
Carlson, A.	Gunter	McCollar	Savelkoul	Zubay
Carlson, D.	Hanson	McDonald	Scheid	Speaker Sabo
Carlson, L.	Heinitz	McEachern	Schulz	
Cassery	Hokanson	Metzen	Searle	

The bill was passed and its title agreed to.

S. F. No. 78, A bill for an act relating to public indebtedness; investment of debt service funds; amending Minnesota Statutes 1976, Section 475.66, Subdivisions 1 and 2.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Arlandson	Berg	Birnstihl
Adams	Anderson, G.	Battaglia	Berglin	Brandl
Albrecht	Anderson, I.	Beauchamp	Berkelman	Braun
Anderson, B.	Anderson, R.	Begich	Biersdorf	Brinkman

Byrne	Fudro	Kroening	Patton	Skoglund
Carlson, A.	Fugina	Laidig	Pehler	Smogard
Carlson, L.	George	Langseth	Peterson	Spanish
Casserly	Gunter	Lehto	Petrafeso	Stanton
Clark	Hanson	Lemke	Pleasant	Stoa
Cohen	Heinitz	Mann	Prahl	Suss
Corbid	Hokanson	McCarron	Reding	Swanson
Dahl	Jacobs	McCollar	Rice	Vanasek
Dean	Jaros	McEachern	Rose	Waldorf
Den Ouden	Jensen	Metzen	St. Onge	Welch
Eckstein	Johnson	Moe	Samuelson	Wenstrom
Eken	Jude	Munger	Sarna	Wenzel
Ellingson	Kahn	Murphy	Savelkoul	White
Enebo	Kaley	Neisen	Scheid	Wieser
Erickson	Kalis	Nelsen, B.	Schulz	Wigley
Esau	Kelly, R.	Nelsen, M.	Searle	Wynia
Evans	Kelly, W.	Nelson	Searles	Zubay
Ewald	Kempe, R.	Niehaus	Sherwood	Speaker Sabo
Fjoslien	King	Norton	Sieben, H.	
Forsythe	Knickerbocker	Novak	Sieben, M.	
Friedrich	Kostohryz	Osthoff	Simoneau	

Those who voted in the negative were:

Faricy                      McDonald

The bill was passed and its title agreed to.

S. F. No. 826, A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Evans	Kaley	Moe
Adams	Byrne	Ewald	Kalis	Munger
Albrecht	Carlson, A.	Faricy	Kelly, R.	Murphy
Anderson, B.	Carlson, D.	Fjoslien	Kelly, W.	Neisen
Anderson, D.	Carlson, L.	Forsythe	Kempe, R.	Nelsen, B.
Anderson, G.	Casserly	Friedrich	King	Nelsen, M.
Anderson, L.	Clark	Fudro	Knickerbocker	Nelson
Anderson, R.	Clawson	Fugina	Kostohryz	Niehaus
Arlandson	Cohen	George	Kroening	Norton
Battaglia	Cummiskey	Gunter	Kvam	Novak
Beauchamp	Dahl	Hanson	Laidig	Osthoff
Begich	Dean	Heinitz	Langseth	Patton
Berg	Den Ouden	Hokanson	Lehto	Peterson
Berglin	Eckstein	Jacobs	Lemke	Petrafeso
Berkelman	Eken	Jaros	Mann	Pleasant
Biersdorf	Ellingson	Jensen	McCollar	Prahl
Birnsthil	Enebo	Johnson	McDonald	Reding
Brandl	Erickson	Jude	McEachern	Rice
Braun	Esau	Kahn	Metzen	Rose

St. Onge	Searle	Skoglund	Swanson	White
Samuelson	Searles	Smogard	Vanasek	Wieser
Sarna	Sherwood	Spanish	Waldorf	Wigley
Savelkoul	Sieben, H.	Stanton	Welch	Wynia
Scheid	Sieben, M.	Stoa	Wenstrom	Zubay
Schulz	Simoneau	Suss	Wenzel	Speaker Sabo

Those who voted in the negative were:

Corbid            McCarron        Pehler

The bill was passed and its title agreed to.

S. F. No. 583 was reported to the House.

Abeln and Wynia moved to amend S. F. No. 583 as follows:

Page 3, delete line 25 and insert:

*“Sec. 3. [DEFINITIONS.] Subdivision 1. For purposes of sections 3 to 7 the terms defined in this section shall have the meanings given.*

*Subd. 2. “Commissioner” means the commissioner of insurance.*

*Subd. 3. “Insurer” means any person authorized to transact casualty and liability insurance as defined in section 60A.06, subdivision 1, clause (13).*

*Subd. 4. “Product liability action” means any action brought against a designer, manufacturer, distributor or seller of a product for the recovery of damages for personal injury, death or property damage which is sustained by reason of an alleged defect in the design or manufacture of the product, including actions based on negligence, breach of warranty or strict liability in tort.*

*Sec. 4. [REPORTING OF CLAIMS.] Subdivision 1. For the purpose of providing the legislature of the state of Minnesota with information on claims, settlements and other dispositions of product liability actions and payments made by insurers on behalf of manufacturers, distributors or sellers in this state, each insurer licensed to do business in Minnesota shall within 30 days of payment, provide a written report to the commissioner. Each report shall contain:*

*(1) The name and address of the manufacturer, distributor or seller;*

*(2) A brief description of the acts which gave rise to the claim and the date thereof;*

(3) *The name of the plaintiff and the injury which resulted therefrom;*

(4) *The amount paid in settlement or discharge of the claim whether paid by compromise, by payment of judgment, by payment of arbitration award, or otherwise; and*

(5) *Where any judicial opinion has been rendered with regard to a claim, a copy of all such opinions shall be attached to the report, provided that no report shall be required for compromise settlements of claims where the amount paid is \$1,000 or less, except where such payments were made in satisfaction or compromise of any judgment of a court or of an award of arbitrators.*

Sec. 5. *Each insurer shall file an annual report with the commissioner, on or before January first, containing the following information:*

(a) *The total amount of premiums received during the preceding two years from insured persons, resident or located in Minnesota, which are attributable to products liability insurance;*

(b) *The total number of persons, resident or located in Minnesota, for which the insurer provided products liability insurance coverage during the preceding year; and*

(c) *The total number of insured persons, resident or located in Minnesota, whose insurance coverage the insurer cancelled or refused to renew and the reasons therefor.*

Sec. 6. [COMMISSIONER, DUTIES.] *The commissioner shall compile the reports which are filed with the insurance division pursuant to sections 3 to 7 and shall summarize and otherwise make this information available to the legislature as requested.*

Sec. 7. [LIABILITY EXEMPTION.] *There shall be no liability on the part of any insurer or person acting for an insurer, for any statements made in good faith in the reports required by sections 3 to 7.*

Sec. 8. *Sections 1 and 2 are effective July 1, 1977 and sections 3 to 7 are effective the day following final enactment."*

Further amend the title as follows:

Page 1, line 4, after "requirements;" insert "providing for the reporting of claims to the commissioner of insurance;"

The motion prevailed and the amendment was adopted.

S. F. No. 583, A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

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 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Metzen	Schulz
Adams	Cohen	Jaros	Moe	Searle
Albrecht	Corbid	Jensen	Munger	Searles
Anderson, B.	Cummiskey	Johnson	Murphy	Sherwood
Anderson, D.	Dahl	Jude	Neisen	Sieben, H.
Anderson, G.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, R.	Eckstein	Kalis	Nelson	Skoglund
Arlandson	Eken	Kelly, R.	Niehaus	Smogard
Battaglia	Ellingson	Kelly, W.	Norton	Spanish
Beauchamp	Enebo	Kempe, R.	Novak	Stanton
Begich	Erickson	King	Osthoff	Stoa
Berg	Esau	Knickerbocker	Patton	Suss
Berglin	Evans	Kostohryz	Pehler	Swanson
Berkelman	Ewald	Kroening	Peterson	Vanasek
Biersdorf	Faricy	Kvam	Petrafeso	Waldorf
Birnstihl	Fjoslien	Laidig	Pleasant	Welch
Brandl	Forsythe	Langseth	Prahl	Wenstrom
Braun	Friedrich	Lehto	Reding	Wenzel
Brinkman	Fudro	Lemke	Rice	White
Byrne	Fugina	Mangan	Rose	Wieser
Carlson, A.	George	Mann	St. Onge	Wigley
Carlson, D.	Gunter	McCarron	Samuelson	Wynia
Carlson, L.	Hanson	McCollar	Sarna	Zubay
Casserly	Heinitz	McDonald	Savelkoul	Speaker Sabo
Clark	Hokanson	McEachern	Scheid	

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

S. F. No. 319 was reported to the House.

Cummiskey moved to amend S. F. No. 319, as follows:

Page 2, line 9, strike "freeholders" insert "*residents*".

The motion prevailed and the amendment was adopted.

S. F. No. 319, A bill for an act relating to crimes; regulating public dances; amending Minnesota Statutes 1976, Sections 624.42, and 624.46.

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 108 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abela	Cohen	Jude	Murphy	Sieben, H.
Adams	Corbid	Kahn	Neisen	Sieben, M.
Anderson, B.	Cummiskey	Kaley	Nelsen, M.	Simoneau
Anderson, G.	Dahl	Kalis	Nelson	Skoglund
Anderson, I.	Dean	Kelly, R.	Norton	Smogard
Anderson, R.	Eckstein	Kelly, W.	Novak	Spanish
Arlandson	Eken	Kempe, R.	Osthoff	Stanton
Battaglia	Ellingson	King	Patton	Stoa
Beauchamp	Enebo	Knickerbocker	Pehler	Suss
Begich	Evans	Kostohryz	Peterson	Swanson
Berg	Ewald	Kroening	Petrafeso	Vanasek
Berglin	Faricy	Laidig	Prahl	Waldorf
Berkelman	Friedrich	Langseth	Reding	Welch
Brandl	Fudro	Lehto	Rice	Wenstrom
Braun	Fugina	Lemke	Rose	Wenzel
Brinkman	George	Mangan	St. Onge	White
Byrne	Gunter	McCarron	Samuelson	Wieser
Carlson, D.	Hanson	McCollar	Sarna	Wynia
Carlson, L.	Heinitz	McEachern	Savelkoul	Zubay
Casserly	Hokanson	Metzen	Scheid	Speaker Sabo
Clark	Jacobs	Moe	Schulz	
Clawson	Johnson	Munger	Searles	

Those who voted in the negative were:

Albrecht	Carlson, A.	Fjoslien	Kyam	Searle
Anderson, D.	Den Ouden	Forsythe	Mann	Sherwood
Biersdorf	Erickson	Jaros	McDonald	Wigley
Birnstihl	Esau	Jensen	Niehaus	

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

S. F. No. 49 was reported to the House.

George moved to amend S. F. No. 49, the unofficial engrossment, as follows:

Page 2, line 3, after "profit" strike the balance of the line.

Page 2, strike lines 4 and 5 and insert a period.

Page 2, after line 14, add a new paragraph to read as follows:

*"No loan shall be made pursuant to this subdivision if the proceeds of the loan are used to finance the purchase or maintenance of real estate used principally for residential purposes."*

The motion prevailed and the amendment was adopted.

Brinkman moved to amend S. F. No. 49, the unofficial engrossment, as follows:

Page 1, line 18, delete "*four*" and reinsert "*five*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 42 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Gunter	McDonald	Stanton
Albrecht	Eckstein	Heinitz	Metzen	Stoa
Anderson, R.	Eken	Johnson	Munger	Suss
Biersdorf	Erickson	Kaley	Niehaus	Wieser
Brinkman	Esau	Knickerbocker	Patton	Wigley
Carlson, D.	Evans	Kvam	Peterson	Zubay
Clawson	Ewald	Lemke	Rose	
Dahl	Forsythe	Mangan	Savelkoul	
Dean	Friedrich	Mann	Searles	

Those who voted in the negative were:

Adams	Clark	Jude	Neisen	Sieben, H.
Anderson, B.	Cohen	Kahn	Nelsen, B.	Sieben, M.
Anderson, G.	Corbid	Kelly, R.	Nelson	Simoneau
Anderson, I.	Cummiskey	Kelly, W.	Norton	Skoglund
Arlandson	Ellingson	Kempe, R.	Novak	Smogard
Battaglia	Enebo	King	Osthoff	Spanish
Beauchamp	Faricy	Kostohryz	Pehler	Swanson
Begich	Fjoslien	Kroening	Petrafeso	Waldorf
Berg	Fudro	Laidig	Prahl	Welch
Berglin	Fugina	Langseth	Rice	Wenstrom
Birnstihl	Hanson	Lehto	St. Onge	Wenzel
Brandl	Hokanson	McCarron	Sarna	White
Braun	Jacobs	McCollar	Scheid	Wynia
Byrne	Jaros	Moe	Schulz	Speaker Sabo
Carlson, L.	Jensen	Murphy	Sherwood	

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

S. F. No. 49, A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

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 122 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Brinkman	Clark
Adams	Anderson, R.	Berkelman	Byrne	Clawson
Albrecht	Arlandson	Biersdorf	Carlson, A.	Cohen
Anderson, B.	Battaglia	Birnstihl	Carlson, D.	Corbid
Anderson, D.	Beauchamp	Brandl	Carlson, L.	Cummiskey
Anderson, G.	Begich	Braun	Casserly	Dahl

Dean	Hokanson	Lemke	Pehler	Spanish
Den Ouden	Jacobs	Mangan	Peterson	Stanton
Eckstein	Jaros	Mann	Petrafeso	Stoa
Eken	Jensen	McCarron	Pleasant	Suss
Ellingson	Johnson	McCollar	Reding	Swanson
Enebo	Jude	McEachern	Rose	Vanasek
Erickson	Kahn	Metzen	St. Onge	Waldorf
Esau	Kaley	Moe	Samuelson	Welch
Evans	Kalis	Munger	Sarna	Wenstrom
Ewald	Kelly, R.	Murphy	Savelkoul	Wenzel
Farcy	Kelly, W.	Neisen	Scheid	White
Fjoslien	Kempe, R.	Nelsen, B.	Schulz	Wieser
Forsythe	King	Nelsen, M.	Searle	Wigley
Friedrich	Knickerbocker	Nelson	Searles	Wynia
Fudro	Kostohryz	Niehaus	Sherwood	Zubay
George	Kvam	Norton	Sieben, M.	Speaker Sabo
Gunter	Laidig	Novak	Simoneau	
Hanson	Langaeth	Osthoff	Skoglund	
Heinitz	Lehto	Patton	Smogard	

Those who voted in the negative were:

Berglin	Kroening	Prahl	Rice	Sieben, H.
Fugina				

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

S. F. No. 1290 was reported to the House.

Nelson moved to amend S. F. No. 1290, as follows:

Page 1, after line 19, insert:

“Sec. 2. Minnesota Statutes 1976, Section 260.015, Subdivision 17, is amended to read:

Subd. 17. “Shelter care facility” means a physically unrestricting (DETENTION) facility, such as a group home or a licensed facility for foster care, excluding a detention home.

Sec. 3. Minnesota Statutes 1976, Section 260.171, Subdivision 1, is amended to read:

260.171 [RELEASE OR DETENTION.] Subdivision 1. If a child is taken into custody as provided in section 260.165, the parent, guardian, or custodian of the child shall be notified as soon as possible. Unless there is reason to believe that the child would (PHYSICALLY) endanger himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be *released to the* custody of his parent, guardian, custodian, or other suitable person. That person shall promise to bring the child to the court, if necessary, at the time the court may direct. If the person taking the child into custody believes it desirable he may request the parent, guardian, custodian, or

other person designated by the court to sign a written promise to bring the child to court as provided above. The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.

The court may require the parent, guardian, custodian or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the child on his own promise to appear in juvenile court.

Sec. 4. Minnesota Statutes 1976, Section 260.171, Subdivision 2, is amended to read:

Subd. 2. If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention. No child may be detained in a detention facility longer than 24 hours, excluding *Saturdays*, *Sundays* and holidays, after the taking into custody unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be held longer than (36) 48 hours, excluding *Saturdays*, *Sundays* or holidays, after the taking into custody unless a petition has been filed and the judge or referee determines pursuant to section 260.172 that the child shall remain in detention. If a child described in section 260.173, subdivision 4, is to be detained in a jail up to 48 hours, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of the detention and the reasons therefor. The commissioner shall thereupon assist the court in the relocation of the child in an appropriate detention facility within the county or elsewhere in the state, or in determining suitable alternatives. If approved regional juvenile detention facilities exist, the commissioner may direct that the child be detained in the nearest approved regional juvenile detention facility. If the court refers the matter to the prosecuting authority pursuant to section 260.125, notice to the commissioner shall not be required.

Sec. 5. Minnesota Statutes 1976, Section 260.171, Subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a detention facility, he shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why he is being placed in a detention facility; and

(b) of the location of the detention facility; and

(c) that the child's parent, guardian, or custodian and attorney may make an initial visit to the detention facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney at reasonable hours; and

(d) that the child may telephone his parents and an attorney from the detention facility immediately after being admitted to the detention facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be held at the detention facility longer than (36) 48 hours, excluding *Saturdays*, *Sundays* and holidays, unless a petition has been filed within that time and the court orders the child's continued detention.

Sec. 6. Minnesota Statutes 1976, Section 260.172, Subdivision 1, is amended to read:

260.172 [DETENTION HEARING.] Subdivision 1. Within (36) 48 hours of a child's being taken into custody, excluding *Saturdays*, *Sundays* and holidays, a hearing shall be held to determine whether the child should continue in detention. Unless there is reason to believe that the child would (BE DANGEROUS TO) *endanger* himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian or other suitable person.

Sec. 7. Minnesota Statutes 1976, Section 260.172, Subdivision 2, is amended to read:

Subd. 2. If the court determines that the child should continue in detention, it may order detention continued for eight days, excluding *Saturdays*, *Sundays* and holidays, from and including the date of the order. The court shall include in its order the reasons for continued detention and the findings of fact which support these reasons.

Sec. 8. Minnesota Statutes 1976, Section 260.172, Subdivision 3, is amended to read:

Subd. 3. Copies of the court's order shall be served upon the parties, including the supervisor of the detention facility, who shall release the child or continue to hold him as the court orders.

*When the court's order is served upon these parties, notice shall also be given to the parties of the subsequent reviews provided by subdivision 4 and that at these reviews, a party may*

*submit to the court any new evidence regarding whether the juvenile should be continued in detention.*

Sec. 9. Minnesota Statutes 1976, Section 260.172, Subdivision 4, is amended to read:

Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, (AN ADDITIONAL HEARING) *the court or referee shall review the juvenile's case to determine under the standards provided by subdivision 1, (SHALL BE HELD TO DETERMINE) whether detention should be continued. If detention is continued thereafter, (HEARINGS) reviews such as these shall be held within every eight days, excluding Saturdays, Sundays and holidays, of the child's detention.*

*A hearing, rather than a review of the child's case, shall be held at the request of any one of the parties notified pursuant to subdivision 3, if that party notifies the court that he wishes to present to the court new evidence concerning whether the child should be continued in detention."*

Further amend the title:

Line 4, after "Sections" insert "260.015, Subdivision 17;"

Line 5, after "Subdivision 1;" insert "260.171, Subdivisions 1, 2, and 4; and 260.172."

The motion prevailed and the amendment was adopted.

S. F. No. 1290, A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Byrne	Dean	Fjoslien
Adams	Begich	Carlson, A.	Den Ouden	Forsythe
Albrecht	Berg	Carlson, D.	Eckstein	Friedrich
Anderson, B.	Berglin	Carlson, L.	Eken	Fudro
Anderson, D.	Berkelman	Casserly	Enebo	Fugina
Anderson, G.	Biersdorf	Clark	Erickson	George
Anderson, I.	Birnstihl	Clawson	Esau	Gunter
Anderson, R.	Brandl	Cohen	Evans	Hanson
Arlandson	Braun	Cummiskey	Ewald	Heinitz
Battaglia	Brinkman	Dahl	Faricy	Hokanson

Jacobs	Kvam	Nelson	Sarna	Suss
Jaros	Langseth	Niehaus	Savelkoul	Swanson
Jensen	Lehto	Norton	Scheid	Waldorf
Johnson	Lemke	Novak	Schulz	Welch
Jude	Mangan	Osthoff	Searle	Wenstrom
Kahn	Mann	Patton	Searles	Wenzel
Kaley	McCollar	Pehler	Sherwood	White
Kalis	McEachern	Peterson	Sieben, H.	Wieser
Kelly, R.	Metzen	Petrafeso	Sieben, M.	Wigley
Kelly, W.	Moe	Pleasant	Simoneau	Wynia
Kempe, R.	Munger	Prahl	Skoglund	Zubay
King	Murphy	Reding	Smogard	Speaker Sabo
Knickerbocker	Neisen	Rose	Spanish	
Kostohryz	Nelsen, B.	St. Onge	Stanton	
Kroening	Nelsen, M.	Samuelson	Stoa	

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

S. F. No. 1291 was reported to the House.

There being no objection, S. F. No. 1291 was continued on Special Orders for one day.

S. F. No. 188, A bill for an act relating to crimes; correcting references in the laws relating to criminal sexual conduct; amending Minnesota Statutes 1976, Sections 246.43, Subdivision 1; 609.11, Subdivision 1; 609.195; 609.293, Subdivision 5; 609.32, Subdivisions 1, 3, and 4; 609.341, Subdivision 10; and Section 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4.

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 96 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Munger	Sieben, M.
Anderson, B.	Corbid	Jude	Murphy	Simoneau
Anderson, G.	Cummiskey	Kahn	Neisen	Skoglund
Anderson, I.	Dahl	Kaley	Nelsen, B.	Smogard
Anderson, R.	Dean	Kalis	Nelson	Stanton
Arlandson	Ellingson	Kelly, R.	Norton	Stoa
Battaglia	Enebo	Kelly, W.	Novak	Suss
Beauchamp	Evans	King	Pehler	Swanson
Begich	Ewald	Knickerbocker	Peterson	Vanasek
Berg	Faricy	Kostohryz	Petrafeso	Welch
Berglin	Forsythe	Kvam	Prahl	Wenstrom
Berkelman	Friedrich	Laidig	Rice	Wenzel
Brandl	Fugina	Langseth	Rose	White
Byrne	George	Lehto	Samuelson	Wynia
Carlson, A.	Gunter	Mangan	Savelkoul	Zubay
Carlson, D.	Hanson	Mann	Scheid	Speaker Sabo
Carlson, L.	Heinitz	McCarron	Searle	
Casserly	Hokanson	McCollar	Searles	
Clark	Jacobs	McDonald	Sherwood	
Clawson	Jaros	Moe	Sieben, H.	

Those who voted in the negative were:

Adams	Birnstihl	Fjoslien	Metzen	Schulz
Albrecht	Den Ouden	Fudro	Niehaus	Wieser
Anderson, D.	Eken	Jensen	Osthoff	Wigley
Biersdorf	Erickson	Kempe, R.	St. Onge	

The bill was passed and its title agreed to.

S. F. No. 466 was reported to the House.

There being no objections, S. F. No. 466 was continued on Special Orders for one day.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders until Tuesday, May 10, 1977, immediately following the Calendar. The motion prevailed.

### GENERAL ORDERS

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

### MOTIONS AND RESOLUTIONS

Pleasant moved that his name be stricken as an author on H. F. No. 1176. The motion prevailed.

Hanson moved that the name of Kempe, R., be added as an author on H. F. No. 1215. The motion prevailed.

Kelly, W., moved that H. F. No. 1585 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Taxes. The motion prevailed.

Osthoff moved that the name of Wenzel be added as an author on H. F. No. 869. The motion prevailed.

### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Tuesday, May 10, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Tuesday, May 10, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 10, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jensen	Murphy	Sieben, H.
Adams	Corbid	Johnson	Neisen	Sieben, M.
Albrecht	Cummiskey	Jude	Nelsen, B.	Simoneau
Anderson, B.	Dahl	Kahn	Nelsen, M.	Skoglund
Anderson, D.	Dean	Kaley	Nelson	Smogard
Anderson, G.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, I.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, R.	Eken	Kelly, W.	Novak	Stoa
Arlandson	Ellingson	Kempe, A.	Osthoff	Suss
Battaglia	Enebo	Kempe, R.	Patton	Swanson
Beauchamp	Erickson	King	Pehler	Tomlinson
Begich	Esau	Knickerbocker	Peterson	Vanasek
Berg	Evans	Kostohryz	Petrafeso	Voss
Berglin	Ewald	Kroening	Pleasant	Waldorf
Berkelman	Farcy	Kvam	Prahl	Welch
Biersdorf	Fjoslien	Laidig	Reding	Wenstrom
Birnstihl	Forsythe	Langseth	Rice	Wenzel
Brandl	Friedrich	Lehto	Rose	White
Braun	Fudro	Lemke	St. Onge	Wieser
Brinkman	Fugina	Mangan	Samuelson	Wigley
Byrne	Gunter	Mann	Sarna	Williamson
Carlson, A.	Hanson	McCollar	Savelkoul	Wynia
Carlson, D.	Haugerud	McDonald	Scheid	Zubay
Carlson, L.	Heinitz	McEachern	Schulz	Speaker Sabo
Cassarly	Hokanson	Metzen	Searle	
Clark	Jacobs	Moe	Searles	
Clawson	Jaros	Munger	Sherwood	

A quorum was present.

George was excused until 2:30 p.m. McCarron was excused until 1:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek 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. 8, 992, 530, 756 and 1004 and S. F. Nos. 914, 895, 1165, 1172, 698, 1029, 1051, 544, 556, 193, 270, 695, 823, 860, 971, 1349, 380, 558, 1165 and 181 have been placed in the members' files.

S. F. No. 1051 and H. F. No. 1347, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nelson moved that S. F. No. 1051 be substituted for H. F. No. 1347 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 556 and H. F. No. 501, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Enebo moved that the rules be so far suspended that S. F. No. 556 be substituted for H. F. No. 501 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1172 and H. F. No. 1365, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 1172 be substituted for H. F. No. 1365 and that the House File be indefinitely postponed. The motion prevailed.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1051, 556 and 1172 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Kahn, Skoglund, Hanson, Munger and Abeln introduced:

H. F. No. 1617, A bill for an act relating to nuclear energy; providing for the storage and disposal of certain radioactive wastes; requiring licensure of radioactive waste management facilities in Minnesota.

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

Kahn, Skoglund, Hanson, Munger and Abeln introduced:

H. F. No. 1618, A bill for an act relating to large energy facilities; establishing certain conditions for the issuance of certificates of need; amending Minnesota Statutes 1976, Section 116H.13, by adding a subdivision.

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

Kahn, Skoglund, Hanson, Munger and Abeln introduced:

H. F. No. 1619, A bill for an act relating to public safety; regulating the transportation of certain radioactive materials; prescribing civil penalties.

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

Abeln, Heinitz, Clark and Brandl introduced:

H. F. No. 1620, A bill for an act relating to public welfare; licensed residential treatment facilities for adult mentally ill persons; requiring the commissioner of public welfare to establish rate setting and reimbursement procedures; creating an advisory council.

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

Casserly; Berg; Sieben, H.; Searles and Ellingson introduced:

H. F. No. 1621, A bill for an act relating to administrative procedures of government agencies; adding metropolitan and capitol area agencies to the coverage of the administrative procedure act; amending Minnesota Statutes 1976, Section 15.0411, Subdivision 2.

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

Byrne introduced:

H. F. No. 1622, A bill for an act relating to counties and the government thereof and, in particular, to Hennepin, Ramsey and St. Louis counties; removing certain population related limits or restrictions in certain laws affecting these counties; clarifying certain references to counties having a certain population or containing cities of a certain size or class; authorizing Ramsey county to provide general ambulance services; amending Minnesota Statutes 1976, Sections 43.328, Subdivision 2; 274.16; 357.09, Subdivision 5; 373.25, Subdivision 1; 375.12; 375.13; 471.476, Subdivision 1; 475.52, Subdivision 3; and 508.81; repealing Minnesota Statutes 1976, Sections 380.25 and 380.26.

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

Byrne introduced:

H. F. No. 1623, A bill for an act relating to Ramsey county; deleting reference to Ramsey county in certain special laws relating to county extension work and sheriff's fees; amending Laws 1969, Chapter 589, Section 1, as amended; and Laws 1969, Chapter 1063, Section 1.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Kostohryz, Munger, Hanson, Sabo and Searle introduced:

H. A. No. 31, A proposal to study wind and other supplementary energy sources and systems.

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

#### 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. 188, A bill for an act relating to game and fish; defining conviction; increasing the penalty for a conviction related to big game; amending Minnesota Statutes 1976, Sections 97.40, by adding a subdivision; and 98.52, Subdivision 1.

H. F. No. 229, A bill for an act providing for withholding of pay to residents for active service as members of the armed forces; amending Minnesota Statutes 1976, Section 290.92, Subdivisions 1 and 16.

H. F. No. 326, A bill for an act relating to taxation; Kittson and Marshall counties; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing and collecting the same and prescribing penalties for violations thereof.

H. F. No. 337, A bill for an act relating to public utilities; customers service option on electric service in certain instances; amending Minnesota Statutes 1976, Section 216B.40; and Chapter 216B, by adding a section.

H. F. No. 439, A bill for an act relating to agriculture; regulating the use of the name "Minnesota Farmstead Cheese"; amending Minnesota Statutes 1976, Section 28A.08.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1005, A bill for an act relating to agriculture; dairy products; grade A pasteurized milk; increasing certification fees; amending Minnesota Statutes 1976, Section 32.394, Subdivisions 8 and 8a.

H. F. No. 1006, A bill for an act relating to agriculture; transferring certain functions relating to county agricultural societies from the state auditor and the commissioner of finance to the commissioner of agriculture; providing for the reimbursement of expenses of the commissioner of agriculture incurred in examining the records and accounts of county agricultural societies and certain other agricultural related societies or associations; amending Minnesota Statutes 1976, Sections 17.07; 38.02, Subdivisions 1, 2 and 3; 38.04; and 38.13.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 685, A bill for an act relating to the city of Hibbing; authorizing an increase in the service pensions of certain retired firemen; amending Laws 1935, Chapter 192, Section 1, as amended, by adding a subdivision.

H. F. No. 1248, A bill for an act relating to the city of Springfield; providing for city buildings and equipment and their use; providing for a bond issue.

H. F. No. 1469, A bill for an act relating to transportation; extending the time for submission by the commissioner of certain proposals relating to certain modes of transportation; amending Minnesota Statutes 1976, Section 174.06, Subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 139, A bill for an act relating to natural resources; revising certain provisions relating to St. Croix Wild River state park.

H. F. No. 777, A bill for an act relating to agriculture; the family farm security program; eliminating first mortgage requirements for seller-sponsored loans; authorizing retention of land by sellers in lieu of payment of loan guarantees; authorizing sharing of excess proceeds from default sale; allowing payment adjustments for certain loans with unequal annual payments; amending Minnesota Statutes 1976, Sections 41.52, Subdivisions 5 and 8; 41.54, Subdivision 2; 41.56, Subdivisions 3 and 4; 41.57, Subdivision 2; and 41.58, Subdivision 2.

H. F. No. 805, A bill for an act relating to public employees; excluding supervisory employees from certain bargaining units; amending Minnesota Statutes 1976, Section 179.65, Subdivision 6.

H. F. No. 882, A bill for an act relating to commerce; providing for disclosure of mileage traveled by motor vehicles; amending Minnesota Statutes 1976, Sections 168A.04, Subdivision 1; 168A.05, Subdivision 3; 168A.10, Subdivision 1; and 168A.11, Subdivisions 1 and 3.

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. 903, A bill for an act relating to public transportation; making state commuter vans available for use by blind vending operators working on state property; amending Minnesota Statutes 1976, Section 16.756.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 787, A bill for an act relating to savings banks; allowing savings banks to establish negotiable order of withdrawal accounts; imposing reserve requirements; amending Minnesota Statutes 1976, Chapter 50, by adding a section.

H. F. No. 1364, A bill for an act relating to the attorney general; changing appointments; removing restrictions on assignment of deputy and assistant attorneys general; amending Minnesota Statutes 1976, Sections 8.02 and 268.12, Subdivision 5; repealing Minnesota Statutes 1976, Sections 8.023; 8.024; 8.026; and 84.025, Subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 231, A bill for an act relating to transportation, particular uses of highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

The Senate has appointed as such committee Messrs. Lewis, Purfeerst and Knutson.

Said House File is herewith returned to the House.

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 1130, A bill for an act relating to motor vehicle carriers; requiring insurance or bond before the issuance of a certificate or permit to a motor carrier; providing for suspension and revocation of certificate or permit for failure to maintain insurance or other security; registration fee exemptions; amending Minnesota Statutes 1976, Sections 221.141, Subdivision 1; and 221.64.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Hanson moved that the House concur in the Senate amendments to H. F. No. 1130 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1130, A bill for an act relating to motor vehicle carriers; requiring insurance or bond before the issuance of a certificate or permit to a motor carrier; providing for suspension and revocation of certificate or permit for failure to maintain insurance or other security; permitting lesser registration fees for certain interstate motor carriers; amending Minnesota Statutes 1976, Sections 221.141, Subdivision 1; and 221.64.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Braun	Enebo	Jaros	Lemke
Adams	Brinkman	Erickson	Jensen	Mangan
Albrecht	Byrne	Esau	Johnson	Mann
Anderson, B.	Carlson, A.	Evans	Jude	McCollar
Anderson, D.	Carlson, D.	Ewald	Kahn	McDonald
Anderson, G.	Carlson, L.	Faricy	Kaley	McEachern
Anderson, I.	Casserly	Fjoslien	Kelly, R.	Metzen
Anderson, R.	Clark	Forsythe	Kelly, W.	Munger
Arlandson	Clawson	Friedrich	Kempe, R.	Murphy
Battaglia	Cohen	Fudro	King	Neisen
Beauchamp	Corbid	Fugina	Knickerbocker	Nelsen, B.
Begich	Cummiskey	Gunter	Kostohryz	Nelsen, M.
Berglin	Dean	Hanson	Kroening	Niehaus
Berkelman	Den Ouden	Haugerud	Kvam	Norton
Biersdorf	Eckstein	Heinitz	Laidig	Novak
Birnstihl	Eken	Hokanson	Langseth	Osthoff
Brandl	Ellingson	Jacobs	Lehto	Patton

Peterson	Sarna	Sieben, M.	Swanson	White
Petraleso	Savelkoul	Simoneau	Tomlinson	Wieser
Prahl	Scheid	Skoglund	Vanasek	Wigley
Reding	Schulz	Smogard	Voss	Williamson
Rice	Searle	Spanish	Waldorf	Wynia
Rose	Searles	Stanton	Welch	Zubay
St. Onge	Sherwood	Stoa	Wenstrom	Speaker Sabo
Samuelson	Sieben, H.	Suss	Wenzel	

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. 103, A bill for an act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Forsythe moved that the House concur in the Senate amendments to H. F. No. 103 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 103, A bill for an act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists; amending Minnesota Statutes 1976, Chapter 169, 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Arlandson	Biersdorf	Carlson, D.	Dahl
Adams	Battaglia	Birnstihl	Carlson, L.	Dean
Albrecht	Beauchamp	Brandl	Casserly	Den Ouden
Anderson, B.	Begich	Braun	Clark	Eckstein
Anderson, D.	Berg	Brinkman	Clawson	Eken
Anderson, G.	Berglin	Byrne	Corbid	Ellingson
Anderson, I.	Berkelman	Carlson, A.	Cummiskey	Enebo

Erickson	Jude	McCollar	Reding	Stoa
Esau	Kahn	McDonald	Rice	Suss
Evans	Kaley	McEachern	Rose	Swanson
Ewald	Kelly, R.	Metzen	St. Onge	Tomlinson
Faricy	Kelly, W.	Moe	Samuelson	Vanasek
Fjoslien	Kempe, A.	Munger	Sarna	Voss
Forsythe	Kempe, R.	Murphy	Savelkoul	Welch
Friedrich	King	Neisen	Scheid	Wenstrom
Fudro	Knickerbocker	Nelsen, B.	Schulz	Wenzel
Fugina	Kostohryz	Nelsen, M.	Searle	White
Gunter	Kroening	Nelson	Searles	Wieser
Hanson	Kvam	Niehaus	Sherwood	Wigley
Haugerud	Laidig	Norton	Sieben, H.	Williamson
Heinitz	Langseth	Novak	Sieben, M.	Wynia
Hokanson	Lehto	Osthoff	Simoneau	Zubay
Jacobs	Lemke	Patton	Skoglund	Speaker Sabo
Jensen	Mangan	Peterson	Smogard	
Johnson	Mann	Petrafaso	Stanton	

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. 414, A bill for an act relating to the city of Fairmont; membership of new police in the public employees retirement association.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Peterson moved that the House concur in the Senate amendments to H. F. No. 414 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 414, A bill for an act relating to the city of Fairmont; membership of new police in the public employees retirement association.

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 122 yeas and 0 nays as follows :

Those who voted in the affirmative were:

Abeln	Anderson, B.	Anderson, I.	Battaglia	Berg
Adams	Anderson, D.	Anderson, R.	Beauchamp	Berglin
Albrecht	Anderson, G.	Arlandson	Begich	Berkelman

Biersdorf	Ewald	Kempe, A.	Niehaus	Smogard
Birnstihl	Faricy	Kempe, R.	Norton	Spanish
Brandl	Fjoslien	King	Novak	Stanton
Brinkman	Forsythe	Knickerbocker	Osthoff	Stoa
Byrne	Friedrich	Kostohryz	Patton	Suss
Carlson, A.	Fudro	Kroening	Peterson	Swanson
Carlson, D.	Fugina	Kvam	Petraffeso	Tomlinson
Carlson, L.	Gunter	Laidig	Reding	Vanasek
Casserly	Hanson	Langseth	Rice	Voss
Clark	Haugerud	Lehto	Rose	Welch
Clawson	Heinitz	Lemke	St. Onge	Wenstrom
Corbid	Hokanson	Mangan	Samuelson	Wenzel
Cummiskey	Jacobs	Mann	Sarna	White
Dahl	Jaros	McCollar	Savelkoul	Wieser
Dean	Jensen	McDonald	Schulz	Wigley
Den Ouden	Johnson	Metzen	Searle	Williamson
Eckstein	Jude	Munger	Searles	Wynia
Eken	Kahn	Murphy	Sherwood	Zubay
Ellingson	Kaley	Neisen	Sieben, H.	Speaker Sabo
Erickson	Kalis	Nelsen, B.	Sieben, M.	
Esau	Kelly, R.	Nelsen, M.	Simoneau	
Evans	Kelly, W.	Nelson	Skoglund	

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. 308, A bill for an act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain tradesmen of the metropolitan waste control commission; amending Minnesota Statutes 1976, Sections 352.01, Subdivision 2B; 473.141, Subdivision 12; and 473.511, Subdivision 3.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Patton moved that the House concur in the Senate amendments to H. F. No. 308 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 308, A bill for an act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain tradesmen of the metropolitan waste control commission; amending Minnesota Statutes 1976, Sections 352.01, Subdivision 2B; 473.141, Subdivision 12; and 473.511, Subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Murphy	Sieben, H.
Albrecht	Cohen	Jensen	Neisen	Sieben, M.
Anderson, B.	Corbid	Johnson	Nelsen, B.	Simoneau
Anderson, D.	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, G.	Dahl	Kahn	Nelson	Smogard
Anderson, I.	Dean	Kalis	Niehaus	Spanish
Anderson, R.	Den Ouden	Kelly, R.	Norton	Stanton
Arlandson	Eckstein	Kempe, A.	Novak	Stoa
Battaglia	Eken	Kempe, R.	Osthoff	Suss
Beauchamp	Ellingson	King	Patton	Swanson
Begich	Erickson	Knickerbocker	Peterson	Tomlinson
Berg	Esau	Kostohryz	Petrafeso	Vanasek
Berglin	Evans	Kroening	Prahl	Voss
Berkelman	Ewald	Kvam	Reding	Waldorf
Biersdorf	Faricy	Laidig	Rice	Welch
Birnstihl	Fjoslien	Langseth	Rose	Wenstrom
Brandl	Forsythe	Lehto	St. Onge	Wenzel
Braun	Friedrich	Lemke	Samuelson	White
Brinkman	Fugina	Mangan	Sarna	Wieser
Byrne	Gunter	Mann	Savelkoul	Wigley
Carlson, A.	Hanson	McCollar	Scheid	Williamson
Carlson, D.	Haugerud	McDonald	Schulz	Wynia
Carlson, L.	Heinitz	McEachern	Searle	Zubay
Casserly	Hokanson	Moe	Searles	Speaker Sabo
Clark	Jacobs	Munger	Sherwood	

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

Mr. Speaker:

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

H. F. No. 42, A bill for an act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.29, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Jensen moved that the House concur in the Senate amendments to H. F. No. 42 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 42, A bill for an act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.29, Subdivision 5.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sieben, H.
Adams	Corbid	Jensen	Murphy	Sieben, M.
Anderson, B.	Cummiskey	Johnson	Neisen	Simoneau
Anderson, D.	Dahl	Jude	Nelsen, M.	Skoglund
Anderson, G.	Dean	Kaley	Nelson	Smogard
Anderson, I.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, R.	Eckstein	Kelly, R.	Norton	Stanton
Arlandson	Eken	Kelly, W.	Novak	Stoa
Battaglia	Ellingson	Kempe, A.	Patton	Suss
Beauchamp	Enebo	Kempe, R.	Pehler	Swanson
Begich	Erickson	King	Peterson	Tomlinson
Berg	Esau	Knickerbocker	Petrafeso	Vanasek
Berglin	Evans	Kostohryz	Pleasant	Voss
Berkelman	Ewald	Kroening	Prahl	Waldorf
Biersdorf	Faricy	Kvam	Reding	Welch
Birnstihl	Forsythe	Laidig	Rice	Wenstrom
Brandl	Friedrich	Langseth	Rose	Wenzel
Braun	Fudro	Lehto	St. Onge	White
Brinkman	Fugina	Lemke	Samuelson	Wieser
Byrne	Gunter	Mangan	Sarna	Wigley
Carlson, A.	Hanson	Mann	Savelkoul	Williamson
Carlson, L.	Haugerud	McDonald	Schulz	Wynia
Casserly	Heinitz	McEachern	Searle	Zubay
Clark	Hokanson	Metzen	Searles	Speaker Sabo
Clawson	Jacobs	Moe	Sherwood	

Those who voted in the negative were:

Fjoslien      Nelsen, B.      Osthoff

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. 621, A bill for an act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; prohibiting brokerage sales of new motor vehicles by motor vehicle brokers; preempting local bonding requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 1, 4, 5, 8, 13, 16, 22, 24 and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Neisen moved that the House concur in the Senate amendments to H. F. No. 621 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 621, A bill for an act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; prohibiting brokerage sales of new motor vehicles by motor vehicle brokers; preempting local bonding requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 1, 4, 5, 8, 13, 16, 22, 24 and by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Searle
Adams	Corbid	Jensen	Munger	Searles
Albrecht	Cummiskey	Johnson	Murphy	Sherwood
Anderson, B.	Dahl	Jude	Neisen	Sieben, H.
Anderson, D.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, I.	Eckstein	Kalis	Nelson	Skoglund
Anderson, R.	Eken	Kelly, R.	Niehaus	Smogard
Arlandson	Ellingson	Kelly, W.	Norton	Spanish
Battaglia	Enebo	Kempe, A.	Novak	Stanton
Beauchamp	Erickson	Kempe, R.	Osthoff	Stoa
Begich	Essau	King	Patton	Suss
Berg	Evans	Knickerbocker	Pehler	Swanson
Berglin	Ewald	Kostohryz	Peterson	Tomlinson
Berkelman	Farcy	Kroening	Petrafeso	Vanasek
Biersdorf	Fjoslien	Kvam	Pleasant	Voss
Birnstihl	Forsythe	Laidig	Prahl	Waldorf
Brandl	Friedrich	Langseth	Reding	Wenstrom
Brinkman	Fudro	Lehto	Rice	Wenzel
Byrne	Fugina	Lemke	Rose	White
Carlson, A.	Gunter	Mangan	St. Onge	Wieser
Carlson, D.	Hanson	Mann	Samuelson	Wigley
Carlson, L.	Hangerud	McCollar	Sarna	Williamson
Casserly	Heinitz	McDonald	Savelkoul	Wynia
Clark	Hokanson	McEachern	Scheid	Zubay
Clawson	Jacobs	Metzen	Schulz	Speaker Sabo

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. 75, A bill for an act relating to public safety; requiring railroad companies to reimburse local governments and nonprofit fire fighting corporations for expenses incurred to extinguish locomotive caused fires.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 75 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 75, A bill for an act relating to public safety; requiring railroad companies to reimburse local governments and nonprofit fire fighting corporations for expenses incurred to extinguish locomotive caused fires.

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

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Moe	Searle
Adams	Cohen	Jensen	Munger	Searles
Albrecht	Corbid	Johnson	Murphy	Sherwood
Anderson, B.	Cummiskey	Jude	Neisen	Sieben, H.
Anderson, D.	Dahl	Kahn	Nelsen, B.	Sieben, M.
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, I.	Eckstein	Kalis	Nelson	Skoglund
Anderson, R.	Eken	Kelly, R.	Niehaus	Smogard
Arlandson	Ellingson	Kempe, A.	Norton	Spanish
Battaglia	Erickson	Kempe, R.	Novak	Stanton
Beauchamp	Esau	King	Patton	Stoa
Begich	Evans	Knickerbocker	Pehler	Suss
Berg	Ewald	Kostohryz	Peterson	Swanson
Berkelman	Faricy	Kroening	Petraleso	Tomlinson
Biersdorf	Fjoslien	Kvam	Pleasant	Vanasek
Birnstihl	Forsythe	Laidig	Prahl	Voss
Brandl	Friedrich	Langseth	Reding	Waldorf
Braun	Fudro	Lehto	Rice	Welch
Brinkman	Fugina	Lemke	Rose	Wenstrom
Byrne	Gunter	Mangan	St. Onge	Wenzel
Carlson, A.	Hanson	Mann	Samuelson	Wieser
Carlson, D.	Haugerud	McCollar	Sarna	Wigley
Carlson, L.	Heinitz	McDonald	Savelkoul	Wynia
Casserly	Hokanson	McEachern	Scheid	Zubay
Clark	Jacobs	Metzen	Schulz	Speaker Sabo

Those who voted in the negative were:

Dean                      Kelly, W.                      Osthoff

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. 1099, A bill for an act relating to the city of Excelsior; proportionate service pensions and financing requirements of the firemen's relief association.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Searles moved that the House concur in the Senate amendments to H. F. No. 1099 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1099, A bill for an act relating to retirement; proportionate vesting of volunteer firemen's relief association service pensions; amending Minnesota Statutes 1976, Sections 69.06; and 69.772, Subdivision 2.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Murphy	Searles
Adams	Corbid	Johnson	Neisen	Sherwood
Anderson, B.	Cummiskey	Jude	Nelsen, B.	Sieben, H.
Anderson, D.	Dahl	Kahn	Nelsen, M.	Sieben, M.
Anderson, G.	Dean	Kaley	Nelson	Simoneau
Anderson, I.	Den Ouden	Kalis	Niehaus	Skoglund
Anderson, R.	Eckstein	Kelly, R.	Norton	Smogard
Arlandson	Eken	Kelly, W.	Novak	Stanton
Battaglia	Ellingson	Kempe, A.	Osthoff	Stoa
Beauchamp	Erickson	Kempe, R.	Patton	Suss
Begich	Evans	King	Pehler	Swanson
Berg	Ewald	Knickerbocker	Peterson	Tomlinson
Berglin	Faricy	Kostohryz	Petrafeso	Vanasek
Berkelman	Fjoslien	Kroening	Pleasant	Voss
Biersdorf	Forsythe	Kvam	Prahl	Waldorf
Birnstihl	Friedrich	Laidig	Reding	Welch
Brandl	Fudro	Langseth	Rice	Wenstrom
Brinkman	Fugina	Lehto	Rose	Wenzel
Byrne	Gunter	Lemke	St. Onge	White
Carlson, A.	Hanson	Mangan	Samuelson	Wieser
Carlson, D.	Haugerud	Mann	Sarna	Wigley
Carlson, L.	Heimitz	McCollar	Savelkoul	Williamson
Casserly	Hokanson	McDonald	Scheid	Wynia
Clark	Jacobs	McEachern	Schulz	Zubay
Clawson	Jaros	Munger	Searle	Speaker Sabo

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. 525, A bill for an act relating to natural resources; drainage; providing for transfer by county boards of certain surplus ditch funds to another governing body taking over the drainage system; amending Minnesota Statutes 1976, Section 106.471, Subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Schulz moved that the House concur in the Senate amendments to H. F. No. 525 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 525, A bill for an act relating to drainage; providing for transfer by county boards of certain surplus ditch funds to another governing body taking over the drainage system; amending Minnesota Statutes 1976, Section 106.471, Subdivision 6.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Braun	Esau	Jude	McCollar
Adams	Brinkman	Evans	Kahn	McDonald
Albrecht	Carlson, A.	Ewald	Kaley	McEachern
Anderson, B.	Carlson, D.	Farcy	Kelly, R.	Metzen
Anderson, D.	Carlson, L.	Fjoslien	Kelly, W.	Moe
Anderson, G.	Casserly	Forsythe	Kempe, A.	Munger
Anderson, I.	Clark	Friedrich	Kempe, R.	Murphy
Anderson, R.	Clawson	Fudro	Knickerbocker	Neisen
Arlandson	Cohen	Fugina	Kostohryz	Nelsen, B.
Battaglia	Cummiskey	Gunter	Kroening	Nelsen, M.
Begich	Dahl	Hanson	Kvam	Nelson
Berg	Dean	Heinitz	Laidig	Niehaus
Berglin	Den Ouden	Hokanson	Langseth	Norton
Berkelman	Eckstein	Jacobs	Lehto	Novak
Biersdorf	Ellingson	Jaros	Lemke	Osthoff
Birnstihl	Enebo	Jensen	Mangan	Patton
Brandl	Erickson	Johnson	McCarron	Pehler

Peterson	Samuelson	Sieben, H.	Tomlinson	Wigley
Petrafeso	Sarna	Sieben, M.	Vanasek	Williamson
Pleasant	Savelkoul	Simoneau	Voss	Wynia
Prahl	Scheid	Skoglund	Waldorf	Zubay
Reding	Schulz	Stanton	Welch	
Rice	Searle	Stoa	Wenzel	
Rose	Searles	Suss	White	
St. Oge	Sherwood	Swanson	Wieser	

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. 888, A bill for an act relating to education; authorizing school boards to appoint a student advisory member.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Jensen moved that the House concur in the Senate amendments to H. F. No. 888 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 888, A bill for an act relating to education; authorizing school boards to appoint a student advisory member.

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 112 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Ewald	Kelly, R.	Metzen
Adams	Byrne	Faricy	Kelly, W.	Munger
Albrecht	Carlson, A.	Forsythe	Kempe, A.	Murphy
Anderson, G.	Carlson, D.	Friedrich	Kempe, R.	Neisen
Anderson, I.	Carlson, L.	Fudro	King	Neisen, B.
Arlandson	Casserly	Fugina	Kostohryz	Neisen, M.
Battaglia	Clark	Gunter	Kroening	Nelson
Beauchamp	Cummiskey	Hanson	Kvam	Norton
Begich	Dahl	Haugerud	Laidig	Novak
Berg	Dean	Hokanson	Lehto	Osthoff
Berglin	Den Ouden	Jacobs	Lemke	Patton
Berkelman	Eckstein	Jaros	Mann	Pehler
Biersdorf	Ellingson	Jensen	McCarron	Petrafeso
Birnstihl	Enebo	Johnson	McCollar	Pleasant
Brandl	Erickson	Jude	McDonald	Prahl
Braun	Esau	Kalis	McEachern	Reding

Rice	Schulz	Smogard	Voss	Williamson
Rose	Searles	Stanton	Waldorf	Wynia
St. Onge	Sherwood	Stoa	Welch	Zubay
Samuelson	Sieben, H.	Suss	Wenstrom	Speaker Sabo
Sarna	Sieben, M.	Swanson	Wenzel	
Savelkoul	Simoneau	Tomlinson	White	
Scheid	Skoglund	Vanasek	Wieser	

Those who voted in the negative were:

Anderson, B.	Corbid	Heinitz	Niehaus	Searle
Anderson, D.	Eken	Kaley	Peterson	Wigley
Anderson, R.	Evans	Knickerbocker		
Cohen	Fjoslien	Langseth		

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. 324, A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clawson moved that the House refuse to concur in the Senate amendments to H. F. No. 324, that the Speaker appoint a Conference Committee of 3 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.

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. 921, A bill for an act relating to public employees; designating the number of arbitrators to resolve labor dispute; amending Minnesota Statutes 1976, Section 179.72, Subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

St. Onge moved that the House refuse to concur in the Senate amendments to H. F. No. 921, that the Speaker appoint a Con-

ference Committee of 3 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.

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. 1475, A bill for an act relating to taxation ; providing changes in classification ratios and assessment procedures ; increasing local government aids and certain tax credits ; altering levy limits ; imposing a minimum tax on certain types of income ; establishing tax study committee ; increasing the tax on taconite production and providing for the distribution of its proceeds ; establishing a taconite area environmental protection and economic development fund and council ; establishing a Northeast Minnesota economic protection fund ; imposing a tailings tax ; increasing the tax on unmined taconite ; requiring owners and lessees of mineral rights to file exploration data with the commissioner of revenue ; providing penalties ; appropriating money ; amending Minnesota Statutes 1976, Sections 124.212, Subdivisions 10 and 11 ; 273.11, Subdivisions 1 and 2 ; 273.12 ; 273.13, Subdivisions 6, 7 and 14a ; 273.132 ; 273.134 ; 274.01, Subdivision 1 ; 275.50, Subdivision 5 ; 275.51, by adding a subdivision ; 275.52, Subdivisions 2, 3 and 4 ; 275.53, Subdivisions 1 and 3 ; 278.01 ; 278.05 ; 287.241, Subdivision 2 ; 290.012, Subdivision 2 ; 290.09, Subdivision 4 ; 290A.03, Subdivisions 3, 11 and 13 ; 290A.04, Subdivision 2, and by adding a subdivision ; 294.26 ; 298.03 ; 298.22, Subdivision 1 ; 298.24, Subdivisions 1 and 2 ; 298.244, Subdivision 2 ; 298.25 ; 298.26 ; 298.27 ; 298.28, Subdivision 1 ; 298.282, Subdivisions 1 and 2 ; 375.192, by adding a subdivision ; 477A.01, Subdivisions 1, 2, 4, 4a, 4b, and by adding a subdivision ; 477A.03 ; and Chapters 3, 272, 287, 290, 298 and 477A, by adding sections ; repealing Minnesota Statutes 1976, Sections 275.51, Subdivisions 3b and 3c ; 287.241, Subdivisions 3 and 4 ; 290.09, Subdivision 26 ; 294.27 ; 294.28 ; 298.241 ; 298.243 ; 298.244, Subdivision 1 ; 298.28, Subdivision 1a ; 298.281 ; Extra Session Laws 1971, Chapter 31, Article XIII ; Laws 1973, Chapter 601 ; Laws 1975, Chapter 437, Article VII ; and Laws 1976, Chapter 149, Section 58.

PATRICK E. FLAHAVER, Secretary of the Senate

Kelly, W., moved that the House refuse to concur in the Senate amendments to H. F. No. 1475, 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.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1489, A bill for an act relating to the organization and operation of state government; appropriating money for maintenance of various semi-state activities and for other purposes; amending Minnesota Statutes 1976, Sections 139.08, Subdivision 5; 139.10, by adding a subdivision; 343.08; 343.12; 346.216; Chapter 139, by adding sections; repealing Minnesota Statutes 1976, Sections 343.02; and 343.03.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Kleinbaum, Purfeerst, Stumpf, Ogdahl and Ashbach have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1489. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1467, A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1976, Sections 10.30; 16A.095, Subdivision 2; 16A.10, Subdivisions 1 and 2; 16A.11, Subdivisions 2 and 3; 43.09, Subdivision 2; 43.31; 98.46, by adding a subdivision; 168.33, Subdivisions 2 and 7; 176.602; 183.545, Subdivisions 1, 3 and 4; 183.57, Subdivision 2; 186.04; 260.311, Subdivision 2; 268.06, Subdivision 25; 296.06, Subdivision 2; 296.12, Subdivision 1; 326.241, Subdivision 3; 362.125; 363.14, by adding a subdivision; 462.389, Subdivision 4; Chapter 16A, by adding a section; Laws 1971, Chapter 121, Section 2, as amended; and Laws 1976, Chapter 260, Section 3;

repealing Minnesota Statutes 1976, Sections 15.61, Subdivision 3; 16.173; 16A.095, Subdivision 1; 16A.12 and 176.603.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Humphrey, Borden, Willet, Solon and Dunn have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1467. The motion prevailed.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., 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 S. F. No. 466 for today, Tuesday, May 10, 1977:

S. F. Nos. 896, 442, 766, 922, 1070, 774, 1298, 381, 191, 296, 964, 581 and 1338.

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 550 and 231 and S. F. Nos. 32, 1034 and 1416 was reported to the House.

#### CONSENT CALENDAR

H. F. No. 1457, A bill for an act relating to state lands; authorizing the conveyance of certain lands in Aitkin county.

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

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

Those who voted in the affirmative were:

Abein	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

Beauchamp	Ellingson	Kelly, W.	Nelson	Simoneau
Begich	Enebo	Kempe, A.	Niehaus	Skoglund
Berg	Erickson	Kempe, R.	Norton	Smogard
Berglin	Esau	King	Novak	Spanish
Berkelman	Evans	Knickerbocker	Osthoff	Stanton
Biersdorf	Ewald	Kostohryz	Patton	Stoa
Birnstihl	Fariay	Kroening	Pehler	Suss
Brandl	Fjoslien	Kvam	Peterson	Swanson
Braun	Forsythe	Laidig	Petrafeso	Tomlinson
Brinkman	Friedrich	Langseth	Pleasant	Vanasek
Byrne	Fudro	Lehto	Prahl	Voss
Carlson, A.	Fugina	Lemke	Reding	Waldorf
Carlson, D.	Gunter	Mangan	Rice	Welch
Carlson, L.	Hanson	Mann	Rose	Wenstrom
Casserly	Haugerud	McCarron	St. Onge	Wenzel
Clark	Heinitz	McCollar	Samuelson	White
Clawson	Hokanson	McDonald	Sarna	Wieser
Cohen	Jacobs	McEachern	Savelkoul	Wigley
Corbid	Jaros	Metzen	Scheid	Williamson
Cummiskey	Jensen	Moe	Schulz	Wynia
Dahl	Johnson	Munger	Searle	Zubay
Dean	Jude	Murphy	Searles	Speaker Sabo
Den Ouden	Kaley	Neisen	Sherwood	
Eckstein	Kalis	Nelsen, B.	Sieben, H.	
Eken	Kelly, R.	Nelsen, M.	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 586 was reported to the House.

There being no objection, S. F. No. 586 was continued on the Consent Calendar for one day.

S. F. No. 769, A bill for an act relating to the town of White and the city of Aurora; providing for their separation.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Braun	Erickson	Johnson	Mangan
Adams	Brinkman	Esau	Jude	Mann
Albrecht	Byrne	Evans	Kahn	McCarron
Anderson, B.	Carlson, D.	Ewald	Kaley	McCollar
Anderson, D.	Carlson, L.	Fariay	Kalis	McDonald
Anderson, G.	Casserly	Fjoslien	Kelly, R.	McEachern
Anderson, I.	Clark	Forsythe	Kelly, W.	Metzen
Anderson, R.	Clawson	Friedrich	Kempe, A.	Moe
Arlandson	Cohen	Fudro	Kempe, R.	Munger
Battaglia	Corbid	Fugina	King	Murphy
Beauchamp	Cummiskey	Gunter	Knickerbocker	Neisen
Begich	Dahl	Hanson	Kostohryz	Nelsen, B.
Berg	Dean	Haugerud	Kroening	Nelsen, M.
Berglin	Den Ouden	Heinitz	Kvam	Nelson
Berkelman	Eckstein	Hokanson	Laidig	Niehaus
Biersdorf	Eken	Jacobs	Langseth	Norton
Birnstihl	Ellingson	Jaros	Lehto	Novak
Brandl	Enebo	Jensen	Lemke	Osthoff

Patton	St. Onge	Sieben, H.	Swanson	Wieser
Pehler	Samuelson	Sieben, M.	Tomlinson	Wigley
Peterson	Sarna	Simoneau	Vanasek	Williamson
Petrafeso	Savelkoul	Skoglund	Voss	Wynia
Pleasant	Scheid	Smogard	Waldorf	Zubay
Prahl	Schulz	Spanish	Welch	Speaker Sabo
Reding	Searle	Stanton	Wenstrom	
Rice	Searles	Stoa	Wenzel	
Rose	Sherwood	Suss	White	

Those who voted in the negative were:

Carlson, A.

The bill was passed and its title agreed to.

S. F. No. 905, A bill for an act relating to the city of Mora; authorizing the issuance of electric revenue refunding bonds.

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:

Abeln	Cohen	Jensen	Murphy	Sieben, M.
Adams	Corbid	Johnson	Neisen	Simoneau
Albrecht	Cummiskey	Jude	Nelsen, B.	Skoglund
Anderson, B.	Dahl	Kahn	Nelsen, M.	Smogard
Anderson, D.	Dean	Kaley	Nelson	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Eken	Kelly, W.	Osthoff	Suss
Arlandson	Ellingson	Kempe, A.	Patton	Swanson
Battaglia	Enebo	Kempe, R.	Pehler	Tomlinson
Beauchamp	Erickson	King	Peterson	Vanasek
Begich	Esau	Knickerbocker	Petrafeso	Voss
Berg	Evans	Kostohryz	Pleasant	Waldorf
Berglin	Ewald	Kroening	Prahl	Welch
Berkelman	Faricy	Kvam	Reding	Wenstrom
Biersdorf	Fjoslien	Langseth	Rice	Wenzel
Birnstihl	Forsythe	Lehto	Rose	White
Brandl	Friedrich	Lemke	St. Onge	Wieser
Braun	Fudro	Mangan	Samuelson	Wigley
Brinkman	Fugina	Mann	Sarna	Williamson
Byrne	Gunter	McCarron	Savelkoul	Wynia
Carlson, A.	Hanson	McCollar	Scheid	Zubay
Carlson, D.	Haugerud	McDonald	Schulz	Speaker Sabo
Carlson, L.	Heinitz	McEachern	Searle	
Casserly	Hokanson	Metzen	Searles	
Clark	Jacobs	Moe	Sherwood	
Clawson	Jaros	Munger	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 816 was reported to the House.

Novak and Savelkoul moved to amend S. F. No. 816, the unofficial engrossment, as follows:

Page 2, line 26, delete "*the inheritance tax return shall not be considered*".

Page 2, line 27, delete "*as having been filed*" and insert "*the 90 day statute of limitations provided herein shall not begin to run*".

Page 5, line 21, delete "*the inheritance tax*".

Page 5, line 22, delete "*return shall not be considered as having been filed*" and insert "*the 90 day statute of limitations provided in this subdivision shall not begin to run*".

Page 6, line 27, after "*All*" insert "*relevant and material*".

Page 6, line 27, delete "*commonly accepted by reasonable men in*".

Page 6, line 28, delete "*the conduct of their affairs as*".

Page 7, line 10, after "*All*" insert "*relevant and material*".

Page 7, line 10, delete "*commonly accepted*".

Page 7, line 11, delete "*by reasonable men in the conduct of their affairs as*".

The motion prevailed and the amendment was adopted.

S. F. No. 816, A bill for an act relating to taxation; exempting the department of revenue from certain administrative procedure act requirements in certain inheritance, iron ore, and occupation tax proceedings; authorizing the commissioner of revenue to enter into administrative agreements with the secretary of the treasury and the governing bodies of certain Indian reservations; changing requirements for orders of the commissioner; allowing commissioner to dismiss certain confiscation procedures; providing penalties for cigarette tax violations; appropriating money; amending Minnesota Statutes 1976, Sections 270.06; 270.10, Subdivision 1; 273.1104; 291.09, Subdivisions 1 and 2; 297.08, Subdivision 4; 297.12, Subdivision 1, and by adding a subdivision; 298.09, Subdivision 2; and Chapter 270, by adding a section.

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:

Abeln	Cohen	Jude	Neisen	Sieben, H.
Adams	Corbid	Kahn	Nelsen, B.	Sieben, M.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Dahl	Kalis	Nelson	Skoglund
Anderson, D.	Dean	Kelly, R.	Niehaus	Smogard
Anderson, G.	Eckstein	Kelly, W.	Norton	Spanish
Anderson, I.	Ellingson	Kempe, A.	Novak	Stanton
Anderson, R.	Enebo	Kempe, R.	Osthoff	Stoa
Arlandson	Erickson	King	Patton	Suss
Battaglia	Esau	Kostohryz	Pehler	Swanson
Beauchamp	Ewald	Kroening	Peterson	Tomlinson
Begich	Faricy	Kvam	Petrafeso	Vanasek
Berglin	Fjoslien	Laidig	Pleasant	Voss
Berkelman	Forsythe	Langseth	Prahl	Waldorf
Biersdorf	Friedrich	Lehto	Reding	Welch
Birnstihl	Fudro	Lemke	Rice	Wenstrom
Brandl	Fugina	Mangan	Rose	Wenzel
Braun	Gunter	Mann	St. Onge	White
Brinkman	Hanson	McCarron	Samuelson	Wieser
Byrne	Haugerud	McCollar	Sarna	Wigley
Carlson, A.	Heinitz	McDonald	Savelkoul	Williamson
Carlson, D.	Hokanson	McEachern	Scheid	Wynia
Carlson, L.	Jacobs	Metzen	Schulz	Zubay
Casserly	Jaros	Moe	Searle	Speaker Sabo
Clark	Jensen	Munger	Searles	
Clawson	Johnson	Murphy	Sherwood	

Those who voted in the negative were:

Den Ouden      Eken      Knickerbocker

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

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of H. F. Nos. 93 and 1337 and S. F. No. 895.

H. F. No. 93 was reported to the House.

Faricy moved to amend H. F. No. 93 as follows:

Page 4, line 12, delete "*condominium association incorporated under*".

Page 4, line 13, delete "*chapter 317 or chapter 515*" and insert "*homeowners' association as defined in section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1976*".

Further, amend the title:

Line 3, delete "condominium" and insert "homeowners".

The motion prevailed and the amendment was adopted.

H. F. No. 93, A bill for an act relating to taxation; establishing filing requirements for a homeowners' association; amending Minnesota Statutes 1976, Section 290.37, Subdivision 1.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Munger	Searles
Adams	Corbid	Jude	Murphy	Sherwood
Albrecht	Cummiskey	Kahn	Neisen	Sieben, H.
Anderson, B.	Dahl	Kaley	Nelsen, B.	Sieben, M.
Anderson, D.	Den Ouden	Kalis	Nelsen, M.	Simoneau
Anderson, G.	Eckstein	Kelly, R.	Nelson	Skoglund
Anderson, I.	Eken	Kelly, W.	Niehaus	Smogard
Anderson, R.	Enebo	Kempe, A.	Norton	Spanish
Arlandson	Erickson	Kempe, R.	Novak	Stanton
Battaglia	Esau	King	Osthoff	Stoa
Beauchamp	Evans	Knickerbocker	Patton	Suss
Begich	Ewald	Kostohryz	Pehler	Swanson
Berg	Faricy	Kroening	Peterson	Tomlinson
Berglin	Fjoslien	Kvam	Petraseso	Vanasek
Berkelman	Forsythe	Laidig	Pleasant	Voss
Biersdorf	Friedrich	Langseth	Prahl	Waldorf
Birnstihl	Fudro	Lehto	Reding	Welch
Braun	Fugina	Lemke	Rice	Wenstrom
Brinkman	Gunter	Mangan	Rose	Wenzel
Byrne	Hanson	Mann	St. Onge	White
Carlson, A.	Haugerud	McCarron	Samuelson	Wieser
Carlson, D.	Heinitz	McCollar	Sarna	Wigley
Carlson, L.	Hokanson	McDonald	Savelkoul	Williamson
Casserly	Jacobs	McEachern	Scheid	Wynia
Clark	Jaros	Metzen	Schulz	Zubay
Clawson	Jensen	Moe	Searle	Speaker Sabo

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

H. F. No. 1337, A bill for an act relating to taxation; removing membership dues, fees and assessments received by certain homeowners associations from definition of gross income for corporate income tax purposes; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

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:

Abeln	Anderson, B.	Anderson, R.	Beauchamp	Berglin
Adams	Anderson, G.	Arlandson	Begich	Berkelman
Albrecht	Anderson, I.	Battaglia	Berg	Biersdorf

Birnstihl	Faricy	Knickerbocker	Novak	Smogard
Brandl	Fjoslien	Kostohryz	Osthoff	Spanish
Braun	Forsythe	Kroening	Patton	Stanton
Brinkman	Friedrich	Kvam	Pehler	Stoa
Byrne	Fudro	Laidig	Peterson	Suss
Carlson, A.	Fugina	Langseth	Petrafero	Swanson
Carlson, D.	Gunter	Lehto	Pleasant	Tomlinson
Carlson, L.	Hanson	Lemke	Prahl	Vanasek
Casserly	Haugerud	Mangan	Reding	Voss
Clark	Heimitz	Mann	Rice	Waldorf
Clawson	Hokanson	McCarron	Rose	Welch
Cohen	Jacobs	McCollar	St. Onge	Wenstrom
Corbid	Jaros	McDonald	Samuelson	Wenzel
Cummiskey	Jensen	McEachern	Sarna	White
Dahl	Johnson	Metzen	Savelkoul	Wieser
Dean	Jude	Moe	Scheid	Wigley
Den Ouden	Kahn	Munger	Schulz	Williamson
Eken	Kaley	Murphy	Searle	Wynia
Ellingson	Kalis	Neisen	Searles	Zubay
Enebo	Kelly, R.	Nelsen, B.	Sherwood	Speaker Sabo
Erickson	Kelly, W.	Nelsen, M.	Sieben, H.	
Esau	Kempe, A.	Nelson	Sieben, M.	
Evans	Kempe, R.	Niehaus	Simoneau	
Ewald	King	Norton	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 895 was reported to the House.

Patton moved to amend S. F. No. 895 as follows:

Page 4, line 7, delete "*other than*" and insert "*and*".

Page 4, line 8, delete the comma.

Page 8, line 10, after "*Subd. 14.*" insert "[SMALL BUSINESS CONTRACTS.]".

Page 8, line 24, after "*Subd. 15.*" insert "[AFFIRMATIVE ACTION.]".

Page 15, line 16, delete "*Within 90 days*" and insert "*On December 1, 1978.*".

Page 16, line 9, after the comma insert "*(g) the total governmental costs associated with the construction and operation of the commission's facilities, including the cost to all units and agencies of government as well as the cost to the commission.*".

Reletter the remaining clauses in sequence.

Further amend the title:

Page 1, line 4, after the semicolon insert "authorizing the issuance of bonds by the metropolitan council;".

The motion prevailed and the amendment was adopted.

Williamson moved to amend S. F. No. 895, as follows:

Page 2, delete lines 10 to 12.

Page 5, delete lines 13 to 21.

Page 13, line 32, delete "LOCATION AND".

Page 14, line 2, delete "location and".

Page 14, line 3, delete "or" and insert "and".

Page 14, line 3, after "metropolitan" insert "sports".

Page 14, delete lines 4 to 13.

Page 14, line 14, after "STATEMENTS.]" insert, "If determined necessary by the environmental quality board,".

Page 14, line 16, delete "statements" and insert "statement".

Page 14, line 20, delete "statements" and insert "statement".

Page 14, line 25, delete "statements" and insert "statement".

Page 14, line 28, delete "statements" and insert "statement".

Page 14, line 30, delete "statements" and insert "statement".

Page 14, line 31, delete "information submitted in accordance with" and insert "the design specifications in subdivision 1".

Page 14, line 32, delete "subdivision 2".

Page 14, line 32, delete "statements" and insert "statement".

Page 15, line 2, delete "information" and insert "design specifications".

Page 15, delete lines 3 to 8.

Page 15, line 10, delete "statements" and insert "statement".

Page 15, line 14 delete "and locations".

Page 15, line 18, delete "statements" and insert "statement".

Page 15, line 19, delete "and".

Page 15, line 20, delete "location".

Page 15, line 21, delete "or" and insert "and".

Page 15, line 31, delete "In".

Page 15, delete line 32.

Page 16, delete lines 1 to 20.

Page 17, delete lines 16 to 32.

Page 18, delete lines 1 to 16 and insert the following:

*"Subd. 3. [LIMITATION.] Until and unless otherwise provided by law, the principal amount of any bonds issued pursuant to subdivision 1, clause (a) shall be limited to \$35,000,000, and the proceeds thereof shall be used only for the construction of a new football and soccer facility seating not less than 65,000, and for remodeling the existing metropolitan stadium for baseball, with adjacent parking facilities and road access improvements, plus the additional funds needed for bond debt service during construction, underwriters discount, printing, legal, accounting and registration fees. The bonds issued pursuant to subdivision 1, clause (a), shall bear an average annual rate of interest, including discount, not in excess of seven and one-half percent. The council shall not issue any of such bonds in excess of \$1,250,000 until it has determined that."*

Page 19, line 29, delete "but excluding, except as otherwise provided in" and insert a period.

Page 19, delete lines 30 to 32.

Page 20, delete lines 1 to 20.

Page 21, delete lines 9 to 12.

Page 21, delete line 13 and insert "expenses."

Page 25, line 17, delete "planning, designing, and" and insert "planning and designing".

Page 25, line 18, delete "locating".

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

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

Abeln	Clark	Jacobs	Moe	Searies
Adams	Clawson	Jensen	Munger	Sherwood
Albrecht	Cohen	Johnson	Murphy	Sieben, H.
Anderson, B.	Cummiskey	Jude	Neisen	Simoneau
Anderson, D.	Dahl	Kahn	Nelsen, B.	Skoglund
Anderson, G.	Dean	Kaley	Nelson	Smogard
Anderson, I.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, R.	Eckstein	Kelly, W.	Norton	Stanton
Arlandson	Eken	Kempe, A.	Novak	Stoa
Battaglia	Ellingson	Kempe, R.	Osthoff	Suss
Beauchamp	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berglin	Ewald	Kroening	Petrafeso	Waldorf
Berkelman	Fjoslien	Kvam	Pleasant	Welch
Biersdorf	Forsythe	Langseth	Prahl	Wenstrom
Birnstihl	Friedrich	Lehto	Reding	Wenzel
Brandl	Fudro	Lemke	Rice	White
Braun	Fugina	Mangan	Rose	Wieser
Brinkman	George	Mann	St. Onge	Wigley
Byrne	Gunter	McCarron	Samuelson	Williamson
Carlson, A.	Hanson	McCollar	Sarna	Zubay
Carlson, D.	Haugerud	McDonald	Savelkoul	Speaker Sabo
Carlson, L.	Heinitz	McEachern	Scheid	
Casserly	Hokanson	Metzen	Schulz	

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

The question recurred on the adoption of the Williamson amendment and the roll was called. There were 62 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Jude	Niehaus	Suss
Albrecht	Erickson	Kaley	Norton	Swanson
Anderson, D.	Esau	Kalis	Peterson	Vanasek
Anderson, G.	Faricy	Kelly, R.	Pleasant	Waldorf
Anderson, I.	Fjoslien	Kempe, A.	Prahl	Wenstrom
Anderson, R.	Forsythe	Kempe, R.	Rose	White
Beauchamp	Friedrich	Knickerbocker	Samuelson	Wieser
Begich	Hanson	Kvam	Savelkoul	Wigley
Biersdorf	Haugerud	Langseth	Schulz	Williamson
Birnstihl	Heinitz	Mann	Sherwood	Zubay
Corbid	Hokanson	McCollar	Smogard	
Cummiskey	Jensen	McDonald	Spanish	
Den Ouden	Johnson	Neisen	Stanton	

Those who voted in the negative were:

Adams	Carlson, A.	Evans	Kroening	Nelsen, M.
Anderson, B.	Carlson, D.	Fudro	Laidig	Nelson
Arlandson	Carlson, L.	Lehto	Langseth	Novak
Battaglia	Casserly	George	Mangan	Osthoff
Berg	Clark	Gunter	McCarron	Patton
Berglin	Clawson	Jacobs	McEachern	Pehler
Berkelman	Cohen	Jaros	Metzen	Petrafeso
Brandl	Dahl	Kahn	Moe	Reding
Braun	Dean	Kelly, W.	Munger	Rice
Brinkman	Eken	King	Murphy	St. Onge
Byrne	Ellingson	Kostohryz	Nelsen, B.	Sarna

Scheid	Sieben, M.	Stoa	Welch	Speaker Sabo
Searles	Simoneau	Tomlinson	Wenzel	
Sieben, H.	Skoglund	Voss	Wynia	

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

Abeln moved to amend S. F. No. 895, as follows:

Page 2, line 10, delete "new".

Page 18, line 6, after the period insert the following:

*"If the commission's proposal and the construction contracts provide for the reconstruction and remodeling of the existing metropolitan stadium as an uncovered multi-purpose sports facility, the principal amount shall be limited to \$25,000,000."*

The motion prevailed and the amendment was adopted.

Swanson moved to amend S. F. No. 895, as follows:

Page 14, line 3, after "remodeled" insert "open air".

Page 16, line 10, after the comma insert "and".

Page 16, line 13, delete ", and (i) the feasibility of".

Page 16, delete all of lines 14 and 15.

Page 16, line 16, delete "facility".

Page 17, line 17, delete "shall".

Page 17, delete lines 18 through 28 and insert "shall be".

Page 21, delete lines 9 through 13 and insert "expenses."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 36 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Faricy	Kaley	Kvam
Albrecht	Eckstein	Fjoslien	Kelly, R.	McCollar
Berglin	Friedrich	Hanson	Kempe, A.	Peterson
Byrne	Esau	Hokanson	Kempe, R.	Pleasant
Cummiskey	Ewald		Knickerbocker	Prahl

Samuelson	Stoa	Waldorf	Wynia	Zubay
Schulz	Swanson	Wieser		
Sherwood	Tomlinson	Williamson		

Those who voted in the negative were:

Adams	Carlson, D.	Jude	Murphy	Sieben, H.
Anderson, B.	Carlson, L.	Kahn	Neisen	Sieben, M.
Anderson, D.	Casserly	Kalis	Nelsen, B.	Simoneau
Anderson, G.	Clark	Kelly, W.	Nelson	Skoglund
Anderson, I.	Clawson	King	Norton	Smogard
Anderson, R.	Cohen	Kostohryz	Novak	Spanish
Arlandson	Corbid	Kroening	Osthoff	Stanton
Battaglia	Dean	Laidig	Patton	Suss
Beauchamp	Den Ouden	Lehto	Pehler	Vanasek
Begich	Ellingson	Lemke	Petrafeso	Voss
Berg	Enebo	Mangan	Reding	Welch
Berkelman	Evans	Mann	Rice	Wenstrom
Biersdorf	Forsythe	McCarron	Rose	Wenzel
Birnstihl	Fudro	McDonald	St. Onge	White
Brandl	Gunter	McEachern	Sarna	Wigley
Braun	Heinitz	Metzen	Savelkoul	Speaker Sabo
Brinkman	Jacobs	Moe	Scheid	
Carlson, A.	Jensen	Munger	Searles	

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

Pleasant moved to amend S. F. No. 895 as follows:

Page 7, line 7, delete "\$2,000,000" and insert "\$10,000".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 20 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Abeln	Erickson	Kvam	Pleasant	Wieser
Albrecht	Fjoslien	McDonald	Schulz	Wigley
Anderson, D.	Friedrich	Niehaus	Swanson	Williamson
Biersdorf	Kaley	Peterson	Waldorf	Zubay

Those who voted in the negative were:

Adams	Braun	Den Ouden	Heinitz	Laidig
Anderson, B.	Brinkman	Eckstein	Jacobs	Lehto
Anderson, G.	Carlson, A.	Eken	Jensen	Lemke
Anderson, I.	Carlson, D.	Ellingson	Johnson	Mann
Arlandson	Carlson, L.	Enebo	Jude	McCarron
Battaglia	Casserly	Esau	Kahn	McCollar
Beauchamp	Clark	Evans	Kalis	McEachern
Begich	Clawson	Ewald	Kelly, R.	Metzen
Berg	Cohen	Forsythe	Kelly, W.	Moe
Berglin	Corbid	Fudro	King	Munger
Berkelman	Cummiskey	Fugina	Knickerbocker	Murphy
Birnstihl	Dahl	George	Kostohryz	Neisen
Brandl	Dean	Gunter	Kroening	Nelsen, B.

Nelson	Prahl	Sarna	Stanton	Wenstrom
Novak	Reding	Savelkoul	Stoa	Wenzel
Osthoff	Rice	Scheid	Suss	Wynia
Patton	Rose	Simoneau	Tomlinson	Speaker Sabo
Pehler	St. Onge	Skoglund	Vanasek	
Petrafaso	Samuelson	Smogard	Welch	

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

Pleasant moved to amend S. F. No. 895 as follows:

Page 7, line 12, after the period add a new sentence as follows:

*"Grants and gifts shall not be accepted in lieu of cash payments for private boxes, nor shall grants and gifts be evaluated to determine if one site is more acceptable than another."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 34 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeln	Esau	Kempe, A.	Niehaus	Swanson
Albrecht	Fjoslien	Kempe, R.	Peterson	Waldorf
Anderson, D.	Forsythe	Knickerbocker	Pleasant	Wieser
Biersdorf	Friedrich	Kvam	Prahl	Wigley
Carlson, L.	Hokanson	Lemke	Rose	Williamson
Clawson	Kaley	McCollar	Schulz	Zubay
Erickson	Kelly, R.	McDonald	Sherwood	

Those who voted in the negative were:

Adams	Clark	Haugerud	Moe	Scheid
Anderson, B.	Cohen	Jacobs	Munger	Simoneau
Anderson, I.	Corbid	Jensen	Murphy	Skoglund
Arlandson	Cummiskey	Johnson	Neisen	Smogard
Battaglia	Dahl	Jude	Nelsen, B.	Stanton
Beauchamp	Dean	Kahn	Nelson	Stoa
Begich	Den Ouden	Kalis	Novak	Suss
Berg	Eckstein	King	Osthoff	Tomlinson
Berglin	Eken	Kostohryz	Patton	Vanasek
Berkelman	Ellingson	Kroening	Pehler	Welch
Birnstihl	Enebo	Laidig	Petrafaso	Wenstrom
Brandl	Evans	Lehto	Reding	Wenzel
Braun	Ewald	Mangan	Rice	White
Brinkman	Fudro	Mann	St. Onge	Wynia
Carlson, A.	Fugina	McCarron	Samuelson	Speaker Sabo
Carlson, D.	George	McEachern	Sarna	
Casserly	Gunter	Metzen	Savelkoul	

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

Pleasant moved to amend S. F. No. 895, as follows:

Page 9, line 2, delete "sections" insert "section".

Page 9, line 3, delete "473.161, 473.165, and".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 50 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Faricy	Kelly, R.	Rose
Adams	Carlson, A.	Fjoslien	Kempe, A.	Schulz
Albrecht	Carlson, D.	Forsythe	Kempe, R.	Stanton
Anderson, D.	Carlson, L.	George	Kostohryz	Swanson
Anderson, I.	Casserly	Haugerud	Kvam	Tomlinson
Anderson, R.	Dean	Heinitz	McCollar	Voss
Arlandson	Den Ouden	Hokanson	McDonald	Waldorf
Berg	Eckstein	Jacobs	Niehaus	Wigley
Berkelman	Erickson	Kahn	Pleasant	Williamson
Biersdorf	Esau	Kaley	Prahl	Wynia

Those who voted in the negative were:

Anderson, B.	Eken	King	Murphy	Scheid
Anderson, G.	Ellingson	Knickerbocker	Neisen	Sieben, H.
Battaglia	Enebo	Kroening	Nelsen, B.	Sieben, M.
Beauchamp	Evans	Laidig	Nelson	Simoneau
Begich	Ewald	Langseth	Novak	Skoglund
Berglin	Fudro	Lehto	Osthoff	Smogard
Birnstihl	Fugina	Lemke	Patton	Stoa
Braun	Gunter	Mangan	Pehler	Suss
Brinkman	Jaros	Mann	Peterson	Vanasek
Byrne	Jensen	McCarron	Petrafaso	Welch
Clark	Johnson	McEachern	Reding	Wenzel
Corbid	Jude	Metzen	Rice	White
Cummiskey	Kalis	Moe	St. Onge	Wieser
Dahl	Kelly, W.	Munger	Sarna	Speaker Sabo

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

Kempe, R., moved to amend S. F. No. 895 as follows:

Page 17, lines 13 and 14, delete "No election shall be required." and insert "No resolution authorizing the issuance of bonds pursuant to section 10 shall be effective and no bonds may be issued unless the issuance thereof has been approved by a majority of the voters voting upon the question at a referendum election within the metropolitan area as defined in Section 473.121, Sub-division 2, at any general election held within the metropolitan area."

A roll call was requested and properly seconded.

Birnstihl moved to amend the Kempe, R., amendment to S. F. No. 895, as follows:

After "metropolitan area." insert "The referendum shall also be on the question of *pari-mutual* betting within the metropolitan area to finance the stadium."

A roll call was requested and properly seconded.

#### POINT OF ORDER

Kempe, R., raised a point of order pursuant to rule 3.9 that the Birnstihl amendment to the Kempe, R., amendment was out of order. Norton, as Speaker Pro Tempore, ruled the point of order not well taken and the amendment to the amendment in order.

The question was taken on the adoption of the Birnstihl amendment to the amendment and the roll was called. There were 22 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Arlandson	Brinkman	Fugina	Kalis	Simoneau
Begich	Carlson, A.	Gunter	Lemke	Suss
Biersdorf	Cummiskey	Haugerud	Mann	
Birnstihl	Eckstein	Jensen	Metzen	
Brandl	Fudro	Jude	Nelsen, B.	

Those who voted in the negative were:

Abeln	Dahl	Kempe, A.	Niehaus	Smogard
Albrecht	Dean	Kempe, R.	Norton	Stanton
Anderson, B.	Den Ouden	King	Novak	Stoa
Anderson, D.	Eken	Knickerbocker	Patton	Swanson
Anderson, G.	Ellingson	Kostohryz	Pehler	Tomlinson
Anderson, I.	Erickson	Kvam	Petrafeso	Vanasek
Battaglia	Esau	Laidig	Prahl	Voss
Beauchamp	Evans	Langseth	Reding	Waldorf
Berg	Ewald	Lehto	Rice	Welch
Berglin	Fjostlien	Mangan	Rose	Wenstrom
Braun	Forsythe	McCollar	St. Onge	Wenzel
Byrne	Heinitz	McDonald	Sarna	White
Carlson, D.	Jacobs	McEachern	Scheid	Wieser
Carlson, L.	Johnson	Moe	Schulz	Williamson
Casserly	Kahn	Munger	Searles	Wynia
Clark	Kaley	Murphy	Sieben, H.	Zubay
Clawson	Kelly, R.	Neisen	Sieben, M.	Speaker Sabo
Corbid	Kelly, W.	Nelson	Skoglund	

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

The question recurred on the adoption of the Kempe, R., amendment and the roll was called. There were 47 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Anderson, R.	Biersdorf	Braun
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Cohen	Friedrich	Kostohryz	Prahl	White
Den Ouden	George	Kvam	Rose	Wieser
Eckstein	Hanson	Mann	Savelkoul	Wigley
Erickson	Heinitz	McCollar	Sherwood	Williamson
Esau	Jude	McDonald	Spanish	Wynia
Ewald	Kaley	Neisen	Stanton	Zubay
Farcy	Kelly, R.	Nelsen, B.	Swanson	
Fjoslien	Kempe, A.	Niehaus	Voss	
Forsythe	Kempe, R.	Osthoff	Waldorf	

Those who voted in the negative were :

Adams	Carlson, D.	Jaros	Moe	Schulz
Anderson, B.	Carlson, L.	Johnson	Munger	Searle
Anderson, G.	Casserly	Kahn	Murphy	Sieben, H.
Anderson, I.	Clark	Kalis	Nelson	Sieben, M.
Arlandson	Clawson	Kelly, W.	Norton	Simoneau
Battaglia	Corbid	King	Novak	Skoglund
Beauchamp	Cummiskey	Knickerbocker	Patton	Smogard
Begich	Dahl	Kroening	Pehler	Stoa
Berg	Dean	Laidig	Peterson	Suss
Berglin	Eken	Langseth	Petrafeso	Tomlinson
Berkelman	Ellingson	Lehto	Pleasant	Vanasek
Birnstihl	Enebo	Lemke	Rice	Welch
Brandl	Evans	Mangan	St. Onge	Wenstrom
Brinkman	Fudro	McCarron	Samuelson	Wenzel
Byrne	Gunter	McEachern	Sarna	Speaker Sabo
Carlson, A.	Haugerud	Metzen	Scheid	

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

Carlson, D., moved to amend S. F. No. 895 as follows:

Page 7, line 18, after "UNIVERSITY" insert "AND OTHER AGENCIES".

Page 7, line 19, delete "and" and insert a comma.

Page 7, line 19, after "Minnesota" insert ", the Minnesota Agricultural Society, and any other department or agency of state".

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

Carlson, D., moved to amend S. F. No. 895, as amended, as follows:

Page 16, line 13, delete "and".

Page 16, line 16, before the period insert ", and (k) the needs of the university of Minnesota for athletic facilities for a prospective 20 year period".

Page 21, after line 13, insert:

*“(k) The commission has studied and considered the needs of the university of Minnesota for athletic facilities for a prospective 20 year period.”*

The motion prevailed and the amendment was adopted.

Faricy moved to amend S. F. No. 895 as follows:

Strike everything after the enacting clause and insert:

“Section 1. [LEGISLATIVE FINDINGS.] The legislature finds that there has arisen a need for expanded athletic facilities at the university of Minnesota, and that this need has arisen at a time when there also exists a need for a domed athletic facility to accommodate professional athletic events within the metropolitan area. The legislature also finds that the existing Memorial Stadium at the Stadium represents a structurally sound and financially feasible possibility for meeting the needs of both the university and professional athletics.

Sec. 2. [DOMING AND REMODELING.] The board of regents of the university of Minnesota may proceed with plans for the doming and remodeling of Memorial Stadium in order to convert the Stadium into a full service athletic facility accommodating intercollegiate and intramural athletic competition, physical fitness and education classes and activities, and leisure time recreational activities. The regents shall consult with professional athletic teams in the metropolitan area in order to insure suitability of the facility for use by professional athletic teams, and shall contract with the management of these teams for the use thereof upon terms and conditions to be agreed to.

Sec. 3. [FINANCING.] Costs of doming and remodeling Memorial Stadium pursuant to section 2 shall be paid by:

(1) Contributions from alumni and other interested parties and organizations.

(2) Revenues from contracts with professional athletic teams.

The board of regents shall possess full authority to arrange interim or long term financing of the cost of doming and remodeling pending the receipt of contributions and revenues.

Sec. 4. This act is effective upon final enactment.”

Further amend the title as follows:

Strike lines 2 to 12 and insert “relating to university and professional athletic programs; providing for the remodeling of Memorial Stadium into a multi-purpose athletic facility.”

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 47 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, D.	Eckstein	Hokanson	McCollar	Searle
Anderson, I.	Esau	Jude	Neisen	Sherwood
Anderson, R.	Faricy	Kaley	Nelsen, B.	Simoneau
Arlandson	Fjoslien	Kalis	Niehaws	Swanson
Berkelman	Friedrich	Kelly, R.	Norton	Waldorf
Biersdorf	Fugina	Kempe, A.	Osthoff	Wieser
Braun	George	Knickerbocker	Peterson	Wigley
Brinkman	Hanson	Kostohryz	Pleasant	
Carlson, D.	Haugerud	Kvam	Rose	
Den Ouden	Heinitz	McCarron	Savelkoul	

Those who voted in the negative were:

Abeln	Cohen	Jensen	Moe	Sieben, M.
Adams	Corbid	Johnson	Munger	Skoglund
Albrecht	Cummiskey	Kahn	Murphy	Smogard
Anderson, B.	Dahl	Kelly, W.	Nelson	Stanton
Anderson, G.	Dean	Kempe, R.	Novak	Stoa
Battaglia	Eken	King	Patton	Suss
Beauchamp	Ellingson	Kroening	Pehler	Tomlinson
Begich	Enebo	Laidig	Petraleso	Vanasek
Berg	Erickson	Langseth	Prahl	Welch
Birnstihl	Evans	Lehto	Rice	Wenstrom
Brandl	Ewald	Lemke	St. Onge	Wenzel
Carlson, A.	Forsythe	Mangan	Samuelson	White
Carlson, L.	Fudro	Mann	Sarna	Williamson
Casserly	Gunter	McDonald	Scheid	Wynia
Clark	Jacobs	McEachern	Schulz	Zubay
Clawson	Jaros	Metzen	Sieben, H.	Speaker Sabo

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

Pleasant moved to amend S. F. No. 895, as amended, as follows:

Page 3, line 15, delete "*within*" and insert "*outside*".

The motion prevailed and the amendment was adopted.

Jacobs moved to amend S. F. No. 895, as amended, as follows:

Page 17, line 30, delete "*the proceeds*" and insert "*additional bonds*".

Page 17, line 31, delete "*used*" and insert "*issued*".

The motion prevailed and the amendment was adopted.

Kahn offered an amendment to S. F. No. 895.

## POINT OF ORDER

Hokanson raised a point of order pursuant to rule 3.9 that the Kahn amendment was out of order. Norton, as Speaker Pro Tempore, ruled the point of order well taken and the amendment out of order.

Hanson moved to amend S. F. No. 895, as follows:

Page 14, line 13, after the period insert "*The commission shall not select design specifications calling for a domed or covered sports facility. All design specifications shall be for an open sports facility constructed in strict compliance with the Minnesota energy code. To the greatest extent practicable, advanced energy conserving technology shall be employed in the design and construction of the sports facility.*".

Page 15, line 15, after the period insert "*No permits shall be issued for a sports facility which does not strictly comply with requirements of the Minnesota energy code, SBC 6001 to 6013, and amendments thereto.*".

Page 17, line 21, delete "covered".

Page 17, line 23, delete "\$55,000,000" and insert "\$42,000,000".

Page 17, line 23, delete everything after the period.

Page 17, delete lines 24 to 28.

Page 17, line 29, delete everything through the period.

Page 19, after line 18, insert:

*"(b) The commission has executed agreements with major league professional baseball and football organizations to pay all costs above the amount of bond proceeds provided for in this subdivision which may be required to construct the sports facilities in strict compliance with the Minnesota energy code, including but not limited to any costs associated with the use of advanced energy conserving technology."*

Reletter the following clauses accordingly.

Page 21, line 9, delete everything after "expenses".

Page 21, delete lines 10 to 13 and insert a period.

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

Hanson moved to amend S. F. No. 895 as follows:

Page 14, line 13, after the period insert "*Any design specifications calling for a covered sports facility shall provide for a hard cover, constructed and insulated in strict compliance with the Minnesota energy code, rather than a soft cover. To the greatest extent practicable, advanced energy conserving technology shall be employed in the design and construction of the sports facility.*"

Page 15, line 15, after the period insert "*No permits shall be issued by any department, agency, or unit of government for a sports facility which does not strictly comply with the requirements of the Minnesota energy code, SBC 6001 to 6013, and amendments thereto.*"

Page 19, after line 18, insert:

*"(b) The commission has executed agreements with major league professional baseball and football organizations to pay all costs above the amount of bond proceeds provided for in this subdivision which may be required to construct the sports facilities in strict compliance with the Minnesota energy code, including but not limited to any costs associated with the use of advanced energy conserving technology and any costs which may be necessary to construct any proposed covered facility with a hard, insulated cover in conformance with the state energy code."*

Reletter the following clauses accordingly.

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

Hanson moved to amend S. F. No. 895 as follows:

Page 15, line 26, delete "*may*" and insert "*shall*".

Page 18, after line 16 insert:

*"(a) The commission has secured from the lessee professional teams any and all relevant corporate financial data, as required by section 9, subdivision 6."*

Reletter the following clauses accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 61 yeas and 66 nays as follows:

Those who voted in the affirmative were :

Abeln	Carlson, L.	Jacobs	Niehaus	Swanson
Adams	Clawson	Jude	Norton	Tomlinson
Albrecht	Den Ouden	Kaley	Peterson	Waldorf
Anderson, D.	Erickson	Kelly, R.	Pleasant	Wenstrom
Anderson, G.	Ewald	Kempe, A.	Rose	White
Anderson, I.	Faricy	Kempe, R.	Samuelson	Wieser
Arlandson	Fjoslien	Knickerbocker	Schulz	Wigley
Berglin	Forsythe	Kostohryz	Searle	Williamson
Berkelman	Friedrich	Kvam	Sherwood	Zubay
Biersdorf	George	McCollar	Sieben, H.	
Brandl	Hanson	Murphy	Sieben, M.	
Braun	Haugerud	Neisen	Smogard	
Carlson, D.	Hokanson	Nelsen, B.	Spanish	

Those who voted in the negative were :

Anderson, B.	Cummiskey	Johnson	Moe	Savelkoul
Anderson, R.	Dahl	Kahn	Munger	Scheid
Battaglia	Dean	Kelly, W.	Nelsen, M.	Searles
Beauchamp	Eckstein	King	Nelson	Skoglund
Begich	Ellingson	Kroening	Novak	Stanton
Berg	Enebo	Laidig	Osthoff	Stoa
Birnstihl	Esau	Langseth	Patton	Suss
Brinkman	Evans	Lemke	Pehler	Vanasek
Byrne	Fudro	Mangan	Petrafeso	Wenzel
Carlson, A.	Fugina	Mann	Prahl	Speaker Sabo
Casserly	Gunter	McCarron	Reding	
Clark	Heinitz	McDonald	Rice	
Cohen	Jaros	McEachern	St. Onge	
Corbid	Jensen	Metzen	Sarna	

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

Hanson moved to amend S. F. No. 895 as follows :

Page 19, line 18, after the period insert "*The agreements shall provide that the professional teams shall pay any costs and loss of revenue to the commission not covered by the construction bonds referred to in section 4, subdivision 7, of this act.*"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 50 yeas and 68 nays as follows :

Those who voted in the affirmative were :

Abeln	Den Ouden	Haugerud	Neisen	Sieben, H.
Adams	Eckstein	Heinitz	Nelsen, M.	Sieben, M.
Albrecht	Esau	Hokanson	Niehaus	Smogard
Anderson, D.	Ewald	Jude	Norton	Stanton
Anderson, I.	Faricy	Kaley	Pleasant	Swanson
Anderson, R.	Fjoslien	Kempe, A.	Prahl	Tomlinson
Berkelman	Forsythe	Kempe, R.	Rose	Waldorf
Biersdorf	George	Kostohryz	Samuelson	White
Carlson, D.	Gunter	McCollar	Searle	Wieser
Carlson, L.	Hanson	McDonald	Sherwood	Williamson

Those who voted in the negative were:

Anderson, B.	Cohen	Jensen	Munger	Savelkoul
Battaglia	Corbid	Johnson	Murphy	Scheid
Beauchamp	Cummiskey	Kahn	Nelsen, B.	Searles
Begich	Dahl	King	Nelson	Skoglund
Berg	Dean	Knickerbocker	Novak	Stoa
Birnstihl	Eken	Kroening	Osthoff	Suss
Brandl	Ellingson	Laidig	Patton	Vanasek
Braun	Enebo	Langseth	Pehler	Wenstrom
Brinkman	Erickson	Mangan	Peterson	Wenzel
Byrne	Evans	Mann	Petrafaso	Wigley
Carlson, A.	Fudro	McCarron	Reding	Zubay
Casserly	Fugina	McEachern	Rice	Speaker Sabo
Clark	Jacobs	Metzen	St. Onge	
Clawson	Jaros	Moe	Sarna	

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

Hanson moved to amend S. F. No. 895 as follows:

Page 25, line 6, before "The" insert "Except as provided in subdivision 4,".

Page 25, after line 31, insert:

*"Subd. 4. [CITY OF ST. PAUL.] Collections of the tax within the city of St. Paul, less refunds and a proportionate share of the cost of collection, shall be remitted at least quarterly to the city of St. Paul. The proceeds shall be used by the city to pay the outstanding obligations on midway stadium and, thereafter, the outstanding obligations on the St. Paul civic center and parking ramp."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 47 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albrecht	Eckstein	Jaros	Novak	Stanton
Anderson, D.	Erickson	Kelly, R.	Osthoff	Swanson
Anderson, I.	Esau	Kempe, A.	Pleasant	Tomlinson
Anderson, R.	Farcy	Kostohryz	Rose	Voss
Biersdorf	Fjoslien	Lemke	Samuelson	Waldorf
Braun	Fugina	Mangan	Schulz	White
Clawson	George	Mann	Searle	Wieser
Cohen	Hanson	McCollar	Sherwood	
Cummiskey	Haugerud	McDonald	Shimoneau	
Den Ouden	Hokanson	Neisen	Spanish	

Those who voted in the negative were:

Abeln	Adams	Anderson, B.	Anderson, G.	Arlandson
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Battaglia	Dahl	Kahn	Nelsen, B.	Sieben, H.
Beauchamp	Dean	Kempe, R.	Nelson	Sieben, M.
Begich	Eken	King	Niehaus	Skoglund
Berg	Ellingson	Knickerbocker	Patton	Smogard
Berglin	Enebo	Kroening	Pehler	Stoa
Berkelman	Evans	Laidig	Peterson	Suss
Brandl	Ewald	Langseth	Petrafeso	Vanasek
Brinkman	Forsythe	Lehto	Prahl	Wenstrom
Byrne	Fudro	McCarron	Rice	Wenzel
Carlson, A.	Gunter	McEachern	St. Onge	Wigley
Carlson, D.	Heinitz	Metzen	Sarna	Williamson
Carlson, L.	Jacobs	Moe	Savelkoul	Speaker Sabo
Casserly	Jensen	Munger	Scheid	
Clark	Jude	Murphy	Searles	

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

Hanson moved to amend S. F. No. 895 as follows:

Page 24, line 19, after "include" insert "*the city of St. Paul,*".

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

Hanson moved to amend S. F. No. 895 as follows:

Page 17, line 13, delete "No" and insert "An".

Page 17, line 14, before the period insert "*and held in each county at the time of the general election in 1978, on the question whether a liquor tax should be levied in the county to finance bonds to construct new sports facilities in the metropolitan area*".

Page 24, line 24, delete "August 1, 1977" and insert "*after the referendum under section 10,*".

Page 24, line 29, delete "*the metropolitan area*" and insert "*in each county in the metropolitan area voting in the affirmative in the referendum*".

Page 24, line 30, delete "*until August 1, 1980*" and insert "*for three years*".

Page 25, line 12, delete everything after "5".

Page 25, delete lines 13 to 18.

Page 26, line 3, delete "*three*" and insert "*10*".

Page 26, line 9, delete everything after the period.

Page 26, delete lines 10 to 12.

Page 26, line 13, delete everything to the period and insert "*The proceeds may be used to pay expenses of the commission relating to planning, designing, and locating sports facilities pursuant to sections 1 to 12*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 30 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Hanson	Kempe, A.	Osthoff
Adams	Ewald	Helnitz	Kempe, R.	Pleasant
Albrecht	Faricy	Hokanson	Kostohryz	Rose
Anderson, D.	Fjoslien	Jude	McCollar	Samuelson
Anderson, R.	Fugina	Kaley	McDonald	Spanish
Cohen	George	Kelly, R.	Neisen	Waldorf

Those who voted in the negative were:

Anderson, B.	Carlson, D.	Gunter	Nelsen, B.	Sieben, H.
Anderson, I.	Carlson, L.	Jacobs	Nelsen, M.	Sieben, M.
Arlandson	Casserly	Jensen	Nelson	Simoneau
Battaglia	Clark	Johnson	Norton	Skoglund
Beauchamp	Clawson	Kahn	Novak	Smogard
Begich	Corbid	King	Patton	Stoa
Berg	Cummiskey	Knickerbocker	Peterson	Suss
Berglin	Dahl	Kroening	Petrafeso	Tomlinson
Berkelman	Dean	Laidig	Prahl	Vanasek
Biersdorf	Den Ouden	Langseth	Rice	Wenstrom
Birnstihl	Eken	Lehto	St. Onge	Wenzel
Brandl	Ellingson	Mangan	Sarna	Wieser
Braun	Enebo	McEachern	Savelkoul	Wigley
Brinkman	Esau	Metzen	Searle	Williamson
Byrne	Evans	Munger	Searles	Zubay
Carlson, A.	Fudro	Murphy	Sherwood	Speaker Sabo

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

Hanson moved to amend S. F. No. 895 as follows:

Page 2, delete lines 10 to 18.

Page 2, line 25, delete "*for the public health, safety and*".

Page 2, delete lines 26 and 27.

Page 2, line 28, before "*metropolitan*" insert "*to establish a*".

Page 5, line 11, delete "*and sports facilities constructed*" and insert a period.

Page 5, delete line 12.

Page 5, line 24, delete “, *except that the commission may employ*” and insert a period.

Page 5, delete lines 25 to 32.

Page 6, delete lines 1 to 16.

Page 8, line 25, delete “*construction,*”.

Page 8, line 26, delete the comma after “*concessions*”.

Page 8, line 31, delete all of section 5.

Renumber subsequent sections accordingly.

Page 13, line 32, delete all of section 9 and insert in lieu thereof:

“Sec. 9. [473.571] [AUTHORITY TO PURCHASE PROFESSIONAL SPORTS TEAM.] *Subdivision 1. [LEASE TERMINATION.] Any major league professional baseball, football or soccer team that plans to move its franchise or to terminate its lease to play in the metropolitan sports area shall notify the commission of this decision. This notice shall be made at least one year prior to the move or termination.*

*Subd. 2. [COMMISSION RESPONSIBILITY.] Upon receiving the notice referred to in subdivision 1, the commission is authorized to negotiate for the purchase of the major league professional baseball, football or soccer team that filed the notice. The purchased team shall be publicly owned and managed by the commission.*

*Subd. 3. [COMMISSION PROPOSAL.] If negotiations are successful, the commission shall submit to the metropolitan council a proposal to bond for the purchase of the major league professional sports team. The bonds may be issued in an amount equal to the purchase price plus one percent.”.*

Page 16, line 25, delete “*or betterment*” and insert “*and purchase of a major league professional baseball, football or soccer team*”.

Page 16, line 26, delete “*of sports facilities*”.

Page 17, line 16, delete “*The principal amount of the*”.

Page 17, delete lines 17 to 32.

Page 18, delete lines 1 to 5.

Page 18, line 6, delete "*principal amount shall be limited to \$37,500,000.*".

Page 18, line 9, delete "*The proceeds of the*".

Page 18, delete lines 10 to 32.

Page 19, delete lines 1 to 32.

Page 20, delete lines 1 to 32.

Page 21, delete lines 1 to 13.

Page 24, line 15, delete "*sports facilities constructed or remodeled*" and insert "*the major league professional baseball, football, or soccer team purchased*".

Page 25, line 17 delete "*planning, designing, and*" and insert "*purchasing a major league professional baseball, football or soccer team.*".

Page 25, line 18, delete "*locating sports facilities*".

Page 26, line 9, delete "*Commencing with the operation of sports facilities*".

Page 26, delete lines 10 to 12.

Page 26, line 13, delete "*such sports facilities.*".

Page 27, line 6, delete "*and any sports facility constructed*".

Page 27, line 7, delete "*pursuant to this act*".

Further, amend the title as follows:

Page 1, line 11, delete "*regulating facilities location*" and insert "*authorizing purchase of professional sports teams*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 21 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Niehaus	Williamson
Adams	Ewald	Kostohryz	Osthoff	
Albrecht	Fudro	Kvam	Rose	
Berglin	Hanson	McCollar	Swanson	
Byrne	Heinitz	McDonald	White	

Those who voted in the negative were:

Anderson, B.	Clawson	Jacobs	Murphy	Searle
Anderson, D.	Cohen	Jensen	Neisen	Searles
Anderson, I.	Cummiskey	Johnson	Nelsen, B.	Sieben, H.
Arlandson	Dahl	Jude	Nelsen, M.	Sieben, M.
Battaglia	Dean	Kahn	Nelson	Simoneau
Beauchamp	Den Ouden	Kempe, A.	Norton	Skoglund
Begich	Eken	Knickerbocker	Novak	Stoa
Berg	Ellingson	Kroening	Patton	Suss
Berkelman	Enebo	Laidig	Pehler	Tomlinson
Biersdorf	Erickson	Langseth	Peterson	Vanasek
Birnstihl	Esau	Lehto	Petrafaso	Voss
Brandl	Evans	Lemke	Prahl	Wenstrom
Braun	Faricy	Mangan	Reding	Wenzel
Brinkman	Fjoslien	Mann	Rice	Wieser
Carlson, A.	Forsythe	McCarron	St. Onge	Wigley
Carlson, D.	Fugina	McEachern	Samuelson	Zubay
Carlson, L.	George	Metzen	Sarna	Speaker Sabo
Casserly	Gunter	Moe	Savelkoul	
Clark	Hangerud	Munger	Scheid	

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

Biersdorf moved to amend S. F. No. 895 as follows:

Page 13, line 3, strike "90" and insert "80".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 51 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Kaley	Peterson	Spanish
Adams	Carlson, L.	Kempe, B.	Prahl	Vanasek
Albrecht	Eckstein	Kostohryz	Rose	Voss
Anderson, D.	Faricy	Kvam	Samuelson	Wenzel
Anderson, G.	Friedrich	McEachern	Sarna	White
Anderson, I.	George	Metzen	Savelkoul	Wieser
Anderson, R.	Gunter	Neisen	Schulz	Wigley
Arlandson	Hanson	Nelsen, B.	Sieben, H.	
Biersdorf	Heinitz	Niehaus	Sieben, M.	
Braun	Hokanson	Norton	Simoneau	
Brinkman	Jacobs	Osthoff	Smogard	

Those who voted in the negative were:

Anderson, B.	Clark	Esau	Kahn	McDonald
Battaglia	Clawson	Ewald	Kalis	Moe
Beauchamp	Cohen	Fjoslien	Kempe, A.	Munger
Begich	Corbid	Forsythe	King	Murphy
Berg	Cummiskey	Fudro	Knickerbocker	Nelson
Berkelman	Dahl	Fugina	Laidig	Novak
Birnstihl	Dean	Hangerud	Langseth	Patton
Brandl	Eken	Jaros	Lehto	Pehler
Byrne	Ellingson	Jensen	Mann	Petrafaso
Carlson, A.	Enebo	Johnson	McCarron	Pleasant
Casserly	Erickson	Jude	McCollar	Rice

St. Onge	Sherwood	Stoa	Tomlinson	Williamson
Scheid	Skoglund	Suss	Waldorf	Zubay
Searle	Stanton	Swanson	Wenstrom	Speaker Sabo

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

S. F. No. 895, A bill for an act relating to metropolitan government; providing for sports facilities; establishing a sports commission and prescribing its powers and duties; providing financing; providing a tax on the sales of certain intoxicating and fermented malt beverages in the metropolitan area; prohibiting certain restrictive agreements relating to the telecasting of games; increasing the levy limitation base for the city of Bloomington; regulating facilities location; amending Minnesota Statutes 1976, Section 340.11, Subdivision 11a.

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 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, A.	Fugina	Mangan	Savelkoul
Anderson, B.	Carlson, L.	Gunter	Mann	Scheid
Anderson, G.	Casserly	Jacobs	McDonald	Searles
Anderson, I.	Clark	Jaros	Munger	Sieben, M.
Arlandson	Cohen	Johnson	Murphy	Skoglund
Battaglia	Corbid	Kahn	Nelsen, B.	Smogard
Beauchamp	Cummiskey	Kelly, W.	Nelson	Spanish
Begich	Dahl	King	Novak	Stanton
Berg	Dean	Knickerbocker	Patton	Stoa
Berglin	Eken	Kroening	Pehler	Vanasek
Berkelman	Ellingson	Laidig	Petrafeso	Wenstrom
Biersdorf	Enebo	Langseth	Prahl	Wenzel
Brandl	Evans	Lehto	Rice	Wigley
Braun	Fudro	Lemke	Sarna	Speaker Sabo

Those who voted in the negative were:

Abeln	Ewald	Kelly, R.	Peterson	Tomlinson
Albrecht	Farcy	Kempe, A.	Pleasant	Voss
Anderson, D.	Fjoslien	Kempe, R.	Reding	Waldorf
Anderson, R.	Forsythe	Kostohryz	Rose	Welch
Birnstihl	Friedrich	Kvam	St. Onge	White
Brinkman	George	McCollar	Samuelson	Wieser
Byrne	Hanson	Metzen	Schulz	Williamson
Carlson, D.	Hangerud	Moe	Searle	Wynia
Clawson	Heimitz	Neisen	Sherwood	Zubay
Den Ouden	Hokanson	Nelsen, M.	Sieben, H.	
Eckstein	Jude	Niehaus	Simoneau	
Erickson	Kaley	Norton	Suss	
Esau	Kalis	Osthoff	Swanson	

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

Norton from the Committee on Appropriations to which was referred:

H. F. No. 206, A bill for an act relating to welfare; increasing the personal allowance for persons in care facilities; amending Minnesota Statutes 1976, Section 256B.35, Subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 17 add:

*“Provided that where the personal needs allowance is paid as part of the Minnesota supplemental aid program, payments to the recipients from Minnesota supplemental aid funds may be made once each three months beginning in October, 1977 covering liabilities that accrued during the preceding three months.*

Sec. 2. Minnesota Statutes 1976, Section 256B.35, is amended by adding subdivisions to read:

*Subd. 3. The nursing home may not comingle the patient's funds with nursing home funds or in any way use the funds for nursing home purposes.*

*Subd. 4. The department of public welfare is authorized to conduct field audits without notice to determine whether this section was complied with and that the funds provided residents for their personal needs were actually expended for that purpose.*

*The nursing home may transfer the personal allowance to someone other than the recipient only when that person certifies that the allowance is spent for the well being of the recipient.”.*

Further amend the title as follows:

Line 5, after “1” add “, and by adding subdivisions”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 559, A bill for an act relating to education; higher education coordinating board; student financial aid; changing

certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 124.48; 136A.121, Subdivisions 1, 2 and 3; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; and 136A.233, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Pages 1 and 2, delete all of Section 1.

Page 2, line 17, delete "Subdivision 1,".

Page 2, lines 22 and 23, strike the old language and delete the new language.

Re-number the subsequent clauses.

Page 2, delete line 32.

Page 3, delete line 1.

Page 3, lines 7 and 8, strike the old language and delete the new language.

Re-number the subsequent clauses.

Page 3, delete lines 19 and 20.

Page 3, line 25, strike the semicolon and insert a period.

Page 4, line 5, strike the semicolon and insert a period.

Page 4, line 13, strike the semicolon and insert a period.

Page 4, line 26, after "*students*" insert "*who meet the board's requirements*".

Page 4, line 28, delete "*and*" and insert "*who meet the board's requirements and second year*".

Page 5, line 5, strike the semicolon and insert a period.

Page 5, line 8, strike "*, United States citizenship*" and delete "*or status as a refugee*".

Page 5, line 9, delete "*from Vietnam, Cambodia, or Laos*".

Page 5, line 12, strike the semicolon and insert a period.

Page 5, line 14, strike the semicolon and insert a period.

Page 5, line 16, strike the semicolon and insert a period.

Page 5, line 19, strike the semicolon and insert a period.

Page 5, line 21, strike the semicolon and insert a period.

Page 6, line 21, after "*institution*" insert "*or the actual need of the institution*".

Page 7, after line 32, insert:

"Sec. 7. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.162] [CLASSIFICATION OF DATA.] *Financial data on applicants for financial assistance collected and used by the higher education coordinating board for the purposes of the scholarship, grant-in-aid and loan programs administered by that board shall be classified as private data on individuals pursuant to section 15.162, subdivision 5a. Exceptions to this classification are the names and addresses of scholarship, grant-in-aid and loan program recipients."*

Page 11, line 10, delete "Subdivision 1."

Page 11, line 25, after "*institution*" insert "*or the actual need of the institution*".

Page 11, lines 28 to 31, strike the old language.

Page 11, delete line 32.

Page 12, delete line 1.

Page 12, line 2, strike "this subdivision" and insert "*sections 136A.231 to 136A.235*".

Page 12, line 4, before "Eligible" insert "(a)".

Page 12, line 7, before "Financial" insert "(b)".

Page 12, line 12, before "Eligible" insert "(c)".

Page 12, line 14, after "Minnesota" insert "*and also includes a handicapped person or a person over 65 who employs a student*

to provide personal services in or about the residence of the handicapped person or the person over 65".

Page 12, after line 14, insert:

*"(d) "Eligible post-secondary institution" means any post-secondary institution eligible for participation in the Minnesota state scholarship and grant program as specified in section 136A.101, subdivision 4."*

Page 12, line 15, before "Work-study" insert "Subd. 3."

Page 14, line 10, delete "academic".

Page 14, line 14, delete "academic".

Page 14, line 22, delete "\$1,000,000" and insert "to the higher education coordinating board the sum of \$250,000".

Page 14, line 23, delete "\$1,000,000" and insert "the sum of \$250,000".

Page 14, line 25, delete "15" and insert "17".

Page 14, line 25, after the period insert "Any balance remaining after the first year of the biennium shall not cancel but shall carry over to the second year of the biennium."

Renumber the sections in sequence.

Further amend the title as follows:

Line 9, delete "124.48;"

Line 10, delete ", Subdivisions 1, 2 and 3".

Line 12, delete the second "and".

Page 13, delete ", Subdivisions 1 and 2" and insert "; and Chapter 136A, by adding a section".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1052, A bill for an act relating to human services; providing grants to plan and organize human services programs; requiring notification of affected state agencies; requiring cer-

tain membership on advisory councils; promulgating rules; providing for auditing of funds; giving additional powers to the state planning officer; appropriating money; amending Minnesota Statutes 1976, Sections 402.01, by adding a subdivision; 402.02, Subdivisions 1 and 2; 402.03; 402.04, Subdivision 1; 402.05; and 402.06; repealing Minnesota Statutes 1976, Sections 402.08 and 402.09.

Reported the same back with the following amendments:

Page 5, line 22, strike "merit or civil service system" and insert "*standard for a merit system of personnel administration*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1276, A bill for an act relating to public welfare; providing for pilot dental health programs; providing an appropriation; amending Laws 1973, Chapter 305, Section 9; repealing Laws 1973, Chapter 305, Section 10.

Reported the same back with the following amendments:

Page 1, line 12 strike "\$400,000" and insert "\$370,000".

Page 1, line 14 delete "\$60,000" and insert "\$30,000".

Page 1, lines 15 to 17, reinstate stricken language.

Page 1, line 18, delete "*Notwithstanding*" and insert "*Notwithstanding*".

Page 1, line 19, delete "*not lapse*" and insert "*be available until June 30, 1979*".

Page 1, line 20, delete "1973" and insert "1976".

Further amend the title as follows:

Line 4, delete "1973" and insert "1976".

Line 5, delete "1973" and insert "1976".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1343, A bill for an act relating to consumer protection; transferring the consumer services section from the department of commerce to the attorney general; amending Minnesota Statutes 1976, Sections 45.15; and 45.16.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 144A.53, Subdivision 4, is amended to read:

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board (, THE OFFICE OF CONSUMER SERVICES) or any other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that any official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state board of health, the commissioner of public welfare, an appropriate prosecuting authority, or any other appropriate agency.

Sec. 2. Minnesota Statutes 1976, Section 214.14, Subdivision 1, is amended to read:

214.14 [ADVISORY COUNCIL.] Subdivision 1. There is established a human services occupation advisory council to assist the board of health in formulating policies and rules pursuant to section 214.13. The board shall determine the duties of the council, shall establish procedures for the proper functioning of the council including, but not limited to the following: the method of selection of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the board for its consideration. Each of the health related licensing boards, the state examining committee for physical therapists, the advisory council for hospital administrator's registration, (THE CONSUMER SERVICES SECTION OF

THE DEPARTMENT OF COMMERCE,) the state comprehensive health planning advisory council and the higher education coordinating board shall have a representative selected by the boards or section. The governor shall appoint the remaining members who shall not exceed 11 and shall include six persons broadly representative of human services, particularly human services professions not presently credentialed pursuant to existing law, and five public members. The committee shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 3. Minnesota Statutes 1976, Section 306.761, Subdivision 1, is amended to read:

306.761 [PERMANENT CARE AND IMPROVEMENT FUNDS; MINIMUM AMOUNTS; REPORTING; PENALTIES.] Subdivision 1. Any cemetery association which operates a cemetery larger than ten acres shall establish a permanent care and improvement fund and all cemetery associations operating a cemetery larger than ten acres and having a permanent care and improvement fund shall file annually as part of the report required in subdivision 2 a notice with the (CONSUMER SERVICES SECTION) *division of securities* of the department of commerce. The notice shall include the names and addresses of each person or entity owning a five percent or greater interest in the cemetery, and the names and addresses of all officers if any change has taken place since the previous notice. The term "association" as used in this section shall include any person, firm, partnership, association or corporation.

Sec. 4. Minnesota Statutes 1976, Section 306.761, Subdivision 2, is amended to read:

Subd. 2. Any cemetery association which operates a cemetery larger than ten acres and having a permanent care and improvement fund shall make a full and complete written annual report to the (CONSUMER SERVICES SECTION) *division of securities* of the department of commerce on the condition and state of the fund, including all deposits and withdrawals of principal amounts and all receipts and disbursements. The report shall be filed on forms prescribed by the department by March 31 for any cemetery association operating a cemetery larger than ten acres and operating on a calendar year basis and by 90 days after the end of the fiscal year for any cemetery association operating a cemetery larger than ten acres and operating on a fiscal year basis. There shall be paid to the (CONSUMER SERVICES SECTION) *division of securities* of the department of commerce a filing fee of \$5 for each report.

Sec. 5. Minnesota Statutes 1976, Section 325.382, is amended to read:

325.382 [DEFINITIONS.] (a) "Child" means any person less than 14 years of age;

(b) A toy presents an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electrical shock or electrocution;

(c) A toy presents a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness:

(1) from fracture, fragmentation or disassembly of the article;

(2) from propulsion of the article or any part or accessory thereof;

(3) from points or other protrusions, surfaces, edges, openings or closures;

(4) from moving parts;

(5) from lack or insufficiency of controls to reduce or stop motion;

(6) as a result of self-adhering characteristics of the article;

(7) because the article or any part or accessory thereof may be aspirated or ingested;

(8) because of instability;

(9) from stuffing material which is not free of dangerous or harmful substances; or

(10) because of any other aspect of the article's design or manufacture.

(d) A toy presents a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances or surfaces.

(e) "Toxic" means able to produce personal injury or illness to a person through ingestion, inhalation or absorption through any body surface and can apply to any substance other than a radioactive substance.

(f) "Flammable" means having a flash point up to 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester. The flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally recognized as applicable to the materials or containers and established by regulations issued by the director.

(g) A toy presents a hazard of asphyxiation or suffocation if, in normal use or when subject to reasonable foreseeable damage or abuse, its design, manufacture or storage presents a risk of personal injury or illness from interference with normal breathing.

(h) ("DIRECTOR" MEANS THE DIRECTOR OF THE CONSUMER SERVICES SECTION OF THE DEPARTMENT OF COMMERCE.) "*Commissioner*" means the commerce *commission*.

(i) "Inspector" means an inspector of the (CONSUMER SERVICES SECTION OF THE DEPARTMENT OF) commerce *commission*.

Sec. 6. Minnesota Statutes 1976, Section 325.383, is amended to read:

325.383 [BANNING OF HAZARDOUS ARTICLES; REGULATIONS.] The (DIRECTOR) *commission* shall ban from sale or distribution any toy or other article intended for use by children that presents any of the hazards set out in section 325.381.

The (DIRECTOR) *commission* shall adopt the regulations necessary to carry out the intent of sections 325.381 to 325.391. Regulations shall insofar as practicable conform to the regulations relating to this subject found as Part 191 in the Code of Federal Regulations, Title 21.

Sec. 7. Minnesota Statutes 1976, Section 325.384, is amended to read:

325.384 [TESTING OF ARTICLES TO DETERMINE AND INSURE COMPLIANCE.] The (DIRECTOR) *commission* or an authorized and qualified employee or inspector, may undertake or provide for testing of toys and other articles as he deems necessary to determine their safety and fitness for commerce in this state in compliance with the provisions of sections 325.381 to 325.391. The (DIRECTOR) *commission* may contract or otherwise arrange with any testing facility, public or private, for testing and reporting the results. The (DIRECTOR) *commission* may, by regulation, require that any toy or other article within the provisions of sections 325.381 to 325.391 be adequately tested by the (CONSUMER SERVICES SECTION) *commis-*

sion, a reputable testing facility, or the manufacturer or distributor of the article, and that the certified results of the test be filed with the (DIRECTOR) *commission* before the sale, distribution or other movement in commerce within this state of the toys or articles. The (DIRECTOR) *commission* may by regulation provide for penalties for the failure to provide test results.

Sec. 8. Minnesota Statutes 1976, Section 325.385, Subdivision 1, is amended to read:

325.385 [REPURCHASE OF BANNED ARTICLES.] Subdivision 1. In the case of any article sold by its manufacturer, distributor, or dealer which has been banned, whether or not it was banned at the time of its sale, the article shall, in accordance with regulations of the (DIRECTOR) *commission*, be repurchased as follows:

(a) The manufacturer of the article shall repurchase it from the person to whom he sold it, and shall refund that person the purchase price paid for the article. If the manufacturer requires the return of the article in connection with the repurchase of it, the manufacturer shall also reimburse the person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(b) The distributor of any banned article shall repurchase it from the person to whom he sold it, and shall refund that person the purchase price paid for the article. If the distributor requires the return of the article in connection with his repurchase of it in accordance with this clause, the distributor shall reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(c) In the case of any banned article sold at retail by a dealer, if the person who purchased it from the dealer returns it to him, the dealer shall refund the purchase price paid for it and reimburse him for any reasonable and necessary transportation charges incurred in its return.

Sec. 9. Minnesota Statutes 1976, Section 325.387, is amended to read:

325.387 [SEIZURES.] The (DIRECTOR) *commission* shall apply to the district court to seize toys presenting hazards when no other practical method to control the hazard exists. The attorney general shall represent the (DIRECTOR) *commission* in the district court.

Sec. 10. Minnesota Statutes 1976, Section 325.388, is amended to read:

325.388 [(DIRECTOR'S) COMMISSION'S RIGHT OF ACCESS TO PREMISES, RECORDS.] For the purpose of ad-

ministering the provisions of sections 325.381 to 325.391, the (DIRECTOR) *commission* and inspectors shall have access and entry at reasonable times to any premises in which toys or other articles within the provisions of sections 325.381 to 325.391 are held and shall have access to all records pertinent to the enforcement of sections 325.381 to 325.391.

Sec. 11. Minnesota Statutes 1976, Section 325.77, Subdivision 4a, is amended to read:

Subd. 4a. For the purposes of this section, octane rating shall be determined in the manner described in the American Society for Testing and Materials (ASTM) "Standard Specification for Gasoline", D439-71 or such other manner as prescribed by the (DIRECTOR OF CONSUMER SERVICES) *commerce commission* by regulations, adopted pursuant to the administrative procedures act. Such regulations shall only be promulgated to place Laws 1973, Chapter 687 in accordance with regulations promulgated by a federal agency.

Sec. 12. Minnesota Statutes 1976, Chapter 325, is amended by adding a section to read:

325.791 [RULES.] *The commerce commission may adopt, pursuant to the administrative procedures act, rules and regulations to implement sections 325.78 to 325.80.*

Sec. 13. Minnesota Statutes 1976, Section 325.80, Subdivision 1, is amended to read:

325.80 [REMEDIES.] Subdivision 1. [INJUNCTION.] The attorney general or any county attorney may institute a civil action in the name of the state in the district court for an injunction prohibiting any violation of sections 325.78 to 325.80 *or rules and regulations promulgated thereunder*. The court, upon proper proof that defendant has engaged in a practice made enjoinder by section 325.79 *or rules and regulations promulgated thereunder*, may enjoin the future commission of such practice. It shall be no defense to such an action that the state may have adequate remedies at law.

Sec. 14. Minnesota Statutes 1976, Section 332.31, is amended by adding a subdivision to read:

Subd. 6. *"Banking division" means the banking division of the department of commerce.*

Sec. 15. Minnesota Statutes 1976, Section 332.311, is amended to read:

332.311 [TRANSFER OF ADMINISTRATIVE FUNCTIONS.] The powers, duties, and responsibilities of the department of labor and industry under sections 332.31 to 332.45 relating to collection agencies are hereby transferred to and imposed upon the (SECTION OF CONSUMER SERVICES) *banking division* in the department of commerce.

Sec. 16. Minnesota Statutes 1976, Section 332.33, Subdivision 4, is amended to read:

Subd. 4. The (CONSUMER SERVICES SECTION) *banking division* may require such financial statements and references of all applicants for a license as it deems necessary; and may make or cause to be made an independent investigation concerning the applicant's reputation, integrity, competence, and net worth, at the expense of the applicant for such initial investigation, not to exceed \$100, and for that purpose may require such deposit against the cost thereof as it deems adequate. Such investigation may cover all managerial personnel employed by or associated with the applicant.

Sec. 17. Minnesota Statutes 1976, Section 332.33, Subdivision 5, is amended to read:

Subd. 5. Every application for a license or renewal shall be acted upon promptly by the (CONSUMER SERVICES SECTION) *banking division* but in no event more than 45 days after receipt of said application. If the application shall comply in form and substance with the provisions of sections 332.31 to 332.45 and the rules and regulations promulgated thereunder and the (CONSUMER SERVICES SECTION) *banking division* shall find that the applicant is qualified under the provisions of sections 332.31 to 332.45, the (CONSUMER SERVICES SECTION) *banking division* shall issue a license forthwith. If the application shall not be sufficient in form or substance, the (CONSUMER SERVICES SECTION) *banking division* shall reject it and notify the applicant of the manner in which it is deficient. Such rejection shall be without prejudice to the filing of a new application. If the (CONSUMER SERVICES SECTION) *banking division* shall find that the applicant is not qualified under the provisions of sections 332.31 to 332.45, it shall reject the application and shall give the applicant written notice of such rejection and the reasons therefor.

Sec. 18. Minnesota Statutes 1976, Section 332.33, Subdivision 6, is amended to read:

Subd. 6. All money received by the (CONSUMER SERVICES SECTION) *banking division* shall be deposited in the general fund of the state treasury.

Sec. 19. Minnesota Statutes 1976, Section 332.34, is amended to read:

332.34 [BOND.] The (CONSUMER SERVICES SECTION) *banking division* shall require each licensee to file and maintain in force a corporate surety bond, in a form to be prescribed by the (CONSUMER SERVICES SECTION) *banking division* and acceptable to it, and in the sum of \$5,000.

Sec. 20. Minnesota Statutes 1976, Section 332.40, is amended to read:

332.40 [INVESTIGATION, SUSPENSION AND REVOCATION OF LICENSES.] The (CONSUMER SERVICES SECTION) *banking division* may investigate the collection records of a licensee and for that purpose the (CONSUMER SERVICES SECTION) *banking division* shall have free access to the books and records of a licensee relating thereto. If a licensee violates any provision of sections 332.31 to 332.45, or any administrative rules issued pursuant to sections 332.31 to 332.45, fails to maintain its financial condition sufficient to qualify for a license on an original application, or, fails to maintain its registration or comply with all of the requirements of Minnesota Statutes 1967, Chapter 303, the (CONSUMER SERVICES SECTION) *banking division* may, after notice and hearing in accordance with the provisions of the laws of this state governing proceedings before administrative agencies, revoke a license or suspend such license for such period as he may deem proper.

Sec. 21. Minnesota Statutes 1976, Section 332.41, Subdivision 2, is amended to read:

Subd. 2. The filing of an appeal from an order of the (CONSUMER SERVICES SECTION) *banking division* rejecting an application for a license by a collection agency engaged in business as of July 1, 1969, or rejecting an application for the renewal of a license, or suspending or revoking a license within 60 days after the date of such order, shall operate as a super-sedeas which shall continue pending final determination of such appeal.

Sec. 22. Minnesota Statutes 1976, Section 332.42, is amended to read:

332.42 [REPORTS AND RECORDS.] Subdivision 1. The (CONSUMER SERVICES SECTION) *banking division* may at any time require a licensee to submit to it a verified financial statement for examination by the (CONSUMER SERVICES SECTION) *banking division* so that it may determine whether the licensee is financially responsible to carry on a collection agency business within the intents and purposes of sections 332.31 to 332.45.

Subd. 2. The (CONSUMER SERVICES SECTION) *banking division* shall require the licensee to keep such books and records in his place of business in this state as will enable the (CONSUMER SERVICES SECTION) *banking division* to determine whether there has been compliance with the provisions of sections 332.31 to 332.45, unless the agency is a foreign corporation duly authorized, admitted and licensed to do business in this state and complies with all the requirements of Minnesota Statutes 1967, Chapter 303 and with all other requirements of sections 332.31 to 332.45. Every licensee shall preserve the records of final entry used in such business for a period of five years after

final remittance is made on any amount placed with licensee for collection or after any account has been returned to the claimant on which one or more payments have been made.

Sec. 23. Minnesota Statutes 1976, Section 332.43, is amended to read:

332.43 [DELINQUENT COLLECTION AGENCIES.] Subdivision 1. If the (CONSUMER SERVICES SECTION) *banking division* shall determine that a licensee is insolvent or that he has collected accounts but has failed to remit money due to any claimant or forwarder within 60 days from the end of the month in which collection was made, or when the license of a collection agency has expired or terminated for any reason whatsoever, the (CONSUMER SERVICES SECTION) *banking division*, if it shall determine such action necessary to protect the public interest, may apply to the district court for the county in which the main office of such agency is located for an order authorizing it to take possession of the assets and the books and records of the licensee for the purpose of liquidating or rehabilitating its business and or for such other relief as the nature of the case and the interest of the claimants or forwarders may require. The court, after citing the licensee to show cause why the (CONSUMER SERVICES SECTION) *banking division* should not be authorized to take possession of the assets and books of account and records for the purpose of liquidating or rehabilitating the business of the licensee, and after hearing the allegations and proofs of the parties and determining the facts, may upon the merits dismiss the application, order the (CONSUMER SERVICES SECTION) *banking division* to act as trustee for the rehabilitation of such agency, or, if it shall find such action necessary for the protection of the public, issue its order authorizing the (CONSUMER SERVICES SECTION) *banking division* to take possession of the said books and records and or to liquidate the business and or granting such other relief as it may deem necessary under the circumstances.

Subd. 2. In every case where the court shall issue an order authorizing the (CONSUMER SERVICES SECTION) *banking division* to take possession of the said books and records and to liquidate or rehabilitate the business of a licensee, the (CONSUMER SERVICES SECTION) *banking division* shall be vested with all of the powers, duties, authority, and responsibility of a receiver, and without limiting the generality of the foregoing and subject to the approval of the court.

(1) The liquidation or rehabilitation of the business shall be made by and under the supervision of the (CONSUMER SERVICES SECTION) *banking division* either in the name of the (CONSUMER SERVICES SECTION) *banking division* or in the name of the licensee, and the (CONSUMER SERVICES SECTION) *banking division* or its successor shall be vested with title to all of the assets including the proceeds of the bond or

bonds which have been filed with the (CONSUMER SERVICES SECTION) *banking division* and the proceeds of any and all money paid direct to the claimant or forwarder by any debtor prior to the date of the order. Money paid to the licensee or to the (CONSUMER SERVICES SECTION) *banking division* after the date of the order shall be disposed of by the (CONSUMER SERVICES SECTION) *banking division*.

(2) The (CONSUMER SERVICES SECTION) *banking division* for the purpose of collection, liquidation or rehabilitation may sell, assign, convey and transfer or approve the sale, assignment, conveyance and transfer of the assets of such collection agency under such terms and conditions as the (CONSUMER SERVICES SECTION) *banking division* may deem best for the best interests of the collection agency or claimants of such collection agency.

(3) The (CONSUMER SERVICES SECTION) *banking division* shall cause notice to be given by advertisement in such newspapers as it may direct weekly for four consecutive weeks after the issuance of the order authorizing it to take possession of the assets of the collection agency, calling on all persons who may have claims against such licensee to bring the same to the (CONSUMER SERVICES SECTION) *banking division* and make legal proof thereof at a place and within a time to be therein specified. The (CONSUMER SERVICES SECTION) *banking division* shall mail a similar notice to all persons whose names appear as claimants or forwarders upon the books and records of the licensee or as may appear in the records of the (CONSUMER SERVICES SECTION) *banking division*. Any claimant or forwarder whose portion of the collection or collections has not been properly remitted shall file a claim which shall be allowed for the amount actually due the claimant or forwarder after deducting any commission or fee that may be due and owing the licensee. If the (CONSUMER SERVICES SECTION) *banking division* doubts the justice and validity of any claim, it may reject the same and serve notice of such rejection upon the claimant either by mail or personally. An affidavit of service of such notice which shall be prima facie evidence thereof shall be filed with the (CONSUMER SERVICES SECTION) *banking division*. The claimant may within 30 days after receipt of notice of rejection file a petition in the court in which the proceedings are pending to establish his claim or claims. Claims presented after the expiration of the time fixed in the notice to the claimants or forwarders shall be entitled to receive only liquidating dividends declared after presentation unless otherwise ordered by the court. The court may fix a date after which all claimants may be barred.

(4) Whenever the (CONSUMER SERVICES SECTION) *banking division* shall have paid to each and every claimant or forwarder of such collection agency whose claims as such claimant or forwarder have been duly approved and allowed the

full amount of such claims and shall have made proper provisions for unclaimed and unpaid collections and shall have paid all the expenses of the liquidation it shall distribute the remaining assets exclusive of the proceeds of the bond or bonds for the benefit of the general creditors. Any amount remaining after all claimants and forwarders and general creditors have been paid in full shall be turned over to the licensee.

(5) All accounts and valuable papers given to the agency by the claimant or forwarder in the possession of the (CONSUMER SERVICES SECTION) *banking division* pertaining to accounts placed with the agency for collection shall be returned to the claimant or forwarder by the (CONSUMER SERVICES SECTION) *banking division* within 30 days after verification of the claim he has made.

Subd. 3. Nothing herein contained shall preclude a creditor of a collection agency from prosecuting any and all legal actions and pursuing any and all remedies afforded him by the laws of this state for the collection of debts until such time as the (CONSUMER SERVICES SECTION) *banking division* shall take possession of the collection agency under the provisions of sections 332.31 to 332.45.

Sec. 24. Minnesota Statutes 1976, Section 332.44, is amended to read:

332.44 [RULE MAKING POWER.] The (CONSUMER SERVICES SECTION) *banking division* shall make and file in accordance with the provisions of Minnesota Statutes 1967, Chapter 15, all reasonable rules and regulations as shall be necessary for the administration of sections 332.31 to 332.45.

Sec. 25. Minnesota Statutes 1976, Section 332.45, is amended to read:

332.45 [LIABILITY OF SURETIES.] Sureties for collection agencies who have executed bonds pursuant to Minnesota Statutes 1967, Sections 332.01 to 332.03 shall not be liable for any new liabilities incurred by the collection agency after the (CONSUMER SERVICES SECTION) *banking division* has approved that agency's bond as required by section 332.34.

Sec. 26. [REPEALER.] *Minnesota Statutes 1976, Sections 45.15; 45.16; and 332.31, Subdivision 4; are repealed.*"

Further amend the title as follows:

Page 1, delete lines 2 to 6 and insert the following: "relating to commerce; transferring the powers and duties of the consumer services section of the department of commerce to other state agencies; amending Minnesota Statutes 1976, Sections

144A.53, Subdivision 4; 214.14, Subdivision 1; 306.761, Subdivisions 1 and 2; 325.382; 325.383; 325.384; 325.385, Subdivision 1; 325.387; 325.388; 325.77, Subdivision 4a; 325.80, Subdivision 1; 332.31, by adding a subdivision; 332.311; 332.33, Subdivisions 4, 5, and 6; 332.34; 332.40; 332.41, Subdivision 2; 332.42; 332.43; 332.44; 332.45; and Chapter 325, by adding a section; repealing Minnesota Statutes 1976, Sections 45.15; 45.16; and 332.31, Subdivision 4.”.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1373, A bill for an act relating to transportation; providing for changes in parking fees in state parking facilities in the capitol area; establishing a public transit aid program; establishing a transportation systems management program; providing for regular route transit productivity demonstration grants; requiring an operational improvement plan from the metropolitan transit commission; providing for paratransit service demonstration grants; granting powers to and imposing duties on the commissioner of transportation; prescribing performance goals and fare policy for the metropolitan transit commission; changing powers of the metropolitan transit commission; authorizing the sale of bonds for particular purposes; appropriating money; amending Minnesota Statutes 1976, Sections 16.72, Subdivision 5, and by adding subdivisions; 473.121, Subdivisions 18, 19, 20, and by adding a subdivision; 473.402; 473.405, Subdivisions 1, 2, and by adding a subdivision; 473.411, Subdivision 3, and by adding a subdivision; 473.413, Subdivisions 6 and 8; 473.415; 473.445, Subdivision 1; 473.446, Subdivision 1; Chapters 174, by adding sections ;and 473, by adding sections; repealing Minnesota Statutes 1976, Sections 473.121, Subdivision 17; 473.411, Subdivision 2; 473.421; 473.422; 473.423; 473.424; 473.425; 473.437; 473.443; 473.445, Subdivision 2; 473.446, Subdivision 4; and 473.447.

Reported the same back with the following amendments:

Page 25, line 12 delete *“the development, feasibility study,”*.

Page 25, line 18, after *“engineering,”* insert *“except that preliminary engineering studies shall be allowed for projects in process as of May 1, 1977,”*.

Page 25, line 14, after *“project”* insert *“, except as provided in this subdivision. The commission may spend up to \$160,000*

for a preliminary study of the St. Paul downtown people mover project under a joint powers agreement with the city of St. Paul, provided that the commission and the city shall first amend the joint powers agreement under which the study is to be undertaken to

(a) remove the chief administrator of the commission and the chairman of the transit development committee of the commission from the steering committee charged with directing the study, and include as members of that committee the commissioner of the department of transportation and the chairman of the transportation advisory board of the metropolitan council and permit one state senator appointed by the majority leader of the senate and one state representative appointed by the speaker of the house to serve as nonvoting members of the committee;

(b) require that all third party contracts for consultants be approved by a majority of the steering committee with no veto power by the city of St. Paul;

(c) require that the preliminary study include a feasibility study consisting of (1) an analysis of feasible alternatives to a fixed guideway transportation system, consistent with the grant, that will achieve the development and other goals of the people mover project, (2) a determination of the potential people mover ridership, (3) a review of the economic development assumptions used in predicting the economic benefits of the project, and (4) formulation of a specific plan setting forth the sources and method of payment of operating deficits and any capital cost overruns of the project;

(d) provide for access to information for the metropolitan council at every stage of the preliminary study; and

(e) require submission of the completed preliminary study to the metropolitan council for review as further provided in this subdivision.

The metropolitan council shall independently evaluate the study upon its completion. The council shall submit a final report of its findings and recommendations to the legislature and to the steering committee created under the joint powers agreement no later than 30 days following the submission to the council of the completed study. The council may contract with an independent private consultant to carry out the duties imposed by this subdivision."

Page 28, line 9, after "section." insert "Any fare charged for a single trip shall be uniform throughout the transit district. Fare zones are hereby abolished, except as provided in section 22, subdivision 5, of this act."

Page 35, line 32, after "473.451" insert "*for the purpose of purchasing buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 551, A bill for an act relating to taxation; providing for transfer of jointly held property to heirs of decedent joint tenant; clarifying marital exemption provisions; providing for deduction for certain taxes on estates of nonresidents; clarifying time for filing and extension; providing for abatement of penalties in cases of reasonable cause for delay; correcting references to private code provisions; requiring filing of affidavits and copies of documents; amending Minnesota Statutes 1976, Sections 291.01, Subdivision 4; 291.051, Subdivision 1; 291.08; 291.09, by adding a subdivision; 291.11, Subdivision 1; 291.131, Subdivision 2; 291.20, Subdivision 3; 291.40; 524.3-1003; 524.3-1201; and 524.3-1202.

Reported the same back with the following amendments:

Amend the title:

Line 9, delete "private" and insert "probate".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1191, A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivisions 1 and 4; and repealing Minnesota Statutes 1976, Sections 458.192, Subdivision 12; 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 2, line 19, after "458.191" insert "*, a project as defined in Minnesota Statutes, Section 474.02, Subdivision 1,*".

Page 2, line 27, after the semicolon insert "*a redevelopment agency as defined by Minnesota Statutes, Chapter 474,*".

Page 2, line 32, after "organized" insert "*, and with respect to a project undertaken pursuant to Minnesota Statutes, Chapter 474, municipality means a "municipality" as defined in Minnesota Statutes, Chapter 474.*".

Page 3, line 7, after "[REDEVELOPMENT AREA.]" insert "*(a)*".

Page 3, line 8, delete "*a deteriorated area as defined in Minnesota Statutes,*".

Page 3, delete line 9 and insert "*any area in which the total market value of taxable real property in the area has declined, or increased less than one percent in the three years immediately preceding formation of the district. (b) Upon approval by a majority of the members of the governing body by resolution, the provisions of subdivision 9(a) shall not apply and redevelopment area shall mean a deteriorated area as defined in Minnesota Statutes, Section 462.421, Subdivisions 11 and 13, Clause (2), for each redevelopment project.*".

Page 3, line 23, after "of" insert "*and time at which*".

Page 3, line 23, after "indebtedness" insert "*is*".

Page 11, line 23, after "expenses" insert "*, or to make any other expenditure,*".

Page 11, line 24, after "created" insert "*or operates*".

Page 11, line 28, delete "*Prior to the sale of bonds,*".

Page 11, delete lines 29 to 32 and insert "*No bonds shall be sold until the authority has entered into a written agreement or agreements providing for the development or redevelopment of 80 percent of the acreage of the real property within that portion of the tax increment district for which the bonds are being sold. The governing body shall determine, by resolution, that the increment generated by the proposed development or redevelopment shall be sufficient to retire the bonds.*".

Page 17, delete lines 30 to 32.

Page 18, delete lines 1 to 31 and insert:

“Sec. 10. Minnesota Statutes 1976, Section 474.10, Subdivision 2, is amended to read:

Subd. 2. Any municipality or redevelopment agency may request the county auditor of the county in which a project is situated to certify the original taxable value of the real property included therein *pursuant to the tax increment financing act* and the tax increments realized each year after the commencement of the project, (AS DEFINED IN SECTION 462.585,) and shall be entitled to receive, use, and pledge such tax increments for the further security of the revenue bonds issued to finance the project, in either of the following ways:

(1) To pay premiums for insurance guaranteeing the payment of net rentals when due under the project lease; or

(2) To accumulate and maintain a reserve securing the payment when due of the principal of and interest on the bonds.”

Renumber the sections accordingly.

Page 19, line 2, before “472A.08” insert “and”.

Page 19, line 2, delete “; and 474.10.”.

Page 19, line 3, delete “Subdivisions 2 and 3”.

Further, amend the title:

Line 9, delete “Subdivisions 1 and 4” and insert “Subdivision 2”.

Line 12, after “472A.07;” insert “and”.

Line 12, after “472.08” delete “; and”.

Line 13, delete “474.10, Subdivisions 2 and 3”.

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 206, 559, 1052, 1276, 1373, 551 and 1191 were read for the second time.

**SPECIAL ORDERS**

Anderson, I., moved that the bills on Special Orders for today be continued on Special Orders until Wednesday, May 11, 1977, immediately following the Calendar. The motion prevailed.

**GENERAL ORDERS**

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

**ANNOUNCEMENTS BY THE SPEAKER**

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1489:

Eckstein, Dahl, Erickson, Arlandson, and Hanson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1475:

Kelly, W.; Vanasek; Sabo; Anderson, I.; and Jacobs.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 921:

St. Onge, McEachern, and Murphy.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 324:

Clawson, Suss, and Anderson, R.

**MOTIONS AND RESOLUTIONS**

Faricy moved that the name of Novak be added as an author on H. F. No. 93. The motion prevailed.

Clark moved that the name of Berkelman be added as an author on H. F. No. 1276. The motion prevailed.

**ADJOURNMENT**

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Wednesday, May 11, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Wednesday, May 11, 1977.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 11, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jensen	Neisen	Sieben, M.
Adams	Corbid	Johnson	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dahl	Kahn	Nelson	Smogard
Anderson, D.	Dean	Kaley	Niehau	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Eken	Kelly, W.	Osthoff	Suss
Arlandson	Ellingson	Kempe, A.	Patton	Swanson
Battaglia	Enebo	Kempe, R.	Pehler	Tomlinson
Beauchamp	Erickson	King	Peterson	Vanasek
Begich	Esau	Knickerbocker	Petrafeso	Voss
Berg	Evans	Kostohryz	Pleasant	Waldorf
Berglin	Ewald	Kroening	Prahl	Welch
Berkelman	Faricy	Laidig	Reding	Wenstrom
Biersdorf	Fjoslien	Langseth	Rice	Wenzel
Birnstihl	Forsythe	Lehto	Rose	White
Brandl	Friedrich	Lemke	St. Onge	Wieser
Braun	Fudro	Mangan	Samuelson	Wigley
Brinkman	Fugina	Mann	Sarna	Williamson
Byrne	George	McCollar	Savelkoul	Wynia
Carlson, A.	Gunter	McDonald	Scheid	Zubay
Carlson, D.	Hanson	McEachern	Schulz	Speaker Sabo
Carlson, L.	Heinitz	Metzen	Searle	
Casserly	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	

A quorum was present.

Haugerud and McCarron were excused. Kvam was excused until 2:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar 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. 93, 206, 551, 1276, 1373, 1052, 1191 and 559 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 223, A bill for an act relating to taxation; providing that sales tax on telephone service charges be payable by person paying for the service; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3.

Reported the same back with the following amendments:

Page 2, after line 29, insert:

"Sec. 2. Minnesota Statutes 1976, Chapter 237, is amended by adding a section to read:

[237.48] [PUBLICATION OF DIRECTORY.] *All telephones within a municipality shall be listed in the next published directory for that municipality unless specifically requested to be unlisted or unpublished by the customer.*"

Page 2, line 30, delete "This act" and insert "Section 1".

Renumber the section accordingly.

Further, amend the title:

Line 2, delete "taxation" and insert "telephones".

Line 4, after the semicolon insert "requiring telephone number publication,".

Line 5, after "3" insert "; and Chapter 237, by adding a section".

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 223 was read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced :

Arlandson, Cummiskey, Kahn and Stanton introduced :

H. F. No. 1624, A bill for an act relating to livestock; abolishing the livestock sanitary board and transferring its functions to the commissioner of agriculture; appropriating money; amending Minnesota Statutes 1976, Chapter 35, by adding a section; Sections 35.01, Subdivision 2, and by adding a subdivision; 35.02; 35.03; 35.04; and 35.05.

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

Arlandson introduced :

H. F. No. 1625, A bill for an act relating to the operation of state government; establishing an office of public advocate; providing for its operation; transferring certain powers from the attorney general; appropriating money.

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

**ANNOUNCEMENT BY THE SPEAKER**

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1467:

Haugerud, Kahn, Laidig, King, and Voss.

**REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION**

Anderson, I., 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 S. F. No. 1338 for today, Wednesday, May 11, 1977: S. F. Nos. 1051, 556, 143, 388, 557, 1127, 147, 274, 96, 767, 977, 541, 968 and 1064.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consist-

ing of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 320, A bill for an act relating to labor; providing for reduction of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, Subdivision 9; 177.24; 177.28, Subdivision 4.

The Senate has appointed as such committee Messrs. Milton, Keefe, S., and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on S. F. No. 1034.

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. 1034

A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

May 4, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1034 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1034 be amended as follows:

Page 1, line 7, after "SERVICE.] insert "Subdivision 1."

Page 1, insert a period at the end of line 15.

Page 1, delete lines 16 to 19 and insert:

"Subd. 2. Notwithstanding the provisions of Minnesota Statutes, Section 16A.28, or any other law to the contrary, the money appropriated by subdivision 1 shall not cancel, but shall be available for the purposes specified until expended.

Subd. 3. The sum of \$15,000 is hereby appropriated to the state planning agency to study the potential and importance of state railroad rights-of-way as possible corridors for power transmission, pipelines and other public uses. The study shall be completed in time for consideration by the 1978 legislature."

Further amend the title as follows:

Page 1, line 4, after "Duluth" insert "; appropriating money for a study of railroad rights-of-way".

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

Senate Conferees: SAM G. SOLON, A. O. H. SETZEFFANDT and ROBERT G. DUNN.

House Conferees: WILLARD M. MUNGER, NEIL S. HAUGERUD and DOUGLAS W. CARLSON.

Munger moved that the report of the Conference Committee on S. F. No. 1034 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1034, A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

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 94 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Adams	Berkelman	Byrne	Cohen	Enebo
Anderson, B.	Biersdorf	Carlson, D.	Cummiskey	Erickson
Arlandson	Birnstihl	Carlson, L.	Dahl	Esau
Battaglia	Brandl	Casserly	Dean	Farcy
Begich	Braun	Clark	Eken	Forsythe
Berg	Brinkman	Clawson	Ellingson	Fudro

Fugina	Kelly, W.	Moe	Samuelson	Stoa
George	Kempe, A.	Munger	Sarna	Swanson
Gunter	King	Murphy	Scheid	Tomlinson
Hanson	Kostohryz	Nelsen, M.	Schulz	Voss
Hokanson	Kroening	Nelson	Searle	Waldorf
Jacobs	Laidig	Norton	Sherwood	Welch
Jaros	Langseth	Novak	Sieben, H.	Wenstrom
Jensen	Lehto	Osthoff	Sieben, M.	Wenzel
Johnson	Mangan	Patton	Simoneau	White
Jude	Mann	Pehler	Skoglund	Williamson
Kahn	McCollar	Reding	Smogard	Wynia
Kalis	McDonald	Rice	Spanish	Speaker Sabo
Kelly, R.	Metzen	St. Onge	Stanton	

Those who voted in the negative were:

Abeln	Eckstein	Kempe, R.	Peterson	Vanasek
Albrecht	Evans	Knickerbocker	Petraleso	Wieser
Anderson, D.	Ewald	Lemke	Pleasant	Zubay
Anderson, G.	Fjoslien	McEachern	Rose	
Anderson, R.	Friedrich	Neisen	Savelkoul	
Carlson, A.	Heinitz	Nelsen, B.	Searles	
Den Ouden	Kaley	Niehaus	Suss	

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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 461, A bill for an act relating to welfare; providing penalties for welfare offenses; amending Minnesota Statutes 1976, Sections 256.98; and 393.07, Subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Wieser moved that the House concur in the Senate amendments to H. F. No. 461 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 461, A bill for an act relating to welfare; providing penalties for welfare offenses; amending Minnesota Statutes 1976, Sections 256.98; and 393.07, 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 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abein	Clawson	Jacobs	Murphy	Sieben, H.
Adams	Cohen	Jensen	Neisen	Sieben, M.
Albrecht	Corbid	Johnson	Nelsen, B.	Simoneau
Anderson, B.	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, D.	Dahl	Kahn	Nelson	Smogard
Anderson, G.	Dean	Kaley	Niehaus	Spanish
Anderson, I.	Den Ouden	Kalis	Norton	Stanton
Anderson, R.	Eckstein	Kelly, R.	Novak	Stoa
Ariandson	Eken	Kelly, W.	Osthoff	Suss
Battaglia	Ellingson	Kempe, A.	Patton	Swanson
Beauchamp	Enebo	Kempe, R.	Pehler	Tomlinson
Begich	Erickson	King	Peterson	Vanasek
Berg	Esau	Knickerbocker	Petraleso	Voss
Berglin	Evans	Kostohryz	Pleasant	Waldorf
Berkelman	Ewald	Kroening	Prahl	Welch
Btersdorf	Faricy	Laidig	Reding	Wenstrom
Birnstihl	Fjoslien	Langseth	Rose	Wenzel
Brandl	Forsythe	Lehto	St. Onge	White
Braun	Friedrich	Lemke	Samuelson	Wieser
Brinkman	Fudro	Mangan	Sarna	Wigley
Byrne	Fugina	Mann	Savelkoul	Williamson
Carlson, A.	George	McCollar	Scheid	Wynia
Carlson, D.	Gunter	McDonald	Schulz	Zubay
Carlson, L.	Hanson	McEachern	Searle	Speaker Sabo
Casserly	Heinitz	Metzen	Searles	
Clark	Hokanson	Munger	Sherwood	

Those who voted in the negative were:

Jaros                      Moe                      Rice

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. 166, A bill for an act relating to health; licensing certain facilities; allowing for the reinstatement of previously adopted rules; amending Minnesota Statutes 1976, Section 144.50.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Pehler moved that the House concur in the Senate amendments to H. F. No. 166 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 166, A bill for an act relating to health; licensing certain facilities; allowing for the reinstatement of previously

adopted rules; amending Minnesota Statutes 1976, Section 144.50.

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

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

Those who voted in the affirmative were:

Abein	Cohen	Jensen	Neisen	Sieben, M.
Adams	Corbid	Johnson	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dahl	Kahn	Nelson	Smogard
Anderson, D.	Dean	Kaley	Niehaus	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Eken	Kelly, W.	Osthoff	Suss
Arlandson	Ellingson	Kempe, A.	Patton	Swanson
Battaglia	Enebo	Kempe, R.	Pehler	Tomlinson
Beauchamp	Erickson	King	Peterson	Vanasek
Begich	Esau	Knickerbocker	Petrafeso	Voss
Berg	Evans	Kostohryz	Pleasant	Waldorf
Berglin	Ewald	Kroening	Prahl	Welch
Berkelman	Faricy	Laidig	Reding	Wenstrom
Biersdorf	Fjoslien	Langseth	Rice	Wenzel
Birnstihl	Forsythe	Lehto	Rose	White
Brandl	Friedrich	Lemke	St. Onge	Wieser
Braun	Fudro	Mangan	Samuelson	Wigley
Brinkman	Fugina	Mann	Sarna	Williamson
Byrne	George	McCollar	Savelkoul	Wynia
Carlson, A.	Gunter	McDonald	Scheid	Zubay
Carlson, D.	Hanson	McEachern	Schulz	Speaker Sabo
Carlson, L.	Heinitz	Metzen	Searle	
Casserly	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	

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

Mr. Speaker:

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

H. F. No. 524, A bill for an act relating to beverage containers; detachable parts of noncarbonated beverage cans; amending Minnesota Statutes 1976, Section 325.248, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kahn moved that the House concur in the Senate amendments to H. F. No. 524 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 524, A bill for an act relating to beverage containers; detachable parts of noncarbonated beverage cans; amending Minnesota Statutes 1976, Section 325.248, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Adams	Cohen	Jaros	Munger	Searles
Albrecht	Corbid	Jensen	Murphy	Sherwood
Anderson, B.	Cummsiskey	Johnson	Neisen	Sieben, H.
Anderson, D.	Dahl	Jude	Nelsen, B.	Sieben, M.
Anderson, G.	Dean	Kahn	Nelsen, M.	Simoneau
Anderson, I.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, R.	Eckstein	Kalis	Niehaus	Smogard
Arlandson	Eken	Kelly, R.	Norton	Spanish
Battaglia	Ellingson	Kelly, W.	Novak	Stanton
Beauchamp	Enebo	Kempe, A.	Osthoff	Stoa
Begich	Erickson	Kempe, R.	Patton	Suss
Berg	Esau	King	Pehler	Swanson
Berglin	Evans	Knickerbocker	Peterson	Tomlinson
Berkelman	Ewald	Kostohryz	Petrafeso	Vanasek
Biersdorf	Faricy	Kroening	Pleasant	Voss
Birnstihl	Fjoslien	Laidig	Prahl	Waldorf
Brandl	Forsythe	Langseth	Reding	Welch
Braun	Friedrich	Lehto	Rice	Wenstrom
Brinkman	Fudro	Lenike	Ross	Wenzel
Byrne	Fugina	Mangan	St. Onge	White
Carlson, A.	George	Mann	Samuelson	Wieser
Carlson, D.	Gunter	McCollar	Sarna	Williamson
Carlson, L.	Hanson	McDonald	Savelkoul	Wynia
Casserly	Heinitz	McEachern	Scheid	Zubay
Clark	Hokanson	Metzen	Schulz	Speaker Sabo
Clawson	Jacobs	Moe	Searle	

Those who voted in the negative were:

Abeln

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. 930, A bill for an act relating to the counties of Hennepin and Scott; directing the counties to design and construct a temporary replacement of the Bloomington ferry bridge.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Suss moved that the House concur in the Senate amendments to H. F. No. 930 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 930, A bill for an act relating to the counties of Hennepin and Scott; directing the counties to design and construct a temporary replacement of the Bloomington ferry bridge.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Sieben, M.
Adams	Cummiskey	Johnson	Neisen	Simoneau
Albrecht	Dahl	Jude	Nelsen, B.	Skoglund
Anderson, B.	Dean	Kahn	Nelsen, M.	Smogard
Anderson, D.	Den Ouden	Kaley	Nelson	Spanish
Anderson, G.	Eckstein	Kalis	Niehaus	Stanton
Anderson, I.	Eken	Kelly, R.	Norton	Stoa
Anderson, R.	Ellingson	Kelly, W.	Novak	Suss
Arlandson	Enebo	Kempe, A.	Patton	Swanson
Battaglia	Erickson	Kempe, R.	Pehler	Tomlinson
Beauchamp	Esau	King	Peterson	Vanasek
Begich	Evans	Knickerbocker	Petrafaso	Voss
Berg	Ewald	Kostohryz	Pleasant	Waldorf
Berkelman	Faricy	Kroening	Prahl	Welch
Biersdorf	Fjoslien	Laidig	Reding	Wenstrom
Birnstihl	Forsythe	Langseth	Rice	Wenzel
Brandl	Friedrich	Lehto	Rosa	White
Braun	Fudro	Lemke	St. Onge	Wieser
Brinkman	Fugina	Mangan	Samuelson	Wigley
Byrne	George	Mann	Savelkoul	Williamson
Carlson, D.	Gunter	McCollar	Scheid	Wypia
Carlson, L.	Hanson	McDonald	Schulz	Zubay
Casserly	Heinitz	McEachern	Searle	Speaker Sabo
Clark	Hokanson	Metzen	Searles	
Clawson	Jacobs	Moe	Sherwood	
Cohen	Jaros	Munger	Sieben, H.	

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

Mr. Speaker:

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

H. F. No. 323, A bill for an act relating to Dakota county; providing that the office of administrative assistant to the sheriff shall be unclassified.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 323 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 323, A bill for an act relating to Dakota county; providing that the office of administrative assistant to the sheriff shall be unclassified; authorizing sheriff's civil service commissioners to hold other public office or employment; providing for a per diem.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eckstein	Kalis	Niehaus	Spanish
Anderson, R.	Eken	Kelly, R.	Norton	Stanton
Arlandson	Ellingson	Kelly, W.	Novak	Stoa
Battaglia	Enebo	Kempe, A.	Patton	Suss
Beauchamp	Erickson	Kempe, R.	Pehler	Swanson
Begich	Esau	King	Peterson	Tomlinson
Berg	Evans	Knickerbocker	Petrafaso	Vanasek
Berglin	Ewald	Kostohryz	Pleasant	Voss
Berkelman	Faricy	Kroening	Prahl	Waldorf
Biersdorf	Fjoslien	Laidig	Reding	Welch
Birnstihl	Forsythe	Langseth	Rice	Wenstrom
Brandl	Friedrich	Lehto	Rose	Wenzel
Braun	Fudro	Lemke	St. Onge	White
Brinkman	Fugina	Mangan	Samuelson	Wieser
Byrne	George	Mann	Sarna	Wigley
Carlson, D.	Gunter	McCollar	Savelkoul	Williamson
Carlson, L.	Hanson	McDonald	Scheid	Wynia
Casserly	Heinitz	McEachern	Schulz	Zubay
Clark	Hokanson	Metzen	Searle	Speaker Sabo
Clawson	Jacobs	Moe	Searles	

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

Mr. Speaker:

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

H. F. No. 542, A bill for an act relating to the city of Saint Paul; establishing a public housing agency; transferring functions from housing and redevelopment authority.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kelly, R., moved that the House concur in the Senate amendments to H. F. No. 542 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 542, A bill for an act relating to the city of Saint Paul; establishing a public housing agency; transferring functions from housing and redevelopment authority.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Munger	Sieben, H.
Adams	Cohen	Jensen	Murphy	Sieben, M.
Albrecht	Corbid	Johnson	Neisen	Simoneau
Anderson, B.	Cummiskey	Jude	Nelsen, B.	Skoglund
Anderson, D.	Dahl	Kahn	Nelsen, M.	Smogard
Anderson, G.	Dean	Kaley	Nelson	Spanish
Anderson, I.	Den Ouden	Kalis	Niehaus	Stanton
Anderson, R.	Eckstein	Kelly, E.	Novak	Stoa
Arlandson	Eken	Kelly, W.	Osthoff	Suss
Battaglia	Ellingson	Kempe, A.	Patton	Swanson
Beauchamp	Enebo	Kempe, R.	Peterson	Tomlinson
Begich	Erickson	King	Petraseso	Vanasek
Berg	Esau	Knickerbocker	Pleasant	Voss
Berglin	Evans	Kostohryz	Prahl	Waldorf
Berkelman	Ewald	Kroening	Reding	Welch
Biersdorf	Fjoslien	Laidig	Rice	Wenstrom
Birnstihl	Forsythe	Langseth	Rose	Wenzel
Brandl	Friedrich	Lehto	St. Onge	White
Braun	Fudro	Lemke	Samuelson	Wieser
Brinkman	Fugina	Mangan	Sarna	Wigley
Byrne	George	Mann	Savelkoul	Williamson
Carlson, A.	Gunter	McCollar	Scheid	Wynia
Carlson, D.	Hanson	McDonald	Schulz	Zubay
Carlson, L.	Heinitz	McEachern	Searle	Speaker Sabo
Cassery	Hokanson	Metzen	Searles	
Clark	Jacobs	Moe	Sherwood	

Those who voted in the negative were:

Faricy                      Norton                      Pehler

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. 920, A bill for an act relating to labor; providing for union notification of a member's injury or death; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Prahl moved that the House concur in the Senate amendments to H. F. No. 920 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 920, A bill for an act relating to labor; providing for union notification of a member's injury or death; amending Minnesota Statutes 1976, Chapter 181, 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 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Murphy	Sherwood
Adams	Cohen	Jude	Neisen	Sieben, H.
Albrecht	Corbid	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Cummiskey	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Dahl	Kalis	Nelson	Skoglund
Anderson, G.	Dean	Kelly, R.	Niehhaus	Smogard
Anderson, I.	Den Ouden	Kelly, W.	Norton	Spanish
Anderson, R.	Eckstein	Kempe, A.	Novak	Stanton
Arlandson	Eken	Kempe, R.	Osthoff	Stoa
Battaglia	Ellingson	King	Patton	Suss
Beauchamp	Enebo	Knickerbocker	Pehler	Swanson
Begich	Erickson	Kostohryz	Peterson	Tomlinson
Berg	Esau	Kroening	Petrafeso	Vanasek
Berkelman	Faricy	Laidig	Pleasant	Voss
Biersdorf	Friedrich	Langseth	Prahl	Waldorf
Birnstihl	Fudro	Lehto	Reding	Welch
Brandl	Fugina	Lemke	Rice	Wenstrom
Braun	George	Mangan	Rose	Wenzel
Brinkman	Gunter	Mann	St. Onge	White
Byrne	Hanson	McCollar	Samuelson	Williamson
Carlson, A.	Heinitz	McDonald	Sarna	Wynia
Carlson, D.	Hokanson	McEachern	Savelkoul	Zubay
Carlson, L.	Jacobs	Metzen	Scheid	Speaker Sabo
Casserly	Jaros	Moe	Schulz	
Clark	Jensen	Munger	Searles	

Those who voted in the negative were:

Evans            Forsythe            Searle            Wieser

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. 1038, A bill for an act relating to state lands; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Houston county.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Wieser moved that the House concur in the Senate amendments to H. F. No. 1038 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1038, A bill for an act relating to state lands; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Houston county.

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

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

Those who voted in the affirmative were:

Abeln	Brandl	Ellingson	Jacobs	Langseth
Adams	Braun	Enebo	Jaros	Lehto
Albrecht	Brinkman	Erickson	Jensen	Lemke
Anderson, B.	Byrne	Esau	Johnson	Mangan
Anderson, D.	Carlson, A.	Evans	Jude	Mann
Anderson, G.	Carlson, D.	Ewald	Kahn	McCollar
Anderson, I.	Carlson, L.	Faricy	Kaley	McDonald
Anderson, R.	Casserly	Fjoslien	Kalis	McEachern
Arlandson	Clark	Forsythe	Kelly, R.	Metzen
Battaglia	Clawson	Friedrich	Kelly, W.	Moe
Beauchamp	Cohen	Fudro	Kempe, A.	Munger
Begich	Cummiskey	Fugina	Kempe, R.	Murphy
Berg	Dahl	George	King	Neisen
Berglin	Dean	Gunter	Knickerbocker	Nelsen, B.
Berkelman	Den Ouden	Hanson	Kostohryz	Nelsen, M.
Biersdorf	Eckstein	Heinitz	Kroening	Nelson
Birnstihl	Eken	Hokanson	Laidig	Niehaus

Norton	Rice	Searles	Stoa	Wenzel
Novak	Rose	Sherwood	Suss	White
Osthoff	St. Onge	Sieben, H.	Swanson	Wieser
Patton	Samuelson	Sieben, M.	Tomlinson	Wigley
Pehler	Sarna	Simoneau	Vanasek	Williamson
Peterson	Savelkoul	Skoglund	Voss	Wynia
Petrafeso	Scheid	Smogard	Waldorf	Zubay
Pleasant	Schulz	Spanish	Welch	Speaker Sabo
Prahl	Searle	Stanton	Wenstrom	

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. 445, A bill for an act relating to natural resources; acquisition, development, and maintenance of recreational sites along designated canoe and boating routes; amending Minnesota Statutes 1976, Section 85.32, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Stoa moved that the House concur in the Senate amendments to H. F. No. 445 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 445, A bill for an act relating to natural resources; clarifying procedures for acquisition development, and maintenance of recreational sites along designated canoe and boating routes; amending Minnesota Statutes 1976, Section 85.32, Subdivision 2.

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

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

Those who voted in the affirmative were:

Abeln	Arlandson	Birnstihl	Casserly	Den Ouden
Adams	Battaglia	Brandl	Clark	Eckstein
Albrecht	Beauchamp	Braun	Clawson	Eken
Anderson, B.	Begich	Brinkman	Cohen	Ellingson
Anderson, D.	Berg	Byrne	Corbid	Enebo
Anderson, G.	Berglin	Carlson, A.	Cummiskey	Erickson
Anderson, I.	Berkelman	Carlson, D.	Dahl	Esau
Anderson, R.	Biersdorf	Carlson, L.	Dean	Evans

Faricy	Kalis	Metzen	Reding	Stoa
Fjoslien	Kelly, R.	Moe	Rice	Suss
Forsythe	Kelly, W.	Munger	Rose	Swanson
Friedrich	Kempe, A.	Murphy	St. Onge	Tomlinson
Fudro	Kempe, R.	Neisen	Samuelson	Vanasek
Fugina	King	Nelsen, B.	Sarna	Voss
George	Knickerbocker	Nelsen, M.	Scheid	Waldorf
Gunter	Kostohryz	Nelson	Schulz	Welch
Hanson	Kroening	Niehaus	Searle	Wenstrom
Heinitz	Laidig	Norton	Searles	Wenzel
Hokanson	Langseth	Novak	Sherwood	White
Jacobs	Lehto	Osthoff	Sieben, H.	Wieser
Jaros	Lemke	Patton	Sieben, M.	Wigley
Jensen	Mangan	Pehler	Simoneau	Williamson
Johnson	Mann	Peterson	Skoglund	Wynia
Jude	McCollar	Petrafeso	Smogard	Zubay
Kahn	McDonald	Pleasant	Spanish	Speaker Sabo
Kaley	McEachern	Prahl	Stanton	

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. 212, A bill for an act relating to employment fees; providing period when fees must be refunded; amending Minnesota Statutes 1976, Section 184.38, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Skoglund moved that the House concur in the Senate amendments to H. F. No. 212 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 212, A bill for an act relating to employment fees; providing period when fees must be refunded; amending Minnesota Statutes 1976, Section 184.38, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

Beauchamp	Eken	Kalis	Nelsen, M.	Sieben, H.
Begich	Ellingson	Kelly, R.	Nelson	Sieben, M.
Berg	Enebo	Kelly, W.	Niehaus	Simoneau
Berglin	Erickson	Kempe, A.	Norton	Skoglund
Berkelman	Esau	Kempe, R.	Novak	Smogard
Biersdorf	Evans	King	Osthoff	Spanish
Birnstihl	Faricy	Knickerbocker	Patton	Stanton
Brandl	Fjoslien	Kostohryz	Pehler	Stoa
Braun	Forsythe	Kroening	Peterson	Suss
Brinkman	Friedrich	Laidig	Petrafaso	Swanson
Byrne	Fudro	Langseth	Pleasant	Tomlinson
Carlson, A.	Fugina	Lehto	Prahl	Vanasek
Carlson, D.	George	Lemke	Reding	Voss
Carlson, L.	Gunter	Mangan	Rice	Waldorf
Casserly	Hanson	Mann	Rose	Welch
Clark	Heinitz	McCollar	St. Onge	Wenstrom
Clawson	Hokanson	McDonald	Samuelson	Wenzel
Cohen	Jacobs	McEachern	Sarna	White
Corbid	Jaros	Metzen	Savelkoul	Wieser
Cummiskey	Jensen	Moe	Scheid	Wigley
Dahl	Johnson	Munger	Schulz	Williamson
Dean	Jude	Murphy	Searle	Wynia
Den Ouden	Kahn	Neisen	Searles	Zubay
Eckstein	Kaley	Nelsen, B.	Sherwood	Speaker Sabo

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. 384, A bill for an act relating to interim claims against the state; appropriating moneys for the payment thereof.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Faricy moved that the House concur in the Senate amendments to H. F. No. 384 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 384, A bill for an act relating to interim claims against the state; appropriating moneys for the payment thereof; providing for payment of certain claims of inmates of correctional institutions.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Neisen	Sieben, M.
Adams	Corbid	Johnson	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dahl	Kahn	Nelson	Smogard
Anderson, D.	Dean	Kaley	Niehaus	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Eken	Kelly, W.	Osthoff	Suss
Arlandson	Ellingson	Kempe, A.	Patton	Swanson
Battaglia	Enebo	Kempe, R.	Pehler	Tomlinson
Beauchamp	Erickson	King	Peterson	Vanasek
Begich	Esau	Knickerbocker	Petraleso	Voss
Berg	Evans	Kostohryz	Pleasant	Waldorf
Berglin	Ewald	Kroening	Prahl	Welch
Berkelman	Farcy	Laidig	Reding	Wenstrom
Biersdorf	Fjoslien	Langseth	Rice	Wenzel
Birnstihl	Forsythe	Lehto	Rose	White
Brandl	Friedrich	Lemke	St. Onge	Wieser
Braun	Fudro	Mangan	Samuelson	Wigley
Brinkman	Fugina	Mann	Sarna	Williamson
Byrne	George	McCollar	Savelkoul	Wynia
Carlson, A.	Gunter	McDonald	Scheid	Zubay
Carlson, D.	Hanson	McEachern	Schulz	Speaker Sabo
Carlson, L.	Heinitz	Metzen	Searle	
Casserly	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	

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

Mr. Speaker:

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

H. F. No. 541, A bill for an act relating to labor; prohibiting the deduction of certain losses from wages without authorization by the employee; providing a cause of action for wrongful deduction.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Byrne moved that the House concur in the Senate amendments to H. F. No. 541 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 541, A bill for an act relating to labor; prohibiting the deduction of certain losses from wages without authorization by the employee; providing a cause of action for wrongful deduction.

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

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Murphy	Sherwood
Adams	Cohen	Johnson	Neisen	Sieben, H.
Albrecht	Corbid	Jude	Nelsen, B.	Sieben, M.
Anderson, D.	Cummiskey	Kahn	Nelsen, M.	Simoneau
Anderson, G.	Dahl	Kalis	Nelson	Skoglund
Anderson, I.	Dean	Kelly, R.	Niehaus	Smogard
Anderson, R.	Den Ouden	Kelly, W.	Norton	Spanish
Arlandson	Eckstein	Kempe, A.	Novak	Stanton
Battaglia	Eken	Kempe, R.	Osthoff	Stoa
Beauchamp	Ellingson	King	Patton	Suss
Begich	Enebo	Knickerbocker	Pehler	Swanson
Berg	Erickson	Kostohryz	Petraleso	Tomlinson
Berglin	Evans	Kroening	Pleasant	Vanasek
Berkelman	Farcy	Laidig	Prahl	Voss
Biersdorf	Fjoslien	Langseth	Reding	Waldorf
Birnstihl	Forsythe	Lehto	Rice	Welch
Brandl	Fudro	Lemke	Rose	Wenstrom
Braun	Fugina	Mangan	St. Onge	Wenzel
Brinkman	George	Mann	Samuelson	White
Byrne	Gunter	McCollar	Sarna	Wieser
Carlson, A.	Hanson	McDonald	Savelkoul	Wigley
Carlson, D.	Heinitz	McEachern	Scheid	Williamson
Carlson, L.	Hokanson	Metzen	Schulz	Wynia
Cassery	Jacobs	Moe	Searle	Zubay
Clark	Jaros	Munger	Searles	Speaker Sabo

Those who voted in the negative were:

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

Mr. Speaker:

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

H. F. No. 1194, A bill for an act relating to the city of Marshall; authorizing the issuance of general obligation airport bonds.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Stanton moved that the House concur in the Senate amendments to H. F. No. 1194 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1194, A bill for an act relating to the city of Marshall; authorizing the issuance of general obligation airport bonds.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Munger	Searles
Adams	Cohen	Jensen	Murphy	Sherwood
Albrecht	Cummiskey	Johnson	Neisen	Sieben, H.
Anderson, B.	Dahl	Jude	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, M.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, I.	Eckstein	Kalis	Niehaus	Smogard
Anderson, R.	Eken	Kelly, R.	Norton	Spanish
Arlandson	Ellingson	Kelly, W.	Novak	Stanton
Battaglia	Enebo	Kempe, A.	Osthoff	Stoa
Beauchamp	Erickson	Kempe, R.	Patton	Suss
Begich	Esau	King	Pehler	Swanson
Berg	Evans	Knickerbocker	Peterson	Tomlinson
Berglin	Ewald	Kostohryz	Petrafaso	Vanasek
Berkelman	Faricy	Kroening	Pleasant	Voss
Biersdorf	Fjoslien	Laidig	Prahl	Waldorf
Birnstihl	Foraythe	Langseth	Reding	Welch
Brandl	Friedrich	Lehto	Rice	Wenstrom
Braun	Fudro	Lemke	Rose	Wenzel
Brinkman	Fugina	Mangan	St. Onge	White
Byrne	George	Mann	Samuelson	Wieser
Carlson, A.	Gunter	McCollar	Sarna	Wigley
Carlson, D.	Hanson	McDonald	Savelkoul	Williamson
Carlson, L.	Heinitz	McEachern	Scheid	Wynia
Casserly	Hokanson	Metzen	Schulz	Zubay
Clark	Jacobs	Moe	Searle	Speaker Sabo

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. 1471, A bill for an act relating to aeronautics; requiring boards of adjustment to grant or deny applications for zoning variances within six months; authorizing the commissioner of transportation to develop an air transportation system; amending Minnesota Statutes 1976, Section 360.015, Subdivision 14; 360.017, Subdivision 1; and 360.067, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Wenstrom moved that the House concur in the Senate amendments to H. F. No. 1471 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1471, A bill for an act relating to aeronautics; providing that airport zoning variances be deemed to be granted if a board of adjustment fails to act within four months of application; providing for review of such variances by the commissioner of transportation; amending Minnesota Statutes 1976, Sections 360.063, by adding a subdivision; 360.067, Subdivision 2; and 360.072, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Munger	Searles
Adams	Cohen	Jaros	Murphy	Sherwood
Albrecht	Corbid	Jensen	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Johnson	Nelsen, B.	Sieben, M.
Anderson, D.	Dahl	Jude	Nelsen, M.	Simoneau
Anderson, G.	Dean	Kahn	Nelson	Skoglund
Anderson, I.	Den Ouden	Kaley	Niehaus	Smogard
Anderson, R.	Eckstein	Kalis	Norton	Spanish
Arlandson	Eken	Kelly, R.	Novak	Stanton
Battaglia	Ellingson	Kelly, W.	Osthoff	Stoa
Beauchamp	Enebo	Kempe, A.	Patton	Suss
Begich	Erickson	Kempe, R.	Pehler	Swanson
Berg	Esau	King	Peterson	Tomlinson
Berglin	Evans	Knickerbocker	Petrafeso	Vanasek
Berkelman	Ewald	Kostohryz	Pleasant	Voss
Biersdorf	Farcy	Kroening	Prahl	Waldorf
Birnstihl	Fjoslien	Laidig	Reding	Welch
Brandl	Forsythe	Langseth	Rice	Wenstrom
Braun	Friedrich	Lehto	Rose	Wenzel
Brinkman	Fudro	Lemke	St. Onge	White
Byrne	Fugina	Mangan	Samuelson	Wieser
Carlson, A.	George	Mann	Sarna	Wigley
Carlson, D.	Gunter	McDonald	Savelkoul	Williamson
Carlson, L.	Hanson	McEachern	Scheid	Wynia
Casserly	Heinitz	Metzen	Schulz	Zubay
Clark	Hokanson	Moe	Searle	Speaker Sabo

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. 293, A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, I., moved that the House refuse to concur in the Senate amendments to H. F. No. 293, that the Speaker appoint a Conference Committee of 3 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.

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. 176, A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Simoneau moved that the House refuse to concur in the Senate amendments to H. F. No. 176, that the Speaker appoint a Conference Committee of 3 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.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 49, A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Laufemburger, Frederick and Purfeerst have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Suss moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 49. The motion prevailed.

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to :

S. F. No. 109, A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Schaaf, Borden and Merriam have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Petrafeso moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 109. The motion prevailed.

**Mr. Speaker :**

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 742, A bill for an act relating to the White Bear Lake conservation district; increasing membership on its governing board; providing for selection of board officers; amending Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Milton, Hughes and Pillsbury have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

**PATRICK E. FLAHAVEN, Secretary of the Senate**

McCollar moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 742. The motion prevailed.

**Mr. Speaker :**

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 826, A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Ulland, J., Solon and Chmielewski have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

**PATRICK E. FLAHAVEN, Secretary of the Senate**

Berkelman moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed

by the Senate on the disagreeing votes of the two Houses on S. F. No. 826. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 875, A bill for an act relating to the county of Hennepin; changing duties of personnel board; providing for referral of additional eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Mrs. Staples, Messrs. Wegener and Humphrey have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, A., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 875. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 932, A bill for an act relating to motor vehicles; registration and taxation; increasing fees for filing applications; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Menning, Kleinbaum and Olson have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of

3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 932. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1290, A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Mrs. Staples, Messrs. Spear and Keefe, J. have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1290. The motion prevailed.

Mr. Speaker:

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

S. F. No. 65.

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. 625 and 1078.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 65, A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

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

S. F. No. 625, A bill for an act relating to employment services; authorizing the summer employment of young persons for state and local service; appropriating money.

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

S. F. No. 1078, A bill for an act relating to transportation; restructuring state and local financing of the operations of the Twin Cities metropolitan transit commission; requiring performance funding; changing the taxing authority of the commission; authorizing the sale of bonds for particular purposes; limiting operating deficits on all regular routes; providing for initiation of and reimbursement for certain new routes; requiring reduced transit tax levy in municipalities with no subsidized transit service; establishing reduced fare service for the elderly and handicapped and reimbursing the commission for such service; extending the statewide supplemental transit aid program;

establishing a statewide paratransit demonstration grant program; requiring annual permits for overlength articulated buses; granting powers to and imposing duties on the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 169.81, by adding a subdivision; 473.121, Subdivision 19, and by adding a subdivision; 473.402; 473.421; 473.423, Subdivision 1; 473.446, Subdivision 1; Chapters 174, by adding a section; and 473, by adding sections; repealing Minnesota Statutes 1976, Section 473.446, Subdivisions 4 and 5.

The bill was read for the first time.

Petrafeso moved that S. F. No. 1078 and H. F. No. 1373, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 339

A bill for an act relating to transportation construction contracts; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

May 5, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 339 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 339, be amended as follows:

Page 2, after line 9, insert:

*“(c) “Physically handicapped person” means a person who has suffered a substantial physical disability or dysfunction.”.*

Reletter the remaining clauses accordingly.

Page 2, line 20, delete *“(d)”* and insert *“(e)”*.

Page 2, line 24, delete the first *“and”* and insert a comma.

Page 2, line 25, after *“persons”* insert *“and small businesses owned and operated by physically handicapped persons”*.

Page 3, line 3, strike "*deprived*" and insert "*disadvantaged*".

Page 3, line 6, before "(a)" insert ", *clause*".

Page 3, line 6, after "(a)" insert "*and small businesses owned and operated by physically handicapped persons*".

Page 3, line 12, after the period insert "*Contracts awarded pursuant to this section shall be subject to all applicable limitations contained in section 16.083, subdivisions 2, 3, and 6.*".

Page 3, line 21, strike the first "*and*" and insert ", *small businesses owned and operated by physically handicapped persons and*".

Page 3, after line 26, insert:

"Sec. 2. Minnesota Statutes 1976, Chapter 161, is amended by adding a section to read:

[161.3211] [REPORT BY THE COMMISSIONER OF TRANSPORTATION.] *The commissioner of transportation shall submit an annual report pursuant to section 3.195, to the governor and the legislature indicating the progress being made toward the objectives and goals of section 1 during the preceding fiscal year. This report shall include the following information:*

(a) *The total dollar value and number of potential set-aside awards identified during this period and the percentage of total construction work this figure reflects;*

(b) *The number of small businesses identified and responding to the set-aside program, the total dollar value and number of set-aside contracts actually awarded to small businesses with an approximate designation as to the total number and value of set-aside contracts awarded to each small business, and the total number of small businesses that were awarded set-aside contracts;*

(c) *The total dollar value and number of set-aside contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons with an approximate designation as to the total number and value of set-aside contracts awarded to each such small business, and the percentages of the total construction work the figures of the total dollar value and the number of set-asides reflect;*

(d) *The number of contracts which were designated and set aside pursuant to section 1, but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest bid on each of these awards made by a small business*

and the price at which these contracts were awarded pursuant to the normal procedures.”.

Amend the title as follows:

Page 1, line 3, after the semicolon insert “requiring a report;”.

Page 1, line 4, strike “a”.

Page 1, line 5, strike “section” and insert “sections”.

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

House Conferees: JAMES CASSERLY, WALTER HANSON and DOUGLAS EWALD.

Senate Conferees: FRANKLIN J. KNOLL, B. ROBERT LEWIS and WILLIAM G. KIRCHNER.

Casserly moved that the report of the Conference Committee on H. F. No. 339 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 339, A bill for an act relating to transportation construction contracts; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Esau	Kahn	Moe
Adams	Byrne	Evans	Kaley	Munger
Albrecht	Carlson, A.	Ewald	Kalis	Murphy
Anderson, B.	Carlson, D.	Faricy	Kelly, R.	Neisen
Anderson, D.	Carlson, L.	Fjoslien	Kelly, W.	Neisen, B.
Anderson, G.	Casserly	Forsythe	Kempe, A.	Nelsen, M.
Anderson, I.	Clark	Friedrich	Kempe, R.	Nelson
Anderson, R.	Clawson	Fudro	King	Niehaus
Arlandson	Cohen	Fugina	Knickerbocker	Norton
Battaglia	Corbid	George	Kostohryz	Novak
Beauchamp	Cummiskey	Gunter	Kroening	Osthoff
Begich	Dahl	Hanson	Laidig	Patton
Berg	Dean	Heinitz	Langseth	Pehler
Berglin	Den Ouden	Hokanson	Lehto	Peterson
Berkelman	Eckstein	Jacobs	Lemke	Petrafeso
Biersdorf	Eken	Jaros	Mangan	Pleasant
Birnstihl	Ellingson	Jensen	Mann	Prahl
Brandl	Enebo	Johnson	McEachern	Reding
Braun	Erickson	Jude	Metzen	Rice

Rose	Searle	Smogard	Vanasek	Wieser
St. Onge	Searles	Spanish	Voss	Wigley
Samuelson	Sherwood	Stanton	Waldorf	Williamson
Sarna	Sieben, H.	Stoa	Welch	Wynia
Savelkoul	Sieben, M.	Suss	Wenstrom	Zubay
Scheid	Simoneau	Swanson	Wenzel	Speaker Sabo
Schulz	Skoglund	Tomlinson	White	

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

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on S. F. No. 226 was reported to the House.

#### CONSENT CALENDAR

S. F. No. 586 was reported to the House.

Brinkman and Wynia moved to amend S. F. No. 586 as follows:

Page 1, after line 17 insert:

"Sec. 2. Minnesota Statutes 1976, Section 60A.19, Subdivision 1, is amended to read:

60A.19 [FOREIGN COMPANIES.] Subdivision 1. [REQUIREMENTS.] Any insurance company of another state, upon compliance with all laws governing such corporations in general and with the foregoing provisions so far as applicable and the following requirements, shall be admitted to do business in this state:

(1) It shall deposit with the commissioner a certified copy of its charter or certificate of incorporation and its bylaws, and a statement showing its financial condition and business, verified by its president and secretary or other proper officers;

(2) It shall furnish the commissioner satisfactory evidence of its legal organization and authority to transact the proposed business and that its capital, assets, deposits with the proper official of its own state, amount insured, number of risks, reserve and other securities, and guaranties for protection of policyholders, creditors, and the public, comply with those required of like domestic companies;

(3) By a duly executed instrument filed in the office of the commissioner, it shall appoint him and his successors in office its lawful attorneys in fact and therein irrevocably agree that legal process in any action or proceeding against it may be served upon them with the same force and effect as if personally served upon it, so long as any of its liability exists in this state;

(4) It shall appoint, as its agents in this state, residents thereof, and obtain from the commissioner a license to transact business (THEREIN);

(5) *Regardless of what lines of business an insurer of another state is seeking to write in this state, the lines of business it is licensed to write in its state of incorporation shall be the basis for establishing the financial requirements it must meet for admission in this state or for continuance of its authority to write business in this state."*

Further amend the title as follows:

Page 1, line 4 after the semicolon insert "setting requirements for the admission of foreign companies;"

Page 1, line 4 delete "Section" and insert "Sections".

Page 1, line 5 after "10" insert "; and 60A.19, Subdivision 1".

The motion prevailed and the amendment was adopted.

S. F. No. 586, A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plans; amending Minnesota Statutes 1976, Section 60A.08, Subdivision 10.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Friedrich	Kostohryz	Pehler
Adams	Carlson, L.	Fudro	Laidig	Peterson
Albrecht	Casserly	Fugina	Langseth	Petraleso
Anderson, B.	Clark	George	Lehto	Pleasant
Anderson, D.	Clawson	Gunter	Lemke	Frahl
Anderson, G.	Cohen	Hanson	Mangan	Reding
Anderson, I.	Corbid	Heinitz	Mann	Rice
Anderson, R.	Cummiskey	Hokanson	McEachern	Rose
Arlandson	Dahl	Jacobs	Metzen	St. Onge
Battaglia	Dean	Jaros	Moe	Sarna
Beauchamp	Den Ouden	Johnson	Munger	Savelkoul
Begich	Eckstein	Jude	Murphy	Scheid
Berg	Eken	Kahn	Neisen	Schulz
Berglin	Ellingson	Kaley	Nelsen, B.	Searle
Berkelman	Erickson	Kalis	Nelsen, M.	Searles
Biersdorf	Esau	Kelly, R.	Nelson	Sherwood
Birnstihl	Evans	Kelly, W.	Niehaus	Sieben, H.
Brandl	Ewald	Kempe, A.	Norton	Sieben, M.
Braun	Farcy	Kempe, R.	Novak	Simoneau
Byrne	Fjoslien	King	Osthoff	Skoglund
Carlson, A.	Forsythe	Knickerbocker	Patton	Smogard

Spanish	Swanson	Waldorf	White	Wynia
Stanton	Tomlinson	Welch	Wieser	Zubay
Stoa	Vanasek	Wenstrom	Wigley	Speaker Sabo
Suss	Voss	Wenzel	Williamson	

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

S. F. No. 1172 was reported to the House.

Pehler moved to amend S. F. No. 1172, as follows:

Page 9, line 1, after the period add "*One copy shall also be provided without cost to a library on each campus of the University of Minnesota and each state university.*"

The motion prevailed and the amendment was adopted.

There being no objection, S. F. No. 1172, as amended, was continued on the Consent Calendar for one day.

S. F. No. 23, A bill for an act relating to workers' compensation; requiring an employer to furnish certain remodeling for a handicapped employee's residence; giving the council for the handicapped additional duties; amending Minnesota Statutes 1976, Chapter 176, by adding a section; and Section 256.482, Subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Cassery	Gunter	Mangan	Sarna
Adams	Clark	Hanson	Mann	Savelkoul
Anderson, B.	Clawson	Heinitz	McDonald	Scheid
Anderson, D.	Cohen	Hokanson	McEachern	Schulz
Anderson, G.	Corbid	Jacobs	Metzen	Searle
Anderson, I.	Cummiskey	Jaros	Moe	Searles
Anderson, R.	Dahl	Jensen	Munger	Sherwood
Arlandson	Dean	Johnson	Murphy	Sieben, H.
Battaglia	Den Ouden	Jude	Neisen	Sieben, M.
Beauchamp	Eckstein	Kahn	Nelsen, B.	Simoneau
Begich	Eken	Kaley	Nelsen, M.	Skoglund
Berg	Ellingson	Kalis	Nelson	Smogard
Berglin	Enebo	Kelly, R.	Norton	Spanish
Berkelman	Erickson	Kelly, W.	Novak	Stanton
Biersdorf	Fjoslien	Kempe, A.	Osthoff	Stoa
Birnstihl	Evans	Kempe, R.	Patton	Suss
Brandl	Faricy	King	Pehler	Swanson
Braun	Fjoslien	Knickerbocker	Petrafeso	Tomlinson
Brinkman	Forsythe	Kostohryz	Prahl	Vanasek
Byrne	Friedrich	Laidig	Reding	Voss
Carlson, A.	Fudro	Langseth	Rose	Waldorf
Carlson, D.	Fugina	Lehto	St. Onge	Welch
Carlson, L.	George	Lemke	Samuelson	Wenstrom

Wenzel  
WhiteWieser  
WigleyWilliamson  
Wynia

Zubay

Speaker Sabo

Those who voted in the negative were:

Albrecht

Niehaus

Peterson

The bill was passed and its title agreed to.

S. F. No. 254, bill for an act relating to trusts; clarifying county court jurisdiction over trusts; permitting a trustee or beneficiary of a trust to petition the court to release jurisdiction over certain trusts; amending Minnesota Statutes 1976, Sections 501.11; 501.12, Subdivision 3; 501.17; 501.211, Subdivision 4; 501.22, Subdivisions 2, 4, and 5; 501.23; 501.24; 501.25; 501.27; 501.33; 501.34; 501.35; 501.38; 501.42; 501.44; and Chapter 501, by adding a section.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Munger	Searles
Adams	Cohen	Jaros	Murphy	Sherwood
Albrecht	Corbid	Jensen	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Johnson	Nelsen, B.	Sieben, M.
Anderson, D.	Dahl	Jude	Nelsen, M.	Simoneau
Anderson, G.	Dean	Kahn	Nelson	Skoglund
Anderson, I.	Den Ouden	Kaley	Niehaus	Smogard
Anderson, R.	Eckstein	Kalis	Norton	Stanton
Arlandson	Eken	Kelly, R.	Novak	Stoa
Battaglia	Ellingson	Kelly, W.	Osthoff	Suss
Beauchamp	Enebo	Kempe, A.	Patton	Swanson
Begich	Erickson	Kempe, R.	Pehler	Tomlinson
Berg	Esau	King	Peterson	Vanasek
Berglin	Evans	Knickerbocker	Petrafaso	Voss
Berkelman	Ewald	Kostohryz	Pleasant	Waldorf
Biersdorf	Faricy	Kroening	Prahl	Welch
Birnstihl	Fjoslien	Laidig	Reding	Wenstrom
Brandl	Forsythe	Langseth	Rice	Wenzel
Braun	Friedrich	Lehto	Rose	White
Brinkman	Fudro	Lemke	St. Onge	Wieser
Byrne	Fugina	Mangan	Samuelson	Wigley
Carlson, A.	George	Mann	Sarna	Williamson
Carlson, D.	Gunter	McDonald	Savelkoul	Wynia
Carlson, L.	Hanson	McEachern	Scheid	Zubay
Cassery	Heimitz	Metzen	Schulz	Speaker Sabo
Clark	Hokanson	Moe	Searle	

The bill was passed and its title agreed to.

S. F. No. 380, A bill for an act relating to courts; lapse of causes of action arising outside the state; amending Minnesota Statutes 1976, Section 541.14.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Murphy	Sherwood
Adams	Cohen	Jensen	Neisen	Sieben, H.
Albrecht	Corbid	Johnson	Nelsen, B.	Sieben, M.
Anderson, B.	Cummiskey	Jude	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kahn	Nelson	Skoglund
Anderson, G.	Den Ouden	Kaley	Niehaus	Smogard
Anderson, I.	Eckstein	Kalis	Norton	Spanish
Anderson, R.	Eken	Kelly, R.	Novak	Stanton
Arlandson	Ellingson	Kelly, W.	Osthoff	Stoa
Battaglia	Enebo	Kempe, A.	Patton	Suss
Beauchamp	Erickson	Kempe, R.	Pehler	Swanson
Begich	Esau	King	Peterson	Tomlinson
Berg	Evans	Knickerbocker	Petraffeso	Vanasek
Berglin	Ewald	Kostohryz	Pleasant	Voss
Berkelman	Faricy	Kroening	Prahl	Waldorf
Biersdorf	Fjoslien	Laidig	Reding	Welch
Birnstihl	Forsythe	Langseth	Rice	Wenstrom
Brandl	Friedrich	Lehto	Rose	Wenzel
Braun	Fudro	Lemke	St. Onge	White
Brinkman	Fugina	Mangan	Samuelson	Wieser
Byrne	George	Mann	Sarna	Wigley
Carlson, A.	Gunter	McDonald	Savelkoul	Williamson
Carlson, D.	Hanson	McEachern	Scheid	Wynia
Carlson, L.	Heinitz	Metzen	Schulz	Zubay
Casserly	Hokanson	Moe	Searle	Speaker Sabo
Clark	Jacobs	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 587, A bill for an act relating to courts; criminal defendants; providing authority to county courts to order examination of a defendant's mental capacity; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 30.

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:

Abeln	Beauchamp	Byrne	Dahl	Fjoslien
Adams	Begich	Carlson, A.	Dean	Forsythe
Albrecht	Berg	Carlson, D.	Eckstein	Friedrich
Anderson, B.	Berglin	Carlson, L.	Eken	Fudro
Anderson, D.	Berkelman	Casserly	Ellingson	Fugina
Anderson, G.	Biersdorf	Clark	Enebo	George
Anderson, I.	Birnstihl	Clawson	Erickson	Gunter
Anderson, R.	Brandl	Cohen	Esau	Hanson
Arlandson	Braun	Corbid	Evans	Heinitz
Battaglia	Brinkman	Cummiskey	Faricy	Hokanson

Jacobs	Laidig	Niehaus	Savelkoul	Tomlinson
Jaros	Langseth	Norton	Scheid	Vanasek
Jensen	Lehto	Novak	Schulz	Voss
Johnson	Lemke	Osthoff	Searle	Waldorf
Jude	Mangan	Patton	Searles	Welch
Kahn	Mann	Pehler	Sherwood	Wenstrom
Kaley	McDonald	Peterson	Sieben, H.	Wenzel
Kalis	McEachern	Petrafaso	Sieben, M.	White
Kelly, R.	Metzen	Pleasant	Simoneau	Wieser
Kelly, W.	Moe	Prahl	Skoglund	Wigley
Kempe, A.	Munger	Reding	Smogard	Williamson
Kempe, R.	Murphy	Rice	Spanish	Wynia
King	Neisen	Rose	Stanton	Zubay
Knickerbocker	Nelsen, B.	St. Onge	Stoa	Speaker Sabo
Kostohryz	Nelsen, M.	Samuelson	Suss	
Kroening	Nelson	Sarna	Swanson	

The bill was passed and its title agreed to.

S. F. No. 603 was reported to the House.

There being no objection, S. F. No. 603 was continued on the Consent Calendar for one day.

S. F. No. 719, A bill for an act relating to courts; repealing the law that requires court clerks to make costs and disbursements reports to the county attorney in criminal cases; repealing Minnesota Statutes 1976, Section 485.09.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Hokanson	Neisen	Sherwood
Adams	Cohen	Jacobs	Nelsen, B.	Sieben, H.
Albrecht	Corbid	Jaros	Nelsen, M.	Sieben, M.
Anderson, B.	Cummiskey	Jensen	Nelson	Simoneau
Anderson, D.	Dahl	Johnson	Niehaus	Skoglund
Anderson, G.	Dean	Jude	Norton	Smogard
Anderson, I.	Den Ouden	Kaley	Novak	Spanish
Arlandson	Eckstein	Kalis	Osthoff	Stoa
Battaglia	Eken	Kempe, A.	Patton	Suss
Beauchamp	Ellingson	Kempe, R.	Pehler	Swanson
Begich	Enebo	King	Peterson	Tomlinson
Berg	Erickson	Kostohryz	Petrafaso	Vanasek
Berglin	Esau	Kroening	Pleasant	Voss
Berkelman	Evans	Laidig	Prahl	Waldorf
Biersdorf	Ewald	Langseth	Reding	Welch
Birnstihl	Faricy	Lehto	Rice	Wenstrom
Brandl	Fjoslien	Lemke	Rose	Wenzel
Braun	Forsythe	Mangan	St. Onge	White
Brinkman	Friedrich	Mann	Samuelson	Wieser
Byrne	Fudro	McDonald	Sarna	Wigley
Carlson, A.	Fugina	McEachern	Savelkoul	Williamson
Carlson, D.	George	Metzen	Scheid	Wynia
Carlson, L.	Gunter	Moe	Schulz	Zubay
Casserly	Hanson	Munger	Searle	Speaker Sabo
Clark	Heinitz	Murphy	Searles	

The bill was passed and its title agreed to.

S. F. No. 720, A bill for an act relating to fees; repealing the filing fee in certain juvenile court proceedings; repealing Minnesota Statutes 1976, Section 260.106, Subdivisions 1 and 2.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Searles
Adams	Corbid	Jensen	Murphy	Sherwood
Albrecht	Cummiskey	Johnson	Neisen	Sieben, H.
Anderson, B.	Dahl	Jude	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, M.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, I.	Eckstein	Kalis	Niehaus	Smogard
Arlandson	Eken	Kelly, R.	Norton	Spanish
Battaglia	Ellingson	Kelly, W.	Novak	Stanton
Beauchamp	Enebo	Kempe, A.	Osthoff	Stoa
Begich	Erickson	Kempe, R.	Patton	Suss
Berg	Esau	King	Pehler	Swanson
Berglin	Evans	Knickerbocker	Peterson	Tomlinson
Berkelman	Ewald	Kostohryz	Petrafeso	Vanasek
Biersdorf	Faricy	Kroening	Pleasant	Voss
Birnstihl	Fjoslien	Laidig	Prahl	Waldorf
Brandl	Forsythe	Langseth	Reding	Welch
Braun	Friedrich	Lehto	Rice	Wenstrom
Brinkman	Fudro	Lemke	Rose	Wenzel
Byrne	Fugina	Mangan	St. Onge	White
Carlson, A.	George	Mann	Samuelson	Wieser
Carlson, D.	Gunter	McCollar	Sarna	Wigley
Carlson, L.	Hanson	McDonald	Savelkoul	Williamson
Cassery	Heinitz	McEachern	Scheid	Wynia
Clark	Hokanson	Metzen	Schulz	Zubay
Clawson	Jacobs	Moe	Searle	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 722, A bill for an act relating to courts; providing that petit jurors in probate court be selected in the same manner as petit jurors are selected in district court; amending Minnesota Statutes 1976, Section 525.013, by adding a subdivision; repealing Minnesota Statutes 1976, Section 525.013, Subdivisions 2 and 3.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Murphy	Sherwood
Adams	Corbid	Jensen	Neisen	Sieben, H.
Albrecht	Cummiskey	Johnson	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kahn	Nelson	Skoglund
Anderson, G.	Den Ouden	Kaley	Niehaus	Smogard
Anderson, I.	Eckstein	Kalis	Norton	Spanish
Ariandson	Eken	Kelly, R.	Novak	Stanton
Battaglia	Ellingson	Kelly, W.	Osthoff	Stoa
Beauchamp	Enebo	Kempe, A.	Patton	Suss
Begich	Erickson	Kempe, R.	Pehler	Swanson
Berg	Esau	King	Peterson	Tomlinson
Berglin	Evans	Knickerbocker	Petrafeso	Vanasek
Berkelman	Ewald	Kostohryz	Pleasant	Voss
Biersdorf	Faricy	Kroening	Prahl	Waldorf
Birnstihl	Fjoslien	Laidig	Reding	Welch
Brandl	Forsythe	Langseth	Rice	Wenstrom
Braun	Friedrich	Lehto	Rose	Wenzel
Brinkman	Fudro	Lemke	St. Onge	White
Byrne	Fugina	Mangan	Samuelson	Wieser
Carlson, A.	George	McCollar	Sarna	Wigley
Carlson, D.	Gunter	McDonald	Savelkoul	Williamson
Carlson, L.	Hanson	McEachern	Scheid	Wynia
Casserly	Heinitz	Metzen	Schulz	Zubay
Clark	Hokanson	Moe	Searle	Speaker Sabo
Clawson	Jacoba	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 825 was reported to the House.

Faricy moved to amend S. F. No. 825, as follows:

Page 2, line 9, delete "*an attorney*" insert "*a person*".

Page 2, line 10, delete "*represented*" insert "*been hired by*".

The motion prevailed and the amendment was adopted.

S. F. No. 825, A bill for an act relating to eminent domain; court appointed commissioners; disqualifying certain attorneys from acting as a commissioner; amending Minnesota Statutes 1976, Section 117.075.

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 122 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Ariandson	Berg	Brandl
Adams	Anderson, G.	Battaglia	Berglin	Braun
Albrecht	Anderson, I.	Beauchamp	Berkelman	Byrne
Anderson, B.	Anderson, R.	Begich	Biersdorf	Carlson, A.

Carlson, D.	Fudro	Laidig	Peterson	Stanton
Carlson, L.	Fugina	Langseth	Petrafeso	Stoa
Casserly	George	Lehto	Pleasant	Suss
Clark	Gunter	Lemke	Prahl	Swanson
Clawson	Hanson	Mangan	Reding	Tomlinson
Cohen	Hokanson	Mann	Rice	Vanasek
Corbid	Jacobs	McDonald	Rose	Voss
Cummiskey	Jaros	McEachern	St. Onge	Waldorf
Dahl	Jensen	Metzen	Sarna	Welch
Dean	Johnson	Munger	Savelkoul	Wenstrom
Den Ouden	Jude	Murphy	Scheid	Wenzel
Eckstein	Kahn	Neisen	Schulz	White
Eken	Kalis	Nelsen, B.	Searle	Wieser
Ellingson	Kelly, R.	Nelsen, M.	Searles	Wigley
Enebo	Kelly, W.	Nelson	Sherwood	Williamson
Erickson	Kempe, A.	Niehaus	Sieben, H.	Wynia
Esau	Kempe, R.	Norton	Sieben, M.	Zubay
Evans	King	Novak	Simoneau	Speaker Sabo
Ewald	Knickerbocker	Osthoff	Skoglund	
Faricy	Kostohryz	Patton	Smogard	
Friedrich	Kroening	Pehler	Spanish	

Those who voted in the negative were:

Birnstihl      Fjoslien      Forsythe      Heinitz

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

S. F. No. 860, A bill for an act relating to courts; county court districts; judges; prescribing the areas where the county court judges of St. Louis county shall reside, serve in, and be elected from; amending Minnesota Statutes 1976, Section 487.01, Subdivision 5.

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

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

Those who voted in the affirmative were:

Abeln	Byrne	Ewald	Kalis	Munger
Adams	Carlson, A.	Faricy	Kelly, R.	Murphy
Albrecht	Carlson, D.	Fjoslien	Kelly, W.	Neisen
Anderson, B.	Carlson, L.	Forsythe	Kempe, A.	Nelsen, B.
Anderson, D.	Casserly	Friedrich	Kempe, R.	Nelsen, M.
Anderson, G.	Clark	Fudro	King	Nelson
Anderson, I.	Clawson	Fugina	Knickerbocker	Niehaus
Anderson, R.	Cohen	George	Kostohryz	Norton
Arlandson	Corbid	Gunter	Kroening	Novak
Battaglia	Cummiskey	Hanson	Laidig	Osthoff
Beauchamp	Dahl	Heinitz	Langseth	Patton
Begich	Dean	Hokanson	Lehto	Peterson
Berg	Den Ouden	Jacobs	Lemke	Petrafeso
Berglin	Eckstein	Jaros	Mangan	Pleasant
Berkelman	Eken	Jensen	Mann	Prahl
Biersdorf	Ellingson	Johnson	McCollar	Reding
Birnstihl	Enebo	Jude	McDonald	Rice
Brandl	Erickson	Kahn	McEachern	Rose
Braun	Evans	Kaley	Metzen	St. Onge

Sarna	Sieben, H.	Stoa	Welch	Wynia
Savelkoul	Sieben, M.	Suss	Wenstrom	Zubay
Scheid	Simoneau	Swanson	Wenzel	Speaker Sabo
Schulz	Skoglund	Tomlinson	White	
Searle	Smogard	Vanasek	Wieser	
Searles	Spanish	Voss	Wigley	
Sherwood	Stanton	Waldorf	Williamson	

The bill was passed and its title agreed to.

S. F. No. 971, A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

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 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Neisen	Sieben, M.
Adams	Corbid	Jude	Nelsen, B.	Simoneau
Anderson, B.	Cummiskey	Kahn	Nelsen, M.	Skoglund
Anderson, D.	Dahl	Kaley	Nelson	Smogard
Anderson, G.	Dean	Kalis	Niehaus	Spanish
Anderson, I.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, R.	Eckstein	Kelly, W.	Novak	Stoa
Arlandson	Eken	Kempe, A.	Osthoff	Suss
Battaglia	Ellingson	Kempe, R.	Patton	Swanson
Beauchamp	Erickson	King	Peterson	Tomlinson
Begich	Esau	Knickerbocker	Petrafeso	Vanasek
Berg	Ewald	Kostohryz	Pleasant	Voss
Berglin	Farcy	Kroening	Prahl	Waldorf
Berkelman	Fjoslien	Laidig	Reding	Welch
Biersdorf	Forsythe	Langseth	Rice	Wenstrom
Birnstihl	Fudro	Lehto	Rose	Wenzel
Brandl	Fugina	Lemke	St. Onge	White
Braun	George	Mangan	Sarna	Wieser
Byrne	Gunter	Mann	Savelkoul	Williamson
Carlson, A.	Hanson	McCollar	Scheid	Wynia
Carlson, D.	Heinitz	McDonald	Schulz	Zubay
Carlson, L.	Hokanson	McEachern	Searle	Speaker Sabo
Cassery	Jacobs	Metzen	Searles	
Clark	Jaros	Munger	Sherwood	
Clawson	Jensen	Murphy	Sieben, H.	

Those who voted in the negative were:

Albrecht      Wigley

The bill was passed and its title agreed to.

S. F. No. 1293 was reported to the House. Upon objection of ten members S. F. No. 1293 was stricken from the Consent Calendar and returned to General Orders.

S. F. No. 1349, A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for the source of per diem and expense payments; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, Subdivision 1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 238.04, Subdivision 2; 363.04, Subdivisions 4, 4a and 5; Chapter 15, by adding a section; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

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:

Abeln	Clawson	Jensen	Munger	Sherwood
Adams	Cohen	Johnson	Murphy	Sieben, H.
Albrecht	Cummiskey	Jude	Neisen	Sieben, M.
Anderson, B.	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kalis	Nelson	Spanish
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Stanton
Anderson, R.	Eken	Kelly, W.	Norton	Stoa
Arlandson	Enebo	Kempe, A.	Novak	Suss
Battaglia	Erickson	Kempe, R.	Osthoff	Swanson
Beauchamp	Esau	King	Patton	Tomlinson
Begich	Evans	Knickerbocker	Pehler	Vanasek
Berg	Ewald	Kostohryz	Peterson	Voss
Berglin	Farcy	Kroening	Petrafeso	Waldorf
Berkelman	Fjoslien	Kvam	Pleasant	Welch
Biersdorf	Forsythe	Laidig	Prahl	Wenzel
Birnstihl	Friedrich	Langseth	Rice	White
Brandl	Fudro	Lehto	Rose	Wieser
Braun	Fugina	Lemke	St. Onge	Wigley
Brinkman	George	Mangan	Samuelson	Williamson
Byrne	Gunter	Mann	Sarna	Wynia
Carlson, A.	Hanson	McCollar	Savelkoul	Zubay
Carlson, D.	Heinitz	McDonald	Scheid	Speaker Sabo
Carlson, L.	Hokanson	McEachern	Schulz	
Casserly	Jacobs	Metzen	Searle	
Clark	Jaros	Moe	Searles	

The bill was passed and its title agreed to.

S. F. No. 218, A bill for an act relating to municipalities; procedures required for the letting of certain contracts; amending Minnesota Statutes 1976, Section 471.345, Subdivisions 3, 4 and 5.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Neisen	Sieben, H.
Adams	Cummiskey	Jude	Nelsen, B.	Sieben, M.
Albrecht	Dean	Kahn	Nelsen, M.	Simoneau
Anderson, B.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, D.	Eckstein	Kalis	Niehaus	Smogard
Anderson, G.	Eken	Kelly, W.	Norton	Spanish
Anderson, I.	Enebo	Kempe, A.	Novak	Stanton
Anderson, R.	Erickson	Kempe, R.	Osthoff	Stoa
Arlandson	Esau	King	Patton	Suss
Battaglia	Evans	Knickerbocker	Peterson	Swanson
Beauchamp	Ewald	Kostohryz	Petrafeso	Tomlinson
Begich	Faricy	Kroening	Pleasant	Vanasek
Berg	Fjoslien	Kvam	Prahl	Voss
Berglin	Forsythe	Laidig	Reding	Waldorf
Berkelman	Friedrich	Langseth	Rice	Welch
Biersdorf	Fudro	Lehto	Rose	Wenstrom
Birnstihl	Fugina	Lemke	St. Onge	Wenzel
Brandl	George	Mangan	Samuelson	White
Braun	Gunter	Mann	Sarna	Wieser
Brinkman	Hanson	McCollar	Savelkoul	Wigley
Byrne	Heinitz	McDonald	Scheid	Williamson
Carlson, D.	Hokanson	McEachern	Schulz	Wynia
Carlson, L.	Jacobs	Metzen	Searle	Zubay
Casserly	Jaros	Munger	Searles	Speaker Sabo
Clark	Jensen	Murphy	Sherwood	

Those who voted in the negative were:

Carlson, A.

The bill was passed and its title agreed to.

S. F. No. 628, A bill for an act relating to counties; extending the compliance date for county official controls; amending Minnesota Statutes 1976, Section 394.312.

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 124 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Adams	Albrecht	Anderson, B.	Anderson, D.
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Anderson, G.	Dahl	Johnson	Neisen	Sieben, H.
Anderson, I.	Dean	Jude	Nelsen, B.	Sieben, M.
Anderson, R.	Den Ouden	Kahn	Nelson	Simoneau
Arlandson	Eckstein	Kaley	Niehaus	Skoglund
Battaglia	Eken	Kalis	Norton	Spanish
Beauchamp	Enebo	Kelly, R.	Novak	Stanton
Begich	Erickson	Kelly, W.	Patton	Stoa
Berg	Esau	Kempe, A.	Peher	Suss
Berglin	Evans	Kempe, R.	Peterson	Swanson
Berkelman	Ewald	King	Petrafeso	Tomlinson
Biersdorf	Faricy	Knickerbocker	Pleasant	Vanasek
Birnstihl	Fjoslien	Kostohryz	Prahl	Voss
Brandl	Forsythe	Kvam	Reding	Waldorf
Braun	Friedrich	Laidig	Rice	Welch
Brinkman	Fudro	Langseth	Rose	Wenstrom
Byrne	Fugina	Lehto	St. Onge	Wenzel
Carlson, A.	George	Lemke	Samuelson	White
Carlson, D.	Gunter	Mangan	Sarna	Wieser
Carlson, L.	Hanson	Mann	Savelkoul	Wigley
Casserly	Heinitz	McCollar	Scheid	Williamson
Clark	Hokanson	McDonald	Schulz	Wynia
Clawson	Jacobs	Metzen	Searle	Zubay
Corbid	Jaros	Munger	Searles	Speaker Sabo
Cummiskey	Jensen	Murphy	Sherwood	

Those who voted in the negative were:

Kroening      Nelsen, M.      Osthoff

The bill was passed and its title agreed to.

S. F. No. 1196, A bill for an act relating to aeronautics; requiring out of state airports operating under joint agreement with a Minnesota municipality to be treated as airports located in Minnesota for purposes of state and federal assistance; amending Minnesota Statutes 1976, Section 360.042, by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Birnstihl	Den Ouden	<b>Gunter</b>	King
Adams	Brandl	Eckstein	Hanson	Knickerbocker
Anderson, B.	Braun	Eken	Heinitz	Kostohryz
Anderson, D.	Byrne	Enebo	Hokanson	Kroening
Anderson, G.	Carlson, A.	Erickson	Jacobs	Kvam
Anderson, I.	Carlson, D.	Esau	Jaros	Laidig
Anderson, R.	Carlson, L.	Evans	Jensen	Langseth
Arlandson	Casserly	Ewald	Johnson	Lehto
Battaglia	Clark	Faricy	Jude	Lemke
Beauchamp	Clawson	Fjoslien	Kahn	Mangan
Begich	Cohen	Forsythe	Kaley	Mann
Berg	Corbid	Friedrich	Kalis	McCollar
Berglin	Cummiskey	Fudro	Kelly, W.	McDonald
Berkelman	Dahl	Fugina	Kempe, A.	McEachern
Biersdorf	Dean	George	Kempe, R.	Metzen

Munger	Pehler	Scheid	Stanton	White
Murphy	Peterson	Schulz	Stoa	Wieser
Neisen	Petrafeso	Searle	Suss	Wigley
Nelsen, B.	Pleasant	Searles	Swanson	Williamson
Nelsen, M.	Prahl	Sherwood	Tomlinson	Wynia
Nelson	Reding	Sieben, H.	Vanasek	Zubay
Niehaus	Rice	Sieben, M.	Voss	Speaker Sabo
Norton	Rose	Simoneau	Waldorf	
Novak	St. Onge	Skoglund	Welch	
Osthoff	Sarna	Smogard	Wenstrom	
Patton	Savelkoul	Spanish	Wenzel	

The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 206, 559, 1052 and 1276.

H. F. No. 206, A bill for an act relating to welfare; increasing the personal allowance for persons in care facilities; amending Minnesota Statutes 1976, Section 256B.35, Subdivision 1, and by adding subdivisions.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Murphy	Sherwood
Adams	Cohen	Johnson	Neisen	Sieben, H.
Albrecht	Corbid	Jude	Nelsen, B.	Sieben, M.
Anderson, B.	Cummiskey	Kahn	Nelsen, M.	Simoneau
Anderson, D.	Dahl	Kaley	Nelson	Skoglund
Anderson, G.	Dean	Kalis	Niehaus	Smogard
Anderson, I.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, R.	Eckstein	Kelly, W.	Novak	Stanton
Arlandson	Eken	Kempe, A.	Osthoff	Stoa
Battaglia	Ellingson	Kempe, R.	Patton	Suss
Beauchamp	Enebo	King	Pehler	Swanson
Begich	Erickson	Knickerbocker	Peterson	Tomlinson
Berg	Evans	Kostohryz	Petrafeso	Vanasek
Berglin	Ewald	Kroening	Pleasant	Voss
Berkelman	Faricy	Kvam	Prahl	Waldorf
Biersdorf	Fjoslien	Laidig	Reding	Welch
Birnstihl	Forsythe	Langseth	Rice	Wenstrom
Brandl	Friedrich	Lemke	Rose	Wenzel
Braun	Fudro	Mangan	St. Onge	White
Brinkman	Fugina	Mann	Samuelson	Wieser
Byrne	George	McCollar	Sarna	Wigley
Carlson, A.	Gunter	McDonald	Savelkoul	Williamson
Carlson, D.	Hanson	McEachern	Scheid	Wynia
Carlson, L.	Heintz	Metzen	Schulz	Zubay
Casserly	Jacobs	Moe	Searle	Speaker Sabo
Clark	Jaros	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 559 was reported to the House.

Hanson moved to amend H. F. No. 559, as follows:

Page 4, after line 15, insert "*Subd. 11. The deadline for the board to accept applications to determine financial need shall be March 20.*".

Renumber the subsequent subdivisions.

A roll call was requested and properly seconded.

Cummiskey moved to amend the Hanson amendment to H. F. No. 559, as follows:

Delete "*March 20*" insert "*February 15*".

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

The question recurred on the adoption of the Hanson amendment, as amended, and the roll was called. There were 116 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Nelsen, B.	Sieben, M.
Adams	Cummiskey	Jude	Nelsen, M.	Simoneau
Albrecht	Dahl	Kahn	Nelson	Skoglund
Anderson, B.	Den Ouden	Kaley	Niehaus	Smogard
Anderson, G.	Eckstein	Kalis	Norton	Spanish
Anderson, I.	Eken	Kelly, R.	Novak	Stanton
Anderson, R.	Ellingson	Kelly, W.	Osthoff	Stoa
Arlandson	Enebo	Kempe, R.	Patton	Suss
Battaglia	Esau	King	Peterson	Swanson
Begich	Evans	Knickerbocker	Petrafeso	Tomlinson
Berg	Faricy	Kostohryz	Pleasant	Vanasek
Berglin	Fjoslien	Kroening	Prahl	Voss
Berkelman	Forsythe	Kvam	Reding	Waldorf
Biersdorf	Friedrich	Laidig	Rice	Welch
Birnstihl	Fudro	Langseth	Rose	Wenstrom
Braun	Fugina	Lehto	St. Onge	Wenzel
Brinkman	George	Lemke	Samuelson	White
Byrne	Gunter	Mann	Sarna	Wieser
Carlson, A.	Hanson	McCollar	Savelkoul	Williamson
Carlson, D.	Heinitz	McDonald	Scheid	Zubay
Carlson, L.	Hokanson	McEachern	Schulz	
Cassery	Jacobs	Metzen	Searles	
Clark	Jaros	Murphy	Sherwood	
Clawson	Jensen	Neisen	Sieben, H.	

Those who voted in the negative were:

Beauchamp	Dean	Mangan	Searle	Wynia
Brandl	Erickson	Moe		

The motion prevailed and the amendment, as amended, was adopted.

H. F. No. 559, A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Neisen	Sieben, H.
Adams	Corbid	Johnson	Nelsen, B.	Sieben, M.
Albrecht	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dahl	Kahn	Nelson	Smogard
Anderson, D.	Dean	Kaley	Niehaus	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Eken	Kelly, W.	Osthoff	Suss
Arlandson	Ellingson	Kempe, R.	Patton	Swanson
Battaglia	Enebo	King	Pehler	Tomlinson
Beauchamp	Erickson	Knickerbocker	Peterson	Vanasek
Begich	Esau	Kostohryz	Petraseso	Voss
Berg	Evans	Kroening	Pleasant	Waldorf
Berglin	Ewald	Kvam	Prahl	Welch
Berkelman	Faricy	Laidig	Reding	Wenstrom
Biersdorf	Fjosien	Langseth	Rice	Wenzel
Brandl	Forsythe	Lehto	Rose	White
Braun	Friedrich	Lemke	St. Onge	Wieser
Brinkman	Fudro	Mangan	Samuelson	Wigley
Byrne	Fugina	Mann	Sarna	Williamson
Carlson, A.	George	McDonald	Savelkoul	Wynia
Carlson, D.	Gunter	McEachern	Scheid	Zubay
Carlson, L.	Hanson	Metzen	Schulz	Speaker Sabo
Casserly	Heinitz	Moe	Searle	
Clark	Hokanson	Munger	Searles	
Clawson	Jacobs	Murphy	Sherwood	

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

Anderson, R., and Sarna were excused between the hours of 4:00 p.m. and 6:00 p.m.

H. F. No. 1052, A bill for an act relating to human services; providing grants to plan and organize human services programs; requiring notification of affected state agencies; requiring certain membership on advisory councils; promulgating rules; providing for auditing of funds; giving additional powers to the state planning officer; appropriating money; amending Minnesota Statutes 1976, Sections 402.01, by adding a subdivision; 402.02, Subdivisions 1 and 2; 402.03; 402.04, Subdivision 1; 402.-

05; and 402.06; repealing Minnesota Statutes 1976, Sections 402.08 and 402.09.

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:

Abeln	Cohen	Jaros	Munger	Sieben, H.
Adams	Corbid	Jensen	Murphy	Sieben, M.
Albrecht	Cummiskey	Johnson	Neisen	Simoneau
Anderson, B.	Dahl	Jude	Nelsen, B.	Skoglund
Anderson, D.	Dean	Kahn	Nelsen, M.	Smogard
Anderson, G.	Den Ouden	Kaley	Nelson	Spanish
Anderson, I.	Eckstein	Kalis	Niehaus	Stanton
Arlandson	Eken	Kelly, R.	Norton	Stoa
Battaglia	Ellingson	Kelly, W.	Novak	Suss
Beauchamp	Enebo	Kempe, A.	Osthoff	Swanson
Begich	Erickson	Kempe, R.	Patton	Tomlinson
Berg	Esau	King	Pehler	Vanasek
Berglin	Evans	Knickerbocker	Peterson	Voss
Berkelman	Ewald	Kostohryz	Petrafaso	Waldorf
Biersdorf	Faricy	Kroening	Pleasant	Welch
Birnstihl	Fjoslien	Laidig	Prahl	Wenstrom
Brandl	Forsythe	Langseth	Reding	Wenzel
Braun	Friedrich	Lehto	Rice	White
Brinkman	Fudro	Lemke	Rose	Wieser
Byrne	Fugina	Mangan	St. Onge	Wigley
Carlson, A.	George	Mann	Samuelson	Williamson
Carlson, D.	Gunter	McCollar	Savelkoul	Wynia
Carlson, L.	Hanson	McDonald	Scheid	Zubay
Casserly	Heinitz	McEachern	Schulz	Speaker Sabo
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	

The bill was passed and its title agreed to.

H. F. No. 1276, A bill for an act relating to public welfare; providing for pilot dental health programs; providing an appropriation; amending Laws 1976, Chapter 305, Section 9; repealing Laws 1976, Chapter 305, Section 10.

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 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Begich	Birnstihl	Carlson, A.
Adams	Anderson, I.	Berg	Brandl	Carlson, D.
Albrecht	Arlandson	Berglin	Braun	Carlson, L.
Anderson, B.	Battaglia	Berkelman	Brinkman	Casserly
Anderson, D.	Beauchamp	Biersdorf	Byrne	Clark

Clawson	Gunter	Langseth	Peterson	Stanton
Cohen	Hanson	Lehto	Petrafaso	Stoa
Corbid	Heinitz	Lemke	Pleasant	Suss
Cummiskey	Hokanson	Mangan	Prahl	Swanson
Dahl	Jacobs	Mann	Reding	Tomlinson
Dean	Jaros	McCollar	Rice	Vanasek
Eckstein	Jensen	McDonald	Rose	Voss
Eken	Johnson	McEachern	St. Onge	Waldorf
Ellingson	Jude	Metzen	Samuelson	Welch
Enebo	Kahn	Moe	Savelkoul	Wenstrom
Erickson	Kaley	Munger	Scheid	Wenzel
Esau	Kalis	Murphy	Schulz	White
Evans	Kelly, R.	Neisen	Searle	Wieser
Ewald	Kelly, W.	Nelsen, B.	Searles	Wigley
Faricy	Kempe, R.	Nelson	Sherwood	Williamson
Fjoslien	King	Niehaus	Sieben, H.	Wynia
Forsythe	Knickerbocker	Norton	Sieben, M.	Zubay
Friedrich	Kostohryz	Novak	Simoneau	Speaker Sabo
Fudro	Kroening	Osthoff	Skoglund	
Fugina	Kvam	Patton	Smogard	
George	Laidig	Pehler	Spanish	

Those who voted in the negative were:

Den Ouden      Nelsen, M.

The bill was passed and its title agreed to.

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 649.

S. F. No. 649 was reported to the House.

Kelly, W., moved to amend S. F. No. 649 as follows:

Page 3, line 20, reinstate "(TOWNSHIPS)" and delete "towns".

Page 3, line 31, after "[BASE TAX.]" insert "(a) Except as provided in clauses (b) and (c)."

Page 4, line 9, before "In" insert "(b)".

Page 4, line 9, delete "or constructed".

Page 4, line 12, delete ", computed as if the property had been".

Page 4, delete lines 13 to 16 and insert "which would have been due in the year following the year in which the property was purchased, computed as if the property had been homesteaded on January 2 of the year purchased."

Page 4, after line 16, insert "(c) In the case of property constructed for homestead purposes by a person 65 years of age or older with title held as provided in this section, the "base tax" shall be the tax which is due in the year following the year in

*which the property was substantially completed and homesteaded as of January 2."*

Page 6, line 17, after the period insert *"If the vacancy is not filled within 90 days, the office shall be terminated."*

The motion prevailed and the amendment was adopted.

S. F. No. 649, A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' bonds; eliminating certification of local treasurers' bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2; 273.04; 273.05, Subdivisions 1 and 2; 273.06; 273.061, Subdivision 3; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, by adding a section.

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 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eckstein	Kalis	Niehaus	Spanish
Arlandson	Eken	Kelly, E.	Norton	Stanton
Battaglia	Ellingson	Kelly, W.	Novak	Stoa
Beauchamp	Enebo	Kempe, R.	Osthoff	Suss
Begich	Erickson	King	Patton	Swanson
Berg	Esau	Knickerbocker	Pehler	Tomlinson
Berglin	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petrafaso	Voss
Biersdorf	Faricy	Kvam	Pleasant	Waldorf
Birnstihl	Fjoslien	Laidig	Prahl	Welch
Brandl	Forsythe	Langseth	Reding	Wenstrom
Braun	Friedrich	Lehto	Rice	Wenzel
Brinkman	Fudro	Lemke	Rose	White
Byrne	Fugina	Mangan	St. Onge	Wieser
Carlson, A.	George	Mann	Samuelson	Wigley
Carlson, D.	Gunter	McCollar	Savelkoul	Williamson
Carlson, L.	Hanson	McDonald	Scheid	Wynia
Casserly	Heinitz	McEachern	Schulz	Zubay
Clark	Hokanson	Metzen	Searle	Speaker Sabo
Clawson	Jacobs	Moe	Searles	

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

## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 875:

Carlson, A.; Brandl, and Clark.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 826:

Berkelman, Jaros, and Lehto.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 109:

Petrafeso, Johnson, and Sieben, H.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 932:

Osthoff, Stanton, and Kalis.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1290:

Nelson, Hokanson, and Forsythe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 293:

Anderson, I.; St. Onge; and Savelkoul.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 742:

McCollar, Jude, and Searles.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 49:

Suss; Anderson, G.; and Nelsen, B.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 176:

Simoneau, Berkelman, and Zubay.

### SPECIAL ORDERS

Abeln was excused between the hours of 4:15 p.m. and 5:20 p.m.

S. F. No. 683 was reported to the House.

Neisen moved to amend S. F. No. 683, as follows:

Page 2, line 8, after "COMMENT;," insert "PARK, PLAYGROUND OR".

Page 2, line 10, after "for a" insert "*park, playground or*".

Page 2, line 11, after "*which the*" insert "*park, playground or*".

Page 2, line 18, after "*such*" insert "*park, playground or*".

The motion prevailed and the amendment was adopted.

S. F. No. 683, A bill for an act relating to the establishment of parks, playgrounds and scenic areas by the county of Anoka; amending Laws 1961, Chapter 209, Sections 1 and 2.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Braun	Esau	Jensen	Mangan
Albrecht	Brinkman	Evans	Johnson	Mann
Anderson, B.	Carlson, A.	Ewald	Jude	McCollar
Anderson, D.	Carlson, D.	Faricy	Kaley	McDonald
Anderson, G.	Carlson, L.	Fjoslien	Kalis	Metzen
Anderson, I.	Cassery	Forsythe	Kelly, R.	Munger
Arlandson	Clark	Friedrich	Kelly, W.	Murphy
Battaglia	Clawson	Fudro	Kempe, R.	Neisen
Beauchamp	Cohen	Fugina	King	Nelsen, B.
Begich	Corbid	George	Knickerbocker	Nelsen, M.
Berg	Cummiskey	Gunter	Kostohryz	Nelson
Berglin	Dean	Hanson	Kroening	Niehaus
Berkelman	Den Ouden	Heinitz	Laidig	Norton
Biersdorf	Eckstein	Hokanson	Langseth	Novak
Birnstihl	Ellingson	Jacobs	Lehto	Patton
Brandl	Erickson	Jaros	Lemke	Pehler

Peterson	Savelkoul	Simoneau	Tomlinson	Wieser
Petrafeso	Scheid	Skoglund	Vanasek	Wigley
Prahl	Schulz	Smogard	Voss	Williamson
Reding	Searle	Spanish	Waldorf	Wynia
Rice	Searles	Stanton	Welch	Zubay
Rose	Sherwood	Stoa	Wenstrom	Speaker Sabo
St. Onge	Sieben, H.	Suss	Wenzel	
Samuelson	Sieben, M.	Swanson	White	

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

S. F. No. 1291 was reported to the House.

Hokanson moved to amend S. F. No. 1291, as follows:

Page 1, after line 12, insert new sections to read:

"Section 2. Minnesota Statutes 1976, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.291, 609.292, 609.293, 609.295, or 609.296.

(b) "Neglected child" shall have the meanings defined in section 260.015, subdivision 10. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury or health defect that cannot reasonably be explained by (THE HISTORY OF INJURIES PROVIDED BY THE) a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency pursuant to this section.

Sec. 3. Minnesota Statutes 1976, Section 626.556, Subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private. The records shall be collected and maintained in accordance with the provisions of sections 15.162 to 15.168, and an individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be disclosed only (a) by the local welfare agency if the report is found to be unsubstantiated or (b) by the local welfare agency upon court order if the report is found to be substantiated.

Records maintained by local welfare agencies under this section must be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be (UNSUBSTANTIATED) *false* shall be destroyed immediately;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated *or disproved* to the satisfaction of the local welfare agency may be kept for a period of one year. If *neither* the local welfare agency *nor local police department* is (UNABLE) *able* to substantiate the report within that period, all records relating to the report shall be destroyed immediately.”

Further amend the title:

Page 1, delete the title in its entirety and insert:

“A bill for an act relating to children; establishing additional venue for cases involving maltreatment of minors; providing for the reporting of maltreatment of minors; amending Minnesota Statutes 1976, Section 626.556, Subdivisions 2 and 11; and Chapter 627, by adding a section.”

The motion prevailed and the amendment was adopted.

S. F. No. 1291, A bill for an act relating to venue for cases involving maltreatment of minors; amending Minnesota Statutes 1976, Chapter 627, by adding a section.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Cummiskey	Johnson	Munger	Sherwood
Albrecht	Dahl	Jude	Murphy	Sieben, H.
Anderson, B.	Dean	Kahn	Neisen	Sieben, M.
Anderson, D.	Eckstein	Kaley	Nelsen, B.	Simoneau
Anderson, I.	Eken	Kalis	Nelsen, M.	Skoglund
Arlandson	Ellingson	Kelly, R.	Nelson	Smogard
Battaglia	Enebo	Kelly, W.	Niehaus	Spanish
Beauchamp	Erickson	Kempe, A.	Norton	Stanton
Begich	Esau	Kempe, R.	Novak	Stoa
Berg	Evans	King	Osthoff	Suss
Berglin	Ewald	Knickerbocker	Patton	Swanson
Berkelman	Faricy	Kostohryz	Pehler	Tomlinson
Biersdorf	Fjoslien	Kroening	Peterson	Vanasek
Birnstihl	Forsythe	Kvam	Petrafeso	Voss
Brandl	Friedrich	Laidig	Pleasant	Welch
Braun	Fudro	Langseth	Prahl	Wenstrom
Byrne	Fugina	Lehto	Reding	Wenzel
Carlson, A.	George	Lemke	Rice	White
Carlson, D.	Gunter	Mangan	Rose	Wieser
Carlson, L.	Hanson	Mann	St. Onge	Wigley
Cassery	Heinitz	McCollar	Savelkoul	Williamson
Clark	Hokanson	McDonald	Scheid	Wynia
Clawson	Jacobs	McEachern	Schulz	Zubay
Cohen	Jaros	Metzen	Searle	Speaker Sabo
Corbid	Jensen	Moe	Searles	

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

S. F. No. 466, A bill for an act relating to post conviction remedy; authorizing the court to determine whether a petitioner must be present at a post conviction hearing; amending Minnesota Statutes 1976, Section 590.04, Subdivision 3.

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 109 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, D.	Fudro	Laidig	Patton
Albrecht	Carlson, L.	Fugina	Lehto	Peterson
Anderson, B.	Cassery	Hanson	Lemke	Prahl
Anderson, D.	Clark	Heinitz	Mann	Reding
Anderson, G.	Clawson	Hokanson	McCollar	Rose
Anderson, I.	Cummiskey	Jacobs	McDonald	St. Onge
Arlandson	Dahl	Jensen	McEachern	Savelkoul
Battaglia	Dean	Johnson	Metzen	Schulz
Beauchamp	Den Ouden	Jude	Moe	Searle
Begich	Eckstein	Kahn	Munger	Searles
Berg	Eken	Kaley	Murphy	Sherwood
Berglin	Enebo	Kalis	Neisen	Sieben, H.
Berkelman	Erickson	Kempe, A.	Nelsen, B.	Sieben, M.
Biersdorf	Esau	Kempe, R.	Nelsen, M.	Simoneau
Birnstihl	Evans	King	Nelson	Smogard
Brandl	Ewald	Knickerbocker	Niehaus	Spanish
Braun	Fjoslien	Kostohryz	Norton	Stanton
Byrne	Forsythe	Kroening	Novak	Stoa
Carlson, A.	Friedrich	Kvam	Osthoff	Suss

Swanson  
Tomlinson  
Vanasek

Voss  
Waldorf  
Welch

Wenstrom  
Wenzel  
White

Wieser  
Wigley  
Williamson

Zubay  
Speaker Sabo

Those who voted in the negative were:

Cohen  
Ellingson

Faricy  
George

Gunter  
Petrafeso

Rice  
Scheid

Skoglund

The bill was passed and its title agreed to.

S. F. No. 896 was reported to the House.

Sieben, H., moved to amend S. F. No. 896, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 116C.52, Subdivision 3, is amended to read:

Subd. 3. "High voltage transmission line" shall mean a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 200 kilovolts or more, except that the board, by regulation, may exempt lines (UNDER ONE MILE IN LENGTH) pursuant to 116C.57, subdivision 5.

Sec. 2. Minnesota Statutes 1976, Section 116C.52, is amended by adding a subdivision to read:

*Subd. 8. "Route" shall mean the location of a high voltage transmission line between two end points. The route may have a variable width of up to 1.25 miles.*

Sec. 3. Minnesota Statutes 1976, Section 116C.52, is amended by adding a subdivision to read:

*Subd. 9. "Site" shall mean the location of a large electric power generating plant.*

Sec. 4. Minnesota Statutes 1976, Section 116C.53, is amended to read:

116C.53 [SITING AUTHORITY.] *Subdivision 1. [POLICY.] The legislature hereby declares it to be the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the board shall choose locations that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.*

*Subd. 2.* [JURISDICTION.] The (MINNESOTA ENVIRONMENTAL QUALITY) board is hereby given the authority to provide for power plant site and transmission line (CORRIDOR AND) route selection.

Sec. 5. Minnesota Statutes 1976, Section 116C.54, is amended to read:

116C.54 [ADVANCE FORECASTING.] Every utility which owns or operates, or plans within the next 15 years to own or operate large electric power generating plants or high voltage transmission lines shall develop forecasts as specified in this section. On or before July 1 of each even-numbered year, every such utility shall submit a report of its forecast to the board. (SUCH) *The* report may be appropriate portions of a single regional forecast or may be jointly prepared and submitted by two or more utilities and shall contain the following information:

(1) Description of the tentative regional location and general size and type of all large electric power generating plants and high voltage transmission lines to be owned or operated by (SUCH) *the* utility during the ensuing 15 years or (SUCH) *any* longer period (AS) the board deems necessary;

(2) Identification of all existing generating plants and transmission lines projected to be removed from service during (SUCH) *any* 15 year period or upon completion of construction of (SUCH) *any* large electric power generating plants and high voltage transmission lines;

(3) Statement of the projected demand for electric energy for the ensuing 15 years and the underlying assumptions for this forecast, such information to be as geographically specific as possible where this demand will occur;

(4) Description of the capacity of the electric power system to meet (SUCH) *projected* demands during the ensuing 15 years;

(5) Description of the utility's relationship to other utilities and regional associations, power pools or networks; and

(6) Other relevant information as may be requested by the board.

*On or before July 1 of each odd-numbered year, a utility shall verify or submit revisions to items (1) and (2).*

Sec. 6. Minnesota Statutes 1976, Section 116C.55, Subdivision 2, is amended to read:

*Subd. 2.* [INVENTORY CRITERIA; PUBLIC HEARINGS.] The board shall promptly initiate a public planning

process where all interested persons can participate in developing the criteria and standards to be used by the board in preparing an inventory of (POTENTIAL) large electric power generating plant (SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS AND) *study areas* and to guide the site and route suitability evaluation and selection process. The participatory process shall include, but should not be limited to public hearings. Before substantial modifications of the initial criteria and standards are adopted, additional public hearings shall be held. (SUCH CRITERIA AND STANDARDS SHALL BE PROMULGATED ON OR BEFORE JULY 1, 1974.) *All hearings conducted under this subdivision shall be conducted pursuant to the rulemaking provisions of chapter 15.*

Sec. 7. Minnesota Statutes 1976, Section 116C.55, Subdivision 3, is amended to read:

Subd. 3. [INVENTORY OF LARGE ELECTRIC POWER GENERATING PLANT STUDY AREAS.] On or before (JULY 1, 1975,) *January 1, 1979*, the board shall (ASSEMBLE AND PUBLISH) *adopt* an inventory of (POTENTIAL) large electric power generating plant (SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS) *study areas and publish an inventory report.* The inventory report (OF POTENTIAL LARGE ELECTRIC POWER GENERATING PLANT SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS) shall (SET FORTH) *specify the planning policies,* criteria and standards used in developing the (POTENTIAL SITE AND CORRIDOR) inventory. After completion of its initial inventory (OF POTENTIAL SITES AND CORRIDORS,) the board shall have a continuing responsibility to evaluate, update and publish its inventory (AND IF, DUE TO CHANGED CIRCUMSTANCES OR INFORMATION, A SITE OR CORRIDOR IS INCONSISTENT WITH PRESCRIBED CRITERIA OR DOES NOT MEET PRESCRIBED STANDARDS, SUCH SITE OR CORRIDOR SHALL BE REMOVED FROM THE INVENTORY OF POTENTIAL SITES AND CORRIDORS).

Sec. 8. Minnesota Statutes 1976, Section 116C.55, is amended by adding a subdivision to read:

Subd. 4. *Based upon the information provided pursuant to section 116C.54 and the general routing criteria established by regulation, the board shall plan, on a long range basis, general areas suitable for the inclusion of projected high voltage transmission lines and the relationship of such lines to other possible high voltage transmission lines.*

Sec. 9. Minnesota Statutes 1976, Section 116C.57, is amended to read:

116C.57 [DESIGNATION OF SITES; APPROVAL OF TRANSMISSION LINE ROUTES AND FACILITY CON-

STRUCTION; EMERGENCY CERTIFICATION; RESPONSIBILITIES.] Subdivision 1. [DESIGNATION OF SITES SUITABLE FOR SPECIFIC FACILITIES; REPORTS.] (FOLLOWING PUBLICATION OF THE INVENTORY OF POTENTIAL SITES FOR LARGE ELECTRIC POWER GENERATING PLANTS OR CORRIDORS FOR HIGH VOLTAGE TRANSMISSION LINES AND THE SUBMISSION OF THE FIVE YEAR DEVELOPMENT PLANS OF THE UTILITIES.) A utility must apply to the board in a form and manner prescribed by the board for designation of a specific site (OR CORRIDOR) for a specific size and type of facility. (NO LARGE ELECTRIC POWER GENERATING PLANT OR HIGH VOLTAGE TRANSMISSION LINE SHALL BE CONSTRUCTED EXCEPT ON A SITE OR ROUTE DESIGNATED BY THE BOARD PURSUANT TO SECTIONS 116C.51 TO 116C.69. FOLLOWING THE STUDY, EVALUATION, AND HEARINGS, AS PROVIDED IN THIS SECTION AND SECTIONS 116C.58 TO 116C.60, ON) *The application shall contain at least two proposed sites. In the event a utility proposes a site not included in the board's inventory of study areas, the utility shall specify the reasons for the proposal and shall make an evaluation of the proposed site based upon the planning policies, criteria and standards specified in the inventory. Pursuant to sections 116C.57 to 116C.60, the board shall study and evaluate any site (OR CORRIDOR) proposed by (THE UTILITIES) a utility and (SUCH) any other (SITES) site (AND CORRIDORS AS) the board deems necessary (FROM THE INVENTORY THE BOARD SHALL DESIGNATE A SUITABLE SITE OR CORRIDOR FOR A SPECIFIC SIZE AND TYPE OF FACILITY. THIS DESIGNATION BY THE BOARD SHALL BE MADE IN ACCORDANCE WITH THE SITE SELECTION CRITERIA AND STANDARDS ESTABLISHED IN SECTION 116C.55 AND SHALL BE MADE IN A TIMELY MANNER IN A FINDING WITH REASONS FOR SUCH CHOICE, AND PUBLISHED NO LATER THAN ONE YEAR AFTER THE REQUEST FOR DESIGNATION OF A SITE BY THE UTILITY OR NO LATER THAN 180 DAYS AFTER THE REQUEST FOR DESIGNATION OF A CORRIDOR BY THE UTILITY. THE TIME FOR DESIGNATION OF A SITE MAY BE EXTENDED FOR SIX MONTHS BY THE BOARD FOR JUST CAUSE. NO SITE OR CORRIDOR DESIGNATION SHALL BE MADE IN VIOLATION OF THE SITE SELECTION STANDARDS ESTABLISHED IN SECTION 116C.55. THE BOARD SHALL INDICATE THE REASONS FOR ANY REFUSAL AND INDICATE CHANGES IN SIZE OR TYPE OF FACILITY NECESSARY TO ALLOW SITING IN COMPLIANCE WITH THE STANDARDS). (UPON DESIGNATION OF THE) *Within a year after the board's acceptance of a utility's application, the board shall decide in accordance with the criteria and standards specified in the inventory and the criteria specified in subdivision 4, which proposed site is to be designated. The board may extend for just cause the time limitation for its decision for a period not to exceed six months. When the board designates a site (OR CORRIDOR) , (THE BOARD) it shall issue (TO THE**

UTILITY) a certificate of site compatibility to the utility with any appropriate conditions. The board shall publish its decision and reasons within 30 days. No large electric power generating plant shall be constructed except on a site designated by the board.

Subd. 2. [APPROVAL OF ROUTES AND FACILITY CONSTRUCTION; PROCEDURE; EXEMPTION.] (NO LATER THAN TWO YEARS AFTER THE ISSUANCE OF A CERTIFICATE OF SITE COMPATIBILITY, THE) A utility shall apply to the board in a form and manner prescribed by the board for a permit for the construction of a high voltage transmission line (WITHIN THE APPROVED CORRIDOR). (FOLLOWING) The application shall contain at least two alternative proposed routes. Pursuant to sections 116C.57 to 116C.60, the board shall study, (EVALUATION) and (HEARINGS ON) evaluate the type, design, routing, right-of-way preparation and facility construction (AS IDENTIFIED) of any route proposed in (THE) a utility's application and any other alternatives (TO THE UTILITY'S CORRIDOR DEVELOPMENT PROPOSAL AS PROVIDED IN SUBDIVISION 4,) the board deems necessary. Within one year after the board's acceptance of a utility's application, the board shall decide in accordance with the criteria and standards specified in subdivision 4, which proposed route is to be designated. The board may extend for just cause the time limitation for its decision for a period not to exceed 90 days. When the board designates a route, it shall issue a permit for the construction of a high voltage transmission (LINES WITHIN THE DESIGNATED CORRIDOR. THIS PERMIT ISSUANCE BY THE BOARD SHALL BE MADE IN A TIMELY MANNER AND PUBLISHED NO LATER THAN 180 DAYS AFTER THE APPLICATION FOR A PERMIT BY THE UTILITY) line specifying the type, design, routing, right-of-way preparation and facility construction it deems necessary and with any other appropriate conditions. The board shall publish its decision and reasons within 30 days. No high voltage transmission line shall be constructed except on a route designated by the board, unless it was exempted pursuant to subdivision 5. The board may order the construction of high voltage transmission line facilities which are capable of expansion in capacity through multiple circuiting or modification of the conductor.

Subd. 3. [EMERGENCY CERTIFICATION.] Any utility whose electric power system requires the immediate construction of a large electric power generating plant or high voltage transmission line may make application to the board for an emergency certificate of site compatibility or permit for the construction of high voltage transmission lines, which certificate or permit shall be issued in a timely manner (AND PUBLISHED) no later than (180) 195 days after the board's acceptance of the application and upon a finding by the board that a demonstrable emergency exists which requires (SUCH) immediate construction, and that adherence to the procedures and

time schedules (SET FORTH) *specified* in sections 116C.54 (TO) , 116C.56 and 116C.57 would jeopardize (SUCH) *the utility's electric power system or would jeopardize the utility's ability to insure the electric needs of its customers in an orderly and timely manner.* A public hearing to *determine if an emergency exists* shall be held within 90 days of the application. The board shall, after notice and hearing, promulgate (REGULATIONS SETTING FORTH) *rules specifying the criteria for emergency certification.*

Subd. 4. [CONSIDERATIONS IN DESIGNATING SITES AND ROUTES.] To facilitate the study, research, evaluation and designation of sites and (CORRIDORS FOR LARGE ELECTRIC POWER GENERATING PLANTS AND HIGH VOLTAGE TRANSMISSION LINES AND THE APPROVAL OF SPECIFIC TRANSMISSION LINE FACILITIES AND THEIR) routes, the board shall be guided by, but not limited to, the following responsibilities, procedures, and considerations:

(1) Evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high voltage transmission line (CORRIDORS AND) routes and the effects of water and air discharges and electric fields resulting from such (PLANTS) facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including base line studies, predictive modeling, and monitoring of the water and air mass at proposed and operating sites and (SITES OF OPERATING LARGE ELECTRIC POWER GENERATING PLANTS) routes evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) Environmental evaluation of (LARGE ELECTRIC POWER GENERATING PLANT) sites and (HIGH VOLTAGE TRANSMISSION LINE CORRIDORS AND) routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) Evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) Evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) Analysis of the direct and indirect economic impact of proposed large electric power generating plants and high voltage transmission lines;

(6) Evaluation of adverse direct and indirect environmental effects which cannot be avoided should the proposed site and (TRANSMISSION LINE CORRIDOR OR) route be accepted;

(7) *Evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;*

(8) *Evaluation of the future needs for additional high voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in capacity through multiple circuiting or modification of the conductor;*

**((7)) (9) Evaluation of alternatives to the (PROPOSED SITE AND TRANSMISSION LINE CORRIDORS AND ROUTES) applicant's proposed sites only as may be proposed by the board, and evaluation of alternatives to the applicant's proposed routes as may be proposed by the board or as may be proposed by any other person in a manner consistent with rules adopted by the board concerning the form, content, and timeliness of the proposals;**

**((8)) (10) Evaluation of irreversible and irretrievable commitments of resources should the proposed site (AND TRANSMISSION LINE CORRIDOR) or route be approved;**

**((9)) (11) Where appropriate, consideration of problems raised by other state and federal agencies and local entities.**

**((10)) (12) Where the board's rules (AND REGULATIONS OF THE BOARD AS SET FORTH IN SECTIONS 116C.51 TO 116C.69) are substantially similar to existing rules and regulations of a federal agency to which the utility in the state is subject, the federal rules and regulations shall be applied by the board.**

**(13) No site or route shall be designated which violates state agency rules.**

**Subd. 5. [EXEMPTION OF CERTAIN ROUTES.] A utility may apply to the board in a form and manner prescribed by the board to exempt the construction of any proposed high voltage transmission line from sections 116C.51 to 116C.69. Within 15 days of the board's receipt of the exemption application, the utility shall publish a notice and description of the exemption application in a legal newspaper of general circulation in each county in which the route is proposed and mail a copy of the exemption application to the chief executive of any regional council, county, incorporated municipality and organized township in which the route is proposed and shall mail a notice and description of the exemption application to all persons over whose property the line may run, together with an understandable description of the procedures the person must follow should the person desire to object. If any person who owns real property crossed by the proposed route, or any person owning prop-**

*erty adjacent to property crossed by the proposed route, or any affected political subdivision files an objection with the board within 60 days after the board's receipt of the exemption application, the board shall deny the exemption application. If the board determines that the proposed high voltage transmission line will not create significant human or environmental impact, it may exempt the proposed transmission line with any appropriate conditions, but the utility shall comply with any applicable state rule and any applicable zoning, building and land use rules, regulations and ordinances of any regional, county, local and special purpose government in which the route is proposed. The board may require a fee to pay expenses incurred in processing exemptions. The fee is subject to the conditions of section 19, subdivision 2a.*

Sec. 10. Minnesota Statutes 1976, Section 116C.58, is amended to read:

116C.58 [PUBLIC HEARINGS; NOTICE.] The board shall hold an annual public hearing at a time and place prescribed by (REGULATION) rule in order to afford interested persons an opportunity to be heard regarding its inventory of (POTENTIAL SITES AND CORRIDORS) *study areas* and any other aspects of the board's activities and duties or (THE) policies (SET FORTH) *specified* in sections 116C.51 to 116C.69. The board shall hold at least one public hearing in each county where a site or route is being considered for designation pursuant to section 116C.57 (AS SUITABLE FOR CONSTRUCTION OF A LARGE ELECTRIC POWER GENERATING PLANT OR A HIGH VOLTAGE TRANSMISSION LINE). Notice and agenda of public hearings and public meetings of the board held in each county shall be given by the board at least ten days in advance but no earlier than 45 days prior to such hearings or meetings. Notice shall be by publication in a legal newspaper of general circulation in the county in which the public hearing or public meeting is to be held and by certified mailed notice to chief executives of the regional (COUNCILS) *development commissions*, (COUNTY) *counties*, *organized towns* and the incorporated municipalities (THEREIN) *in which a site or route is proposed. All hearings held for designating a site or route or for exempting a route shall be conducted by a hearing examiner from the office of hearing examiners pursuant to the contested case procedures of chapter 15. Provided, however, that any person may appear at the hearings and present testimony and exhibits and may question witnesses without the necessity of intervening as a formal party to the proceedings.*

Sec. 11. Minnesota Statutes 1976, Section 116C.59, Subdivision 1, is amended to read:

116C.59 [PUBLIC PARTICIPATION.] Subdivision 1. [ADVISORY COMMITTEE.] The board shall appoint one or more advisory committees to assist it in carrying out its duties.

Committees appointed to evaluate (PLANT) sites or (TRANSMISSION LINE CORRIDORS) routes considered for designation shall be comprised of as many persons as may be designated by the board, but shall include a majority of public representatives; at least one representative from each of the following: (A PUBLIC OR MUNICIPALLY OWNED UTILITY, A PRIVATE INVESTOR OWNED UTILITY AND A COOPERATIVELY OWNED UTILITY, ONE REPRESENTATIVE FROM THE) Regional (COUNCIL AND ONE FROM EACH COUNTY) *development commissions, counties,* (AND) municipal (CORPORATION) *corporations and one town board member from each county* in which a (LARGE ELECTRIC POWER GENERATING PLANT) site (AND HIGH VOLTAGE TRANSMISSION LINE CORRIDOR ARE) *or route is* proposed to be located. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Sec. 12. Minnesota Statutes 1976, Section 116C.61, Subdivision 2, is amended to read:

Subd. 2. [FACILITY LICENSING.] Notwithstanding anything herein to the contrary, utilities shall obtain state permits that may be required to construct and operate large electric power generating plants and high voltage transmission lines. A state agency in processing a utility's facility permit application shall be bound to the decisions of the board, with respect to the site (DESIGNATION FOR THE LARGE ELECTRIC POWER GENERATING PLANT OR THE CORRIDOR) or route designation (FOR THE HIGH VOLTAGE TRANSMISSION LINE), and with respect to other matters for which authority has been granted to the board by sections 116C.51 to 116C.69.

Sec. 13. Minnesota Statutes 1976, Section 116C.61, Subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY PARTICIPATION.] State agencies authorized to issue permits required for construction or operation of large electric power generating plants or high voltage transmission lines shall participate in and present the position of the agency at public hearings and all other activities of the board on specific site(, CORRIDOR) or route designations of the board, which position shall clearly state whether the site(, CORRIDOR,) or route being considered for designation or permit approval for a certain size and type of facility will be in compliance with state agency standards, regulations or policies. (NO SITE OR ROUTE SHALL BE DESIGNATED WHICH VIOLATES STATE AGENCY REGULATIONS.)

Sec. 14. Minnesota Statutes 1976, Section 116C.63, is amended to read:

**116C.63 [EMINENT DOMAIN POWERS; RIGHT OF CONDEMNATION.]** Nothing herein shall abrogate or invalidate the right of eminent domain vested in utilities by statute or common law existing as of May 24, 1973. Such right of eminent domain shall continue to exist for utilities and may be used according to law to accomplish any of the purposes and objectives of sections 116C.51 to 116C.69, *including acquisition of the right to utilize existing high voltage transmission facilities which are capable of expansion or modification to accommodate both existing and proposed conductors. Notwithstanding any law to the contrary, all easement agreements shall be valid only while the route is used for high voltage transmission line purposes.*

Sec. 15. Minnesota Statutes 1976, Section 116C.64, is amended to read:

**116C.64 [FAILURE TO ACT.] (IN THE EVENT)** *If the board fails to (DESIGNATE IN A TIMELY MANNER LARGE ELECTRIC POWER GENERATING PLANT SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS OR ROUTES AS PROVIDED FOR HEREIN) act within the times specified in section 116C.57, any affected utility may seek an order of the district court requiring the board to designate or refuse to designate a site (, CORRIDOR,) or route.*

Sec. 16. Minnesota Statutes 1976, Chapter 116C, is amended by adding a section to read:

**[116C.645] [REVOCAION OR SUSPENSION.]** *A site certificate or construction permit may be revoked or suspended after adequate notice of the alleged grounds for revocation or suspension and a full and fair hearing in which the affected utility has an opportunity to confront any witness and respond to any evidence against it and to present rebuttal or mitigating evidence upon a finding by the board of:*

(1) *Any false statement knowingly made in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted a change in the board's findings;*

(2) *Failure to comply with the conditions of the site certificate or construction permit, or failure to maintain safety standards; or*

(3) *Any violation of the provisions of sections 116C.51 to 116C.69, any rule promulgated pursuant thereto, or any order of the board.*

Sec. 17. Minnesota Statutes 1976, Section 116C.66, is amended to read:

116C.66 [RULES.] The board, in order to give effect to the purposes of sections 116C.51 to 116C.69, shall adopt rules (AND REGULATIONS) consistent with sections 116C.51 to 116C.69, including promulgation of plant siting and transmission line routing criteria, the description of the information to be furnished by the utilities, establishment of minimum guidelines for public participation in the development, revision, and enforcement of any (REGULATION) rule, plan or program established by the board, *procedures for the revocation or suspension of a construction permit or a certificate of site compatibility, the procedure and timeliness for proposing alternative routes and sites, and route exemption criteria and procedures.* The office of hearing examiners shall, prior to January 1, 1978, adopt rules concerning the conduct of public hearings relating to the site and route designation process and to the route exemption process which attempt to maximize citizen participation in these processes. No rule adopted by the board shall grant priority to state-owned areas managed for wildlife purposes over agricultural lands in the designation of high voltage transmission line avoidance areas. Chapter 15, shall apply to the appeal of rules (AND REGULATIONS) adopted by the board to the same extent as it applies to review of rules (AND REGULATIONS) adopted by any other agency of state government.

Sec. 18. Minnesota Statutes 1976, Section 116C.69, is amended to read:

116C.69 [BIENNIAL REPORT; APPLICATION FEES; APPROPRIATION; FUNDING.] Subdivision 1. [BIENNIAL REPORT.] *Before November 15 of each even-numbered year the board shall prepare and submit to the legislature (BIENNIALY) a report of its (POWER PLANT AND TRANSMISSION SITING) operations, activities, findings (,) and recommendations (, AND UNDERTAKINGS) concerning sections 116C.51 to 116C.69.* The report shall also contain information on the board's biennial expenditures, its proposed budget for the following biennium, and the amounts paid in certificate and permit application fees pursuant to (SUBDIVISION) *subdivisions 2 and 3* and in assessments pursuant to subdivision (3) 4. The proposed budget for the following biennium shall be subject to legislative review.

Subd. 2. [SITE APPLICATION FEE.] Every applicant for a site certificate (OR TRANSMISSION LINE CONSTRUCTION PERMIT) shall pay to the board a fee in an amount equal to \$500 for each \$1,000,000 of production (OR TRANSMISSION LINE) plant investment in the proposed installation as defined in the Federal Power Commission Uniform System of Accounts. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that (SUCH) *the excess is reasonably necessary.* The applicant shall pay within 30 days of notification (SUCH) *any additional fees*

(AS ARE) reasonably necessary for completion of the (PLANT) site (, TRANSMISSION LINE CORRIDOR OR ROUTE) evaluation and (SELECTION) *designation* process by the board. In no event shall the total fees required of the applicant under this subdivision exceed an amount equal to 0.001 of said production (OR TRANSMISSION LINE) plant investment (1,000 for each \$1,000,000) (EXCEPT THAT THE MINIMUM APPLICATION FEE SHALL NOT BE LESS THAN \$5,000). All money received pursuant to this subdivision shall be deposited in the general fund. So much money as is necessary is annually appropriated from the general fund to pay expenses incurred in processing applications for certificates (OR PERMITS) in accordance with (THE PROVISIONS OF) sections 116C.51 to 116C.69 and in the event such expenses are less than the fee paid, to refund the excess to the applicant. This annual appropriation shall not exceed the fees to be paid during (SUCH) *each* period.

*Subd. 2a. [ROUTE APPLICATION FEE.] Every applicant for a transmission line construction permit shall pay to the board a base fee of \$35,000 plus a fee in an amount equal to \$1,000 per mile length of the longest proposed route. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that the excess is reasonably necessary. In the event the actual cost of processing an application up to the board's final decision to designate a route exceeds the above fee schedule, the board may assess the applicant any additional fees necessary to cover the actual costs, not to exceed an amount equal to \$500 per mile length of the longest proposed route. All money received pursuant to this subdivision shall be deposited in the general fund. So much money as is necessary is annually appropriated from the general fund to pay expenses incurred in processing applications for construction permits in accordance with sections 116C.51 to 116C.69 and in the event the expenses are less than the fee paid, to refund the excess to the applicant. This annual appropriation shall not exceed the fees to be paid during each period.*

*Subd. 3. [FUNDING; ASSESSMENT.] The board shall finance its base line studies, general environmental studies, development of criteria, inventory preparation, monitoring of conditions placed on site certificates and construction permits, and all other work, other than specific site (, CORRIDOR,) and route (SELECTION,) designation from an assessment made annually by the board against all utilities. Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.333, as determined by the board. (SUCH) *The* assessment shall be credited*

to the general fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the annual budget of the board for carrying out the purposes of this subdivision.

Sec. 19. [EMERGENCY RULES.] *The board is authorized and directed to promulgate emergency rules pursuant to section 15.0412, subdivision 5, within 90 days of the effective date of this act, concerning the procedures for the revocation or suspension of a construction permit or a certificate of site compatibility and the procedure for designating a route, including the manner and timeliness of proposing alternative routes, route designation considerations and route exemption criteria and procedures.*

*The office of hearing examiners is authorized and directed to promulgate emergency rules pursuant to section 15.0412, subdivision 5, within 30 days of the effective date of this act, concerning the conduct of public hearings relating to the designation and exemption of routes. The rules shall attempt to maximize citizen participation in the route designation and exemption processes.*

*Any emergency rules authorized in this section shall be effective until either January 1, 1978, or until the board and the office of hearing examiners adopt permanent rules pursuant to chapter 15, whichever occurs first.*

Sec. 20. *Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56, are repealed.*

Sec. 21. *This act is effective the day following its final enactment."*

Further amend by striking the title and inserting: "A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivision 3, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3, and by adding a subdivision; 116C.57; 116C.58; 116C.59, Subdivision 1; 116C.61, Subdivisions 2 and 3; 116C.63; 116C.64; 116C.66; 116C.69; and Chapter 116C, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56."

The motion prevailed and the amendment was adopted.

Wenstrom; Nelson; Anderson, D.; and Fjoslien moved to amend S. F. No. 896, as amended, as follows:

Page 20, after line 8, insert a new section to read:

“Sec. 20. Minnesota Statutes 1976, Chapter 116C, is amended by adding a section to read:

[116C.70] [ANNUAL PAYMENTS TO LANDOWNERS.]  
*Each utility shall make annual payments of \$100.00 per linear mile or that portion of a linear mile multiplied by \$100.00 and \$50.00 per tower supporting high voltage transmission lines of 345 kv or more, which have been issued construction permits after June 1, 1976, when such lines and towers are located on class 3b lands as provided in Minnesota Statutes, Section 273.13, Subdivisions 6 and 6a.*

*The payments as computed in this section shall be made by the utility to the owners of said land on or before June 1, 1978, and each subsequent year on whatever lines or towers have been constructed by that date.”.*

Renumber the following sections.

Further, amend the title:

Line 11, delete “section” insert “sections”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 57 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Jensen	Nelsen, M.	Sherwood
Anderson, D.	Clawson	Johnson	Nelson	Simoneau
Anderson, G.	Cohen	Jude	Niehaus	Smogard
Anderson, I.	Corbid	Kahn	Novak	Stanton
Battaglia	Cummiskey	Kelly, W.	Patton	Stoa
Beauchamp	Eken	Kempe, R.	Pehler	Vanasek
Begich	Erickson	King	Petrafeso	Wenstrom
Berglin	Faricy	Langseth	Rice	Wieser
Birnstihl	Fjosilien	Mangan	St. Onge	Speaker Sabo
Braun	George	McCollar	Samuelson	
Brinkman	Gunter	Murphy	Scheid	
Byrne	Hanson	Nelsen, B.	Schulz	

Those who voted in the negative were:

Adams	Clark	Forsythe	Kelly, R.	McEachern
Anderson, B.	Dahl	Friedrich	Knickerbocker	Metzen
Berg	Dean	Fudro	Kostohryz	Munger
Berkelman	Den Ouden	Fugina	Kroening	Neisen
Biersdorf	Eckstein	Heinitz	Laidig	Norton
Brandl	Enebo	Hokanson	Lehto	Osthoff
Carlson, A.	Esau	Jaros	Lemke	Peterson
Carlson, L.	Evans	Kaley	Mann	Pleasant
Casserly	Ewald	Kalis	McDonald	Reding

Rose  
Savelkoul  
Searle  
Searles

Sieben, H.  
Sieben, M.  
Skoglund

Suss  
Swanson  
Tomlinson

Waldorf  
Welch  
Wenzel

White  
Wynia  
Zubay

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

Clawson; Wenstrom; Anderson, D.; Fjoslien; Carlson, D.; and Johnson moved to amend S. F. No. 896, as amended, as follows:

Page 15, after line 31, add a new section to read:

"Sec. 17. Minnesota Statutes 1976, Section 116C.65, is amended to read:

116C.65 [JUDICIAL REVIEW.] Any utility, party or person aggrieved by the issuance of a certificate or emergency certificate of site compatibility or transmission line construction permit from the board or a certification of continuing suitability filed by a utility with the board or by a final order in accordance with any rules (AND REGULATIONS) promulgated by the board, may appeal therefrom to any district court where such (LARGE ELECTRIC POWER GENERATING PLANT) *a site* or (HIGH VOLTAGE TRANSMISSION LINE) *route* is to be located. (SUCH) *The* appeal shall be (MADE AND PERFECTED) *filed* within 60 days after the *publication in the state register of notice of the* issuance of the certificate or permit by the board or certification filed with the council or the filing of any final order by the board. The notice of appeal to the district court shall be filed with the clerk of the district court and a copy thereof mailed to the board and affected utility. Any utility, party or person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions. *The scope of judicial review shall be as prescribed in section 15.024.*"

Renumber subsequent sections.

Further, amend the title:

Line 10, after "116C.64" insert "116C.65".

The motion prevailed and the amendment was adopted.

Clawson; Wenstrom; Anderson, D.; Fjoslien; Carlson, D.; and Johnson moved to amend S. F. No. 896, as amended, as follows:

Page 13, after line 22, insert a new section to read:

"Sec. 12. Minnesota Statutes 1976, Section 116C.59, is amended by adding a subdivision to read:

Subd. 3. [PUBLIC ADVISOR.] *The board shall designate one staff person to attend all information meetings and hearings on each application for the purpose of assisting and advising interested citizens on how to effectively participate in the proceeding.*"

Renumber subsequent sections.

Further, amend the title:

Line 9, after "Subdivision 1" insert "and by adding a subdivision".

The motion prevailed and the amendment was adopted.

Clawson; Wenstrom; Anderson, D.; Fjoslien; Carlson, D.; and Johnson moved to amend S. F. No. 896, as amended, as follows:

Page 12, after line 3, add a new subdivision to read:

*"Subd. 6. [RECORDING OF SURVEY POINTS.] The permanent location of monuments or markers found or placed by a utility in a survey of right of way for a route shall be placed on record in the office of the county recorder or registrar of titles. No fee shall be charged to the utility for recording this information."*

The motion prevailed and the amendment was adopted.

Clawson; Wenstrom; Anderson, D.; Fjoslien; Carlson, D.; and Johnson moved to amend S. F. No. 896, as amended, as follows:

Page 14, line 21, after "CONDEMNATION.]" insert "Subdivision 1."

Page 14, line 22, strike "herein" and insert "*in this section*" and further strike "abrogate or".

Page 14, line 24, after "1973" and before the period, insert "*except to the extent modified herein*" and further strike "Such" and insert "*The*".

Page 15, after line 1, insert the following:

*"Subd. 2. In eminent domain proceedings by a utility for the acquisition of real property proposed for construction of a route or a site, the proceedings shall be conducted in the manner prescribed in chapter 117, except as otherwise specifically provided in this section."*

*Subd. 3. When such property is acquired by eminent domain proceedings or voluntary purchase and the amount the owner shall receive for the property is finally determined, the owner who is entitled to payment may elect to have the amount paid in not more than ten annual installments, with interest on the deferred installments, at the rate of eight percent per annum on the unpaid balance, by submitting a written request to the utility before any payment has been made. After the first installment is paid the petitioner may make its final certificate, as provided by law, in the same manner as though the entire amount had been paid.*

*Subd. 4. When private property defined as class 3, 3b, 3c, 3cc, 3d, or 3f pursuant to section 273.13 is proposed to be acquired for the construction of a site or route by eminent domain proceedings, the property owner shall have the option, if a previous easement for a site or route has been obtained by a utility, to require the utility to condemn a fee interest in up to 80 acres of contiguous land which he owns and elects in writing to transfer to the utility within sixty days after his receipt of the petition filed pursuant to section 117.055.*

*The required acquisition of land contiguous to, but outside the designated right-of-way of a route or the boundary of a site, shall be considered an acquisition for a public purpose and for use in the utility's business, for purposes of chapter 117D and section 500.24, respectively; provided that a utility shall divest itself completely of all such lands used for farming or capable of being used for farming within five years within the date of acquisition, or such land shall be sold at a public sale in the manner prescribed by law for the foreclosure of a mortgage by action.*

*Subd. 5. A utility shall notify by certified mail each person who has transferred any interest in real property to the utility after July 1, 1974, but prior to the effective date of this act, for the purpose of a site or route that he may elect in writing within 60 days after receipt of notice to require the utility to acquire any remaining contiguous parcel of land pursuant to section 17 or to return any payment to the utility and require it to make installment payments pursuant to section 17."*

The motion prevailed and the amendment was adopted.

Clawson; Wenstrom; Anderson, D.; Fjoslien; Carlson, D.; and Johnson moved to amend S. F. No. 896, as amended, as follows:

Page 1, line 18, strike "shall mean" and insert "means".

Page 1, line 22, strike "regulation" and insert "rule".

Page 1, following line 23, insert:

"Sec. 2. Minnesota Statutes 1976, Section 116C.52, Subdivision 7, is amended to read:

Subd. 7. "Construction" (SHALL BE DEEMED TO HAVE STARTED OR COMMENCED AS A RESULT OF SIGNIFICANT PHYSICAL ALTERATION OF A SITE OR ROUTE BUT NOT INCLUDING ACTIVITIES INCIDENT TO PRELIMINARY ENGINEERING OR ENVIRONMENTAL STUDIES) *means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions.*"

Page 2, line 5, delete "shall mean" and insert "means".

Page 10, following line 21, insert:

*"(10) Evaluation of possible routes which would use or parallel existing railroad or highway rights-of-way,".*

Renumber the clauses and sections.

Further, amend the title in line 6 by deleting "Subdivision 2" and inserting "Subdivisions 3 and 7".

The motion prevailed and the amendment was adopted.

Brinkman moved to amend S. F. No. 896, as amended, as follows:

Page 8, line 6, after "conductor." add "*The board shall designate routes along survey, natural division and field boundary lines to the maximum extent practicable and reasonable, unless otherwise permitted by the landowner.*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 63 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Begich	Brinkman	Corbid
Albrecht	Anderson, I.	Birnstihl	Casserly	Cummiskey
Anderson, D.	Beauchamp	Braun	Clawson	Eckstein

Eken	Kalis	Lemke	Pehler	Stanton
Erickson	Kelly, R.	Mangan	Prahl	Tomlinson
Evans	Kelly, W.	Mann	Rice	Vanasek
Fjoslien	Kempe, A.	McCollar	St. Onge	Waldorf
George	Kempe, R.	McDonald	Samuelson	Wenstrom
Gunter	King	Nelsen, B.	Savelkoul	Wieser
Jensen	Knickerbocker	Nelsen, M.	Scheid	Wigley
Johnson	Kvam	Nelson	Searles	Williamson
Jude	Laidig	Niehaus	Sherwood	
Kahn	Langseth	Patton	Smogard	

Those who voted in the negative were:

Adams	Dean	Jacobs	Osthoff	Stoa
Battaglia	Den Ouden	Jaros	Peterson	Suss
Berg	Ellingson	Kaley	Petraffeso	Swanson
Berkelman	Enebo	Kostohryz	Pleasant	Voss
Biersdorf	Ewald	Kroening	Reding	Welch
Brandl	Faricy	Lehto	Rose	Wenzel
Byrne	Forsythe	McEachern	Schulz	White
Carlson, A.	Fudro	Metzen	Searle	Wynia
Carlson, L.	Fugina	Munger	Sieben, H.	Zubay
Clark	Hanson	Murphy	Sieben, M.	Speaker Sabo
Cohen	Heinitz	Neisen	Simoneau	
Dahl	Hokanson	Novak	Skoglund	

The motion prevailed and the amendment was adopted.

Fjoslien; Clawson; Johnson; Carlson, D.; Wenstrom and Anderson, D., moved to amend S. F. No. 896, as amended, as follows:

Page 15, line 1, after the period insert "In the case of high voltage transmission line routes designated pursuant to section 116C.57, subdivision 2, a utility shall not exercise the power of eminent domain for the acquisition of right of way for a proposed route until at least 25 percent of the required right of way for that route has been acquired by voluntary purchase."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 19 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Albrecht	Evans	Kvam	Niehaus	Scheid
Anderson, D.	Fjoslien	Mangan	Pleasant	Searles
Braun	Johnson	McDonald	Prahl	Wenstrom
Clawson	Jude	Nelsen, M.	Rose	

Those who voted in the negative were:

Abeln	Begich	Birnstihl	Carlson, L.	Cummiskey
Adams	Berg	Brandl	Casserly	Dahl
Anderson, I.	Berkelman	Byrne	Clark	Dean
Battaglia	Biersdorf	Carlson, A.	Cohen	Den Ouden

Eckstein	Jaros	McCollar	Rice	Vanasek
Eken	Jensen	McEachern	St. Onge	Voss
Ellingson	Kahn	Metzen	Savelkoul	Welch
Enebo	Kalis	Munger	Schulz	Wenzel
Ewald	Kempe, A.	Murphy	Searle	White
Faricy	Kempe, R.	Neisen	Sieben, H.	Wieser
Forsythe	King	Nelson	Sieben, M.	Wigley
Fudro	Knickerbocker	Norton	Simoneau	Williamson
George	Kroening	Novak	Skoglund	Wynia
Gunter	Laidig	Osthoff	Spanish	Zubay
Hanson	Langseth	Patton	Stoa	Speaker Sabo
Heinitz	Lehto	Pehler	Suss	
Hokanson	Lemke	Peterson	Swanson	
Jacobs	Mann	Petrafaso	Tomlinson	

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

Fjoslien; Clawson; Johnson; Wenstrom and Anderson, D., offered an amendment to S. F. No. 896.

#### POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.10 that the Fjoslien amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 896, A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned and annual payments for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; providing for a property tax credit for land crossed by high voltage transmission lines; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; 116C.69; 273.42; 276.04; and Chapters 116C, by adding a section; and 273, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Sieben, H.
Adams	Cummiskey	Johnson	Neisen	Sieben, M.
Albrecht	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Kaley	Nelson	Smogard
Anderson, G.	Eckstein	Kalis	Niehaus	Spanish
Anderson, I.	Eken	Kelly, R.	Norton	Stanton
Battaglia	Ellingson	Kelly, W.	Novak	Stoa
Beauchamp	Enebo	Kempe, A.	Osthoff	Suss
Begich	Erickson	Kempe, R.	Patton	Swanson
Berg	Esau	King	Pehler	Tomlinson
Berglin	Evans	Knickerbocker	Peterson	Vanasek
Berkelman	Ewald	Kostohryz	Petraleso	Voss
Biersdorf	Faricy	Kroening	Pleasant	Waldorf
Birnstihl	Fjoslien	Kvam	Prahl	Welch
Brandl	Forsythe	Laidig	Reding	Wenstrom
Braun	Friedrich	Langseth	Rice	Wenzel
Brinkman	Fudro	Lehto	Rose	White
Byrne	Fugina	Lemke	St. Onge	Wieser
Carlson, A.	George	Mangan	Samuelson	Wigley
Carlson, D.	Gunter	Mann	Savelkoul	Williamson
Carlson, L.	Hanson	McCollar	Scheid	Wynia
Casserly	Heinitz	McDonald	Schulz	Zubay
Clark	Hokanson	McEachern	Searle	Speaker Sabo
Clawson	Jacobs	Metzen	Searles	
Cohen	Jaros	Munger	Sherwood	

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

Fudro and Suss were excused for the remainder of today's session.

S. F. No. 442, A bill for an act relating to county planning and zoning; providing for enforcement of certain subdivision regulations by providing for review of conveyancing instruments by an administrative officer after recording; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.

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

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

Those who voted in the affirmative were:

Abeln	Berg	Casserly	Enebo	Hanson
Adams	Berglin	Clark	Erickson	Heinitz
Albrecht	Berkelman	Clawson	Esau	Hokanson
Anderson, B.	Biersdorf	Cohen	Evans	Jacobs
Anderson, D.	Birnstihl	Corbid	Ewald	Jaros
Anderson, G.	Brandl	Cummiskey	Faricy	Jensen
Anderson, I.	Braun	Dahl	Fjoslien	Johnson
Anderson, R.	Brinkman	Dean	Forsythe	Jude
Arlandson	Byrne	Den Ouden	Friedrich	Kahn
Battaglia	Carlson, A.	Eckstein	Fugina	Kaley
Beauchamp	Carlson, D.	Eken	George	Kalis
Begich	Carlson, L.	Ellingson	Gunter	Kelly, R.

Kelly, A.	McCollar	Patton	Schulz	Voss
Kempe, A.	McDonald	Pehler	Searle	Waldorf
Kempe, R.	McEachern	Peterson	Searles	Welch
King	Metzen	Petrafeso	Sherwood	Wenstrom
Knickerbocker	Munger	Pleasant	Sieben, H.	Wenzel
Kostohryz	Murphy	Prahl	Sieben, M.	White
Kroening	Neisen	Reding	Simoneau	Wieser
Kvam	Nelsen, B.	Rice	Skoglund	Wigley
Laidig	Nelsen, M.	Rose	Spanish	Williamson
Langseth	Nelson	St. Onge	Stanton	Wynia
Lehto	Niehaus	Samuelson	Stoa	Zubay
Lemke	Norton	Sarna	Swanson	Speaker Sabo
Mangan	Novak	Savelkoul	Tomlinson	
Mann	Osthoff	Scheid	Vanasek	

The bill was passed and its title agreed to.

S. F. No. 766 was reported to the House.

There being no objection, S. F. No. 766 was continued on Special Orders until Friday, May 13, 1977.

S. F. No. 922, A bill for an act relating to parking privileges for the physically handicapped; prohibiting nonhandicapped persons from parking in spaces designated for the handicapped; providing penalties.

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:

Abeln	Corbid	Johnson	Murphy	Sherwood
Adams	Cummiskey	Jude	Neisen	Sieben, H.
Albrecht	Dahl	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, R.	Eken	Kelly, W.	Norton	Spanish
Arlandson	Ellingson	Kempe, A.	Novak	Stanton
Battaglia	Enebo	Kempe, R.	Osthoff	Stoa
Beauchamp	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petrafeso	Voss
Biersdorf	Farley	Kvam	Pleasant	Waldorf
Birnathl	Fjostien	Laidig	Prahl	Welch
Brandl	Forsythe	Langseth	Reding	Wenstrom
Braun	Friedrich	Lehto	Rice	Wenzel
Brinkman	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCollar	Sarna	Williamson
Carlson, L.	Helnitz	McDonald	Savelkoul	Wynia
Casserly	Hokanson	McEachern	Scheid	Zubay
Clark	Jacobs	Metzen	Schulz	Speaker Sabo
Clawson	Jaros	Moe	Searle	
Cohen	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 1070 was reported to the House.

There being no objection, S. F. No. 1070 was continued on Special Orders for one day.

S. F. No. 774, A bill for an act relating to intoxicating liquor; permitting entertainment and coin-operated amusement devices in privately-owned and municipal liquor stores; amending Minnesota Statutes 1976, Sections 340.07, Subdivision 13; and 340.353, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 99 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Hokanson	Munger	Sieben, M.
Adams	Clawson	Jacobs	Murphy	Simoneau
Anderson, B.	Cohen	Jaros	Neisen	Skoglund
Anderson, G.	Cummiskey	Jensen	Nelsen, M.	Smogard
Anderson, R.	Dahl	Jude	Nelson	Stanton
Arlandson	Dean	Kahn	Niehaus	Stoa
Battaglia	Eckstein	Kaley	Norton	Swanson
Beauchamp	Eken	Kalis	Novak	Tomlinson
Begich	Ellingson	Kelly, R.	Patton	Vanasek
Berg	Enebo	Kempe, R.	Pehler	Voss
Berkelman	Evans	King	Petrafeso	Waldorf
Biersdorf	Ewald	Knickerbocker	Pleasant	Welch
Birnstihl	Faricy	Lehto	Prahl	Wenstrom
Brandl	Fjoslien	Lemke	Rice	White
Braun	Forsythe	Mangan	St. Onge	Wieser
Brinkman	Friedrich	Mann	Samuelson	Wigley
Byrne	Fugina	McCollar	Sarna	Williamson
Carlson, A.	George	McEachern	Scheid	Wynia
Carlson, L.	Gunter	Metzen	Searles	Speaker Sabo
Casserly	Hanson	Moe	Sieben, H.	

Those who voted in the negative were:

Albrecht	Erickson	Kvam	Peterson	Sherwood
Anderson, D.	Essau	McDonald	Rose	Wenzel
Carlson, D.	Kostohryz	Nelsen, B.	Savelkoul	Zubay
Den Ouden	Kroening	Osthoff	Schulz	

The bill was passed and its title agreed to.

S. F. No. 1298, A bill for an act relating to employments licensed by state; exempting registered professional engineers from water well contractor licensing provisions; amending Minnesota Statutes 1976, Section 156A.03, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohm	Jude	Neisen	Sieben, H.
Adams	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Albrecht	Dahl	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Dean	Kalis	Nelson	Skoglund
Anderson, D.	Den Ouden	Kelly, E.	Niehaus	Smogard
Anderson, G.	Eckstein	Kelly, W.	Norton	Spanish
Anderson, R.	Eken	Kempe, A.	Novak	Stanton
Arlandson	Ellingson	Kempe, R.	Osthoff	Stoa
Battaglia	Enebo	King	Patton	Tomlinson
Beauchamp	Erickson	Knickerbocker	Pehler	Vanasek
Begich	Esau	Kostohryz	Petrafaso	Voss
Berg	Evans	Kroening	Pleasant	Waldorf
Berkelman	Ewald	Kvam	Prahl	Welch
Biersdorf	Fjoslien	Laidig	Reding	Wenstrom
Birnstihl	Forsythe	Langseth	Rice	Wenzel
Brandl	Friedrich	Lehto	Rose	White
Braun	Fugina	Lemke	St. Onge	Wieser
Brinkman	George	Mangan	Samuelson	Wigley
Byrne	Hanson	Mann	Sarna	Williamson
Carlson, A.	Heinitz	McDonald	Savelkoul	Wynia
Carlson, D.	Hokanson	McEachern	Scheid	Zubay
Carlson, L.	Jacobs	Metzen	Schulz	Speaker Sabo
Casserly	Jaros	Moe	Searle	
Clark	Jensen	Munger	Searles	
Clawson	Johnson	Murphy	Sherwood	

Those who voted in the negative were:

Faricy      McCollar      Peterson      Swanson

The bill was passed and its title agreed to.

S. F. No. 381 was reported to the House.

Anderson, G., and Fjoslien moved to amend S. F. No. 381, the unofficial engrossment, as follows:

Page 7, following line 11, insert:

"Sec. 12. Minnesota Statutes 1976, Section 100.29, Subdivision 1, is amended to read:

100.29 [RESTRICTIONS AND PROHIBITIONS.] Subdivision 1. It shall be unlawful to take protected wild animals, except raccoon, with the use of a gun or bow and arrows between sunset and one-half hour before sunrise. *It shall be unlawful to take pheasants between sunset and 10 a.m.*"

Renumber the remaining sections.

Page 7, line 32, delete "12" and insert "13".

Further, amend the title in line 8 after "trout;" by inserting "hours for taking pheasants;" and in line 13 after "Subdivision 1;" by inserting "100.29, Subdivision 1;"

The motion prevailed and the amendment was adopted.

Begich, Prah, Osthoff and Fjoslien moved to amend S. F. 381, the unofficial engrossment, as follows:

Page 3, after line 15, add a new section to read:

"Sec. 5. Minnesota Statutes 1976, Chapter 98, is amended by adding a section to read:

[98.501] [AGENTS FEE.] *The basic license fee for each license referred to in section 98.50, subdivision 1, shall be increased by the amount of the seller's fee permitted by section 98.50, subdivision 5, for that particular license. The seller shall collect his fee by retaining the permitted fee from the purchase price of a license. Each license shall contain an explanation of the amount of the license fee which is retained by the seller of the license as his fee.*"

Page 8, line 1, after "enactment." insert "Section 5 is effective January 1, 1979."

Renumber the subsequent sections.

Further, amend the title:

Line 14, after "8;" insert "and Chapter 98, by adding a section;"

The motion prevailed and the amendment was adopted.

Kahn moved to amend S. F. No. 381, the unofficial engrossment, as follows:

Page 5, after line 10, insert the following:

"Sec. 8. Minnesota Statutes 1976, Section 98.46, Subdivision 21 is amended to read:

Subd. 21. The commissioner may by order require every licensee to tag at the place where trapped beaver, fisher or otter. The tag will be of a type prescribed by the commissioner and bearing the license number of the owner and the year of its issue. Tags will be issued with the license at no additional cost. *During the calendar years 1977 and 1978 the commissioner shall require*

*the tagging of fisher in the manner designated in this subdivision."*

Renumber subsequent sections accordingly.

Further amend the title as follows:

Line 11, after "14" insert "21".

The motion prevailed and the amendment was adopted.

Fjoslien, Kalis and Eckstein moved to amend S. F. No. 381, the unofficial engrossment, as amended, as follows:

Page 6, line 18, strike "pheasants,".

Page 6, after line 26, add a new section to read:

"Sec. 9. Minnesota Statutes 1976, Section 100.27, is amended by adding a subdivision to read:

*Subd. 6. Pheasants may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in the areas of the state and during a 16 day season between October 1 and November 14, which the commissioner shall prescribe."*

Renumber the subsequent section.

Page 8, line 1, after "enactment." insert "Section 9 is effective January 1, 1978.".

Further, amend the title:

Line 6, after the semicolon insert "seasons for taking pheasants;".

Line 13, after "and 7" insert ", and by adding a subdivision".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 66 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Den Ouden	Forsythe	Johnson
Albrecht	Braun	Eckstein	Friedrich	Jude
Anderson, B.	Carlson, A.	Eken	Fugina	Kaley
Anderson, D.	Carlson, D.	Erickson	Gunter	Kalis
Battaglia	Clawson	Esau	Heinitz	Kelly, R.
Begich	Cummiskey	Evans	Hokanson	Kempe, R.
Birnstihl	Dean	Fjoslien	Jacobs	King

Kvam	Nelsen, M.	Rice	Smogard	White
Langseth	Nelson	Samuelson	Spanish	Wigley
Lemke	Niehaus	Savelkoul	Stanton	Zubay
Mangan	Novak	Schulz	Vanasek	
Mann	Peterson	Searles	Waldorf	
McCollar	Pleasant	Sieben, H.	Wenstrom	
Nelsen, B.	Prahl	Simoneau	Wenzel	

Those who voted in the negative were:

Adams	Dahl	Knickerbocker	Osthoff	Stoa
Anderson, I.	Ellingson	Kostohryz	Patton	Swanson
Beauchamp	Enebo	Kroening	Pehler	Welch
Berg	Ewald	Laidig	Reding	Wieser
Berkelman	Faricy	Lehto	Rose	Williamson
Biersdorf	George	McDonald	St. Onge	Wynia
Byrne	Hanson	McEachern	Scheid	Speaker Sabo
Carlson, L.	Jaros	Metzen	Searle	
Casserly	Jensen	Moe	Sherwood	
Clark	Kahn	Murphy	Sieben, M.	
Corbid	Kempe, A.	Neisen	Skoglund	

The motion prevailed and the amendment was adopted.

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

Fugina moved to amend S. F. No. 381, the unofficial engrossment, as follows:

Page 5, line 21, after "may" insert "not" and after "taken" strike ", by trapping only," and insert "*during the years 1978 and 1979.*"

Lines 22, 23, 24, 25, and 26 delete the new language and strike the unstricken language.

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

Wenstrom moved to amend S. F. No. 381, the unofficial engrossment, as follows:

Page 1, line 18, delete Section 1 from the bill.

Further, amend the title:

Line 10, after "Sections" delete "97.56;".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 49 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Albrecht	Carlson, D.	Friedrich	Lemke	Searles
Anderson, G.	Clawson	Fugina	Mann	Simoneau
Anderson, I.	Corbid	Gunter	Neisen	Smogard
Anderson, R.	Cummiskey	Hokanson	Nelsen, B.	Vanasek
Battaglia	Dean	Johnson	Nelsen, M.	Wenstrom
Begich	Den Ouden	Kalis	Niehaus	Wenzel
Biersdorf	Eckstein	Kelly, W.	Prahl	Wieser
Birnsthil	Eken	Kvam	Rice	Wigley
Braun	Erickson	Laidig	Samuelson	Zubay
Brinkman	Fjoslien	Langseth	Schulz	

Those who voted in the negative were:

Abeln	Dahl	King	Patton	Stanton
Adams	Ellingson	Knickerbocker	Pehler	Stoa
Arlandson	Enebo	Kostohryz	Reding	Swanson
Berg	Esau	Lehto	St. Onge	Tomlinson
Berkelman	Jacobs	McCollar	Sarna	Waldorf
Brandl	Jaros	McEachern	Savelkoul	White
Byrne	Jensen	Metzen	Scheid	Williamson
Carlson, A.	Jude	Moe	Searle	Wynia
Carlson, L.	Kahn	Munger	Sherwood	Speaker Sabo
Casserly	Kelly, R.	Murphy	Sieben, H.	
Clark	Kempe, A.	Novak	Sieben, M.	
Cohen	Kempe, R.	Osthoff	Skoglund	

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

Kalis moved to amend S. F. No. 381, the unofficial engrossment, as amended, as follows:

Page 1, line 25, reinstate the stricken "(SHALL)" and delete "may".

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

S. F. No. 381, A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

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 102 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jude	Murphy	Sherwood
Anderson, B.	Clawson	Kahn	Neisen	Sieben, M.
Anderson, D.	Cohen	Kaley	Nelsen, B.	Simoneau
Anderson, G.	Cummiskey	Kelly, R.	Nelson	Skoglund
Anderson, I.	Dahl	Kelly, W.	Norton	Stanton
Anderson, R.	Dean	Kempe, A.	Novak	Stoa
Arlandson	Den Ouden	Kempe, R.	Patton	Swanson
Battaglia	Ellingson	Knickerbocker	Pehler	Tomlinson
Begich	Enebo	Kostohryz	Peterson	Voss
Berg	Evans	Kroening	Petrafeso	Waldorf
Berglin	Ewald	Laidig	Pleasant	Welch
Berkelman	Fjoslien	Langseth	Reding	Wenzel
Biersdorf	Forsythe	Lehto	Rice	White
Birnstihl	George	Lemke	St. Onge	Wieser
Brandl	Gunter	Mangan	St. Samuelson	Williamson
Braun	Heinitz	McCollar	Sarna	Wynia
Brinkman	Hokanson	McDonald	Savelkoul	Zubay
Byrne	Jacobs	McEachern	Scheid	Speaker Sabo
Carlson, A.	Jaros	Metzen	Schulz	
Carlson, L.	Jensen	Moe	Searle	
Casserly	Johnson	Munger	Searles	

Those who voted in the negative were:

Adams	Erickson	Mann	Rose	Wenstrom
Albrecht	Fugina	Nelsen, M.	Sieben, H.	Wigley
Carlson, D.	Kalis	Niehaus	Smogard	
Eckstein	King	Osthoff	Spanish	
Eken	Kvam	Prahl	Vanasek	

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

Berglin was excluded for the remainder of today's session.

S. F. No. 191 was reported to the House.

Enebo moved to amend S. F. No. 191, the unofficial engrossment, as follows:

Page 3, line 2, after the period insert "*The commissioner may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subdivision.*".

The motion prevailed and the amendment was adopted.

Welch moved to amend S. F. No. 191, the unofficial engrossment, as follows:

Page 5, line 1, delete "*if*" and insert "*If*".

Page 5, line 2, after "*time*" delete remainder of line and insert "*during the 121 days*".

Page 5, line 3, delete "*either*" and insert "*both*".

Page 5, line 4, delete "has" and insert "have".

Page 5, line 7, delete the first "that" and insert "a".

The motion prevailed and the amendment was adopted.

S. F. No. 191 was given its third reading, as amended.

#### UNANIMOUS CONSENT

Welch requested unanimous consent to offer an amendment. The request was granted.

Welch moved to amend S. F. No. 191, the unofficial engrossment, as amended, as follows:

Page 5, line 1, before "If," inserted by the first Welch amendment insert "*This disclosure will occur*".

The motion prevailed and the amendment was adopted.

S. F. No. 191 was given its third reading, as amended.

#### UNANIMOUS CONSENT

Faricy requested unanimous consent to offer an amendment. The request was granted.

Faricy moved to amend S. F. No. 191, the unofficial engrossment, as amended, as follows:

Page 4, line 10, delete "June" and insert "August".

Page 4, line 17, delete "June" and insert "August".

The motion prevailed and the amendment was adopted.

S. F. No. 191, A bill for an act relating to adoption; authorizing release of birth information to adopted persons; requiring waiting period for objections from parents; amending Minnesota Statutes 1976, Sections 144.151, by adding subdivisions; 144.175, Subdivision 2; 260.241, by adding a subdivision; and Chapter 144, by adding a section.

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 86 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, L.	Jaros	Metzen	Sieben, H.
Albrecht	Casserly	Jensen	Moe	Sieben, M.
Anderson, B.	Clark	Johnson	Munger	Skoglund
Anderson, D.	Dahl	Jude	Neisen	Smogard
Anderson, G.	Dean	Kahn	Nelsen, B.	Spanish
Anderson, I.	Eckstein	Kalis	Nelsen, M.	Stanton
Arlandson	Eken	Kelly, R.	Nelson	Stoa
Battaglia	Ellingson	Kelly, W.	Niehaus	Tomlinson
Begich	Enebo	King	Norton	Welch
Berg	Erickson	Kostohryz	Novak	Wenstrom
Berkelman	Esau	Kroening	Patton	White
Biersdorf	Farcy	Kvam	Pehler	Williamson
Birnstihl	Forsythe	Laidig	Petrafeso	Wynia
Brandl	Fugina	Langseth	St. Onge	Speaker Sabo
Brinkman	George	Lehto	Samuelson	
Byrne	Hanson	Mangan	Sarna	
Carlson, A.	Hokanson	McDonald	Savelkoul	
Carlson, D.	Jacobs	McEachern	Searle	

Those who voted in the negative were:

Abeln	Friedrich	Mann	Scheid	Waldorf
Anderson, R.	Gunter	Murphy	Schulz	Wenzel
Cohen	Heinitz	Osthoff	Searles	Wieser
Cummiskey	Kaley	Peterson	Sherwood	Wigley
Den Ouden	Kempe, A.	Pleasant	Simoneau	Zubay
Evans	Kempe, R.	Prahl	Swanson	
Ewald	Knickerbocker	Reding	Vanasek	
Fjoslien	Lemke	Rose	Voss	

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

S. F. No. 296, A bill for an act relating to medical assistance for needy persons; providing for limits on types, costs and frequency of medical services; amending Minnesota Statutes 1976, Section 256B.04, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Dean	Fugina	Kelly, R.
Adams	Braun	Den Ouden	George	Kelly, W.
Albrecht	Brinkman	Eckstein	Gunter	Kempe, A.
Anderson, B.	Byrne	Eken	Hanson	Kempe, R.
Anderson, D.	Carlson, A.	Ellingson	Heinitz	King
Anderson, G.	Carlson, D.	Enebo	Hokanson	Knickerbocker
Anderson, I.	Carlson, L.	Erickson	Jacobs	Kostohryz
Arlandson	Casserly	Esau	Jaros	Kroening
Battaglia	Clark	Evans	Jensen	Laidig
Begich	Clawson	Ewald	Johnson	Langseth
Berg	Cohen	Farcy	Jude	Lehto
Berkelman	Corbid	Fjoslien	Kahn	Lemke
Biersdorf	Cummiskey	Forsythe	Kaley	Mangan
Birnstihl	Dahl	Friedrich	Kalis	Mann

McCollar	Niehaus	Rose	Simoneau	Welch
McDonald	Norton	St. Onge	Skoglund	Wenstrom
McEachern	Novak	Samuelson	Smogard	Wenzel
Metzen	Osthoff	Sarna	Spanish	White
Moe	Patton	Savelkoul	Stanton	Wieser
Munger	Pehler	Scheid	Stoa	Wigley
Murphy	Peterson	Schulz	Swanson	Williamson
Neisen	Petrafaso	Searle	Tomlinson	Wynia
Nelsen, B.	Pleasant	Searles	Vanasek	Zubay
Nelsen, M.	Prahl	Sieben, H.	Voss	Speaker Sabo
Nelson	Rice	Sieben, M.	Waldorf	

Those who voted in the negative were:

Kvam

The bill was passed and its title agreed to.

S. F. No. 964, A bill for an act relating to labor relations; providing for the exclusion of certain positions and classes of positions in the classified and unclassified civil service of the executive branch from bargaining units; amending Minnesota Statutes 1976, Section 179.74, Subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Munger	Sieben, H.
Adams	Cummiskey	Johnson	Murphy	Sieben, M.
Anderson, B.	Dahl	Jude	Neisen	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, B.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Smogard
Anderson, I.	Eckstein	Kalis	Nelson	Spanish
Anderson, R.	Eken	Kelly, R.	Niehaus	Stanton
Arlandson	Ellingson	Kelly, W.	Norton	Stoa
Battaglia	Enebo	Kempe, A.	Novak	Swanson
Begich	Erickson	Kempe, R.	Patton	Tomlinson
Berg	Esau	King	Pehler	Vanasek
Berkelman	Evans	Knickerbocker	Peterson	Voss
Biersdorf	Ewald	Kostohryz	Petrafaso	Waldorf
Birnstihl	Faricy	Kroening	Pleasant	Welch
Brandl	Fjoslien	Laidig	Prahl	Wenstrom
Braun	Forsythe	Langseth	Reding	Wenzel
Brinkman	Friedrich	Lehto	Rice	White
Byrne	Fugina	Lemke	Rose	Wieser
Carlson, A.	George	Mangan	Samuelson	Wigley
Carlson, D.	Gunter	Mann	Sarna	Williamson
Carlson, L.	Hanson	McCollar	Savelkoul	Wynia
Casserly	Heimitz	McDonald	Scheid	Zubay
Clark	Hokanson	McEachern	Schulz	Speaker Sabo
Clawson	Jacobs	Metzen	Searle	
Cohen	Jaros	Moe	Sherwood	

Those who voted in the negative were:

St. Onge

The bill was passed and its title agreed to.

S. F. No. 581, A bill for an act relating to insurance; regulating licensing procedures; amending Minnesota Statutes 1976, Section 60A.17, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Murphy	Sieben, H.
Adams	Cummiskey	Jude	Neisen	Sieben, M.
Albrecht	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Kalis	Nelson	Smogard
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Spanish
Anderson, I.	Eken	Kelly, W.	Norton	Stanton
Anderson, R.	Ellington	Kempe, A.	Novak	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Swanson
Battaglia	Erickson	King	Patton	Tomlinson
Begich	Esau	Knickerbocker	Pehler	Vanasek
Berg	Evans	Kostohryz	Peterson	Voss
Berkelman	Ewald	Kroening	Petrafeso	Waldorf
Biersdorf	Faricy	Kvam	Pleasant	Welch
Birnstihl	Fjoslien	Laidig	Prahl	Wenstrom
Brandl	Forsythe	Langseth	Reding	Wenzel
Braun	Friedrich	Lehto	Rice	White
Brinkman	Fugina	Lemke	Rose	Wieser
Byrne	George	Mangan	Samuelson	Wigley
Carlson, A.	Gunter	Mann	Sarna	Williamson
Carlson, D.	Hanson	McCollar	Savelkoul	Wynia
Carlson, L.	Heinitz	McDonald	Scheid	Zubay
Casserly	Hokanson	McEachern	Schulz	Speaker Sabo
Clark	Jacobs	Metzen	Searle	
Clawson	Jaros	Moe	Searles	
Cohen	Jensen	Munger	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 1338 was reported to the House.

There being no objection, S. F. No. 1338 was continued on Special Orders for one day.

S. F. No. 1051, A bill for an act relating to grand juries; providing for grand juries drawn from more than one county; amending Minnesota Statutes 1976, Section 628.41.

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:

Abeln	Corbid	Johnson	Murphy	Sherwood
Adams	Cummiskey	Jude	Neisen	Sieben, H.
Albrecht	Dahl	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eken	Kelly, W.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, A.	Novak	Stanton
Arlandson	Enebo	Kempe, R.	Osthoff	Stoa
Battaglia	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petrafeso	Voss
Biersdorf	Farcy	Kvam	Pleasant	Waldorf
Birnstihl	Fjoslien	Laidig	Prahl	Welch
Brandl	Forsythe	Langseth	Reding	Wenstrom
Braun	Friedrich	Lehto	Rice	Wenzel
Brinkman	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCollar	Sarna	Williamson
Carlson, L.	Heinitz	McDonald	Savelkoul	Wynia
Casserly	Hokanson	McEachern	Scheid	Zubay
Clark	Jacobs	Metzen	Schulz	Speaker Sabo
Clawson	Jaros	Moe	Searle	
Cohen	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 556 was reported to the House.

Enebo moved to amend S. F. No. 556, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Laws 1903, Chapter 247, Section 2, as amended by Laws 1937, Chapter 251, Section 1, is amended to read:

Sec. 2. [CARE AND CONTROL OF HENNEPIN COUNTY COURT HOUSE.] The commission hereby created shall have the entire care and control of all of said court house and city hall building. It shall have power to assign unassigned rooms and space in any part of said building with entire control of any room or rooms in said building, and of all halls and corridors and of all boiler and machinery rooms. The commission in its discretion may reassign and reallocate occupied rooms or space therein provided that space already occupied may not be reassigned except after a hearing before said commission on written notice to the occupant or person in charge of such space; and the vote of three members of said commission shall govern as its final action after such hearing; provided further that any interested party may appeal from an adverse ruling of said commission to the District Court, which Court shall summarily decide the matter after a

hearing thereon in the same manner as a civil case, and the determination of said matter by said Court shall be final, provided that if the space in controversy is occupied or sought to be occupied by a District Court Judge or other District Court official, that said final determination be made by a Judge of the District Court from a district other than that comprising Hennepin County, which other judge shall be selected by the Governor upon request of the commission. When so determined and after service of the Court order on the occupant or person in charge of such space or room, he shall remove therefrom in accordance with the terms of the order, and his failure to do so shall be deemed contempt of court.

The commission shall also have the care and control of all engines, boilers, machinery, elevators and all mechanical and electrical appliances of every nature in said building. It shall cause all of the occupied portions of said building to be properly heated, lighted, cleaned and kept in repair for public use, with full authority to appoint any and all employees necessary to properly perform the duties hereby devolved upon such commission, with authority to fix the compensation of such employes (AND TO REMOVE ANY THEREOF AT PLEASURE). *Persons employed by the municipal building commission on or before August 1, 1977, or thereafter, and having at least six months service, shall have tenure based on length of service. Promotions shall be filled from the eligible lists established and maintained by the Minneapolis civil service commission. No employee after six months continuous employment shall be removed or discharged except upon a majority vote of the members of the municipal building commission for cause, upon written charges and after an opportunity to be heard at a hearing conducted by the municipal building commission. The Minneapolis civil service rules relating to cause for removal shall govern. An employee removed for cause may appeal to district court, which decision shall be final.*

Nothing herein contained shall be construed to interfere in any manner with the powers and duties of the court house and city hall commission engaged in completing and furnishing said building.

Sec. 3. *This act is effective upon approval by the governing bodies of the city of Minneapolis and Hennepin county and upon compliance with Minnesota Statutes, Section 645.021.*

The motion prevailed and the amendment was adopted.

S. F. No. 556, A bill for an act relating to the city of Minneapolis and Hennepin county municipal building commission; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

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 116 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Nelsen, B.	Skoglund
Adams	Cummiskey	Kahn	Nelsen, M.	Smogard
Anderson, B.	Dahl	Kaley	Nelson	Spanish
Anderson, D.	Dean	Kalis	Niehaus	Stanton
Anderson, G.	Den Ouden	Kelly, R.	Norton	Stoa
Anderson, I.	Eckstein	Kelly, W.	Novak	Swanson
Anderson, R.	Eken	Kempe, A.	Osthoff	Tomlinson
Arlandson	Ellingson	Kempe, R.	Peterson	Vanasek
Battaglia	Enebo	King	Petrafeso	Voss
Begich	Erickson	Knickerbocker	Pleasant	Waldorf
Berg	Evans	Kostohryz	Prahl	Welch
Berkelman	Faricy	Kroening	Reding	Wenstrom
Biersdorf	Fjoslien	Kvam	Rice	Wenzel
Birnstihl	Forsythe	Langseth	Rose	White
Brandl	Fugina	Lehto	Samuelson	Wieser
Brinkman	George	Lemke	Sarna	Wigley
Byrne	Gunter	Mangan	Scheid	Williamson
Carlson, A.	Hanson	Mann	Schulz	Wynia
Carlson, D.	Heinitz	McCollar	Searle	Zubay
Carlson, L.	Hokanson	McEachern	Searles	Speaker Sabo
Casserly	Jacobs	Metzen	Sherwood	
Clark	Jaros	Munger	Sieben, H.	
Clawson	Jensen	Murphy	Sieben, M.	
Cohen	Johnson	Neisen	Simoneau	

Those who voted in the negative were:

Albrecht	McDonald	Pehler	St. Onge
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The bill was passed, as amended, and its title agreed to.

S. F. No. 143, A bill for an act relating to crimes and criminals; prohibiting certain acts against railroad employees and railroad property; prescribing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

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

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

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berkelman	Byrne	Clawson
Adams	Anderson, R.	Biersdorf	Carlson, A.	Cohen
Albrecht	Arlandson	Birnstihl	Carlson, D.	Corbid
Anderson, B.	Battaglia	Brandl	Carlson, L.	Cummiskey
Anderson, D.	Begich	Braun	Casserly	Dahl
Anderson, G.	Berg	Brinkman	Clark	Dean

Den Ouden	Jaros	Mann	Pleasant	Stoa
Eckstein	Jensen	McCollar	Prahl	Swanson
Eken	Johnson	McDonald	Reding	Tomlinson
Ellingson	Jude	McEachern	Rose	Vanasek
Enebo	Kaley	Metzen	St. Onge	Voss
Erickson	Kalis	Moe	Samuelson	Waldorf
Esau	Kelly, R.	Munger	Sarna	Welch
Evans	Kelly, W.	Murphy	Savelkoul	Wenstrom
Ewald	Kempe, A.	Neisen	Scheid	Wenzel
Faricy	Kempe, R.	Nelsen, B.	Schulz	White
Fjoslien	King	Nelsen, M.	Searle	Wieser
Forsythe	Knickerbocker	Nelson	Searles	Wigley
Friedrich	Kostohryz	Niehaus	Sherwood	Williamson
Fugina	Kroening	Norton	Sieben, H.	Wynia
George	Kvam	Novak	Sieben, M.	Zubay
Gunter	Laidig	Osthoff	Simoneau	Speaker Sabo
Hanson	Langseth	Patton	Skoglund	
Heinitz	Lehto	Pehler	Smogard	
Hokanson	Lemke	Peterson	Spanish	
Jacobs	Mangan	Petrafaso	Stanton	

The bill was passed and its title agreed to.

S. F. No. 388, A bill for an act relating to insurance; subrogation of claims; requiring subrogated insurers to pay a proportionate share of certain attorney fees and costs; amending Minnesota Statutes 1976, Section 65B.53, Subdivision 5, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Cummiskey	Jude	Neisen	Sieben, H.
Adams	Dahl	Kahn	Nelsen, B.	Sieben, M.
Albrecht	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, D.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, G.	Eken	Kelly, W.	Norton	Spanish
Anderson, I.	Ellingson	Kempe, A.	Novak	Stanton
Arlandson	Enebo	Kempe, R.	Osthoff	Stoa
Battaglia	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petrafaso	Voss
Biersdorf	Faricy	Kvam	Pleasant	Waldorf
Birnstihl	Fjoslien	Laidig	Prahl	Welch
Brandl	Forsythe	Langseth	Reding	Wenstrom
Braun	Friedrich	Lehto	Rice	Wenzel
Brinkman	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCollar	Sarna	Williamson
Carlson, L.	Heinitz	McDonald	Savelkoul	Wynia
Casserly	Hokanson	McEachern	Scheid	Zubay
Clark	Jacobs	Metzen	Schulz	Speaker Sabo
Clawson	Jaros	Moe	Searle	
Cohen	Jensen	Munger	Searles	
Corbid	Johnson	Murphy	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 557, A bill for an act relating to employees; participation in group life insurance plans; prohibiting certain mandatory participation requirements; providing remedies; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Sieben, M.
Adams	Cummiskey	Johnson	Neisen	Simoneau
Anderson, B.	Dahl	Jude	Nelson	Skoglund
Anderson, D.	Dean	Kahn	Niehaus	Smogard
Anderson, G.	Eckstein	Kaley	Norton	Spanish
Anderson, I.	Eken	Kelly, R.	Novak	Stanton
Anderson, R.	Ellingson	Kelly, W.	Osthoff	Stoa
Arlandson	Enebo	Kempe, A.	Patton	Swanson
Berg	Esau	Kempe, R.	Pehler	Tomlinson
Berkelman	Evans	Kostohryz	Petrafeso	Vanasek
Biersdorf	Ewald	Kroening	Prahl	Voss
Birnstihl	Faricy	Laidig	Reding	Welch
Brandl	Fjoslien	Langseth	Rice	Wenstrom
Braun	Forsythe	Lehto	Rose	Wenzel
Brinkman	Fugina	Lenke	St. Onge	White
Byrne	George	Mangan	Samuelson	Wieser
Carlson, A.	Gunter	Mann	Sarna	Wynia
Carlson, D.	Hanson	McCollar	Scheid	Speaker Sabo
Carlson, L.	Heinitz	McDonald	Schulz	
Cassery	Hokanson	McEachern	Searles	
Clark	Jacobs	Metzen	Sherwood	
Clawson	Jaros	Moe	Sieben, H.	

Those who voted in the negative were:

Albrecht	Friedrich	Kvam	Pleasant	Williamson
Den Ouden	Kalis	Nelsen, B.	Savelkoul	Zubay
Erickson	Knickerbocker	Peterson	Wigley	

The bill was passed and its title agreed to.

S. F. No. 1127, A bill for an act relating to political subdivisions; authorizing assignments to secure payment of certain loans; amending Minnesota Statutes 1976, Section 465.73.

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:

Abeln	Corbid	Johnson	Murphy	Sherwood
Adams	Cummiskey	Jude	Neisen	Sieben, H.
Albrecht	Dahl	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eken	Kelly, W.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, A.	Novak	Stanton
Arlandson	Enebo	Kempe, R.	Osthoff	Stoa
Battaglia	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petrafaso	Voss
Biersdorf	Farcy	Kvam	Pleasant	Waldorf
Birnstihl	Fjoslien	Laidig	Prahl	Welch
Brandl	Forsythe	Langseth	Reding	Wenstrom
Braun	Friedrich	Lehto	Rice	Wenzel
Brinkman	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCollar	Sarna	Williamson
Carlson, L.	Heinitz	McDonald	Savelkoul	Wynia
Casserly	Hokanson	McEachern	Scheid	Zubay
Clark	Jacobs	Metzen	Schulz	Speaker Sabo
Clawson	Jaros	Moe	Searle	
Cohen	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 147, A bill for an act relating to commerce; limiting deficiency judgments in consumer transactions; restricting waiver of garnishment exemptions; amending Minnesota Statutes 1976, Section 550.37, Subdivision 4.

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 121 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Ewald	Kaley	McDonald
Adams	Carlson, D.	Farcy	Kalis	McEachern
Anderson, B.	Carlson, L.	Fjoslien	Kelly, R.	Metzen
Anderson, D.	Casserly	Forsythe	Kelly, W.	Moe
Anderson, G.	Clark	Friedrich	Kempe, A.	Munger
Anderson, I.	Clawson	Fugina	Kempe, R.	Murphy
Anderson, R.	Corbid	George	King	Neisen
Arlandson	Cummiskey	Gunter	Knickerbocker	Nelsen, B.
Battaglia	Dahl	Hanson	Kostohryz	Nelsen, M.
Begich	Dean	Heinitz	Kroening	Nelson
Berg	Eckstein	Hokanson	Kvam	Norton
Biersdorf	Eken	Jacobs	Laidig	Novak
Birnstihl	Ellingson	Jaros	Langseth	Osthoff
Brandl	Enebo	Jensen	Lehto	Patton
Braun	Erickson	Johnson	Lemke	Pehler
Brinkman	Esau	Jude	Mangan	Peterson
Byrne	Evans	Kahn	McCollar	Petrafaso

Pleasant	Savelkoul	Simoneau	Vanasek	Williamson
Prahl	Scheid	Skoglund	Voss	Wynia
Reding	Schulz	Smogard	Welch	Zubay
Rice	Searle	Spanish	Wenstrom	Speaker Sabo
Rose	Searles	Stanton	Wenzel	
St. Onge	Sherwood	Stoa	White	
Samuelson	Sieben, H.	Swanson	Wieser	
Sarna	Sieben, M.	Tomlinson	Wigley	

Those who voted in the negative were:

Albrecht	Cohen	Waldorf
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The bill was passed and its title agreed to.

S. F. No. 274 was reported to the House.

There being no objection, S. F. No. 274 was continued on Special Orders for one day.

S. F. No. 96, A bill for an act relating to insurance; providing that individual persons may cancel certain policies of insurance within ten days after receipt; setting out notice requirements.

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:

Abeln	Corbid	Johnson	Murphy	Sherwood
Adams	Cummiskey	Jude	Neisen	Sieben, H.
Albrecht	Dahl	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eken	Kelly, W.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, A.	Novak	Stanton
Arlandson	Enebo	Kempe, R.	Osthoff	Stoa
Battaglia	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petrafeso	Voss
Biersdorf	Faricy	Kvam	Pleasant	Waldorf
Birnstihl	Fjoslien	Laidig	Prahl	Welch
Brandl	Forsythe	Langseth	Reding	Wenstrom
Braun	Friedrich	Lehto	Rice	Wenzel
Brinkman	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCollar	Sarna	Williamson
Carlson, L.	Heinitz	McDonald	Savelkoul	Wynia
Casserly	Hokanson	McEachern	Scheid	Zubay
Clark	Jacobs	Metzen	Schulz	Speaker Sabo
Clawson	Jaros	Moe	Searle	
Cohen	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 767, A bill for an act relating to mortgages; authorizing appointment of a receiver upon foreclosure and upon a showing that a mortgagor has breached certain covenants in the mortgage; amending Minnesota Statutes 1976, Sections 559.17; and 576.01.

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:

Abeln	Corbid	Jude	Neisen	Sieben, H.
Adams	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Albrecht	Dahl	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Dean	Kalis	Nelson	Skoglund
Anderson, D.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, G.	Eken	Kelly, W.	Norton	Spanish
Anderson, I.	Ellingson	Kempe, A.	Novak	Stanton
Anderson, R.	Enebo	Kempe, R.	Osthoff	Stoa
Arlandson	Erickson	King	Patton	Swanson
Battaglia	Esau	Knickerbocker	Pehler	Tomlinson
Begich	Evans	Kostohryz	Peterson	Vanasek
Berg	Ewald	Kroening	Petrafeso	Voss
Berkelman	Faricy	Kvam	Pleasant	Waldorf
Biersdorf	Fjoslien	Laidig	Prahl	Welch
Birnstihl	Forsythe	Langseth	Reding	Wenstrom
Brandl	Friedrich	Lehto	Rice	Wenzel
Braun	Fugina	Lemke	Rose	White
Brinkman	George	Mangan	St. Onge	Wieser
Byrne	Gunter	Mann	Samuelson	Wigley
Carlson, A.	Hanson	McCollar	Sarna	Williamson
Carlson, D.	Heinitz	McDonald	Savelkoul	Wynia
Carlson, L.	Hokanson	McEachern	Scheid	Zubay
Casserly	Jacobs	Metzen	Schulz	Speaker Sabo
Clark	Jaros	Moe	Searle	
Clawson	Jensen	Munger	Searles	
Cohen	Johnson	Murphy	Sherwood	

The bill was passed and its title agreed to.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Thursday, May 12, 1977, immediately following the Calendar. The motion prevailed.

#### GENERAL ORDERS

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

## MOTIONS AND RESOLUTIONS

Kempe, A., moved that S. F. No. 1309 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Taxes. The motion prevailed.

Sieben, H., moved that the name of Skoglund be added as an author on H. F. No. 1028. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Thursday, May 12, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Thursday, May 12, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 12, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Corbid	Johnson	Neisen	Sieben, M.
Adams	Cummiskey	Jude	Nelsen, B.	Simoneau
Albrecht	Dahl	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kaley	Nelson	Smogard
Anderson, D.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, A.	Osthoff	Suss
Arlandson	Enebo	Kempe, R.	Patton	Swanson
Battaglia	Erickson	King	Pehler	Tomlinson
Begich	Esau	Knickerbocker	Peterson	Vanasek
Berg	Evans	Kostohryz	Petrafeso	Voss
Berglin	Ewald	Kroening	Pleasant	Waldorf
Berkelman	Faricy	Kvam	Prahl	Welch
Biersdorf	Fjoslien	Laidig	Reding	Wenstrom
Birnstihl	Forsythe	Langseth	Rice	Wenzel
Brandl	Friedrich	Lehto	Rose	White
Braun	Fudro	Lemke	St. Onge	Wieser
Brinkman	Fugina	Mangan	Samuelson	Wigley
Byrne	George	Mann	Sarna	Williamson
Carlson, A.	Gunter	McCollar	Savelkoul	Wynia
Carlson, D.	Hanson	McDonald	Scheid	Zubay
Carlson, L.	Heinitz	McEachern	Schulz	Speaker Sabo
Casserly	Hokanson	Metzen	Searle	
Clark	Jacobs	Moe	Searles	
Clawson	Jaros	Munger	Sherwood	
Cohen	Jensen	Murphy	Sieben, H.	

A quorum was present.

Beauchamp, Haugerud and McCarron were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau 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. 223 and 559 and S. F. Nos. 625, 1078 and 65 have been placed in the members' files.

S. F. No. 1078 and H. F. No. 1373, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Petrafeso moved that the rules be so far suspended that S. F. No. 1078 be substituted for H. F. No. 1373 and that the House File be indefinitely postponed. The motion prevailed.

## SECOND READING OF SENATE BILLS

S. F. No. 1078 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE FILES

The following House Files were introduced:

Hanson introduced:

H. F. No. 1626, A bill for an act relating to health care; requiring certain insurance policies, health care plans and group subscriber contracts to provide certain benefits for residential non-hospital treatment of adults with mental illness problems; amending Minnesota Statutes 1976, Section 62A.149.

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

Cummiskey and Kvam introduced:

H. F. No. 1627, A bill for an act relating to courts; changing fees collected by court clerks for certain actions and services; amending Minnesota Statutes 1976, Sections 260.106, Subdivision 1; 357.021, Subdivision 2; 491.02; 517.08, Subdivision 1; and Chapter 525 by adding a section.

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

Cohen introduced:

H. F. No. 1628, A bill for an act relating to retirement; granting increases in annuities to certain deferred annuitants.

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

Kaley, Pehler, Vanasek and Searles introduced:

H. F. No. 1629, A bill for an act relating to taxation; excluding amounts received by beneficiaries from individual retirement accounts or self-employed plans from estate for inheritance tax purposes; amending Minnesota Statutes 1976, Section 291.065.

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

Norton, for the Committee on Appropriations, introduced:

H. F. No. 1630, A bill for an act relating to claims against the state; appropriating money for the payment thereof; establishing procedures for consideration of certain claims.

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:

H. F. No. 193, A bill for an act relating to the military; financing of armory construction; amending Minnesota Statutes 1976, Sections 193.143; 193.145, Subdivision 2; and 193.146, Subdivision 1; repealing Minnesota Statutes 1976, Section 193.1431.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned.

H. F. No. 40, A bill for an act relating to real estate brokers and salespersons; establishing a prelicense educational require-

ment and a continuing educational requirement; restricting certain activities of council members; authorizing the commissioner to increase license terms; amending Minnesota Statutes 1976, Sections 82.20, by adding a subdivision; 82.22, Subdivision 6, and by adding a subdivision; 82.30, Subdivision 1; and 82.34, by adding a subdivision.

H. F. No. 922, A bill for an act relating to labor; authorizing certain payroll deductions; amending Minnesota Statutes 1976, Section 181.06.

H. F. No. 1474, A bill for an act relating to employment services; authorizing the release of information to certain state agencies; amending Minnesota Statutes 1976, Section 268.12, Subdivision 12.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 339, A bill for an act relating to transportation construction contracts; requiring a report; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, by adding sections.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1475, A bill for an act relating to taxation; providing changes in classification ratios and assessment procedures; increasing local government aids and certain tax credits; altering levy limits; imposing a minimum tax on certain types of income; establishing tax study committee; increasing the tax on taconite production and providing for the distribution of its proceeds; establishing a taconite area environmental protection and economic development fund and council; establishing a Northeast Minnesota economic protection fund; imposing a tailings tax; increasing the tax on unmined taconite; requiring owners

and lessees of mineral rights to file exploration data with the commissioner of revenue; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 124.212, Subdivisions 10 and 11; 273.11, Subdivisions 1 and 2; 273.12; 273.13, Subdivisions 6, 7 and 14a; 273.132; 273.134; 274.01, Subdivision 1; 275.50, Subdivision 5; 275.51, by adding a subdivision; 275.52, Subdivisions 2, 3 and 4; 275.53, Subdivisions 1 and 3; 278.01; 278.05; 287.241, Subdivision 2; 290.012, Subdivision 2; 290.09, Subdivision 4; 290A.03, Subdivisions 3, 11 and 13; 290A.04, Subdivision 2, and by adding a subdivision; 294.26; 298.03; 298.22, Subdivision 1; 298.24, Subdivisions 1 and 2; 298.244, Subdivision 2; 298.25; 298.26; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; 375.192, by adding a subdivision; 477A.01, Subdivisions 1, 2, 4, 4a, 4b, and by adding a subdivision; 477A.03; and Chapters 3, 272, 287, 290, 298 and 477A, by adding sections; repealing Minnesota Statutes 1976, Sections 275.51, Subdivisions 3b and 3c; 287.241, Subdivisions 3 and 4; 290.09, Subdivision 26; 294.27; 294.28; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; 298.281; Extra Session Laws 1971, Chapter 31, Article XIII; Laws 1973, Chapter 601; Laws 1975, Chapter 437, Article VII; and Laws 1976, Chapter 149, Section 58.

The Senate has appointed as such committee, Messrs. McCutcheon, Johnson, Hanson, Stokowski and Peterson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 921, A bill for an act relating to public employees; designating the number of arbitrators to resolve labor dispute; amending Minnesota Statutes 1976, Section 179.72, Subdivision 6.

The Senate has appointed as such committee, Messrs. Purfeerst, Vega and Frederick.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, con-

sisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 324, A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

The Senate has appointed as such committee, Messrs. Schmitz, Olhoft and Dunn.

Said House File is herewith returned to the House.

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. 76, A bill for an act relating to highways; providing for the removal of trees, shrubs and other obstructions within highway limits; amending Minnesota Statutes 1976, Sections 160.22, Subdivision 8; and 160.27, Subdivision 6; repealing Minnesota Statutes 1976, Section 160.22, Subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Niehaus moved that the House concur in the Senate amendments to H. F. No. 76 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 76, A bill for an act relating to highways; providing a simplified procedure for the removal of trees, shrubs and other obstructions within the limits of town roads; removing provision for an appeal by abutting owners; amending Minnesota Statutes 1976, Section 160.22, Subdivision 8, and by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Murphy	Sherwood
Adams	Corbid	Jensen	Neisen	Sieben, H.
Albrecht	Cummiskey	Johnson	Nelsen, B.	Sieben, M.
Anderson, D.	Dahl	Jude	Nelsen, M.	Skoglund
Anderson, G.	Dean	Kaley	Nelson	Smogard
Anderson, I.	Den Ouden	Kalis	Norton	Stanton
Anderson, R.	Eckstein	Kelly, R.	Novak	Stoa
Arlandson	Eken	Kelly, W.	Osthoff	Suss
Battaglia	Ellingson	Kempe, A.	Patton	Swanson
Begich	Erickson	King	Pehler	Tomlinson
Berg	Esau	Knickerbocker	Peterson	Vanasek
Berglin	Evans	Kostohryz	Petrafaso	Voss
Berkelman	Ewald	Kroening	Pleasant	Waldorf
Biersdorf	Faricy	Laidig	Prahl	Welch
Birnstihl	Fjoslien	Langseth	Reding	Wenstrom
Brandl	Forsythe	Lehto	Rice	Wenzel
Braun	Friedrich	Lemke	Rose	Wieser
Brinkman	Fudro	Mangan	St. Onge	Wigley
Byrne	Fugina	Mann	Samuelson	Wynia
Carlson, A.	George	McCollar	Sarna	Zubay
Carlson, D.	Gunter	McDonald	Savelkoul	Speaker Sabo
Carlson, L.	Hanson	McEachern	Scheid	
Casserly	Heinitz	Metzen	Schulz	
Clark	Hokanson	Moe	Searle	
Clawson	Jacobs	Munger	Searles	

Those who voted in the negative were:

Kahn                      Kempe, R.

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. 33, A bill for an act relating to motor vehicles; defining motorized bicycles; providing for the registration of motorized bicycles and the licensing of their operators; providing operating rules; amending Minnesota Statutes 1976, Chapter 169, by adding a section; and Sections 168.011, Subdivision 26, and by adding a subdivision; 168.013, by adding a subdivision; 168.27, Subdivision 20; 168A.01, Subdivision 24; 169.01, Subdivision 4, and by adding a subdivision; 169.305, Subdivision 1; 171.01, Subdivision 17, and by adding a subdivision; and 171.02, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Kahn moved that the House concur in the Senate amendments to H. F. No. 33 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 33, A bill for an act relating to motor vehicles; defining motorized bicycles; providing for the registration of motorized bicycles and the licensing of their operators; providing operating rules; amending Minnesota Statutes 1976, Chapter 169, by adding a section; and Sections 168.011, Subdivision 26, and by adding a subdivision; 168.013, by adding a subdivision; 168.27, Subdivision 20; 168A.01, Subdivision 24; 169.01, Subdivision 4, and by adding a subdivision; 169.305, Subdivision 1; 171.01, Subdivision 17, and by adding a subdivision; and 171.02, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Schulz
Adams	Corbid	Jensen	Murphy	Searles
Albrecht	Cummiskey	Johnson	Neisen	Sherwood
Anderson, B.	Dahl	Jude	Nelsen, B.	Sieben, H.
Anderson, G.	Dean	Kahn	Nelsen, M.	Sieben, M.
Anderson, I.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, R.	Eckstein	Kalis	Niehaus	Smogard
Arlandson	Eken	Kelly, R.	Norton	Stanton
Battaglia	Ellingson	Kempe, A.	Novak	Stoa
Berg	Enebo	Kempe, R.	Osthoff	Suss
Berglin	Esau	King	Patton	Swanson
Berkelman	Evans	Knickerbocker	Pehler	Tomlinson
Bjersdorf	Ewald	Kostohryz	Peterson	Vanasek
Birnstihl	Faricy	Kroening	Petrafeso	Voss
Brandl	Fjoslien	Laidig	Pleasant	Waldorf
Braun	Forsythe	Langseth	Prahl	Welch
Brinkman	Fudro	Lehto	Reding	Wenstrom
Byrne	Fugina	Lemke	Rice	Wenzel
Carlson, A.	George	Mangan	Rose	White
Carlson, D.	Gunter	Mann	St. Onge	Wieser
Carlson, L.	Hanson	McDonald	Samuelson	Wigley
Casserly	Heinitz	McEachern	Sarna	Zubay
Clark	Hokanson	Metzen	Savelkoul	Speaker Sabo
Clawson	Jacobs	Moe	Scheid	

Those who voted in the negative were:

Anderson, D.	Erickson	Friedrich	McCollar	Searle
Begich				

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. 691, A bill for an act relating to state lands; directing the exchange of certain public lands bordering on public waters in Lincoln county.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Stanton moved that the House concur in the Senate amendments to H. F. No. 691 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 691, A bill for an act relating to state lands; directing the exchange of certain public lands bordering on public waters in Lincoln county.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Searle
Adams	Corbid	Jensen	Munger	Searles
Albrecht	Cummiskey	Johnson	Murphy	Sherwood
Anderson, B.	Dahl	Jude	Neisen	Sieben, H.
Anderson, D.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Stanton
Arlandson	Ellingson	Kelly, W.	Norton	Stoa
Battaglia	Enebo	Kempe, A.	Novak	Suss
Begich	Erickson	Kempe, B.	Osthoff	Swanson
Berg	Esau	King	Patton	Tomlinson
Berglin	Evans	Knickerbocker	Pehler	Vanasek
Berkelman	Ewald	Kostohryz	Peterson	Voss
Biersdorf	Faricy	Kroening	Petrafeso	Waldorf
Birnstihl	Fjoslien	Kvam	Pleasant	Welch
Brandl	Forsythe	Laidig	Prahl	Westrom
Braun	Friedrich	Langseth	Reding	Wenzel
Brinkman	Fudro	Lehto	Rice	White
Byrne	Fugina	Lemke	Rose	Wieser
Carlson, A.	George	Mangan	St. Onge	Wigley
Carlson, D.	Gunter	Mann	Samuelson	Williamson
Carlson, L.	Hanson	McCollar	Sarna	Wynia
Casserly	Heinitz	McDonald	Savelkoul	Zubay
Clark	Hokanson	McEachern	Scheid	Speaker Sabo
Clawson	Jacobs	Metzen	Schulz	

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. 1172, A bill for an act relating to agriculture; produce; inspection; fees; potato grading; labeling and inspection; prohibiting certain sales of artificially colored potatoes; amending Minnesota Statutes 1976, Sections 27.07; 30.10; 30.20; and Chapter 30, by adding sections; repealing Minnesota Statutes 1976, Sections 30.121; 30.13; 30.14; and 30.478.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Eken moved that the House concur in the Senate amendments to H. F. No. 1172 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1172, A bill for an act relating to agriculture; clarifying the commissioner's authority to establish certain produce inspection fees to grade potatoes; prohibiting certain sales of artificially colored potatoes; amending Minnesota Statutes 1976, Sections 27.07; 30.10; 30.20; and Chapter 30, by adding sections; repealing Minnesota Statutes 1976, Sections 30.121; 30.13; 30.14; and 30.478.

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

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

Those who voted in the affirmative were:

Abeln	Berkelman	Cohen	Ewald	Jaros
Adams	Biersdorf	Corbid	Farcy	Jensen
Albrecht	Birnstihl	Cummiskey	Fjoslien	Johnson
Anderson, B.	Brandl	Dahl	Forsythe	Jude
Anderson, D.	Braun	Dean	Friedrich	Kahn
Anderson, G.	Brinkman	Den Ouden	Fudro	Kaley
Anderson, I.	Byrne	Eckstein	Fugina	Kalis
Anderson, R.	Carlson, A.	Eken	George	Kelly, R.
Arlandson	Carlson, D.	Ellingson	Gunter	Kelly, W.
Battaglia	Carlson, L.	Enebo	Hanson	Kempe, A.
Begich	Casserly	Erickson	Heinitz	Kempe, R.
Berg	Clark	Esau	Hokanson	King
Berglin	Clawson	Evans	Jacobs	Knickerbocker

Kostohryz	Munger	Pleasant	Sieben, H.	Welch
Kroening	Murphy	Prahl	Sieben, M.	Wenstrom
Kvam	Neisen	Reding	Simoneau	Wenzel
Laidig	Neisen, B.	Rice	Skoglund	White
Langseth	Nelsen, M.	Rose	Smogard	Wieser
Lehto	Nelson	St. Onge	Spanish	Wigley
Lemko	Niehaus	Samuelson	Stanton	Williamson
Mangan	Norton	Sarna	Stoa	Wynia
Mann	Novak	Savelkoul	Suss	Zubay
McCollar	Osthoff	Scheid	Swanson	Speaker Sabo
McDonald	Patton	Schulz	Tomlinson	
McEachern	Pehler	Searle	Vanasek	
Metzen	Peterson	Searles	Voss	
Moe	Petraleso	Sherwood	Waldorf	

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. 114, A bill for an act relating to intoxicating liquor ; regulation and taxation of liquor sold in commemorative bottles ; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 15 ; 340.44 ; and 340.601.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Moe moved that the House concur in the Senate amendments to H. F. No. 114 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 114, A bill for an act relating to intoxicating liquor ; exempting from licensing and taxation liquor sold in commemorative bottles ; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 15 ; 340.44 ; 340.50 ; and 340.601.

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

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

Those who voted in the affirmative were :

Abeln	Arlandson	Biersdorf	Carlson, A.	Corbid
Adams	Battaglia	Birnstihl	Carlson, L.	Dean
Albrecht	Begich	Brandt	Casserly	Den Ouden
Anderson, B.	Berg	Braun	Clark	Eckstein
Anderson, I.	Berglin	Brinkman	Clawson	Eken
Anderson, R.	Berkelman	Byrne	Cohen	Ellingson

Enebo	Jude	McCollar	Pleasant	Stanton
Esau	Kahn	McDonald	Prahl	Stoa
Evans	Kaley	McEachern	Reding	Suss
Ewald	Kalis	Metzen	Rice	Swanson
Faricy	Kelly, R.	Moe	Rose	Tomlinson
Fjoslien	Kelly, W.	Munger	St. Onge	Vanasek
Forsythe	Kempe, A.	Murphy	Samuelson	Voss
Friedrich	Kempe, R.	Neisen	Sarna	Waldorf
Fudro	King	Nelsen, B.	Savelkoul	Welch
Fugina	Knickerbocker	Nelsen, M.	Scheid	Wenstrom
George	Kostohryz	Nelson	Schulz	Wenzel
Gunter	Kroening	Niehaus	Searles	White
Hanson	Kvam	Norton	Sherwood	Wieser
Heinitz	Laidig	Novak	Sieben, H.	Wigley
Hokanson	Langseth	Osthoff	Sieben, M.	Williamson
Jacobs	Lehto	Patton	Simoneau	Wynia
Jaros	Lemke	Pehler	Skoglund	Zubay
Jensen	Mangan	Peterson	Smogard	Speaker Sabo
Johnson	Mann	Petrafeso	Spanish	

Those who voted in the negative were:

Anderson, D. Anderson, G. Carlson, D. Cummiskey Erickson

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. 1610, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes; amending Minnesota Statutes 1976, Sections 161.125, Subdivision 1; 219.40; and 299D.03, Subdivision 5; repealing Minnesota Statutes 1976, Sections 161.125, Subdivision 2; 161.50; 219.401; and 299D.03, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House refuse to concur in the Senate amendments to H. F. No. 1610, 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.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 583, A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

And the Senate respectfully requests that a Conference Committee of three members be appointed thereon. Messrs. Solon, Spear and Davies have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelsen, M., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 583. The motion prevailed.

Mr. Speaker:

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

S. F. No. 226.

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. 226

A bill for an act relating to minimum wage; providing a higher minimum wage; amending Minnesota Statutes 1976, Section 177.24.

May 6, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 226, report that we have agreed upon the items in dispute and recommend as follows:

The house recede from its amendment and that S. F. No. 226 be amended as follows:

Page 1, line 17, delete "January 1, 1978" and insert "September 15, 1977".

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

Senate Conferees: JOHN MILTON, STEVE KEEFE and HARMON T. OGDahl.

House Conferees: RAY W. FARICY, STANLEY A. ENEBO and KENNETH P. ZUBAY.

Faricy moved that the report of the Conference Committee on S. F. No. 226 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 226, A bill for an act relating to minimum wage; providing a higher minimum wage; amending Minnesota Statutes 1976, Section 177.24.

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 111 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, M.	Smogard
Adams	Corbid	Kahn	Nelson	Spanish
Anderson, B.	Cummsiskey	Kalis	Norton	Stanton
Anderson, G.	Dahl	Kelly, R.	Novak	Stoa
Anderson, I.	Dean	Kelly, W.	Osthoff	Suss
Anderson, R.	Eckstein	Kempe, A.	Patton	Swanson
Arlandson	Eken	Kempe, R.	Pehler	Tomlinson
Battaglia	Ellingson	King	Petrafeso	Vanasek
Begich	Enebo	Knickerbocker	Pleasant	Voss
Berg	Evans	Kostohryz	Prahl	Waldorf
Berglin	Faricy	Kroening	Reding	Welch
Berkelman	Forsythe	Laidig	Rice	Wenstrom
Biersdorf	Friedrich	Langseth	St. Onge	Wenzel
Birnstihl	Fudro	Lehto	Samuelson	White
Brandl	Fugina	Lemke	Sarna	Wieser
Braun	George	Mangan	Savelkoul	Williamson
Byrne	Gunter	McCollar	Scheid	Wynia
Carlson, A.	Hanson	McEachern	Schulz	Zubay
Carlson, D.	Hokanson	Metzen	Sherwood	Speaker Sabo
Carlson, L.	Jacobs	Moe	Sieben, H.	
Casserly	Jaros	Munger	Sieben, M.	
Clark	Jensen	Murphy	Simoneau	
Clawson	Johnson	Neisen	Skoglund	

Those who voted in the negative were:

Albrecht	Erickson	Heinitz	Niehaus	Searle
Anderson, D.	Esau	Kvam	Rose	Wigley
Brinkman	Ewald	McDonald		
Den Ouden	Fjoslien	Nelsen, B.		

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

Mr. Speaker:

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

S. F. No. 120.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 347.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 783.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 897.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 120, A bill for an act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; estab-

lishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

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

S. F. No. 347, A bill for an act relating to interest; increasing permissible finance charges for open end credit sales; providing for maximum finance charges for closed end credit; providing a penalty; amending Minnesota Statutes 1976, Section 334.16; and Chapter 334, by adding sections.

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

S. F. No. 783, A bill for an act relating to libraries; requiring distribution of certain state publications to county libraries; appropriating money; amending Minnesota Statutes 1976, Sections 15.051, Subdivision 4; 15.047, Subdivision 2; and 648.39, by adding a subdivision.

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

S. F. No. 897, A bill for an act relating to crime victims reparations; raising the amount of reparations paid to claimants suffering economic loss; appropriating money; amending Minnesota Statutes 1976, Section 299B.04.

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

The following conference committee reports were received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 82

A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; increasing the penal fine of misdemeanors; directing a court to require as a condition of a stay of imposition or execution of sentence restitution for property damage or loss or compensation for personal injuries; amending Minnesota Statutes 1976, Sections 412.231; 609.02, Subdivision 3; 609.03; 609.031; 609.032; 609.135, Subdivision 1; 609.27, Subdivision 2; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; 609.615; and 609.785.

May 10, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 82 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 82 be further amended as follows:

Page 4, after line 9, insert:

"Sec. 8. Minnesota Statutes 1976, Section 609.52, Subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the value of the property or services is more than (\$100) \$300 but not more than \$2,500; or

(3) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, notwithstanding the value of the property or services is not more than (\$100) \$300, if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the property

stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services is (\$100) \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, provided, however, in any prosecution under clause (1), clause (2), clause (3)(a) and (c), and clause (4) of subdivision 2 the value of the money or property received by the defendant in violation of any one or more of the above provisions within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.”

Page 7, after line 21, insert:

“Sec. 15. Minnesota Statutes 1976, Section 629.34, is amended to read:

**629.34 [ARREST WITHOUT WARRANT.]** A peace officer may, without warrant, arrest a person:

(1) For a public offense committed or attempted in his presence;

(2) When the person arrested has committed a felony, although not in his presence;

(3) When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it; or

(4) Upon a charge made upon reasonable cause of the commission of a felony by the person arrested; or

(5) *When he has reasonable cause to believe a violation of section 609.52 has been committed, and he has reasonable cause for believing the person arrested to have committed it and that the property involved has a value in excess of \$100.*

To make such arrest the officer may break open an outer or inner door or window of a dwelling house if, after notice of his office and purpose, he shall be refused admittance.”

Renumber the sections in sequence.

Further, amend the title as follows:

Page 1, line 13, after “2;” insert “609.52, Subdivision 3”.

Page 1, line 15, delete "and" and before the period insert "; and 629.34".

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

House Conferees: RUSSELL STANTON and ARNE CARLSON.

Senate Conferees: JIM NICHOLS, JOHN B. KEEFE and ALLAN H. SPEAR.

Kempe, A., moved that the House refuse to adopt the Conference Committee report on H. F. No. 82, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion to refuse to adopt the Conference Committee report on H. F. No. 82 and the roll was called. There were 70 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeln	Evans	King	Nelsen, B.	Simoneau
Adams	Ewald	Knickerbocker	Nelsen, M.	Smogard
Albrecht	Fjoslien	Kostohryz	Niehaus	Suss
Anderson, D.	Forsythe	Kroening	Osthoff	Swanson
Anderson, I.	Friedrich	Kvam	Patton	Tomlinson
Anderson, R.	Fudro	Lemke	Pehler	Voss
Battaglia	Fugina	Mangan	Peterson	Waldorf
Begich	Gunter	Mann	Rose	Welch
Biersdorf	Heinitz	McCollar	St. Onge	Wenstrom
Braun	Hokanson	McDonald	Sarna	Wenzel
Carlson, D.	Jensen	McEachern	Savelkoul	White
Dean	Kaley	Metzen	Schulz	Wigley
Den Ouden	Kempe, A.	Murphy	Searles	Williamson
Erickson	Kempe, R.	Neisen	Sherwood	Zubay

Those who voted in the negative were:

Anderson, B.	Carlson, L.	Esau	Langseth	Scheid
Anderson, G.	Cassery	George	Lehto	Searle
Arlandson	Clark	Jacobs	Moe	Sieben, H.
Berg	Clawson	Jaros	Munger	Sieben, M.
Berglin	Cohen	Johnson	Nelson	Skoglund
Berkelman	Cummiskey	Jude	Norton	Stanton
Birnstihl	Dahl	Kahn	Novak	Stoa
Brandl	Eckstein	Kalis	Petrafeso	Wieser
Brinkman	Eken	Kelly, R.	Pleasant	Wynia
Byrne	Ellingson	Kelly, W.	Reding	Speaker Sabo
Carlson, A.	Enebo	Laidig	Samuelson	

The motion prevailed.

Ewald was excused between the hours of 2:00 p.m. and 5:30 p.m.

## POINT OF ORDER

Faricy raised a point of order pursuant to rule 5.7 that S. F. No. 270, now on General Orders, be re-referred to the Committee on Appropriations.

The Speaker submitted the following question to the House:

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

A roll call was requested and properly seconded.

There were 38 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Munger	Stoa
Anderson, D.	Cummiskey	Kahn	Norton	Swanson
Arlandson	Dean	King	Osthoff	Tomlinson
Berg	Faricy	Kvam	Pehler	Voss
Brandl	Fudro	Laidig	Pleasant	Waldorf
Carlson, A.	Fugina	Lehto	Samuelson	Welch
Carlson, L.	George	McCollar	Searle	
Cohen	Hanson	Moe	Sieben, M.	

Those who voted in the negative were:

Adams	Eken	Kalis	Niehaus	Skoglund
Albrecht	Ellingson	Kelly, W.	Novak	Smogard
Anderson, B.	Enebo	Kempe, A.	Patton	Spanish
Anderson, I.	Erickson	Kempe, R.	Peterson	Stanton
Anderson, R.	Essau	Knickerbocker	Prahl	Suss
Begich	Evans	Kroening	Reding	Vanasek
Berkelman	Fjoslien	Langseth	Rice	Wenstrom
Biersdorf	Forsythe	Lemke	Rose	Wenzel
Birnsthil	Friedrich	Mangan	St. Onge	White
Braun	Gunter	Mann	Sarna	Wieser
Brinkman	Heinitz	McDonald	Savelkoul	Wigley
Byrne	Hokanson	McEachern	Scheid	Wynia
Carlson, D.	Jacobs	Metzen	Schulz	Zubay
Clark	Jaros	Murphy	Searles	
Clawson	Jensen	Neisen	Sherwood	
Den Ouden	Johnson	Nelsen, B.	Sieben, H.	
Eckstein	Kaley	Nelsen, M.	Simoneau	

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

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 231

A bill for an act relating to transportation, particular uses of highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

May 11, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 231 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment, and H. F. No. 231 be further amended as follows:

Page 1, line 9, delete the first “,” and insert “and”.

Page 1, line 9, delete “, AND TRASH RECEPTACLE”.

Page 1, line 10, delete “UNITS”.

Page 1, line 11, reinstate the stricken “and” and delete the first “,”.

Page 1, line 11, delete “, *and trash receptacle units*”.

Page 1, line 17, delete the first “,” and insert “and”.

Page 1, line 17, delete “, *and trash receptacle units*”.

Page 1, line 18, before the period insert “, *provided that advertising on shelters shall be limited to one-third of the vertical surface of the shelter*”.

Further amend the title as follows:

Line 2, delete “,” and insert “;”.

Line 3, after “;” insert “permitting advertising on bus shelters;”.

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

House Conferees: TAD JUDE, STANLEY FUDRO and RICHARD WIGLEY.

Senate Conferees: ROBERT LEWIS, CLARENCE PURFEERST and HOWARD KNUTSON.

Jude moved that the report of the Conference Committee on H. F. No. 231 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

Kempe, A., was excused between the hours of 2:30 p.m. and 3:40 p.m.

H. F. No. 231, A bill for an act relating to transportation, particular uses of highway right of way; amending Minnesota Statutes 1976, Section 160.27, 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 120 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Munger	Searles
Adams	Dahl	Johnson	Murphy	Sherwood
Albrecht	Dean	Jude	Neisen	Sieben, H.
Anderson, B.	Den Ouden	Kaley	Nelsen, B.	Sieben, M.
Anderson, D.	Eckstein	Kalis	Nelsen, M.	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelson	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Niehaus	Smogard
Arlandson	Enebo	Kempe, R.	Norton	Spanish
Battaglia	Erickson	King	Novak	Stanton
Begich	Esau	Knickerbocker	Patton	Stoa
Berg	Evans	Kostohryz	Peterson	Suss
Berglin	Faricy	Kroening	Petrafeso	Swanson
Berkelman	Fjoslien	Kvam	Pleasant	Tomlinson
Biersdorf	Forsythe	Laidig	Prahl	Vanasek
Birnstihl	Friedrich	Langseth	Reding	Voss
Brandl	Fudro	Lehto	Rice	Welch
Braun	Fugina	Lemke	Rose	Wenstrom
Brinkman	George	Mangan	St. Onge	Wenzel
Byrne	Gunter	Mann	Samuelson	White
Carlson, A.	Hanson	McCollar	Sarna	Wieser
Carlson, D.	Heinitz	McDonald	Savelkoul	Wigley
Carlson, L.	Hokanson	McEachern	Scheid	Wynia
Clark	Jacobs	Metzen	Schulz	Zubay
Clawson	Jaros	Moe	Searle	Speaker Sabo

Those who voted in the negative were:

Anderson, G. Cummiskey Osthoff Pehler

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

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., 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 S. F. No. 1064 for today, Thursday, May 12, 1977: S. F. Nos. 1077, 368, 562, 796, 181, 193, 1293, 1023, 270 and 558 and H. F. Nos. 1416 and 287.

## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 1510 and 320 was reported to the House.

## CONSENT CALENDAR

S. F. No. 1172, as amended on Wednesday, May 11, 1977, was reported to the House.

Sieben, H., moved to amend S. F. No. 1172, as amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 15.0412, is amended to read:

15.0412 [RULES, PROCEDURES.] Subdivision 1. Each agency shall adopt, amend, suspend or repeal its rules in accordance with the procedures specified in sections 15.0411 to 15.052, and only pursuant to authority delegated by law and in full compliance with its duties and obligations. *Except as provided in subdivision 3, sections 15.0411 to 15.052 shall not be authority for an agency to adopt, amend, suspend or repeal rules. No agency shall adopt a rule which duplicates language contained in Minnesota Statutes unless the hearing examiner determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect.*

Subd. 2. To assist interested persons dealing with it, each agency shall, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the process whereby the public may obtain information or make submissions or requests. The commissioner of administration shall annually publish these descriptions in the state register.

Subd. 3. Each agency shall adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties (**PROCEDURES CONCERNING ONLY INTERNAL MANAGEMENT WHICH DO NOT**) *to the extent that those procedures directly affect the rights of or procedures available to the public (NEED NOT BE ADOPTED AS RULES).*

Subd. 4. No rule shall be adopted by any agency unless the agency first holds a public hearing thereon, affording all affected interests an opportunity to participate, and gives notice of its intention to hold such a hearing at least 30 days prior to the date set for the hearing by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the secretary of state for that purpose and in the state register. The notice in the state register

shall include the full text of the rule proposed for adoption; *provided that, with the approval of the chief hearing examiner, the agency may incorporate by reference provisions of federal law or rule or other materials from sources which the chief hearing examiner determines are conveniently available for viewing, copying and acquisition by interested persons. The chief hearing examiner shall not approve incorporation by reference of materials which are less than 3000 words in length or which would require less than five pages of publication in the state register.* The agency shall make available at least one free copy of the proposed rule to any person requesting it. At the public hearing the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the agency by law or rule. After allowing written material to be submitted and recorded in the hearing record for (20) *five working days* after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner, the hearing examiner assigned to the hearing shall proceed to write a report as provided for in section 15.052, subdivision 3, which report shall be completed (AS PROMPTLY AS POSSIBLE) *within 30 days after the close of the hearing record unless the chief hearing examiner, upon written request of the agency and the hearing examiner, orders an extension. In no case shall an extension be granted if the chief hearing examiner determines that an extension would prohibit a rule from being adopted or becoming effective until after a date for adoption or effectiveness as required by statute.* The report shall be available to all affected persons upon request for at least (TEN) *five working days* before the agency takes any final action on the rule. If the agency adopts the rule, it shall be submitted with the complete hearing record to the attorney general, who shall review the rule as to form and legality. *If the agency, the chief hearing examiner or the attorney general requests, the hearing examiner shall cause a transcript to be prepared of the hearing. The agency shall give notice to all persons who requested to be informed that the hearing record has been submitted to the attorney general.* The attorney general shall, within 20 days, either approve or disapprove the rule. If he approves the rule, he shall promptly file it in the office of the secretary of state. If he disapproves the rule, he shall state in writing his reasons therefor, and the rule shall not be filed in the office of the secretary, nor published. A rule shall become effective after it has been subjected to all requirements described in this subdivision and (20) *five working days* after (ITS) publication in the state register, *as hereinafter provided, unless a later date is required by statutes or specified in the rule. (ANY RULE ADOPTED AFTER JULY 1, 1976 WHICH IS NOT PUBLISHED IN THE STATE REGISTER SHALL BE OF NO EFFECT)* *If the rule as adopted does not differ from the proposed rule as published in the state register, publication may be made by publishing notice in the state register that the rule has been adopted as proposed and by publishing a citation to the prior publication. If the rule as adopted differs from the proposed rule, the adopted rule or*

*subdivisions thereof which differ from the proposed rule shall be published together with a citation to the prior state register publication of the remainder of the proposed rule.*

Subd. 5. Where statutes governing the agency permit the agency to exercise emergency powers, or when the agency is compelled to act by court order or a federal law or rule, emergency rules may be established without compliance with the provisions of subdivision 4. These rules are to be effective for not longer than (75) 90 days and may be reissued or continued in effect for an additional (75) 90 days, but may not immediately be reissued thereafter without following the procedure of subdivision 4. Emergency rules shall be published in the state register as soon as practicable.

Subd. 6. When an agency seeks to obtain information or opinions in preparing to propose the adoption, amendment, suspension, or repeal of a rule from sources outside of the agency, the agency shall publish notice of its action in the state register and shall afford all interested persons an opportunity to submit data or views on the subject of concern in writing or orally. Such notice and any written material received by the agency shall become a part of the hearing record to be submitted to the attorney general under subdivision 4.

Subd. 7. If the adoption of a rule by an agency will require the expenditure of public moneys by local public bodies (AND THE AFFECTED LOCAL PUBLIC AGENCY HAS NOT BEEN DIRECTLY INVOLVED AS PROVIDED BY STATUTE IN THE ACTIONS RELATING TO IMPLEMENTATION OF THE RULE), the notice of the proposed rule as required by this section shall be accompanied by a written statement giving the agency's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated total cost exceeds \$100,000 in either of the two years. For purposes of this section, local public bodies shall mean officers and governing bodies of the political subdivisions of the state and other officers and bodies of less than statewide jurisdiction which have the authority to levy taxes.

Sec. 2. Minnesota Statutes 1976, Section 15.0413, Subdivision 3, is amended to read:

Subd. 3. Rules hereafter promulgated, amended, suspended, or repealed of any state officer, board, commission, bureau, division, department, or tribunal other than a court, having statewide jurisdiction and authorized by law to make rules, but excluded from the definition of "agency" in section 15.0411 shall have the force and effect of law if they are filed in the office of the secretary of state in the same manner as rules (OF AN AGENCY) adopted pursuant to section 15.0412 are so filed and if they are submitted to the commissioner of administration in

a manner he shall prescribe and published in the state register. This subdivision, however, shall not apply to rules of the regents of the University of Minnesota.

Sec. 3. Minnesota Statutes 1976, Section 15.0417, is amended to read:

15.0417 [RULE DECLARED INVALID.] In proceedings under section 15.0416 the court shall declare the rule invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures. *Any party to proceedings under section 15.0416, including the agency, may appeal an adverse decision of the district court to the supreme court.*

Sec. 4. Minnesota Statutes 1976, Section 15.0426, is amended to read:

15.0426 [APPEALS TO SUPREME COURT.] An aggrieved party, *including an agency which issued a decision or order in the case*, may secure a review of any final order or judgment of the district court under section 15.0424 or section 15.0425 by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from orders or judgments of the district court in other civil cases.

Sec. 5. Minnesota Statutes 1976, Section 15.048, is amended to read:

15.048 [EFFECT OF PUBLICATION OF RULES OR ORDERS.] The publication *or citation* of a rule or order in the state register *in a manner as required by sections 15.0411 to 15.052* raises a rebuttable presumption that:

(1) The rule or order was duly adopted, issued, or promulgated;

(2) The rule or order was duly filed with the secretary of state and available for public inspection at the day and hour endorsed thereon; and

(3) The copy of the rule or order published in the state register is a true copy of the original.

Sec. 6. Minnesota Statutes 1976, Section 15.051, Subdivision 4, is amended to read:

Subd. 4. [COST; DISTRIBUTION.] When an agency properly submits a rule, proposed rule, notice, or other material to the commissioner of administration, the commissioner shall then be accountable for the publication of the same in the state

register. The commissioner of administration shall require each agency which requests the publication of rules, proposed rules, notices, or other material in the state register to pay its proportionate cost of the state register unless other funds are provided and are sufficient to cover the cost of the state register.

The state register shall be offered for public sale at a location centrally located as determined by the commissioner of administration and at a price as the commissioner of administration shall determine. The commissioner of administration shall further provide for the mailing of the state register to any person, agency, or organization if so requested, provided that reasonable costs are borne by the requesting party. The supply and expense appropriation to any state agency is deemed to include funds to purchase the state register. Ten copies of each issue of the state register, however, shall be provided without cost to the legislative reference library and ten copies to the state law library. *One copy shall be provided without cost to a public library in each county seat in the state or, if there is no public library in a county seat, to a public library in the county as designated by the county board. The commissioner shall advise the recipient libraries of the significance and content of the state register and shall encourage efforts to promote its usage.*

Sec. 7. Minnesota Statutes 1976, Section 15.42, is amended to read:

15.42 [CITATION.] Sections (15.01) *15.0411* to (15.41) *15.052*, may be cited as the Administrative Procedure Act.

Sec. 8. Minnesota Statutes 1976, Section 15.052, Subdivision 4, is amended to read:

Subd. 4. The chief hearing examiner shall promulgate rules to govern the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings and contested case hearings. Such procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief hearing examiner to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of section 15.0412, subdivision 4. *Upon his own initiative or upon written request of an interested party, the chief hearing examiner may issue a subpoena for the attendance of a witness or the production of such books, papers, records or other documents as are material to the matter being heard. Such subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.*

Sec. 9. Minnesota Statutes 1976, Section 15.052, Subdivision 5, is amended to read:

Subd. 5. The office of hearing (EXAMINER SHALL) *examiners may maintain a court reporter system and in addition to or in lieu thereof may contract with non-governmental sources for court reporter services.* Unless the chief hearing examiner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at any hearing which takes place under this chapter and may additionally be utilized as a chief hearing examiner directs.

Court reporters *serving in the court reporter system of the office of hearing examiners* shall be in the classified service (AND ALL INITIAL APPOINTMENTS TO THE POSITION OF COURT REPORTER SHALL BE FILLED BY INDIVIDUALS WHO ACTED IN THIS CAPACITY FOR INDIVIDUAL STATE AGENCIES PRIOR TO THE ENACTMENT OF THIS SECTION).

Sec. 10. *This act is effective July 1, 1977.*"

Further amend by striking the title and inserting:

"A bill for an act relating to administrative procedures of governmental agencies; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42."

The motion prevailed and the amendment was adopted.

Pehler moved to amend S. F. No. 1172, as amended, as follows:

Page 8, line 9, after the period add "*One copy shall also be provided without cost to a library on each campus of the University of Minnesota and each state university.*"

The motion prevailed and the amendment was adopted.

Zubay moved to amend S. F. No. 1172, as amended, as follows:

Page 9, line 16, after "*services.*" insert "*The court reporters may additionally be utilized as a chief hearing examiner directs.*"

Page 9, line 18, strike "*an audio magnetic recording device*" and insert "*a court reporter*" and in the same line strike "*a*" and insert "*an audio magnetic recording device*".

Page 9, line 19, strike "court recorder".

Page 9, line 20, after "chapter" insert a period and strike "and may additionally be".

Page 9, delete line 21.

The motion prevailed and the amendment was adopted.

S. F. No. 1172, A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Searles
Adams	Cummiskey	Johnson	Neisen	Sherwood
Albrecht	Dahl	Jude	Nelsen, B.	Sieben, H.
Anderson, B.	Dean	Kaley	Nelsen, M.	Sieben, M.
Anderson, D.	Den Ouden	Kalis	Nelson	Simoneau
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Skoglund
Anderson, I.	Eken	Kelly, W.	Norton	Smogard
Anderson, R.	Ellingson	Kempe, R.	Novak	Spanish
Arlandson	Enebo	King	Osthoff	Stanton
Battaglia	Erickson	Knickerbocker	Patton	Stoa
Begich	Esau	Kostohryz	Pehler	Suss
Berg	Evans	Kroening	Peterson	Swanson
Berkelman	Faricy	Kvam	Petraleso	Tomlinson
Biersdorf	Fjoslien	Laidig	Pleasant	Vanasek
Birnstihl	Forsythe	Langseth	Prahl	Voss
Brandl	Friedrich	Lehto	Reding	Waldorf
Braun	Fudro	Lemke	Rice	Welch
Brinkman	Fugina	Mangan	Rose	Wenstrom
Byrne	George	Mann	St. Onge	Wenzel
Carlson, A.	Gunter	McCollar	Samuelson	White
Carlson, D.	Hanson	McDonald	Sarna	Wieser
Carlson, L.	Heinitz	McEachern	Savelkoul	Wigley
Clark	Hokanson	Metzen	Scheid	Wynia
Clawson	Jacobs	Moe	Schulz	Zubay
Cohen	Jaros	Munger	Searle	Speaker Sabo

Those who voted in the negative were:

Berglin

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

S. F. No. 603 was reported to the House.

Novak and Savelkoul moved to amend S. F. No. 603, as follows:

Page 3, after line 5, insert:

"Sec. 2. Minnesota Statutes 1976, Chapter 216, is amended by adding a section to read:

[216.28] [APPEAL DENIAL OF HEARING.] *Any party who requests a hearing under this chapter and is denied, may appeal the denial to district court. If the court determines that a hearing is required, it shall order the commission to hold the hearing as a contested case.*"

Renumber the following section.

Further, amend the title as follows:

Page 1, line 6, after "court;" insert "allowing appeals from denial of a hearing;"

Page 1, line 7, after "216.25" insert "; and Chapter 216 by adding a section".

The motion prevailed and the amendment was adopted.

S. F. No. 603, A bill for an act relating to the public service commission; confining appeals from its decisions to the record; allowing the commission to appeal adverse decisions of the district court to the supreme court; amending Minnesota Statutes 1976, Section 216.25.

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 116 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Berg	Carlson, D.	Den Ouden	Forsythe
Adams	Berkelman	Carlson, L.	Eckstein	Friedrich
Albrecht	Biersdorf	Clark	Eken	Fudro
Anderson, B.	Birnstihl	Clawson	Ellingson	Fugina
Anderson, I.	Brandl	Cohen	Enebo	George
Anderson, R.	Braun	Corbid	Erickson	Gunter
Arlandson	Brinkman	Cummiskey	Evans	Hanson
Battaglia	Byrne	Dahl	Faricy	Heinitz
Begich	Carlson, A.	Dean	Fjoslien	Hokanson

Jacobs	Laidig	Novak	Searles	Waldorf
Jaros	Langseth	Osthoff	Sherwood	Welch
Jensen	Lehto	Patton	Sieben, H.	Wenstrom
Johnson	Lemke	Peterson	Sieben, M.	Wenzel
Kahn	Mangan	Pleasant	Simoneau	White
Kaley	Mann	Reding	Skoglund	Wieser
Kalis	McCollar	Rice	Smogard	Wigley
Kelly, R.	McDonald	Rose	Spanish	Williamson
Kelly, W.	McEachern	St. Onge	Stanton	Wynia
Kempe, R.	Metzen	Samuelson	Stoa	Zubay
King	Munger	Sarna	Suss	Speaker Sabo
Knickerbocker	Murphy	Savelkoul	Swanson	
Kostohryz	Neisen	Scheid	Tomlinson	
Kroening	Nelsen, B.	Schulz	Vanasek	
Kvam	Norton	Searle	Voss	

Those who voted in the negative were:

Anderson, D.	Jude	Niehaus	Pehler	Prahl
Anderson, G.				

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

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of H. F. Nos. 1191, 551 and 223.

H. F. No. 1191 was reported to the House.

Tomlinson moved to amend H. F. No. 1191 as follows:

Page 8, delete lines 10 through 14.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 70 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Hokanson	Mann	Sarna
Adams	Cohen	Jensen	McCollar	Searles
Anderson, B.	Cummiskey	Johnson	McDonald	Sieben, M.
Anderson, R.	Dahl	Jude	McEachern	Simoneau
Arlandson	Dean	Kaley	Neisen	Spanish
Battaglia	Eckstein	Kalis	Nelsen, M.	Stanton
Begich	Esau	Kelly, R.	Norton	Stoa
Biersdorf	Evans	Kempe, R.	Novak	Suss
Birnstihl	Faricy	King	Osthoff	Tomlinson
Brandl	Forsythe	Knickerbocker	Patton	Waldorf
Byrne	Fudro	Kostohryz	Petraseso	Wenstrom
Carlson, A.	Fugina	Kroening	Pleasant	White
Carlson, D.	Hanson	Laidig	Reding	Wynia
Carlson, L.	Heintz	Lehto	Rose	Zubay

Those who voted in the negative were:

Anderson, G.	Erickson	Metzen	Samuelson	Voss
Anderson, I.	Fjoslien	Moe	Savelkoul	Welch
Berg	George	Murphy	Scheid	Wenzel
Berglin	Gunter	Nelsen, B.	Schulz	Wieser
Braun	Jacobs	Nelson	Searle	Wigley
Clawson	Jaros	Niehaus	Sieben, H.	Williamson
Corbid	Kahn	Pehler	Skoglund	Speaker Sabo
Den Ouden	Kelly, W.	Peterson	Smogard	
Ellingson	Langseth	Frahl	Swanson	
Enebo	Mangan	Rice	Vanasek	

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend H. F. No. 1191, as follows:

Page 11, after line 20, insert:

*"In the event that the issuance of general obligation bonds pursuant to this section would cause the total amount of outstanding indebtedness for a municipality to exceed the net debt limit for said municipality as provided in section 475.53, the municipality may issue general obligation bonds pursuant to this section upon obtaining approval of a majority of the electors voting on the question. Such elections shall be held in accordance with the procedures established in Minnesota Statutes, Chapter 475."*

The motion prevailed and the amendment was adopted.

H. F. No. 1191, A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivision 2; and repealing Minnesota Statutes 1976, Sections 458.192, Subdivision 12; 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; and 472A.08.

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 90 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Braun	Cohen	Enebo
Adams	Begich	Brinkman	Corbid	Evans
Albrecht	Berg	Carlson, D.	Dahl	Faricy
Anderson, B.	Berglin	Carlson, L.	Dean	George
Anderson, G.	Berkelman	Casserly	Den Ouden	Gunter
Anderson, I.	Birnstihl	Clark	Eken	Hanson
Anderson, R.	Brandl	Clawson	Ellingson	Heinitz

Jacobs	Kroening	Munger	Rose	Swanson
Jaros	Kvam	Murphy	Samuelson	Voss
Jensen	Laidig	Nelsen, M.	Savelkoul	Waldorf
Johnson	Langseth	Nelson	Scheid	Welch
Jude	Lehto	Niehaus	Schulz	Wenzel
Kahn	Lemke	Novak	Searles	Wieser
Kaley	Mangan	Pehler	Sieben, H.	Wigley
Kalis	Mann	Peterson	Sieben, M.	Williamson
Kelly, R.	McDonald	Pleasant	Skoglund	Wynia
Kelly, W.	McEachern	Prahl	Smogard	Zubay
King	Moe	Reding	Stanton	Speaker Sabo

Those who voted in the negative were:

Anderson, D.	Erickson	Knickerbocker	Osthoff	Stoa
Arlandson	Esau	Kostohryz	Patton	Suss
Biersdorf	Fjoslien	McCollar	Petrafaso	Tomlinson
Byrne	Forsythe	Metzen	St. Onge	Vanasek
Carlson, A.	Fudro	Neisen	Sarna	Wenstrom
Cummiskey	Hokanson	Nelsen, B.	Searle	White
Eckstein	Kempe, R.	Norton	Simoneau	

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

H. F. No. 551, A bill for an act relating to taxation; providing for transfer of jointly held property to heirs of decedent joint tenant; clarifying marital exemption provisions; providing for deduction for certain taxes on estates of nonresidents; clarifying time for filing and extension; providing for abatement of penalties in cases of reasonable cause for delay; correcting references to probate code provisions; requiring filing of affidavits and copies of documents; amending Minnesota Statutes 1976, Sections 291.01, Subdivision 4; 291.051, Subdivision 1; 291.08; 291.09, by adding a subdivision; 291.11, Subdivision 1; 291.131, Subdivision 2; 291.20, Subdivision 3; 291.40; 524.3-1008; 524.3-1201; and 524.3-1202.

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

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

Those who voted in the affirmative were:

Abeln	Biersdorf	Cummiskey	Friedrich	Kaley
Adams	Birnstihl	Dahl	Fudro	Kalis
Albrecht	Brandl	Dean	Fugina	Kelly, R.
Anderson, B.	Braun	Den Ouden	George	Kelly, W.
Anderson, D.	Brinkman	Eckstein	Gunter	Kempe, R.
Anderson, G.	Byrne	Eken	Hanson	King
Anderson, I.	Carlson, A.	Ellingson	Heinitz	Knickerbocker
Anderson, R.	Carlson, D.	Enebo	Hokanson	Kostohryz
Arlandson	Carlson, L.	Erickson	Jacobs	Kroening
Battaglia	Casserly	Esau	Jaros	Kvam
Begich	Clark	Evans	Jensen	Laidig
Berg	Clawson	Faricy	Johnson	Langseth
Berglin	Cohen	Fjoslien	Jude	Lehto
Berkelman	Corbid	Forsythe	Kahn	Lemke

Mangan	Nelson	Rice	Sieben, M.	Waldorf
Mann	Niehaus	Rose	Simoneau	Welch
McCollar	Norton	St. Onge	Skoglund	Wenstrom
McDonald	Novak	Samuelson	Smogard	Wenzel
McEachern	Osthoff	Sarna	Spanish	White
Metzen	Patton	Savelkoul	Stanton	Wieser
Moe	Pehler	Scheid	Stoa	Wigley
Munger	Peterson	Schulz	Suss	Williamson
Murphy	Petrafeso	Searle	Swanson	Wynia
Neisen	Pleasant	Searles	Tomlinson	Zubay
Nelsen, B.	Prahl	Sherwood	Vanasek	Speaker Sabo
Nelsen, M.	Reding	Sieben, H.	Voss	

The bill was passed and its title agreed to.

H. F. No. 223 was reported to the House.

Kelly, R., moved to amend H. F. No. 223, as follows:

Page 3, line 1, delete "*telephones*" insert "*telephone numbers*".

The motion prevailed and the amendment was adopted.

George moved to amend H. F. No. 223, as amended, as follows:

Page 2, line 31, delete Section 2 from the bill.

Renumber the remaining section.

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

H. F. No. 223, A bill for an act relating to telephones; providing that sales tax on telephone service charges be payable by person paying for the service; requiring telephone number publication; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3; and Chapter 237, by adding a section.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Begich	Carlson, D.	Den Ouden	Fudro
Adams	Berg	Carlson, L.	Eckstein	Fugina
Albrecht	Berglin	Cassery	Eken	Gunter
Anderson, B.	Berkelman	Clark	Erickson	Hanson
Anderson, D.	Biersdorf	Clawson	Esau	Heintz
Anderson, G.	Birnstihl	Cohen	Evans	Hokanson
Anderson, I.	Braun	Corbid	Faricy	Jacobs
Anderson, R.	Brunkman	Cummiskey	Fjoslien	Jaros
Arlandson	Byrne	Dahl	Forsythe	Jensen
Battaglia	Carlson, A.	Dean	Friedrich	Johnson

Jude	Lemke	Osthoff	Searles	Waldorf
Kahn	Mangan	Patton	Sherwood	Welch
Kaley	Mann	Peterson	Sieben, H.	Wenstrom
Kalis	McCollar	Petrafeso	Sieben, M.	Wenzel
Kelly, R.	McDonald	Pleasant	Simoneau	White
Kelly, W.	McEachern	Reding	Skoglund	Wieser
Kempe, R.	Metzen	Rice	Smogard	Wigley
King	Munger	Rose	Spanish	Williamson
Knickerbocker	Murphy	St. Onge	Stanton	Wynia
Kostohryz	Neisen	Samuelson	Stoa	Zubay
Kroening	Nelsen, B.	Sarna	Suss	Speaker Sabo
Kvam	Nelson	Savelkoul	Swanson	
Laidig	Niehaus	Scheid	Tomlinson	
Langseth	Norton	Schulz	Vanasek	
Lehto	Novak	Searle	Voss	

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

Corbid was excused between the hours of 4:05 p.m. and 7:25 p.m.

### SPECIAL ORDERS

There being no objection, S. F. No. 766 was reported to the House.

Begich offered an amendment to S. F. No. 766.

### POINT OF ORDER

Berg raised a point of order pursuant to rule 3.9 that the Begich amendment was out of order. Sieben, H., as Speaker Pro Tempore, ruled the point of order well taken and the amendment out of order.

Smogard moved to amend S. F. No. 766, the unofficial engrossment, as follows:

Page 2, strike lines 17 to 20 and insert the following:

*“(3) persons possessing machine guns or short-barreled shot-guns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or his delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector’s items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons.”.*

Page 2, line 29, after the semicolon strike the remainder of line 29, line 30, line 31 and line 32 up to and including the semicolon.

Page 3, after line 5, add a new section to read:

"Sec. 2. [PRE-EMPTION.] *This act supersedes all local ordinances, rules and regulations.*"

Renumber the following section accordingly.

The motion prevailed and the amendment was adopted.

Kahn moved to amend S. F. No. 766, the unofficial engrossment, as follows:

Page 1, line 10, delete "SHOTGUNS" and insert "GUNS".

Page 1, line 15, delete "*Shotgun*" and insert "*Gun*".

Page 1, line 16, delete "*is intended to be fired from the shoulder*".

Page 1, line 17, delete "*and*".

Page 1, line 17, delete "*shotgun*" and insert "*gun*".

Page 1, line 18, after "*smooth*" insert "*or rifled*".

Page 1, line 21, after "*barreled*" delete "*shotgun*" and insert "*gun*".

Page 1, line 21, after "*means a*" delete "*shotgun*" and insert "*gun*".

Page 2, line 1, delete "*shotgun*" and insert "*gun*".

Page 2, line 5, delete "*shotgun*" and insert "*gun*".

Page 2, line 9, delete "*shotgun*" and insert "*gun*".

Page 2, line 18, delete "*shotgun*" and insert "*gun*".

Page 2, line 22, delete "*shotgun*" and insert "*gun*".

Page 2, line 27, delete "*shotgun*" and insert "*gun*".

Page 2, line 31, delete "*shotgun*" and insert "*gun*".

Further amend the title as follows:

Line 3, delete "*shotguns*" and insert "*guns*".

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

S. F. No. 766, A bill for an act relating to crimes; public safety and health; dangerous weapons; short-barreled shotguns; providing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

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 79 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeln	Eken	Jude	Neisen	Skoglund
Adams	Ellingson	Kahn	Nelson	Smogard
Anderson, G.	Enebo	Kempe, A.	Norton	Stanton
Arlandson	Erickson	Kempe, R.	Novak	Stoa
Berg	Faricy	King	Osthoff	Suss
Brandl	Forsythe	Knickerbocker	Petrafaso	Tomlinson
Byrne	Fudro	Kostohryz	Reding	Voss
Carlson, A.	Fugina	Kroening	Rose	Waldorf
Carlson, L.	George	Kvam	Sarna	Welch
Casserly	Hanson	Lehto	Savelkoul	Wenstrom
Clark	Heinitz	Mangan	Scheid	White
Clawson	Hokanson	McDonald	Searle	Williamson
Cohen	Jacobs	McEachern	Sherwood	Wynia
Cummiskey	Jaros	Metzen	Sieben, H.	Zubay
Dean	Jensen	Moe	Sieben, M.	Speaker Sabo
Den Ouden	Johnson	Munger	Simoneau	

Those who voted in the negative were:

Albrecht	Birnstihl	Gunter	Nelsen, M.	Schulz
Anderson, D.	Braun	Kaley	Niehaus	Searles
Anderson, I.	Carlson, D.	Kalis	Patton	Spanish
Anderson, R.	Eckstein	Lenke	Peterson	Vanasek
Battaglia	Esau	Mann	Pleasant	Wenzel
Begich	Evans	Murphy	Prahl	Wieser
Biersdorf	Fjoslien	Nelsen, B.	St. Onge	Wigley

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

S. F. No. 1070 was reported to the House.

There being no objection, S. F. No. 1070 was continued on Special Orders for one day.

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

S. F. No. 1338 was reported to the House.

Savelkoul moved to amend S. F. No. 1338, as follows:

Page 5, after line 13, insert:

"Sec. 6. Minnesota Statutes 1976, Chapter 65B, is amended by adding a section to read:

[65B.72] [INJURY OR LOSS TO PEDESTRIANS; NO-FAULT NOT TO APPLY.] *Sections 65B.41 to 65B.71 do not apply to injury or loss to pedestrians arising from the maintenance or use of a motor vehicle or motorcycle. For the purposes of this section, the definitions contained in section 65B.43 apply and "pedestrian" does not include any person occupying, entering into or onto or alighting from a motor vehicle or motorcycle.*"

Further, amend the title as follows:

Page 1, line 4, after "act;" insert "excluding pedestrians from no-fault coverage and restrictions;"

Page 1, line 5, after "1976," insert "Chapter 65B, by adding a section; and".

The motion prevailed and the amendment was adopted.

S. F. No. 1338, A bill for an act relating to automobile insurance; clarifying certain ambiguous provisions in the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1976, Sections 65B.44, Subdivision 3; 65B.49, Subdivisions 4 and 6; 65B.51, Subdivision 1; and 65B.53, Subdivision 1.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Munger	Sieben, H.
Adams	Cohen	Jensen	Murphy	Sieben, M.
Albrecht	Cummiskey	Jude	Neisen	Simoneau
Anderson, B.	Dahl	Kahn	Nelsen, B.	Skoglund
Anderson, D.	Dean	Kaley	Nelsen, M.	Smogard
Anderson, G.	Den Ouden	Kalis	Nelson	Spanish
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Stanton
Anderson, R.	Eken	Kelly, W.	Norton	Stoa
Arlandson	Ellingson	Kempe, R.	Novak	Suss
Battaglia	Erickson	King	Osthoff	Swanson
Begich	Esau	Knickerbocker	Patton	Tomlinson
Berg	Evans	Kostohryz	Peterson	Waldorf
Berglin	Faricy	Kroening	Petrafaso	Welch
Berkelman	Fjoslien	Laidig	Pleasant	Wenstrom
Biersdorf	Forsythe	Langseth	Prahl	Wenzel
Birnstihl	Friedrich	Lehto	Reding	White
Brandl	Fudro	Lemke	Rose	Wieser
Braun	Fugina	Mangan	St. Onge	Wigley
Byrne	George	Mann	Savelkoul	Williamson
Carlson, A.	Gunter	McCollar	Scheid	Wynia
Carlson, D.	Hanson	McDonald	Schulz	Zubay
Carlson, L.	Heinitz	McEachern	Searle	Speaker Sabo
Cassery	Hokanson	Metzen	Searles	
Clark	Jacobs	Moe	Sherwood	

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

S. F. No. 274 was reported to the House.

Wieser, Lemke and Schulz moved to amend S. F. No. 274, the unofficial engrossment, as follows:

Page 6, line 14, after the period insert:

*"Sec. 2. [STATE PARKS; NOTICE OF ADDITIONS TO AND DELETIONS FROM.] The commissioner of natural resources shall publish a notice and description of proposed additions to and deletions from legislatively designated boundaries of state parks in a legal newspaper of general circulation in each county that is affected, and shall mail a copy of such notice and description to the chairman of the affected county board or boards and to each affected landowner."*

Renumber the subsequent section accordingly.

The motion prevailed and the amendment was adopted.

Lemke, Schulz and Wieser moved to amend S. F. No. 274, the unofficial engrossment, as amended, as follows:

Page 6, line 14, after the period insert:

*"Sec. 2. [STATE PARKS; REVIEW OF BOUNDARIES.] The commissioner of natural resources shall review the present legislatively designated boundaries of state parks in cooperation with each affected county board, and shall submit any proposed additions to or deletions from the present boundaries with the recommended reasons to the house environment and natural resources committee and the senate agriculture and natural resources committee by January 15, 1978. Each subsequent proposed addition to or deletion from the legislatively designated boundaries of state parks, with the recommended reasons therefor, shall be submitted to the house environment and natural resources committee and the senate agriculture and natural resources committee for their review before any bills relating to the proposed additions or deletions are introduced in the legislature."*

Renumber subsequent section accordingly.

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend S. F. No. 274, the unofficial engrossment, as follows:

Page 6, after line 14, add a new subdivision to read:

"Subd. 7. [BIG STONE STATE PARK: DELETION.] The following area is deleted from Big Stone State Park: The Northeast Quarter of the Northwest Quarter of Section 20 in Township 123 North, Range 48 West and the Southwest part of Lot 2 of Section 10 in Township 122N, Range 47W."

The motion prevailed and the amendment was adopted.

Anderson, I., moved to amend the Lemke, Schulz and Wieser amendment to S. F. No. 274, the unofficial engrossment, as amended, as follows:

After "committee for their review" delete "before any bills relating to the proposed additions or deletions are introduced in the legislature".

The motion prevailed and the amendment was adopted.

Spanish moved to amend S. F. No. 274, the unofficial engrossment, as amended, as follows:

Page 1, line 9, delete Section 1 from the bill.

Renumber the following sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 40 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, D.	Gunter	McCollar	Novak
Albrecht	Den Ouden	Heinitz	McDonald	Prahl
Anderson, D.	Erickson	Jaros	McEachern	Savelkoul
Anderson, R.	Esau	Johnson	Metzen	Simoneau
Begich	Evans	Jude	Murphy	Spanish
Biersdorf	Fjostien	Kaley	Nelsen, B.	Wenzel
Braun	Fudro	Kalis	Nelsen, M.	Wigley
Brinkman	Fugina	Kvam	Niehaus	Zubay

Those who voted in the negative were:

Abeln	Dahl	King	Reding	Suss
Anderson, B.	Dean	Knickerbocker	Rose	Swanson
Anderson, I.	Ellingson	Kostohryz	St. Onge	Tomlinson
Battaglia	Enebo	Laidig	Scheid	Vanasek
Berglin	Faricy	Langseth	Searle	Waldorf
Brandl	Friedrich	Lehto	Searles	White
Byrne	George	Mangan	Sherwood	Wieser
Carlson, A.	Hanson	Mann	Sieben, H.	Williamson
Carlson, L.	Hokanson	Munger	Sieben, M.	Wynia
Casserly	Jacobs	Neisen	Skoglund	Speaker Sabo
Clark	Kahn	Norton	Smogard	
Clawson	Kelly, R.	Osthoff	Stanton	
Cummiskey	Kempe, R.	Peterson	Stoa	

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

S. F. No. 274, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

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 95 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jude	Nelson	Sieben, H.
Anderson, B.	Dahl	Kaley	Norton	Sieben, M.
Anderson, D.	Dean	Kelly, R.	Novak	Simoneau
Anderson, G.	Den Ouden	Kelly, W.	Osthoff	Skoglund
Anderson, I.	Eckstein	Kempe, R.	Patton	Smogard
Arlandson	Ellingson	Knickerbocker	Pehler	Stanton
Battaglia	Erickson	Kostohryz	Peterson	Stoa
Berg	Faricy	Kroening	Petrafeso	Suss
Berglin	Fjoslien	Kvam	Pleasant	Swanson
Berkelman	Forsythe	Laidig	Reding	Tomlinson
Biersdorf	Friedrich	Langseth	Rice	Vanasek
Brandl	George	Lehto	Rose	Voss
Braun	Hanson	Lemke	St. Onge	Waldorf
Byrne	Heinitz	Mangan	Savelkoul	Wenstrom
Carlson, L.	Hokanson	Mann	Scheid	Wieser
Casserly	Jacobs	McCollar	Schulz	Williamson
Clark	Jaros	McEachern	Searle	Wynia
Clawson	Jensen	Moe	Searles	Zubay
Cohen	Johnson	Munger	Sherwood	Speaker Sabo

Those who voted in the negative were:

Albrecht	Brinkman	Fugina	Metzen	Prahl
Anderson, R.	Esau	Gunter	Nelsen, B.	Spanish
Begich	Evans	Kalis	Nelsen, M.	Wenzel
Birnstihl	Fudro	McDonald	Niehaus	White

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

S. F. No. 977 was reported to the House.

Cummiskey moved to amend S. F. No. 977, the unofficial engrossment, as follows:

Page 2, after line 4, add a section to read:

"Section 2. Minnesota Statutes 1976, Section 517.03 is amended to read:

517.03 [MARRIAGES PROHIBITED.] No marriage shall be contracted while either of the parties has a husband or wife

living; nor within six months after either has been divorced from a former spouse; excepting re-intermarriage between such parties; nor within six months after either was a party to a marriage which has been adjudged a nullity, excepting intermarriage between such parties; nor between parties who are nearer than second cousins, whether of the half or whole blood, computed by the rules of the civil law; nor between persons (ONE OF WHOM IS A MALE PERSON) under 18 years of age (OR ONE OF WHOM IS A FEMALE PERSON UNDER THE AGE OF 16 YEARS); provided, however, that mentally deficient persons committed to the guardianship of the commissioner of public welfare and mentally deficient persons committed to the conservatorship of the commissioner of public welfare in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant such consent unless it appears from his investigation that such marriage is not in the best interest of the ward or conservatee and the public. The clerk of the district court in the county where the application for a license is made by such ward or conservatee shall not issue the license unless and until he has received a signed copy of the consent of the commissioner of public welfare.”.

Renumber the following sections.

Further amend the title as follows:

Line 7, after “517.02;” insert “517.03;”.

The motion prevailed and the amendment was adopted.

Brandl moved to amend S. F. No. 977, the unofficial engrossment, as amended, as follows:

Page 3, after line 4, insert the following:

“Sec. 3. Minnesota Statutes 1976, Section 517.03, is amended to read:

517.03 [MARRIAGES PROHIBITED.] No marriage shall be contracted while either of the parties has a husband or wife living (; NOR WITHIN SIX MONTHS AFTER EITHER HAS BEEN DIVORCED FROM A FORMER SPOUSE; EXCEPTING RE-INTERMARRIAGE BETWEEN SUCH PARTIES; NOR WITHIN SIX MONTHS AFTER EITHER WAS A PARTY TO A MARRIAGE WHICH HAS BEEN ADJUDGED A NULLITY, EXCEPTING INTERMARRIAGE BETWEEN SUCH PARTIES); nor between parties who are nearer than second cousins, whether of the half or whole blood, computed by the rules of the civil law; nor between persons one of whom is a male person under 18 years of age or one of whom is a female person under the age of 16 years; provided, however, that men-

tally deficient persons committed to the guardianship of the commissioner of public welfare and mentally deficient persons committed to the conservatorship of the commissioner of public welfare in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant such consent unless it appears from his investigation that such marriage is not in the best interest of the ward or conservatee and the public. The clerk of the district court in the county where the application for a license is made by such ward or conservatee shall not issue the license unless and until he has received a signed copy of the consent of the commissioner of public welfare.”.

Further amend the title as follows :

Line 4, after the semicolon, insert “removing the prohibition of marriage within six months after divorce or annulment;”.

Line 5, after “Sections” insert “517.03;”.

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

Faricy moved to amend S. F. No. 977, the unofficial engrossment, as amended, as follows :

Strike the Cummiskey amendment at page 2, after line 4.

Delete Section 1 from the bill.

Renumber the sections.

Further, amend the title.

Line 7, after “Sections” delete “517.02;”.

Carlson, A., moved that S. F. No. 977, as amended, be continued on Special Orders for one day. The motion did not prevail.

The question recurred on the adoption of the Faricy amendment. The motion prevailed and the amendment was adopted.

Fudro was excused for the remainder of today’s session.

Cassery moved to amend S. F. No. 977, the unofficial engrossment, as amended, as follows :

Page 3, after line 4, insert the following :

“Sec. 3. Minnesota Statutes 1976, Section 517.03, is amended to read :

517.03 [MARRIAGES PROHIBITED.] No marriage shall be contracted while either of the parties has a husband or wife living( ; NOR WITHIN SIX MONTHS AFTER EITHER HAS BEEN DIVORCED FROM A FORMER SPOUSE; EXCEPTING RE-INTERMARRIAGE BETWEEN SUCH PARTIES; NOR WITHIN SIX MONTHS AFTER EITHER WAS A PARTY TO A MARRIAGE WHICH HAS BEEN ADJUDGED A NULLITY, EXCEPTING INTERMARRIAGE BETWEEN SUCH PARTIES) ; nor between parties who are nearer than second cousins, whether of the half or whole blood, computed by the rules of the civil law ; nor between persons one of whom is a male person under 18 years of age or one of whom is a female person under the age of 16 years ; provided, however, that mentally deficient persons committed to the guardianship of the commissioner of public welfare and mentally deficient persons committed to the conservatorship of the commissioner of public welfare in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant such consent unless it appears from his investigation that such marriage is not in the best interest of the ward or conservatee and the public. The clerk of the district court in the county where the application for a license is made by such ward or conservatee shall not issue the license unless and until he has received a signed copy of the consent of the commissioner of public welfare.”.

Further amend the title as follows :

Line 4, after the semicolon, insert “removing the prohibition of marriage within six months after divorce or annulment;”.

Line 5, after “Sections”, insert “517.03;”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 59 yeas and 48 nays as follows :

Those who voted in the affirmative were:

Abeln	Casserly	George	Moe	Simoneau
Anderson, B.	Clark	Gunter	Munger	Skoglund
Anderson, G.	Cohen	Heinits	Nelson	Smogard
Anderson, R.	Dahl	Jacobs	Novak	Stanton
Berg	Dean	Johnson	Peterson	Suss
Berglin	Eckstein	Kahn	Petraleso	Tomlinson
Birnstihl	Ellingson	Kaley	Rice	Wenstrom
Brandl	Enebo	Kelly, W.	Samuelson	Williamson
Brinkman	Evans	Kostohryz	Scheid	Wynia
Byrne	Faricy	Laidig	Searles	Zubay
Carlson, A.	Friedrich	Lehto	Sieben, H.	Speaker Sabo
Carlson, L.	Fugina	McCollar	Sieben, M.	

Those who voted in the negative were:

Adams	Erickson	Langseth	Patton	Stoa
Albrecht	Esau	Mangan	Pehler	Swanson
Anderson, D.	Fjoslien	Mann	Pleasant	Vanasek
Anderson, I.	Jensen	McDonald	Prahl	Waldorf
Battaglia	Jude	McEachern	Rose	Wenzel
Begich	Kelly, R.	Murphy	St. Onge	White
Berkelman	Kempe, R.	Neisen	Savelkoul	Wieser
Biersdorf	King	Nelsen, B.	Schulz	Wigley
Carlson, D.	Kroening	Niehaus	Searle	
Den Ouden	Kvam	Osthoff	Sherwood	

The motion prevailed and the amendment was adopted.

Laidig moved to amend S. F. No. 977, the unofficial engrossment, as amended, as follows:

In the Casserly amendment, line 7, after "living" insert "; nor between parties of the same sex".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 102 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kaley	Neisen	Sieben, M.
Adams	Dean	Kalis	Nelsen, B.	Skoglund
Albrecht	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, B.	Eckstein	Kelly, W.	Novak	Stoa
Anderson, D.	Eken	Kempe, R.	Osthoff	Suss
Anderson, G.	Ellingson	King	Patton	Swanson
Anderson, I.	Erickson	Knickerbocker	Pehler	Tomlinson
Anderson, R.	Esau	Kostohryz	Peterson	Vanasek
Arlandson	Evans	Kroening	Pleasant	Voss
Battaglia	Ewald	Kvam	Prahl	Waldorf
Begich	Farcy	Laidig	Reding	Wenstrom
Berg	Fjoslien	Langseth	Rice	Wenzel
Berkelman	Friedrich	Lemke	Rose	White
Biersdorf	Gunter	Mangan	St. Onge	Wieser
Birnstihl	Hanson	Mann	Savelkoul	Wigley
Brinkman	Heinitz	McCollar	Scheid	Williamson
Byrne	Hokanson	McDonald	Schulz	Wynia
Carlson, A.	Jacobs	McEachern	Searle	Zubay
Carlson, D.	Jensen	Metzen	Searles	
Carlson, L.	Johnson	Munger	Sherwood	
Clawson	Jude	Murphy	Sieben, H.	

Those who voted in the negative were:

Berglin	Kahn	Lehto
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The motion prevailed and the amendment was adopted.

S. F. No. 977, A bill for an act relating to marriage; requiring certain information to be included on an application for a mar-

riage license; amending Minnesota Statutes 1976, Sections 517.08, Subdivision 1; and 517.10.

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 114 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Nelsen, B.	Sieben, M.
Adams	Cummiskey	Jude	Nelson	Simoneau
Anderson, B.	Dahl	Kahn	Niehaus	Skoglund
Anderson, D.	Dean	Kaley	Norton	Smogard
Anderson, G.	Den Ouden	Kalis	Novak	Stanton
Anderson, I.	Eckstein	Kelly, R.	Osthoff	Stoa
Anderson, R.	Eken	Kelly, W.	Patton	Suss
Arlandson	Ellingson	Kempe, R.	Pehler	Swanson
Battaglia	Enebo	King	Peterson	Tomlinson
Begich	Erickson	Knickerbocker	Petrafeso	Vanasek
Berg	Evans	Kostohryz	Pleasant	Voss
Berglin	Faricy	Kroening	Prahl	Waldorf
Berkelman	Fjoslien	Kvam	Reding	Welch
Biersdorf	Forsythe	Laidig	Rice	Wenstrom
Brandl	Friedrich	Lehto	Rose	Wenzel
Brinkman	Fugina	Mann	St. Onge	White
Byrne	George	McCollar	Samuelson	Wieser
Carlson, A.	Gunter	McDonald	Savelkoul	Wigley
Carlson, D.	Hanson	McEachern	Scheid	Williamson
Carlson, L.	Heinitz	Metzen	Searle	Wynia
Casserly	Hokanson	Munger	Searles	Zubay
Clark	Jacobs	Murphy	Sherwood	Speaker Sabo
Clawson	Jensen	Neisen	Sieben, H.	

Those who voted in the negative were:

Birnstihl	Ewald	Langseth	Mangan	Schulz
Braun	Jaros			

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

S. F. No. 541, A bill for an act relating to the operation of state government; authorizing value analysis of certain department of transportation construction projects; establishing procedures for implementing value analysis change proposals.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

Begich	Enebo	Kelly, R.	Niehaus	Smogard
Berg	Erickson	Kelly, W.	Norton	Spanish
Berglin	Esau	Kempe, R.	Novak	Stanton
Berkelman	Evans	King	Patton	Stoa
Biersdorf	Ewald	Knickerbocker	Pehler	Suss
Birnstihl	Faricy	Kostohryz	Peterson	Swanson
Brandl	Fjoslien	Kroening	Petrafeso	Tomlinson
Braun	Forsythe	Kvam	Pleasant	Vanasek
Byrne	Friedrich	Laidig	Prahl	Voss
Carlson, A.	Fugina	Langseth	Reding	Waldorf
Carlson, D.	George	Lehto	Rice	Welch
Carlson, L.	Gunter	Lemke	Rose	Wenstrom
Casserly	Hanson	Mangan	St. Onge	Wenzel
Clark	Heinitz	Mann	Savelkoul	White
Clawson	Hokanson	McCollar	Scheid	Wieser
Cohen	Jacobs	McDonald	Schulz	Wigley
Cummiskey	Jaros	McEachern	Searle	Williamson
Dahl	Jensen	Metzen	Searles	Wynia
Dean	Johnson	Munger	Sherwood	Zubay
Den Ouden	Jude	Murphy	Sieben, H.	Speaker Sabo
Eckstein	Kahn	Neisen	Sieben, M.	
Eken	Kaley	Nelsen, B.	Simoneau	
Ellingson	Kalis	Nelson	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 968, A bill for an act relating to probate; decrees of descent; changing the requirements for the notice of hearing on a petition for a decree of descent; amending Minnesota Statutes 1976, Section 525.312.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Simoneau
Adams	Dahl	Kahn	Nelson	Skoglund
Albrecht	Dean	Kaley	Niehaus	Smogard
Anderson, B.	Den Ouden	Kalis	Norton	Spanish
Anderson, D.	Eckstein	Kelly, R.	Novak	Stanton
Anderson, G.	Eken	Kempe, R.	Osthoff	Stoa
Anderson, I.	Ellingson	King	Patton	Suss
Anderson, R.	Enebo	Knickerbocker	Pehler	Swanson
Arlandson	Erickson	Kostohryz	Peterson	Tomlinson
Battaglia	Esau	Kroening	Petrafeso	Vanasek
Begich	Evans	Kvam	Pleasant	Voss
Berg	Ewald	Laidig	Prahl	Waldorf
Berglin	Faricy	Langseth	Reding	Welch
Berkelman	Fjoslien	Lehto	Rice	Wenstrom
Biersdorf	Forsythe	Lemke	Rose	Wenzel
Birnstihl	Friedrich	Mangan	St. Onge	White
Brandl	Fugina	Mann	Savelkoul	Wieser
Byrne	Gunter	McCollar	Scheid	Wigley
Carlson, A.	Hanson	McDonald	Schulz	Williamson
Carlson, D.	Heinitz	McEachern	Searle	Wynia
Carlson, L.	Jacobs	Metzen	Searles	Zubay
Casserly	Jaros	Munger	Sherwood	Speaker Sabo
Clark	Jensen	Murphy	Sieben, H.	
Clawson	Johnson	Neisen	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 1064, A bill for an act relating to the state board of investment; creating an advisory council; requiring annual reports; replacing existing agencies; amending Minnesota Statutes 1976, Chapter 11, by adding sections.

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 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Sieben, H.
Adams	Cohen	Jude	Nelsen, B.	Sieben, M.
Albrecht	Dahl	Kaley	Nelson	Simoneau
Anderson, B.	Dean	Kalis	Niehaus	Skoglund
Anderson, D.	Den Ouden	Kelly, R.	Norton	Smogard
Anderson, G.	Eckstein	Kelly, W.	Novak	Spanish
Anderson, I.	Eken	Kempe, R.	Osthoff	Stoa
Anderson, R.	Ellingson	King	Patton	Suss
Arlandson	Enebo	Knickerbocker	Pehler	Swanson
Battaglia	Erickson	Kostohryz	Peterson	Tomlinson
Begich	Esau	Kroening	Petraseso	Vanasek
Berg	Evans	Kvam	Pleasant	Voss
Berglin	Ewald	Laidig	Prahl	Welch
Berkelman	Faricy	Langseth	Reding	Wenstrom
Biersdorf	Fjoslien	Lehto	Rice	Wenzel
Birnstihl	Friedrich	Lemke	Rose	White
Brandl	Fugina	Mangan	St. Onge	Wieser
Brinkman	Gunter	Mann	Samuelson	Wigley
Byrne	Hanson	McCollar	Savekoul	Williamson
Carlson, A.	Heinitz	McDonald	Scheid	Wynia
Carlson, D.	Hokanson	McEachern	Schulz	Zubay
Carlson, L.	Jacobs	Metzen	Searle	Speaker Sabo
Casserly	Jaros	Munger	Searles	
Clark	Jensen	Murphy	Sherwood	

Those who voted in the negative were:

Waldorf

The bill was passed and its title agreed to.

S. F. No. 1077 was reported to the House.

Berg moved to amend S. F. No. 1077, the unofficial engrossment, as follows:

Page 2, line 5, after "of" insert "the chairperson appointed by the governor and".

Page 2, line 6, strike "15" and insert "18".

Page 2, line 17, strike "Nine" and insert "Twelve".

Page 2, lines 18 and 19, strike “, one of whom shall be designated by the governor as chairperson”.

The motion prevailed and the amendment was adopted.

Berg moved to amend S. F. No. 1077, the unofficial engrossment, as follows:

Page 11, line 1, delete “or local”.

Page 11, line 5, delete the comma and insert “or”.

Page 11, line 5, delete “or a local crime”.

Page 11, line 6, delete “control planning unit”.

The motion prevailed and the amendment was adopted.

S. F. No. 1077, A bill for an act relating to the organization and operation of state government; creating a crime control planning board to supersede the governor's commission on crime prevention and control; requiring a statewide comprehensive plan for law enforcement and criminal justice administration; empowering the board to make grants to governmental agencies; designating the board as the state planning agency for purposes of federal legislation; prescribing other powers and duties; requiring annual reports; creating regional crime control advisory councils; requiring the preparation of regional plans; appropriating money.

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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Ewald	Kelly, R.	Murphy
Adams	Byrne	Faricy	Kelly, W.	Neisen
Albrecht	Carlson, A.	Fjoslien	Kempe, R.	Nelsen, B.
Anderson, B.	Carlson, D.	Friedrich	King	Nelsen, M.
Anderson, D.	Carlson, L.	Fugina	Knickerbocker	Nelson
Anderson, G.	Casserly	George	Kostohryz	Niehaus
Anderson, I.	Clark	Gunter	Kroening	Norton
Anderson, R.	Clawson	Hanson	Kvam	Novak
Arlandson	Cohen	Heinitz	Laidig	Osthoff
Battaglia	Cummiskey	Hokanson	Langseth	Patton
Begich	Dean	Jacobs	Lehto	Pehler
Berg	Den Ouden	Jaros	Lemke	Peterson
Berglin	Eckstein	Jensen	Mangan	Petrafeso
Berkelman	Eken	Johnson	McCollar	Prahl
Biersdorf	Ellingson	Jude	McDonald	Reding
Birnstihl	Enebo	Kahn	McEachern	Rice
Brandl	Erickson	Kaley	Metzen	Rose
Braun	Evans	Kalis	Munger	St. Onge

Samuelson	Sherwood	Spanish	Vanasek	Wieser
Savelkoul	Sieben, H.	Stanton	Waldorf	Wigley
Scheid	Sieben, M.	Stoa	Welch	Williamson
Schulz	Simoneau	Suss	Wenstrom	Wynia
Searle	Skoglund	Swanson	Wenzel	Zubay
Searles	Smogard	Tomlinson	White	

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

S. F. No. 368, A bill for an act relating to health care; providing conversion privileges under certain accident and health insurance policies, health service plan subscriber contracts and health maintenance contracts, for spouses whose marriage is dissolved; amending Minnesota Statutes 1976, Chapters 62A, by adding a section; 62C, by adding a section; and 62D, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Murphy	Sherwood
Adams	Cohen	Johnson	Neisen	Sieben, H.
Albrecht	Cummiskey	Jude	Neisen, B.	Sieben, M.
Anderson, B.	Dahl	Kahn	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kaley	Nelson	Skoglund
Anderson, G.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, R.	Norton	Spanish
Anderson, R.	Eken	Kelly, W.	Novak	Stoa
Arlandson	Ellingson	Kempe, R.	Osthoff	Suss
Battaglia	Enebo	King	Patton	Swanson
Begich	Erickson	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berglin	Ewald	Kroening	Petrafeso	Voss
Berkelman	Faricy	Kvam	Pleasant	Waldorf
Biersdorf	Fjoslien	Laidig	Prahl	Welch
Birnstihl	Forsythe	Langseth	Reding	Wenstrom
Brandl	Friedrich	Lehto	Rice	Wenzel
Braun	Fugina	Lemke	Rose	White
Brinkman	George	Mangan	St. Onge	Wieser
Byrne	Gunter	Mann	Samuelson	Wigley
Carlson, A.	Hanson	McCollar	Savelkoul	Williamson
Carlson, D.	Heinitz	McDonald	Scheid	Wynia
Carlson, L.	Hokanson	McEachern	Schulz	Zubay
Casserly	Jacobs	Metzen	Searle	Speaker Sabo
Clark	Jaros	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 562, A bill for an act relating to the practice of chiropractic; prescribing academic requirements for licensure, grounds for disciplinary action, and penalties; amending Minnesota Statutes 1976, Sections 148.06, Subdivision 1; and 148.10, Subdivision 1, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Neisen	Sieben, H.
Adams	Cohen	Jensen	Nelsen, B.	Sieben, M.
Albrecht	Cummiskey	Jude	Nelsen, M.	Simoneau
Anderson, B.	Dahl	Kahn	Nelson	Skoglund
Anderson, D.	Dean	Kalis	Niehaus	Smogard
Anderson, G.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, I.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, R.	Eken	Kempe, R.	Osthoff	Stoa
Arlandson	Ellingson	King	Patton	Suss
Battaglia	Enebo	Knickerbocker	Pehler	Swanson
Begich	Erickson	Kostohryz	Peterson	Tomlinson
Berg	Esau	Kroening	Petrafeso	Vanasek
Berglin	Evans	Kvam	Pleasant	Voss
Berkelman	Ewald	Laidig	Prahl	Waldorf
Biersdorf	Faricy	Langseth	Reding	Weich
Birnstihl	Fjoshien	Lehto	Rice	Wenstrom
Brandl	Forsythe	Lemke	Rose	Wenzel
Braun	Friedrich	Mangan	St. Onge	White
Brinkman	Fugina	Mann	Samuelson	Wieser
Byrne	George	McCollar	Saveikoul	Wigley
Carlson, A.	Gunter	McDonald	Scheid	Williamson
Carlson, D.	Hanson	McEachern	Schulz	Wynia
Carlson, L.	Heinitz	Metzen	Searle	Speaker Sabo
Casserly	Hokanson	Munger	Searles	
Clark	Jacobs	Murphy	Sherwood	

Those who voted in the negative were:

Kaley                      Zubay

The bill was passed and its title agreed to.

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

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 83, A bill for an act relating to crime victims reparations; eliminating the minimum claim amount necessary for reparations; raising the amount of reparations paid to claimants suffering economic loss; amending Minnesota Statutes 1976, Sections 299B.02; 299B.03, Subdivision 2; 299B.04; 299B.05, by adding a subdivision; 299B.06, Subdivisions 1 and 2; and 299B.07, by adding a subdivision.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 180, A bill for an act relating to health; appropriating money to fund a program of graduate training in family practice for physicians.

Reported the same back with the following amendments:

Page 1, line 11, delete "July 1, 1977, and".

Page 1, line 12, delete "\$96,000 during the fiscal year beginning".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 331, A bill for an act relating to motor vehicles; requiring information as to all owners in applications for registration or certificate of title; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1300, A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section.

Reported the same back with the following amendments:

Page 3, line 9 after the period add "*Within the Memorial Hardwood forest the department shall offer for sale by January 1, 1979 any parcel of contiguous tillable land in excess of ten acres*

*currently owned and shall offer for sale any parcel of contiguous tillable land in excess of ten acres acquired after the date of this act within two years after the date of acquisition. "Tillable land" is land classified by the United States soil conservation service as class 1, 2, 3 or 4."*

Page 4, line 26, delete "6," and after "7" insert ", 8".

Page 4, line 27, delete "9" and insert "10".

Page 6, after line 5 insert a new section as follows:

"Sec. 4. Minnesota Statutes 1976, Section 97.49, Subdivision 3, is amended to read:

Subd. 3. A sum equal to 35 percent of the gross receipts from all special use permits and leases of lands acquired for public hunting grounds and game refuges or 50 cents per acre or .75 percent of the purchase price, whichever amount is greater, on purchased land actually used for public hunting grounds and game refuges, whichever amount is the greater, shall be paid out of the game and fish fund annually to the county in which said lands are located, to be distributed by the county treasurer among the county and the respective towns and school districts wherein such grounds and refuges lie, on the same basis as if the payments were received as taxes on such lands, payable in the current year, but this provision shall not apply to state trust fund lands or any other state lands not purchased for game refuge and public hunting ground purposes. The county's share of the proceeds shall be deposited in the county general revenue fund."

Page 6, line 18, delete "7" and insert "8".

Page 9, line 7, delete "\$2,700,000" and insert "\$1,700,000".

Page 10, line 11, delete "registered".

Page 13, line 6, delete "6" and insert "7".

Page 13, line 7, delete "7" and insert "8".

Page 13, line 19, delete "6 and 7" and insert "7 and 8".

Page 13, line 22, delete "\$62,500,000" and insert "\$61,500,000".

Page 15, after line 11, insert a new section as follows:

"Sec. 16. [WORK PROGRAMS.] *It shall be a condition of acceptance of the appropriations made in sections 1 and 7 that the agency or entity receiving the appropriation shall submit work programs and semiannual progress reports in the form as*

*may be determined by the legislative commission on Minnesota resources. None of the moneys provided in sections 1 and 7 may be expended unless the commission has approved the pertinent work program."*

Renumber sections accordingly.

Further amend title as follows:

Page 1, line 6, after the semicolon, insert "97.49, Subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 625, A bill for an act relating to employment services; authorizing the summer employment of young persons for state and local service; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. [268.31] [DEVELOPMENT OF YOUTH EMPLOYMENT OPPORTUNITIES.] To the extent of available funding, the commissioner of employment services shall hire individuals from the ages of 14 years up to 22 years for a maximum of 12 weeks, not to exceed 40 hours per week per individual, during the summer for the purpose of placing such individuals in service with the department of employment services and with other departments, agencies and instrumentalities of the state, county, local governments, school districts and with nonprofit organizations. Priority for employment shall be given to those young individuals between the ages of 16 years up to 22 years.

Sec. 2. [268.32] [RATE OF PAY.] Persons hired pursuant to this act shall be compensated at the federal minimum wage rate. Persons hired in a supervisory capacity shall be compensated at a rate established by the commissioner.

Sec. 3. [268.33] [ELIGIBILITY FOR EMPLOYMENT AND PLACEMENT.] Subdivision 1. The department of employment services shall promulgate rules determining the eligibility for employment and placement pursuant to this act. The department shall have emergency powers to implement rules for carrying out this act.

Subd. 2. The department of employment services shall, for the purposes of this act, be exempt from complying with any law relating to hiring by departments, agencies or instrumentalities of the state.

Sec. 4. [268.34] [EMPLOYMENT CONTRACTS WITH GOVERNMENTAL SUBDIVISIONS AND NONPROFIT ORGANIZATIONS.] The commissioner is authorized to enter into arrangements with existing public and private nonprofit organizations and agencies with experience in administering summer youth employment programs for the purpose of providing employment opportunities in furtherance of this act. The commissioner shall enter into these agreements with organizations designated by the prime sponsors authorized under the comprehensive employment and training act (CETA). The department of employment services shall retain ultimate responsibility for the administration of this employment program, including but not limited to, approval of summer job opportunities, review of applicants therefor, placement of youth in jobs subject to the approval of prime sponsors and the disbursement of funds. Any administrative costs, with the exception of worker's compensation, incurred by any nonprofit organization or any governmental agency with which an arrangement has been made by the department of employment services shall not be paid from appropriated funds available for the purposes of this act.

Sec. 5. [268.35] The commissioner shall allocate funds to recipient organizations and agencies throughout the state taking into account in making such allocations the youth population of the county adjusted to eliminate the influence of post secondary educational institutions located in the county, the county unemployment rate and the number of families living below the poverty level in the county in which the recipient organization or agency is located.

Sec. 6. [268.36] [REPORT TO THE GOVERNOR AND THE LEGISLATURE.] The commissioner, after consultation with the CETA prime sponsors, shall evaluate the effectiveness of the youth employment program, taking into account the extent of other programs which are providing summer employment opportunities for youth covered under this act, and shall report to the governor and the legislature no later than January 15 of each even numbered year with an evaluation of the program and any recommendations for improvements.

Sec. 7. [APPROPRIATIONS.] The sum of \$6,000,000 is appropriated from the general fund to the commissioner of employment services for summer youth employment as provided in sections 1 to 6, to be available until June 30, 1979. The commissioner of employment services shall establish rules to insure, as far as practical, that no less than \$2,000,000 shall be used to provide employment for youth from the ages of 18 years up to 22

years currently enrolled or intending to enroll in a post secondary educational program during the year of employment.

Sec. 8. This act is effective the day following final enactment.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1362, A bill for an act relating to game and fish; exempting certain disabled residents from the requirements of obtaining a fishing license; amending Minnesota Statutes 1976, Section 98.47, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 13, after “(a)5” insert “, or who are former employees of the United States Postal Service who are receiving disability pay under USCA Title 5, Section 8337,”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 506, A bill for an act relating to taxation; extending the tax credit for feedlot pollution control equipment and providing for a carryover of the credit from one year to another; amending Minnesota Statutes 1976, Section 290.06, Subdivision 9a.

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 928, A bill for an act relating to taxation; altering the requirements for claiming withholding exemptions; amending Minnesota Statutes 1976, Section 290.92, Subdivision 5.

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 1175, A bill for an act relating to taxation; exempting probate deeds of distribution from conveyance recording requirements; amending Minnesota Statutes 1976, Section 272.12.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 83, 180, 331 and 1300 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 625, 1362, 506, 928 and 1175 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Norton introduced:

H. F. No. 1631, A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

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

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 801, A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota

Statutes 1976, Section 609.52, Subdivision 2; and Chapter 609, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Cohen moved that the House refuse to concur in the Senate amendments to H. F. No. 801, that the Speaker appoint a Conference Committee of 3 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.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 583:

Nelsen, M.; Abeln, and Heinitz.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1610:

Kahn, Voss, Petrafeso, Anderson, D., and Corbid.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 801:

Cohen, Dean, and Pehler.

#### SPECIAL ORDERS, Continued

S. F. No. 796, A bill for an act relating to health; prohibiting the operation of professional nursing business without a license; amending Minnesota Statutes 1976, Sections 148.271; 148.281, by adding a subdivision; and 319A.02, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Begich	Birnstihl	Carlson, A.
Adams	Anderson, I.	Berg	Brandl	Carlson, D.
Albrecht	Anderson, R.	Berglin	Braun	Carlson, L.
Anderson, B.	Arlandson	Berkelman	Brinkman	Cassery
Anderson, D.	Battaglia	Biersdorf	Byrne	Clark

Clawson	Gunter	Laidig	Pehler	Smogard
Cohen	Hanson	Langseth	Peterson	Spanish
Cummiskey	Heinitz	Lehto	Petrafeso	Stanton
Dahl	Hokanson	Lenke	Pleasant	Stoa
Dean	Jacobs	Mangan	Prahl	Suss
Den Ouden	Jaros	Mann	Reding	Swanson
Eckstein	Jensen	McDonald	Rice	Tomlinson
Eken	Johnson	McEachern	Rose	Vanasek
Ellingson	Jude	Metzen	St. Onge	Voss
Enebo	Kahn	Munger	Samuelson	Waldorf
Erickson	Kaley	Murphy	Savelkoul	Welch
Esau	Kalis	Neisen	Scheid	Wenstrom
Evans	Kelly, R.	Nelsen, B.	Schulz	Wenzel
Ewald	Kelly, W.	Nelsen, M.	Searle	White
Faricy	Kempe, R.	Nelson	Searles	Wieser
Fjoslien	King	Niehaus	Sherwood	Wigley
Forsythe	Knickerbocker	Norton	Sieben, H.	Williamson
Friedrich	Kostohryz	Novak	Sieben, M.	Wynia
Fugina	Kroening	Osthoff	Simoneau	Zubay
George	Kvam	Patton	Skoglund	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 181 was reported to the House.

Patton moved to amend S. F. No. 181, the unofficial engrossment, as follows:

Page 7, line 19, after the stricken "Municipalities" reinstate the stricken "with a population of less than 1,000".

The motion prevailed and the amendment was adopted.

George moved to amend S. F. No. 181, the unofficial engrossment, as follows:

Page 44, delete lines 23 to 32.

Page 45, delete lines 1 and 2.

Renumber sections accordingly.

Further, amend the title:

Page 1, line 26, after the semicolon delete "modifying waiver".

Page 1, delete line 27.

Page 1, line 28, delete "supreme court judges;".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 27 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Adams	Byrne	Kahn	Munger	Stoa
Albrecht	Den Ouden	Kaley	Niehaus	Voss
Anderson, D.	Erickson	Knickerbocker	Osthoff	Welch
Anderson, G.	George	Kostohryz	Schulz	
Begich	Gunter	Mann	Smogard	
Braun	Jacobs	McCollar	Spanish	

Those who voted in the negative were:

Abeln	Cohen	Kalis	Norton	Skoglund
Anderson, B.	Dean	Kelly, R.	Novak	Stanton
Anderson, I.	Eckstein	Kelly, W.	Patton	Swanson
Anderson, R.	Eken	Kempe, A.	Peterson	Tomlinson
Arlandson	Ellingson	Kempe, R.	Petraleso	Vanasek
Battaglia	Enebo	King	Prahl	Waldorf
Berg	Esau	Lehto	Reding	Wenzel
Berglin	Evans	Lemke	Rose	White
Berkelman	Ewald	Mangan	St. Onge	Wieser
Biersdorf	Farcy	McDonald	Samuelson	Wigley
Birnstihl	Fjoslien	McEachern	Savelkoul	Williamson
Brandl	Fugina	Metzen	Scheid	Wynia
Brinkman	Hanson	Moe	Searle	Zubay
Carlson, D.	Heinitz	Murphy	Searles	Speaker Sabo
Carlson, L.	Hokanson	Neisen	Sherwood	
Casserly	Jaros	Nelsen, B.	Sieben, H.	
Clark	Jensen	Nelsen, M.	Sieben, M.	
Clawson	Jude	Nelson	Simoneau	

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

George moved to amend S. F. No. 181, the unofficial engrossment, as follows:

Page 44, line 23, strike Section 50 from the bill and insert a new section to read:

"Sec. 50. Laws 1977, Chapter 35, Section 18, is amended to read:

Sec. 18. [TEMPORARY PROVISION.] Notwithstanding any other provision of (THIS ACT) *Laws 1977, Chapter 35* to the contrary, an increase in compensation provided a district or supreme court judge (HEREIN) *in Laws 1977, Chapter 35* shall not take effect (UNTIL EVERY) *as to any* judge of the district court (AND) *or any* justice of the supreme court who served in the district or supreme court prior to July 1, 1967, (SUBMITS) *until all judges who served in the district or supreme court prior to July 1, 1967 and who have not submitted an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106 on or prior to the effective date of this section submit an executed agreement to the executive director (OF THE MINNESOTA STATE RETIREMENT SYSTEM) in accord with section 490.106."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 32 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Kahn	Nelson	Voss
Albrecht	Carlson, D.	Kaley	Osthoff	Waldorf
Anderson, G.	Cummiskey	Kelly, R.	Schulz	Zubay
Begich	Fugina	Kelly, W.	Spanish	Speaker Sabo
Berglin	George	Kroening	Stanton	
Berkelman	Jacobs	Laidig	Suss	
Braun	Johnson	McCollar	Vanasek	

Those who voted in the negative were:

Anderson, B.	Den Ouden	Kempe, A.	Niehaus	Sieben, H.
Anderson, D.	Eckstein	Kempe, R.	Norton	Sieben, M.
Anderson, I.	Ellingson	King	Novak	Simoneau
Anderson, R.	Erickson	Kostohryz	Patton	Skoglund
Arlandson	Esau	Kvam	Peterson	Smogard
Battaglia	Evans	Lehto	Petraleso	Stoa
Berg	Ewald	Lemke	Prahl	Swanson
Biersdorf	Faricy	Mangan	Reding	Tomlinson
Birnstihl	Fjoslien	Mann	Rose	Wenstrom
Brandl	Friedrich	McDonald	St. Onge	Wenzel
Brinkman	Gunter	McEachern	Samuelson	White
Carlson, L.	Hanson	Metzen	Savelkoul	Wieser
Casserly	Heinitz	Moe	Scheid	Wigley
Cohen	Hokanson	Murphy	Searle	Williamson
Dahl	Jensen	Neisen	Searles	
Dean	Jude	Nelsen, B.	Sherwood	

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

Osthoff moved to amend S. F. No. 181, the unofficial engrossment, as follows:

Page 48, line 25, strike Section 56 from the bill.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 7 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Carlson, D.	McCollar	Osthoff	Schulz	White
Erickson	Niehaus			

Those who voted in the negative were:

Abeln	Arlandson	Berglin	Brandl	Casserly
Anderson, B.	Battaglia	Berkelman	Brinkman	Clark
Anderson, D.	Begich	Biersdorf	Carlson, A.	Cohen
Anderson, G.	Berg	Birnstihl	Carlson, L.	Dahl

Dean	Jacobs	Langseth	Peterson	Stanton
Eckstein	Jaros	Lemke	Petrafeso	Suss
Ellingson	Jensen	Mangan	Pleasant	Swanson
Enebo	Johnson	Mann	Prahl	Vanasek
Esau	Jude	McDonald	Reding	Voss
Evans	Kahn	McEachern	Rice	Waldorf
Ewald	Kaley	Moe	Rose	Welch
Farcy	Kelly, R.	Munger	St. Onge	Wenstrom
Fjoslien	Kelly, W.	Murphy	Samuelson	Wenzel
Forsythe	Kempe, A.	Neisen	Searle	Wieser
Friedrich	King	Nelsen, B.	Searles	Wigley
Fugina	Knickerbocker	Nelsen, M.	Sieben, H.	Williamson
Gunter	Kostohryz	Nelson	Sieben, M.	Wynia
Hanson	Kroening	Norton	Simoneau	Zubay
Heinitz	Kvam	Novak	Skoglund	Speaker Sabo
Hokanson	Laidig	Patton	Spanish	

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

S. F. No. 181, A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15 and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

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 117 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Berkelman	Clawson	Ewald	Jacoba
Albrecht	Biersdorf	Cohen	Farcy	Jaros
Anderson, B.	Birnstihl	Dahl	Fjoslien	Jensen
Anderson, D.	Brandl	Dean	Forsythe	Johnson
Anderson, I.	Brinkman	Den Ouden	Friedrich	Jude
Anderson, R.	Byrne	Eckstein	Fugina	Kahn
Arlandson	Carlson, A.	Ellingson	George	Kaley
Battaglia	Carlson, D.	Enebo	Gunter	Kalis
Begich	Carlson, L.	Erickson	Hanson	Kelly, R.
Berg	Casserly	Esau	Heinitz	Kelly, W.
Berglin	Clark	Evans	Hokanson	Kempe, A.

Kempe, R.	McEachern	Pleasant	Sieben, M.	Welch
King	Moe	Prahl	Simoneau	Wenstrom
Knickerbocker	Munger	Reding	Skoglund	Wenzel
Kostohryz	Murphy	Rice	Smogard	White
Kroening	Neisen	Rose	Spanish	Wieser
Kvam	Nelsen, B.	St. Onge	Stanton	Wigley
Laidig	Nelsen, M.	Samuelson	Stoa	Williamson
Langseth	Nelson	Savelkoul	Suss	Wynia
Lehto	Norton	Scheid	Swanson	Zubay
Lemke	Novak	Searle	Tomlinson	Speaker Sabo
Mangan	Patton	Searles	Vanasek	
Mann	Peterson	Sherwood	Voss	
McDonald	Petrufeso	Sieben, H.	Waldorf	

Those who voted in the negative were:

Anderson, G. Osthoff Schulz

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

S. F. No. 193 was reported to the House.

Byrne moved to amend S. F. No. 193, the unofficial engrossment, as follows:

Page 2, line 17, after "one" add "or more".

The motion prevailed and the amendment was adopted.

Nelson moved that S. F. No. 193, as amended, be re-referred to the Committee on Criminal Justice.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 57 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Albrecht	Enebo	King	Niehaus	Skoglund
Anderson, B.	Erickson	Kvam	Norton	Smogard
Anderson, D.	Esau	Laidig	Novak	Swanson
Anderson, G.	Faricy	Langseth	Patton	Tomlinson
Arlandson	Forsythe	Lehto	Pleasant	Vanasek
Berg	Hanson	Mann	Rice	Wenzel
Birnstihl	Heinitz	McDonald	Rose	Wieser
Carlson, L.	Hokanson	Metzen	Savelkoul	Williamson
Cohen	Kalis	Moe	Searle	Speaker Sabo
Corbid	Kelly, W.	Munger	Sherwood	
Den Ouden	Kempe, A.	Murphy	Sieben, H.	
Eken	Kempe, R.	Nelson	Sieben, M.	

Those who voted in the negative were:

Abeln	Battaglia	Biersdorf	Byrne	Clark
Adams	Begich	Brandl	Carlson, A.	Clawson
Anderson, I.	Berglin	Braun	Carlson, D.	Cummiskey
Anderson, R.	Berkelman	Brinkman	Cassery	Dean

Eckstein	Jaros	Lemke	Prahl	Suss
Ellingson	Jensen	Mangan	Reding	Voss
Evans	Johnson	McCollar	St. Onge	Waldorf
Ewald	Jude	McEachern	Samuelson	Welch
Fjoslien	Kahn	Neisen	Scheid	Wenstrom
Friedrich	Kaley	Nelsen, M.	Schulz	White
Fugina	Kelly, R.	Osthoff	Searles	Wigley
George	Knickerbocker	Pehler	Simoneau	Wynia
Gunter	Kostohryz	Peterson	Stanton	
Jacobs	Kroening	Petrafero	Stoa	

The motion did not prevail.

Nelson moved that S. F. No. 193, as amended, be returned to General Orders. The motion did not prevail.

Norton moved to amend S. F. No. 193, the unofficial engrossment, as follows:

Page 1, line 11, delete Section 1 from the bill.

Page 4, line 26, delete "either".

Page 4, line 27, delete "or Ramsey".

Page 4, line 28, delete "or".

Page 4, line 29, delete "Ramsey".

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

S. F. No. 193, A bill for an act relating to courts; providing terms for district judges designated as juvenile judges in Hennepin and Ramsey counties; providing terms for district judges designated as family court judges in Hennepin county; amending Minnesota Statutes 1976, Sections 260.021, Subdivisions 2 and 3; and 484.65, Subdivisions 1 and 6.

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

The question was taken on the passage of the bill and the roll was called. There were 48 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Jensen	McEachern	Spanish
Anderson, I.	Clawson	Jude	Neisen	Stanton
Battaglia	Corbid	Kahn	Nelsen, M.	Stoa
Begich	Eckstein	Knickerbocker	Osthoff	Suss
Berglin	Ellingson	Kostohryz	Prahl	Voss
Biersdorf	Fjoslien	Kroening	Reding	Wenstrom
Braun	Friedrich	Lemke	St. Onge	White
Brinkman	Fugina	Mangan	Samuelson	Wigley
Byrne	George	Mann	Scheid	
Carlson, D.	Jacobs	McCollar	Simoneau	

Those who voted in the negative were:

Abeln	Enebo	Kelly, W.	Norton	Skoglund
Albrecht	Erickson	Kempe, A.	Novak	Smogard
Anderson, B.	Esau	Kempe, R.	Patton	Swanson
Anderson, D.	Evans	King	Pehler	Tomlinson
Anderson, G.	Ewald	Kvam	Peterson	Vanasek
Anderson, R.	Faricy	Laidig	Petrafeso	Waldorf
Arlandson	Forsythe	Langseth	Pleasant	Welch
Berg	Gunter	Lehto	Rice	Wenzel
Birnstihl	Hanson	McDonald	Rose	Wieser
Brandl	Heinitz	Metzen	Savelkoul	Williamson
Carlson, A.	Hokanson	Moe	Searle	Wynia
Carlson, L.	Jaros	Munger	Searles	Zubay
Cohen	Johnson	Nelsen, B.	Sherwood	Speaker Sabo
Dean	Kalis	Nelson	Sieben, H.	
Den Ouden	Kelly, R.	Niehaus	Sieben, M.	

The bill, as amended, was not passed.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders until Friday, May 13, 1977, immediately following the Calendar. The motion prevailed.

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

#### REPORTS OF STANDING COMMITTEES

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 769, A bill for an act relating to taxation; providing an exemption from the gasoline and special tax fuels tax for certain municipal transit systems; amending Minnesota Statutes 1976, Sections 296.02 and 296.025, by adding subdivisions.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [MANKATO AREA TRANSIT SYSTEM; EX-EMPT FROM FUELS TAX.] Any transit systems owned by the cities of Mankato or North Mankato or both shall be exempt from the gasoline and special fuels taxes imposed by Minnesota Statutes, Chapter 296.

Sec. 2. [EFFECTIVE DATE.] This act is effective upon approval by a majority of the governing bodies of Mankato and North Mankato and upon compliance with the provisions of Minnesota Statutes, Section 645.021.”.

Further, amend the title:

Delete the title in its entirety and insert:

"A bill for an act relating to cities; exempting transit systems owned by the cities of Mankato and North Mankato from gasoline and special fuels tax."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1383, A bill for an act relating to taxation; clarifying definitions of "sale," "retail sale," "gross receipts," and "retailer"; specifying tax on food, meals, drinks, and lodging; restricting exemptions for sales of petroleum products and road building materials and for sales by charitable organizations, auctioneers, or brokers; requiring vendors to repay amounts refunded to purchasers; imposing liens and penalties; amending Minnesota Statutes 1976, Sections 297A.01, Subdivisions 3, 4, 9 and 10; 297A.14; 297A.25, Subdivision 1; 297A.35, Subdivision 1, and by adding a subdivision; 297A.39, Subdivision 3; 297A.40, Subdivision 2; repealing Minnesota Statutes 1976, Section 297A.25, Subdivision 4.

Reported the same back with the following amendments:

Pages 1, 2, 3 and 4, delete Sections 1 to 4.

Page 9, line 16, delete the new language.

Page 9, lines 17 to 22, delete the new language.

Page 10, line 20, after "by," insert "*a public hospital or*".

Page 10, delete lines 29 to 32.

Page 11, delete lines 1 to 4.

Page 11, line 5, delete "(iii)" and insert "(ii)".

Page 11, line 11, delete "clauses" and insert "clause".

Page 11, line 11, delete "and (ii) above".

Page 11, delete lines 12 to 16.

Page 13, line 2, delete "8" and insert "4".

Page 14, line 15, after the comma insert "*relating to periods after the taxpayer had been advised by the commissioner of non-compliance with the law or regulations,*".

Page 15, after line 5 insert:

"Sec. 7. Minnesota Statutes 1976, Section 297A.40, is amended by adding a subdivision to read:

*Subd. 3. The lien created under this section shall become effective with respect to personal property from and after the date of filing by the commissioner of a notice of such lien describing the personal property in the office of the county recorder of the county in which the property is located and with the secretary of state."*

Renumber the sections accordingly.

Further, amend the title:

Line 2, delete "clarifying definitions of".

Delete line 3.

Line 4, delete " "retailer";".

Line 5, delete "of".

Delete line 6.

Line 7, delete "for sales by" and insert "to".

Line 8, delete "auctioneers, or brokers;".

Line 11, delete "297A.01, Subdivisions 3, 4, 9 and".

Line 12, delete "10;".

Line 14, after "Subdivision 2" insert ", and by adding a subdivision".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 102, A bill for an act relating to taxation; removing levy limitations on certain towns having population of less than 3,500; allowing electors of exempt towns to determine mill rates;

amending Minnesota Statutes 1976, Sections 275.09, Subdivision 3; 275.10, Subdivision 1; 275.31; and 275.59.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [TOWN OF THOMSON, CARLTON COUNTY; SPECIAL TAX LEVY.] Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Sections 275.10, 275.31 to 275.35, and 275.50 to 275.59, or any other law to the contrary, the electors of the town of Thomson in the county of Carlton at their annual meeting, or at a special meeting called for that purpose, may make an annual special tax levy in an amount not to exceed five mills on the dollar on the taxable property of the town. The amount raised by the special levy shall be used for road and bridge purposes.

Subd. 2. The levy authorized in subdivision 1 is in excess of and shall be disregarded in the calculation of any levy limitation prescribed by law.

Sec. 2. [EFFECTIVE DATE.] This act is effective only after its approval by a majority of the electors of the town of Thomson voting on the question at the annual town meeting or at a special town meeting called for that purpose, and upon compliance with Minnesota Statutes, Section 645.021.”.

Further, amend the title:

Delete the title in its entirety and insert:

“A bill for an act relating to the town of Thomson in Carlton county; authorizing a special tax levy for certain purposes.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 223, A bill for an act relating to deaf persons; providing that deaf persons with guide dogs have the same rights and protection as blind persons with guide dogs; defining as a deductible medical expense the cost, feeding and maintenance expenses of guide dogs; amending Minnesota Statutes 1976, Sections 256C.02; 256C.025, Subdivision 4; 256C.03; 290.09, Subdivision 10; and 327.095.

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 626, A bill for an act relating to taxation; providing for reduced assessment classification of certain resort property; amending Minnesota Statutes 1976, Section 273.13, Subdivisions 4 and 6.

Reported the same back with the following amendments:

Page 3, line 20, after "assessment" insert "*, which includes a portion used as a homestead by the owner,*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 709, A bill for an act relating to the Hennepin county municipal court; clarifying fee exclusions for governmental units; amending Minnesota Statutes 1976, Section 488A.03, Subdivision 11a.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 488A.03, is amended by adding a subdivision to read:

*Subd. 11b. Notwithstanding the provisions of subdivision 11a, beginning June 1, 1977, all criminal fees shall be collected in Hennepin county municipal court pursuant to Minnesota Statutes, Section 488A.03, Subdivision 11.*

Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Further, amend the title:

Line 2, after "court" insert "fees".

Delete line 3.

Line 5, delete "Subdivision 11a" and insert "by adding a subdivision".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 1029, A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.02, by adding a subdivision; 116.09; 116A.11, Subdivision 4; 116A.12, by adding a subdivision; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivisions 1, 2 and 3.

Reported the same back with the following amendments:

Page 2, line 32, strike "may" and insert "*is authorized to*".

Page 3, lines 31 and 32, delete the new language.

Page 5, line 15, delete the comma.

Page 5, line 18, delete "*such*" and insert "*that*".

Page 5, line 24, delete "*to*" and insert "*, and the damages shall*".

Page 5, line 24, after "*clerk*" insert a comma.

Page 5, line 25, after "*court*" insert a comma.

Page 5, delete lines 27 to 32.

Page 6, delete lines 1 to 32.

Page 7, delete lines 1 to 16.

Page 7, line 19, delete "*5*" and insert "*2a*".

Page 7, line 21, after "*is*" insert "*thereafter*".

Page 7, line 26, delete "*provided that*" and insert "*if*".

Page 7, line 31, after "*entry*" insert "*upon the property is permitted*".

Page 10, lines 5 to 7, delete the new language.

Page 10, line 18, after "from" insert "any".

Page 10, delete line 19.

Page 10, strike lines 22 to 32.

Page 11, strike lines 1 to 32.

Page 12, strike lines 1 to 27.

Page 13, line 7, strike ", taxes, if any,".

Page 13, line 15, strike "and taxes, if".

Page 13, line 16, strike "any,".

Page 18, line 27, delete "*chapter 116A, except for the financing*".

Page 18, delete line 28 and insert "*section 116A.01, subdivision 2, relating to the establishment of a water or sewer or water and sewer system, except for the power to issue bonds.*".

Page 20, after line 14, insert:

"*Sec. 15. [REPEALER.] Minnesota Statutes 1976, Section 116A.24, Subdivision 4, is repealed.*".

Renumber the sections accordingly.

Further, amend the title:

Line 7, delete ", and by".

Line 8, delete "adding a subdivision".

Line 11, delete "116A.17, Subdivision 2;".

Line 12, after "3" insert "; repealing Minnesota Statutes 1976, Section 116A.24, Subdivision 4".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 1309, A bill for an act relating to tax-forfeited land; providing time limitations for bringing actions; providing proce-

dures for settling tax titles; amending Minnesota Statutes 1976, Section 284.28; and Chapter 541, by adding a section; repealing Minnesota Statutes 1976, Sections 280.34; 284.09 and 284.22.

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

The report was adopted.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 769 and 1383 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 102, 223, 626, 709, 1029 and 1309 were read for the second time.

### GENERAL ORDERS

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

### MOTIONS AND RESOLUTIONS

Prahl moved that the name of Evans be added as an author on H. F. No. 555. The motion prevailed.

### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Friday, May 13, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Friday, May 13, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 13, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jacobs	Metzen	Searles
Adams	Corbid	Jaros	Moe	Sherwood
Albrecht	Cummsiskey	Jensen	Munger	Sieben, H.
Anderson, B.	Dahl	Johnson	Murphy	Sieben, M.
Anderson, D.	Dean	Jude	Neisen	Simoneau
Anderson, G.	Den Ouden	Kahn	Nelsen, B.	Skoglund
Anderson, I.	Eckstein	Kaley	Nelsen, M.	Smogard
Anderson, R.	Eken	Kalis	Nelson	Spanish
Arlandson	Ellingson	Kelly, R.	Niehaus	Stanton
Battaglia	Enebo	Kelly, W.	Norton	Stoa
Beauchamp	Erickson	Kempe, A.	Novak	Suss
Begich	Esau	Kempe, R.	Osthoff	Swanson
Berg	Evans	King	Pehler	Tomlinson
Berglin	Ewald	Knickerbocker	Peterson	Vanasek
Berkelman	Faricy	Kostohryz	Petrafaso	Voss
Birnstihl	Fjoslien	Kroening	Pleasant	Waldorf
Brandl	Forsythe	Kvam	Prahl	Welch
Braun	Friedrich	Laidig	Reding	Wenstrom
Brinkman	Fudro	Langseth	Rice	Wenzel
Byrne	Fugina	Lehto	Rose	White
Carlson, A.	George	Lemke	St. Onge	Wieser
Carlson, D.	Gunter	Mangan	Samuelson	Wigley
Carlson, L.	Hanson	Mann	Savelkoul	Williamson
Casseri	Haugerud	McCollar	Scheid	Wynia
Clark	Heinitz	McDonald	Schulz	Zubay
Clawson	Hokanson	McEachern	Searle	Speaker Sabo

A quorum was present.

Biersdorf, McCarron, Patton and Sarna were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar 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. 83, 331, 223, 1191, 180, 1300, 769 and 1383 and S. F. Nos. 897, 783, 347, 120, 625, 1362, 102, 223, 626, 709 and 1029 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 10, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 946, An act relating to the trunk highway system; adding a new route in substitution of an existing route.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 12, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 425, An act relating to municipalities; authorizing appropriations for historical work.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 11, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 62, An act relating to towns; annual audit report; eliminating the requirement that a copy of the report be furnished to the state auditor.

H. F. No. 107, An act relating to state property; authorizing the conveyance of certain state property in Sherburne County to the City of St. Cloud, Minnesota.

H. F. No. 146, An act relating to cities of the first class; establishing procedures for refunds of certain special assessments.

H. F. No. 163, An act relating to the firemen's relief association of the city of Albertville, computation of years of service for volunteer firemen.

H. F. No. 218, An act relating to the city of Minneapolis and Hennepin county; providing for representation for the board of county commissions of Hennepin county and the Minneapolis city council on the municipal building commission.

H. F. No. 465, An act relating to redevelopment; providing for membership on regional development commissions.

H. F. No. 686, An act relating to retirement; judges' survivors' benefits; option to continue.

H. F. No. 979, An act relating to state lands; authorizing the conveyance by the state of certain lands in St. Louis county.

Sincerely,

RUDY PERPICH  
Governor

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

May 11, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	62	73	May 11	May 11
	107	74	May 11	May 11
	146	75	May 11	May 11
	163	76	May 11	May 11
	218	77	May 11	May 11
	465	78	May 11	May 11
	686	79	May 11	May 11
	946	80	May 10	May 11
	979	81	May 11	May 11
617		82	May 11	May 11
713		83	May 11	May 11

54th Day]

FRIDAY, MAY 13, 1977

2671

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
836		84	May 11	May 11
1415		85	May 11	May 11

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

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

May 12, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	425	86	May 12	May 12
1034		87	May 12	May 12
1208		88	May 12	May 12

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

#### REPORTS OF STANDING COMMITTEES

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 830, A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

Reported the same back with the following amendments:

Page 2, line 5, after the period insert "*Revenues received from this additional tax shall be used to provide revenues only for facilities or agencies which are run by the governing body of the city or by a board which is appointed by the governing body of the city.*".

Page 2, line 9, before the period insert "*and shall be in effect only to July 1, 1979*".

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 1630 was read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 830 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Moe, Cummiskey and McDonald introduced:

H. F. No. 1632, A bill for an act relating to retirement; phasing out local police and firefighter's relief associations into the public employees police and fire fund.

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

Cohen introduced:

H. F. No. 1633, A bill for an act relating to retirement; purchase of prior service credit in the Minnesota state retirement system by certain employees of the department of employment services.

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

Sieben, M., introduced:

H. F. No. 1634, A bill for an act relating to hospitalization and commitment; requiring committing courts to establish result oriented evaluation programs for committed persons; appointment of counsel guardians for committed persons; establishing a central agency within the department of public welfare which shall develop a program of statistical analysis relating to treatment of committed persons.

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

Sarna; Anderson, I.; Prahl; Adams and Jacobs introduced:

H. F. No. 1635, A bill for an act relating to labor; limiting the amount of weight an employee can be required to lift to 75 pounds; prescribing a penalty.

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

Kaley, Munger, Johnson, Eken and Searle introduced:

H. F. No. 1636, A bill for an act relating to taxation; providing a property tax credit for certain land kept as a wildlife habitat; appropriating money; amending Minnesota Statutes 1976, Chapter 272, by adding a section.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Fugina introduced:

H. A. No. 32, A proposal to study unified sewer and water systems for certain range communities.

The advisory was referred to the Committee on Local and Urban Affairs.

#### 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. 140, A bill for an act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 12; and 102.28, Subdivision 4.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lehto moved that the House concur in the Senate amendments to H. F. No. 140 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 140, A bill for an act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 12; and 102.28, Subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 113 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jensen	Moe	Sherwood
Adams	Dean	Johnson	Munger	Sieben, H.
Anderson, B.	Den Ouden	Jude	Murphy	Sieben, M.
Anderson, G.	Eckstein	Kaley	Neisen	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelsen, M.	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Nelson	Smogard
Arlandson	Enebo	Kempe, A.	Norton	Spanish
Beauchamp	Erickson	Kempe, R.	Novak	Stoa
Berg	Esau	King	Osthoff	Suss
Berglin	Evans	Knickerbocker	Peterson	Swanson
Birnstihl	Ewald	Kostohryz	Petrafeso	Tomlinson
Brandl	Faricy	Kroening	Pleasant	Vanaek
Braun	Fjoslien	Kvam	Prahl	Voss
Brinkman	Forsythe	Laidig	Reding	Waldorf
Byrne	Friedrich	Langseth	Rice	Welch
Carlson, A.	Fugina	Lehto	Rose	Wenzel
Carlson, D.	George	Lemke	St. Onge	White
Carlson, L.	Gunter	Mangan	Samuelson	Wieser
Clark	Hanson	Mann	Savekoul	Wynia
Clawson	Heinitz	McCollar	Scheid	Zubay
Cohen	Hokanson	McDonald	Schulz	Speaker Sabo
Corbid	Jacobs	McEachern	Searie	
Cummiskey	Jaros	Metzen	Searles	

Those who voted in the negative were:

Battaglia Begich

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. 733, A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for design, construction and reconstruction of certain bridges; appropriating money.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Lemke moved that the House concur in the Senate amendments to H. F. No. 733 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 733, A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for construction and reconstruction of certain bridges; appropriating money.

The bill was read for 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 109 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Hokanson	Metzen	Sieben, H.
Adams	Cummiskey	Jacobs	Moe	Sieben, M.
Albrecht	Dahl	Jaros	Munger	Simoneau
Anderson, B.	Dean	Jensen	Murphy	Skoglund
Anderson, G.	Den Ouden	Johnson	Neisen	Smogard
Anderson, I.	Eckstein	Jude	Nelsen, B.	Spanish
Anderson, R.	Eken	Kaley	Nelsen, M.	Stoa
Battaglia	Ellingson	Kelly, W.	Niehaus	Suss
Beauchamp	Enebo	Kempe, A.	Norton	Swanson
Begich	Erickson	Kempe, R.	Novak	Tomlinson
Berglin	Esau	King	Osthoff	Vanasek
Birnstihl	Evans	Knickerbocker	Peterson	Voss
Brandl	Ewald	Kostohryz	Prahl	Waldorf
Braun	Faricy	Laidig	Reding	Welch
Brinkman	Fjoslien	Langseth	St. Onge	Wenstrom
Byrne	Forsythe	Lehto	Samuelson	Wenzel
Carlson, A.	Friedrich	Lemke	Savelkoul	White
Carlson, D.	Fugina	Mangan	Scheid	Wieser
Carlson, L.	George	Mann	Schulz	Wynia
Clark	Gunter	McCollar	Searle	Zubay
Clawson	Hanson	McDonald	Searles	Speaker Sabo
Cohen	Haugerud	McEachern	Sherwood	

Those who voted in the negative were:

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

Mr. Speaker:

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

H. F. No. 635, A bill for an act relating to insurance; increasing solicitors license fees; authorizing issuance of cease and desist orders and injunctions; prescribing and clarifying penalties; amending Minnesota Statutes 1976, Sections 60A.17, Subdivision 4, and by adding subdivisions; and 72A.07.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Ellingson moved that the House concur in the Senate amendments to H. F. No. 635 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 635, A bill for an act relating to insurance; increasing solicitors license fees; authorizing issuance of cease and desist orders and injunctions; prescribing and clarifying penal-

ties; amending Minnesota Statutes 1976, Sections 60A.17, Subdivision 4, and by adding subdivisions; and 72A.07.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Sieben, H.
Adams	Cummiskey	Johnson	Neisen	Sieben, M.
Albrecht	Dean	Jude	Nelsen, B.	Simoneau
Anderson, B.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Nelson	Smogard
Anderson, I.	Eken	Kempe, A.	Niehaus	Spanish
Anderson, R.	Ellingson	Kempe, R.	Norton	Stanton
Arlandson	Enebo	King	Novak	Stoa
Battaglia	Erickson	Knickerbocker	Osthoff	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kroening	Peterson	Tomlinson
Berg	Ewald	Kvam	Petrafeso	Vanasek
Berglin	Faricy	Laidig	Pleasant	Voss
Berkelman	Fjoslien	Langseth	Prahl	Waldorf
Birnstihl	Forsythe	Lehto	Reding	Welch
Braun	Friedrich	Lemke	Rice	Wenstrom
Brinkman	Fugina	Mangan	St. Onge	Wenzel
Byrne	George	Mann	Samuelson	White
Carlson, A.	Gunter	McCollar	Savelkoul	Wieser
Carlson, D.	Hanson	McDonald	Scheid	Wynia
Carlson, L.	Haugerud	McEachern	Schulz	Zubay
Clark	Hokanson	Metzen	Searle	Speaker Sabo
Clawson	Jacobs	Moe	Searles	
Cohen	Jaros	Munger	Sherwood	

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

Mr. Speaker:

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

H. F. No. 1079, A bill for an act relating to agriculture; seeds; changing the basis for listing restricted noxious weed seeds on labels; prohibiting certain acts; increasing fees; amending Minnesota Statutes 1976, Sections 21.48, Subdivision 3; 21.49, Subdivision 1; 21.53, Subdivision 3; and 21.54, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Braun moved that the House concur in the Senate amendments to H. F. No. 1079 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1079, A bill for an act relating to agriculture; seeds; changing the basis for listing restricted noxious weed seeds on labels; prohibiting certain acts; increasing fees; amending Minnesota Statutes 1976, Sections 21.48, Subdivision 3; 21.49, Subdivision 1; 21.53, Subdivision 3; and 21.54, Subdivision 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 113 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Munger	Sieben, M.
Adams	Clawson	Jensen	Murphy	Simoneau
Albrecht	Cohen	Johnson	Neisen	Skoglund
Anderson, B.	Corbid	Jude	Nelsen, M.	Smogard
Anderson, D.	Dean	Kaley	Nelson	Spanish
Anderson, G.	Den Ouden	Kelly, W.	Niehaus	Stanton
Anderson, I.	Eckstein	Kempe, A.	Norton	Stoa
Anderson, R.	Eken	Kempe, R.	Novak	Suss
Arlandson	Ellingson	King	Osthoff	Swanson
Battaglia	Enebo	Knickerbocker	Pehler	Tomlinson
Beauchamp	Erickson	Kostohryz	Peterson	Vanasek
Begich	Evans	Kroening	Petrafaso	Voss
Berg	Ewald	Laidig	Pleasant	Waldorf
Berglin	Faricy	Langseth	Reding	Welch
Berkelman	Forsythe	Lehto	Rice	Wenstrom
Birnstihl	Friedrich	Lemke	St. Onge	Wenzel
Brandl	Fugina	Mangan	Samuelson	White
Braun	George	Mann	Scheid	Wieser
Brinkman	Gunter	McCollar	Schulz	Wynia
Byrne	Hanson	McDonald	Searle	Zubay
Carlson, A.	Haugerud	McEachern	Searles	Speaker Sabo
Carlson, D.	Hokanson	Metzen	Sherwood	
Carlson, L.	Jacobs	Moe	Sieben, H.	

Those who voted in the negative were:

Kvam                      Savelkoul

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. 791, A bill for an act relating to state lands; authorizing the lease of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Birnstihl moved that the House concur in the Senate amendments to H. F. No. 791 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 791, A bill for an act relating to state lands; authorizing the lease of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

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

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jacobs	Moe	Sieben, H.
Adams	Corbid	Jaros	Munger	Sieben, M.
Albrecht	Cumminskey	Jensen	Murphy	Simoneau
Anderson, B.	Dahl	Johnson	Neisen	Skoglund
Anderson, D.	Dean	Jude	Nelsen, B.	Smogard
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Spanish
Anderson, I.	Eckstein	Kalis	Nelson	Stanton
Anderson, R.	Eken	Kelly, W.	Niehaus	Stoa
Arlandson	Ellingson	Kempe, A.	Norton	Suss
Battaglia	Enebo	Kempe, R.	Novak	Swanson
Beauchamp	Erickson	King	Osthoff	Tomlinson
Begich	Esau	Knickerbocker	Pehler	Vanasek
Berg	Evans	Kostohryz	Peterson	Voss
Berglin	Ewald	Kroening	Petrafeso	Waldorf
Berkelman	Faricy	Kvam	Pleasant	Welch
Birnstihl	Fjoslien	Laidig	Reding	Wenstrom
Brandl	Forsythe	Langseth	Rice	Wenzel
Braun	Friedrich	Lehto	St. Onge	White
Brinkman	Fugina	Lemke	Samuelson	Wieser
Byrne	George	Mangan	Savelkoul	Wigley
Carlson, A.	Gunter	Mann	Scheid	Wynia
Carlson, D.	Hanson	McCollar	Schulz	Zubay
Carlson, L.	Haugerud	McDonald	Searle	Speaker Sabo
Clark	Heinitz	McEachern	Searles	
Clawson	Hokanson	Metzen	Sherwood	

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

Mr. Speaker:

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

H. F. No. 1161, A bill for an act relating to education; correcting and eliminating certain erroneous and obsolete references

and text relating to state universities and community colleges; amending Minnesota Statutes 1976, Sections 136.60, Subdivision 1, and by adding a subdivision; 136.603; 136.62, Subdivisions 1, 2 and 4; 136.621, Subdivision 1; repealing Minnesota Statutes 1976, Sections 136.016; 136.60, Subdivision 2; 136.601; 136.602; 136.62, Subdivision 3; 136.621, Subdivisions 2 and 3; and 136.66.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Wenstrom moved that the House concur in the Senate amendments to H. F. No. 1161 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1161, A bill for an act relating to education; correcting and eliminating certain erroneous and obsolete references and text relating to state universities and community colleges; amending Minnesota Statutes 1976, Sections 136.60, Subdivision 1, and by adding a subdivision; 136.602; 136.603; 136.62, Subdivisions 1, 2, and 4; 136.621, Subdivision 1; repealing Minnesota Statutes 1976, Sections 136.016; 136.60, Subdivision 2; 136.601; 136.62, Subdivision 3; 136.621, Subdivisions 2 and 3; and 136.66.

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 120 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Heinitz	McDonald	Searle
Adams	Cohen	Hokanson	McEachern	Searles
Albrecht	Corbid	Jacobs	Metzen	Sherwood
Anderson, B.	Cummiskey	Jaros	Moe	Sieben, H.
Anderson, D.	Dahl	Jensen	Munger	Sieben, M.
Anderson, G.	Dean	Johnson	Murphy	Simoneau
Anderson, I.	Den Ouden	Jude	Neisen	Skoglund
Anderson, R.	Eckstein	Kaley	Nelsen, B.	Smogard
Arlandson	Eken	Kalis	Nelsen, M.	Spanish
Battaglia	Ellingson	Kelly, R.	Nelson	Stanton
Beauchamp	Enebo	Kelly, W.	Niehaus	Stoa
Begich	Ericksen	Kempe, A.	Norton	Suss
Berg	Esau	Kempe, R.	Novak	Swanson
Berglin	Evans	King	Osthoff	Tomlinson
Berkelman	Ewald	Knickerbocker	Peterson	Vanasek
Birnstihl	Faricy	Kostohryz	Petrafero	Voss
Braun	Fjoslien	Kvam	Pleasant	Waldorf
Brinkman	Forsythe	Laidig	Prahl	Welch
Byrne	Friedrich	Langseth	Reding	Wenstrom
Carlson, A.	Fugina	Lehto	Rice	Wenzel
Carlson, D.	George	Lemke	Rose	White
Carlson, L.	Gunter	Mangan	Samuelson	Wieser
Casserly	Hanson	Mann	Savelkoul	Zubay
Clark	Haugerud	McCollar	Scheid	Speaker Sabo

Those who voted in the negative were:

Brandl            Kroening            Pehler            St. Onge            Wynia

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. 1102, A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Chapter 16, by adding a section; Sections 15.047, Subdivision 1; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

PATRICK E. FLAHAVER, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 1102, that the Speaker appoint a Conference Committee of 3 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.

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. 875, A bill for an act relating to the state housing finance agency; setting the amount of bonds and notes that may be outstanding; clarifying eligibility; providing for fund administration and repayment requirements; appropriating money; amending Minnesota Statutes 1976, Sections 462A.03, Subdivisions 7 and 13; 462A.05, Subdivisions 5 and 15; 462A.07, Subdivision 12, and by adding subdivisions; 462A.21, Subdivisions 4a and 4b, and by adding a subdivision; and 462A.22, Subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

Kroening moved that the House refuse to concur in the Senate amendments to H. F. No. 875, that the Speaker appoint a Conference Committee of 3 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.

Mr. Speaker:

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

S. F. No. 32.

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. 32

A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

May 11, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 32 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 32, be amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 18.023, Subdivision 1, is amended to read:

18.023 [SHADE TREE DISEASE CONTROL.] Subdivision 1. [DEFINITIONS.] As used in subdivisions 1 to 12 the

terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any *home rule charter or statutory* city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398(,) ; or any special purpose park (DISTRICT) *and recreation board* organized under the city charter of a city of the first class located in the metropolitan area(,) ; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area (WHICH MAKES REQUEST TO AND HAS CONSENT OF THE COMMISSIONER TO COME WITHIN THE PROVISIONS OF THIS SECTION) *with an approved disease control program.*

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

(e) "Wood utilization or disposal system" means (A SYSTEM) *facilities, equipment or systems* used for the removal and disposal of diseased shade trees which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

((F) "SUBSIDY PROGRAM" MEANS A MUNICIPAL PROGRAM OF FINANCIAL ASSISTANCE TO PRIVATE PROPERTY OWNERS FOR THE REMOVAL OF DISEASED ELM AND OR OAK SHADE TREES.)

((G) (f) "Approved disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

((H) (g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct (A SHADE TREE) *an approved disease control program.*

(h) "Sanitation" means *the identification, inspection, disruption of a common root system, girdling, trimming, removal and disposal of dead or diseased wood of elm or oak shade trees, including subsidies for trees removed pursuant to subdivision 4, on public or private property within a disease control area.*

(i) "Reforestation" means the replacement of shade trees removed from public property as part of an approved disease control program. For purposes of this clause, "public property" shall include private property within five feet of the boulevard or street terrace in any city which has enacted an ordinance on or before January 1, 1977, that prohibits or requires a permit for the planting of trees in the public right of way.

Sec. 2. Minnesota Statutes 1976, Section 18.023, Subdivision 1a, is amended to read:

Subd. 1a. [METROPOLITAN SHADE TREE DISEASE CONTROL PROGRAM; PURPOSE.] The legislature finds that an epidemic of Dutch elm disease and oak wilt disease is occurring in Minnesota which threatens the natural environment. Immediate action is therefore necessary to provide funds to assist local units of government in the implementation of shade tree disease control programs by *conducting sanitation and reforestation programs*, expanding diseased wood destruction programs, increasing public awareness of shade tree disease, accelerating training of tree inspectors and research for disease prevention and subsidizing private property owners for the removal of diseased elm and oak trees.

Sec. 3. Minnesota Statutes 1976, Section 18.023, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt and (FROM TIME TO TIME) may amend (,) rules (AND REGULATIONS) relating to shade tree disease control in (THE METROPOLITAN AREA IN ACCORDANCE WITH SECTIONS 15.0411 TO 15.0422) *any municipality, as defined in subdivision 1.* (SUCH) The rules (AND REGULATIONS) shall prescribe control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) A definition of shade tree, (b) qualifications for tree inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the (TREATMENT AND) removal of any shade tree which may contribute to the spread of shade tree disease, and *for reforestation of disease control areas,* (f) *approved methods of treatment of shade trees,* (g) *criteria for priority designation areas in an approved disease control program,* and (h) (SUCH) *any other matters (AS SHALL BE) determined (TO BE) necessary by the commissioner to prevent the spread of shade tree disease and enforce the provisions of this section. (IN ACCORDANCE WITH THE RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER, AND) After reasonable notice of inspection (HAVING BEEN GIVEN TO THE) an owner of the real property (, DISEASED SHADE TREES SHALL BE REMOVED OR TREATED BY THE OWNER OF THE REAL PROPERTY) on which (SUCH) a diseased shade (TREES ARE) tree is lo-*

cated shall remove or treat the tree within (A) the period of time (AS MAY BE) and in the manner established by the commissioner. (IN THE CASE OF THE EXPENSE OF REMOVING OR TREATING DISEASED SHADE TREES LOCATED ON STREET TERRACES OR BOULEVARDS, NOT MORE THAN 50 PERCENT OF SUCH EXPENSE MAY BE ASSESSED TO THE ABUTTING PROPERTIES BY THE MUNICIPALITY WHICH EXPENSE SHALL BECOME A LIEN ON THE PROPERTY. TREES WHICH ARE NOT REMOVED OR TREATED SHALL BE DECLARED A PUBLIC NUISANCE AND REMOVED BY THE MUNICIPALITY WHICH MAY ASSESS THE TOTAL EXPENSE OR ANY PART THEREOF TO THE PROPERTY WHICH EXPENSE SHALL BECOME A LIEN ON THE PROPERTY). *Diseased shade trees which are not removed or treated in compliance with the commissioner's rules shall be declared a public nuisance and removed or treated by approved methods by the municipality which may assess the total expense, which shall be limited to the lowest contract rates available, provided said rates include wage levels which meet Minnesota minimum wage standards, or any part thereof to the property and the expense shall become a lien on the property. A municipality may assess not more than 50 percent of the expense of treating with an approved method or removing diseased shade trees located on street terraces or boulevards to the abutting properties and the assessment shall become a lien on the property.*

Sec. 4. Minnesota Statutes 1976, Section 18.023, Subdivision 3a, is amended to read:

Subd. 3a. [GRANTS TO MUNICIPALITIES.] (a) The commissioner may, in the name of the state and within the limit of appropriations provided, make grants-in-aid to a municipality with an approved (SHADE TREE) disease control program for the partial funding of municipal (SUBSIDY PROGRAMS FOR THE REMOVAL OF DISEASED SHADE TREES BY OWNERS OF RESIDENTIAL PROPERTY PURSUANT TO SUBDIVISION 4) *sanitation and reforestation programs*. The commissioner may make grants-in-aid to any (CITY OF MORE THAN 80,000 POPULATION OR ANY SPECIAL PURPOSE PARK DISTRICT ORGANIZED UNDER THE CHARTER OF A CITY OF THE FIRST CLASS OR ANY NON-PROFIT CORPORATION SERVING A CITY OF THE FIRST CLASS OR ANY COUNTY HAVING A DISEASE CONTROL PROGRAM APPROVED BY THE COMMISSIONER) *home rule charter or statutory city of more than 40,000 population in the metropolitan area as defined in subdivision 1 or a combination of such cities of 40,000 combined population under a joint powers agreement pursuant to section 471.59, or a home rule charter or statutory city of more than 20,000 population outside the metropolitan area or a combination of such cities of 20,000 combined population under a joint powers agreement pursuant to section 471.59 any special purpose park and recreation board organized under a charter of a city of the first class or any non-profit corpora-*

*tion serving a city of the first class or any county having an approved disease control program for the acquisition or implementation of a wood utilization or disposal (FACILITIES OR EQUIPMENT OR THE IMPLEMENTATION OF WOOD UTILIZATION OR DISPOSAL SYSTEMS) system.*

(b) The commissioner shall promulgate rules for the administration of grants authorized by this subdivision. The rules shall establish and contain as a minimum:

- (1) Procedures for grant applications;
- (2) Conditions and procedures for the administration of grants;
- (3) Criteria of eligibility for grants including, but not limited to, those specified in this subdivision; and
- (4) Such other matters as the commissioner may find necessary to the proper administration of the grant program.

(c) Grants-in-aid payments for wood utilization and disposal (FACILITIES, EQUIPMENT AND) systems (AND GRANTS FOR PUBLIC SUBSIDY PROGRAMS) made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the (FACILITY EQUIPMENT OR) system (OR MUNICIPAL SUBSIDY PROGRAM, OR BOTH). *Grants to any municipality for sanitation shall not exceed 45 percent of sanitation costs approved by the commissioner including any amount of sanitation costs paid by special assessments, ad valorem taxes, federal grants or other funds. A municipality shall not specially assess a property owner any amount greater than the amount of the tree's sanitation cost minus the amount of the tree's sanitation cost reimbursed by the commissioner. Grants to municipalities for reforestation shall not exceed the lesser of 50 percent of the cost or \$40 multiplied by the number of trees planted pursuant to the reforestation program and shall be limited for any municipality in any year to grants for not more than the number of trees removed on public property in the sanitation program in the previous year, except during the first year of any approved disease control program; provided that a reforestation grant to any county may include up to 90 percent of the cost of the first 50 trees planted on public property in a town not described in subdivision 1 and of less than 1,000 population upon the town's application to the county. Reforestation grants to towns as described in subdivision 1 of less than 1,000 population with an approved disease control program may include up to 90 percent of the first 50 trees planted on public property. For the purpose of this subdivision, "cost" shall not include the value of a gift or dedication of trees required by a municipal ordinance but shall include documented "in kind" services or voluntary work for municipalities with a population of less than 1,000 according to the 1970 census.*

(d) *Based upon estimates submitted by the municipality to the commissioner, which shall state the estimated costs of sanitation and reforestation in the succeeding quarter under an approved program, the commissioner shall direct quarterly advance payments to be made by the state to the municipality commencing April 1, 1977. The commissioner shall direct adjustment of any overestimate in a succeeding quarter. A municipality may elect to receive the proceeds of its sanitation and reforestation grants on a periodic cost reimbursement basis.*

**((D)) (e) A (MUNICIPALITY) home rule charter or statutory city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, (WHICH HAS RECEIVED THE CONSENT OF THE COMMISSIONER TO COME WITHIN THE PROVISIONS OF LAWS 1975, CHAPTER 253 MAY RECEIVE GRANTS AUTHORIZED BY THIS SUBDIVISION, AND) may submit an application for a grant authorized by this subdivision concurrently with its request for (INCLUSION) approval of a disease control program.**

Sec. 5. Minnesota Statutes 1976, Section 18.023, Subdivision 4, is amended to read:

Subd. 4. [SUBSIDIES TO PRIVATE PROPERTY OWNERS.] **((A)) A municipality may provide subsidies to non-profit organizations, owners of private residential property (OWNERS) of five acres or less and to nonprofit cemeteries, however organized, for the approved treatment or removal of diseased shade trees (PROVIDED, HOWEVER, THAT THE COST TO THE MUNICIPALITY FOR PROVIDING SUCH SUBSIDIES SHALL BE WITHIN THE LIMITATIONS SET FORTH IN SECTIONS 275.50 TO 275.56).**

**((B)) Notwithstanding any law to the contrary, an owner of property on which shade trees are located may contract with a municipality to provide protection against the cost of approved treatment or removal of diseased shade trees or shade trees that will contribute to the spread of shade tree diseases. Under such contracts, the municipality shall pay for the removal or approved treatment under such terms and conditions as may be determined by the governing body of the municipality.**

Sec. 6. Minnesota Statutes 1976, Section 18.023, Subdivision 7, is amended to read:

Subd. 7. [FINANCING.] **(a) A municipality may collect the amount assessed against the property under subdivision 2 as a special assessment and may issue obligations as provided in section 429.101, subdivision 1, provided that a municipality (AS) at its option make any assessment levied payable with interest in installments not to exceed five years from the date of the assessment.**

(b) After a contract for the (REMOVAL OR) *sanitation or approved* treatment of trees on private property has been let, or the work commenced, the municipality may issue obligations to defray the expense of any such work financed by special assessments imposed upon private property. Section 429.091 shall apply to such obligations with the following modifications:

(1) Such obligations shall be payable not more than five years from the date of issuance; and

(2) No election shall be required.

Obligations issued under the provisions of this clause shall not be considered bonded indebtedness for the purposes of section 273.13, subdivisions 6 and 7. The certificates shall not be included in the net debt of the issuing municipality.

Sec. 7. Minnesota Statutes 1976, Section 18.023, Subdivision 8, is amended to read:

Subd. 8. [DEPOSIT OF PROCEEDS IN SEPARATE FUND.] The proceeds of any tax levied, assessments and interest collected, or any *bonds or* certificates of indebtedness issued under (SUBDIVISIONS 6 AND) *subdivision 7 and section 11 of this act, and any grants received under subdivision 3a,* shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Sec. 8. Minnesota Statutes 1976, Section 18.023, is amended by adding a subdivision to read:

*Subd. 10a. The commissioner may establish experimental programs for sanitation or treatment of shade tree diseases. The commissioner may make grants to municipalities, or enter into contracts with municipal, state or federal agencies in connection with experimental shade tree programs including research to assist municipalities in establishing priority designation areas in an approved disease control program.*

Sec. 9. Minnesota Statutes 1976, Section 18.023, Subdivision 11, is amended to read:

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each (SUCCEEDING) year, the commissioner shall report to the legislature on the preceding year's (PLANS AND) *approved disease control programs (WHICH HAVE BEEN IMPLEMENTED FOR SHADE TREE DISEASES IN THE METROPOLITAN AREA) and any experimental programs conducted pursuant to subdivision 10a.*

Sec. 10. Minnesota Statutes 1976, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [REGULATIONS AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, regulations or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of this chapter for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste and location of hazardous waste disposal facilities. A regulation or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

*The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.*

Sec. 11. Minnesota Statutes 1976, Section 275.50, is amended by adding a subdivision to read:

*Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws 1974, Chapter 108, commencing with the levy made in 1976, payable in 1977, and terminating with the levy made in 1977, payable in 1978. A governmental subdivision may make a supplementary levy in 1977, payable in 1978, for all costs of implementing section 18.023 incurred in calendar year 1977 for which a levy was not made in 1976, payable in 1977. For the purpose of calculating the tax levy limit base under section 275.51, for levy year 1977, taxes payable 1978, there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 112 percent of the amount levied under section 18.023 in levy year 1974, taxes payable 1975, and included in the levy limit base of the governmental subdivision as a result of Laws 1975, Chapter 437.*

Sec. 12. *The commissioner of agriculture shall adopt emergency rules pursuant to section 15.0412, subdivision 5, concerning grants to municipalities for reforestation and sanitation which shall be effective until either September 1, 1977, or the effective date of the amended permanent rules to be promulgated pursuant to section 3 of this act, whichever occurs first.*

Sec. 13. *The commissioner may employ and prescribe the duties of three permanent employees in the unclassified service as may be necessary to administer the provisions of section 18.023, subject to appropriation, until June 30, 1978. Thereafter, the three positions shall be in the classified service.*

Sec. 14. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the commissioner of agriculture the following amounts for the following purposes, for the period from January 1, 1977 to December 31, 1978. The sum of \$13,762,500 shall be available for expenditure from January 1, 1977 to December 31, 1977 and \$13,762,500 shall be available for expenditure from January 1, 1978 to December 31, 1978:*

(a) *For grants for sanitation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,* ..... \$21,650,000

(b) *For grants for reforestation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,* ..... \$ 4,400,000

(c) *For grants-in-aid for wood utilization and disposal systems pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,* ..... \$ 550,000

(d) *For public information* ..... \$ 225,000

(e) *For experimental programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 10a,* ... \$ 400,000

(f) *For administration* ..... \$ 300,000

*The commissioner shall not make grants for sanitation and reforestation for wood utilization and disposal systems in excess of 67 percent of the amounts specified in clauses (a) to (c) to the municipalities located within the metropolitan area, as defined in section 18.023, subdivision 1.*

*Subd. 2. There is appropriated from the general fund to the university of Minnesota the following amounts for the following purposes, for the period from January 1, 1977, to December 31, 1978:*

(a) *For research by the agricultural experimental station, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10,* ..... \$ 100,000

(b) *For continuing education and training by the agricultural extension service, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10,* ..... \$ 250,000

*Subd. 3. The sum of \$625,000 is appropriated from the general fund to the commissioner of natural resources for the expenses of sanitation of diseased shade trees on lands which the commissioner administers within 1,000 feet of any municipality with an approved disease control program and within camp sites, picnic areas, waysides and parking areas.*

*This appropriation is in lieu of all other appropriations to the commissioner of natural resources for the same purposes for the period from January 1, 1977 to December 31, 1978.*

*Subd. 4. The appropriations in this section shall not cancel but shall remain available until expended.*

**Sec. 15. [REPEALER.]** *Minnesota Statutes 1976, Section 18.023, Subdivision 6, is repealed.*

**Sec. 16. [EFFECTIVE DATE.]** *This act is effective January 1, 1977."*

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

Senate Conferees: HUBERT H. HUMPHREY, III, GERALD WILLET, STEVE KEEFE, EMILY ANNE STAPLES and ROBERT DUNN.

House Conferees: THOMAS BERG, ANN WYNIA, RICHARD WELCH, HENRY KALIS and DONALD FRIEDRICH.

Berg moved that the report of the Conference Committee on S. F. No. 32 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 32, A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

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 89 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeln	Cassarly	Friedrich	Kelly, R.	McDonald
Adams	Clark	Fugina	Kelly, W.	McEachern
Albrecht	Clawson	George	Kempe, A.	Metzen
Arlandson	Cohen	Hanson	Kempe, R.	Moe
Beauchamp	Cummiskey	Haugerud	King	Munger
Berg	Dahl	Heinitz	Knickerbocker	Murphy
Berglin	Dean	Hokanson	Kostohryz	Neisen
Berkelman	Ellingson	Jacobs	Kroening	Nelson
Birnstihl	Enebo	Jaros	Kvam	Norton
Brandl	Evans	Jensen	Laidig	Novak
Byrne	Ewald	Kahn	Lehto	Pehler
Carlson, A.	Faricy	Kaley	Mangan	Peterson
Carlson, L.	Forsythe	Kalis	Mann	Petrufeso

Pleasant	Searles	Skoglund	<b>Tomlinson</b>	<b>Williamson</b>
Reding	Sherwood	Spanish	Waldorf	Wynia
Rose	Sieben, H.	Stanton	Welch	Zubay
Savelkoul	Sieben, M.	Stoa	Wenstrom	Speaker Sabo
Scheid	Simoneau	Swanson	Wenzel	

Those who voted in the negative were :

Anderson, B.	Carlson, D.	Gunter	Niehaus	Vanasek
Anderson, D.	Corbid	Johnson	Prahl	Voss
Anderson, G.	Den Ouden	Jude	St. Onge	Wieser
Anderson, I.	Eckstein	Langseth	Samuelson	Wigley
Anderson, R.	Eken	Lemke	Schulz	
Battaglia	Erickson	McCollar	Searle	
Begich	Esau	Nelsen, B.	Smogard	
Brinkman	Fjoslien	Nelsen, M.	Suss	

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

Mr. Speaker :

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

S. F. No. 655.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 446.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 690.

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. 73, 210 and 1019.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 124.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 655, A bill for an act relating to appropriations; providing funding for the continued operation of detached worker programs for assistance to young people.

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

S. F. No. 446, A bill for an act relating to public welfare; increasing supplemental aid; appropriating money; amending Minnesota Statutes 1976, Section 256D.37, Subdivision 2, and by adding subdivisions.

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

S. F. No. 690, A bill for an act appropriating money for educational television facilities in northern Minnesota.

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

S. F. No. 73, A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

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

S. F. No. 210, A bill for an act relating to taxation; altering procedure for obtaining refunds of tax on gasoline or special fuels not used in motor vehicles or for aviation purposes; appropriating money; amending Minnesota Statutes 1976, Sections 290.06, by adding a subdivision; and 296.18, Subdivisions 1, 1a, 2, and 3.

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

S. F. No. 1019, A bill for an act relating to the city of Moorhead; authorizing taxes in excess of levy limitations for support of the arts.

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

S. F. No. 124, A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for battered women; appropriating money; amending Minnesota Statutes 1976, Section 256D.05, by adding a subdivision.

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

#### MOTION FOR RECONSIDERATION

Suss moved that the vote whereby the House passed S. F. No. 1338, as amended on Thursday, May 12, 1977, be now reconsidered. The motion prevailed.

Suss moved that the action whereby the House gave S. F. No. 1338 a third reading, as amended on Thursday, May 12, 1977, be now reconsidered. The motion prevailed.

S. F. No. 1338, as amended, was reported to the House.

Suss moved that the vote whereby the House adopted the Savelkoul amendment to S. F. No. 1338 on Thursday, May 12, 1977, be now reconsidered. The motion prevailed.

Savelkoul withdrew the amendment.

S. F. No. 1338, A bill for an act relating to automobile insurance; clarifying certain ambiguous provisions in the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1976, Sections 65B.44, Subdivision 3; 65B.49, Subdivisions 4 and 6; 65B.51, Subdivision 1; and 65B.53, Subdivision 1.

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

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

Those who voted in the affirmative were:

Abeln	Anderson, G.	Beauchamp	Birnstihl	Carlson, A.
Adams	Anderson, I.	Begich	Brandl	Carlson, D.
Albrecht	Anderson, R.	Berg	Braun	Carlson, L.
Anderson, B.	Arlandson	Berglin	Brinkman	Casserty
Anderson, D.	Battaglia	Berkelman	Byrne	Clark

Cohen	George	Kroening	Osthoff	Smogard
Corbid	Gunter	Kvam	Pehler	Spanish
Cummiskey	Hanson	Laidig	Peterson	Stanton
Dahl	Haugerud	Langseth	Pleasant	Stoa
Dean	Heinitz	Lehto	Prahl	Suss
Den Ouden	Hokanson	Lemke	Reding	Swanson
Eckstein	Jacobs	Mann	Rice	Tomlinson
Eken	Jaros	McCollar	Rose	Vanasek
Ellingson	Jensen	McDonald	St. Onge	Voss
Enebo	Johnson	McEachern	Samuelson	Waldorf
Erickson	Jude	Metzen	Savelkoul	Welch
Esau	Kaley	Munger	Scheid	Wenstrom
Evans	Kalis	Murphy	Schulz	Wenzel
Ewald	Kelly, R.	Neisen	Searle	White
Faricy	Kelly, W.	Nelsen, B.	Searles	Wieser
Fjoslien	Kempe, A.	Nelsen, M.	Sherwood	Wigley
Forsythe	Kempe, R.	Nelson	Sieben, H.	Williamson
Friedrich	King	Niehaus	Sieben, M.	Wynia
Fudro	Knickerbocker	Norton	Simoneau	Zubay
Fugina	Kostohryz	Novak	Skoglund	Speaker Sabo

The bill was repassed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 522, 83, 180 and 331, S. F. Nos. 625 and 1362 and H. F. No. 1300.

H. F. No. 522 was reported to the House.

Savelkoul moved to amend H. F. No. 522, as follows:

Page 16, after line 18 insert a new section as follows:

*"Sec. 20. [HEATING FUEL INVENTORY STUDY.] In order to avoid potential heating fuel shortages, the Minnesota energy agency is hereby directed to conduct a study of the heating fuel storage capacities of this state. The energy agency shall report its findings and, if need be, its recommendations to the legislature on or before November 15, 1977. The findings outlined in the report shall include but shall not be limited to:*

*(a) The cumulative capacities of larger secondary and tertiary heating fuel storage facilities in the industrial, institutional, commercial, and residential sectors of the state.*

*(b) At what levels these capacities are normally filled.*

*(c) Whether or not these capacities are adequate anticipating severe climatic conditions.*

*Employing the aforementioned findings, the energy agency's recommendations in the report are to include but shall not be limited to:*

(a) *If the cumulative volume of the heating fuel storage facilities is found to be adequate, what measures the state can take to ensure that they be filled prior to the start of the heating season.*

(b) *If the cumulative volume of the heating fuel storage facilities are found to be inadequate, what measures the state can take to initiate construction and/or utilization of additional storage facilities."*

Renumber the remaining sections accordingly.

Page 17, after line 5 insert a new subdivision as follows:

*"Subd. 4. The sum of \$18,800 is appropriated from the general fund to the director of the energy agency for the purposes of section 20 during the biennium beginning July 1, 1977."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 116 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Sieben, H.
Adams	Dahl	Jude	Neisen	Sieben, M.
Albrecht	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Eckstein	Kalis	Nelson	Smogard
Anderson, I.	Eken	Kelly, R.	Niehaus	Stanton
Anderson, R.	Enebo	Kelly, W.	Norton	Stoa
Arlandson	Erickson	Kempe, A.	Novak	Suss
Battaglia	Esau	Kempe, R.	Osthoff	Swanson
Beauchamp	Evans	King	Peterson	Tomlinson
Begich	Ewald	Knickerbocker	Petrafeso	Vanasek
Berg	Faricy	Kostohryz	Pleasant	Waldorf
Berglin	Fjoslien	Kvam	Prahl	Welch
Berkelman	Forsythe	Laidig	Reding	Wenstrom
Birnstihl	Friedrich	Langseth	Rice	Wenzel
Brandl	Fudro	Lehto	Rose	White
Byrne	Fugina	Lemke	St. Onge	Wigley
Carlson, A.	George	Mann	Samuelson	Williamson
Carlson, D.	Gunter	McCollar	Savelkoul	Wymia
Carlson, L.	Hanson	McDonald	Scheid	Speaker Sabo
Casserly	Heinitz	McEachern	Schulz	
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	
Cohen	Jaros	Munger	Sherwood	

Those who voted in the negative were:

Anderson, G.    Braun                    Voss                    Wieser

The motion prevailed and the amendment was adopted.

Fjoslien moved to amend H. F. No. 522, as follows:

Page 3, line 10 after "*buildings*" insert "*Nor to private recreational buildings used less than 180 days per year as a structure incident to the pursuit of recreational activities*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 48 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Gunter	McDonald	Searles
Anderson, D.	Den Ouden	Heinitz	Nelsen, B.	Sherwood
Anderson, R.	Eckstein	Jude	Nelsen, M.	Smogard
Battaglia	Erickson	Kaley	Niehaus	Waldorf
Begich	Esau	Knickerbocker	Peterson	Wenstrom
Berkelman	Evans	Kvam	Pleasant	Wieser
Brinkman	Ewald	Laidig	Rose	Wigley
Carlson, A.	Fjoslien	Langseth	Samuelson	Zubay
Carlson, D.	Forsythe	Mangan	Savelkoul	
Corbid	Friedrich	McCollar	Searle	

Those who voted in the negative were:

Abeln	Clawson	Jensen	Murphy	Simoneau
Adams	Cohen	Johnson	Neisen	Skoglund
Anderson, G.	Cummiskey	Kahn	Nelson	Spanish
Anderson, I.	Dahl	Kelly, R.	Norton	Stanton
Arlandson	Eken	Kelly, W.	Novak	Stoa
Beauchamp	Ellingson	Kempe, A.	Osthoff	Suss
Berg	Enebo	Kempe, R.	Petrafeso	Swanson
Berglin	Faricy	King	Prahl	Tomlinson
Birnstihl	Fudro	Kostohryz	Reding	Welch
Braun	George	Lehto	Rice	Wenzel
Byrne	Hanson	Mann	St. Onge	White
Carlson, L.	Hokanson	McEachern	Schulz	Williamson
Cassery	Jacobs	Metzen	Sieben, H.	Wynia
Clark	Jaros	Munger	Sieben, M.	Speaker Sabo

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

Corbid was excused between the hours of 3:00 p.m. and 4:20 p.m.

Begich, Fjoslien and Nelsen, B., moved to amend H. F. No. 522, as follows:

Page 2, delete lines 23 to 32.

Delete all of pages 3 and 4.

Page 5, delete lines 1 to 6.

Renumber the remaining sections.

Further, amend the title in line 1 by deleting "extending the application of", deleting all of line 2, in line 3 by deleting "counties;" and in line 13 by deleting "16.851; 16.86, Subdivision 4;".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 49 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Albrecht	Erickson	Kalis	Nelsen, M.	Smogard
Anderson, D.	Esau	Kelly, W.	Niehaus	Stanton
Anderson, G.	Evans	Kvam	Peterson	Suss
Anderson, R.	Fjoslien	Langseth	Prahl	Wenstrom
Begich	Friedrich	Lemke	Rose	Wenzel
Birnstihl	Gunter	Mann	St. Onge	White
Brinkman	Heinitz	McCollar	Savelkoul	Wieser
Carlson, D.	Johnson	McDonald	Schulz	Wigley
Den Ouden	Jude	Metzen	Searles	Zubay
Eckstein	Kaley	Nelsen, B.	Sherwood	

Those who voted in the negative were:

Abeln	Carlson, L.	Hokanson	McEachern	Sieben, H.
Adams	Casserly	Jacobs	Moe	Sieben, M.
Anderson, B.	Clark	Jaros	Munger	Simoneau
Anderson, I.	Clawson	Kahn	Murphy	Skogiund
Arlandson	Cummiskey	Kelly, R.	Neisen	Stoa
Battaglia	Dahl	Kempe, A.	Nelson	Swanson
Beauchamp	Enebo	Kempe, R.	Norton	Tomlinson
Berg	Ewald	King	Novak	Vanasek
Berglin	Farcy	Knickerbocker	Osthoff	Voss
Berkelman	Forsythe	Kostohryz	Pehler	Waldorf
Brandl	Fudro	Kroening	Petrafeso	Welch
Braun	Fugina	Laidig	Pleasant	Wynia
Byrne	George	Lehto	Reding	Speaker Sabo
Carlson, A.	Hanson	Mangan	Scheid	

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

H. F. No. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H,

by adding sections; repealing Laws 1974, Chapter 307, Section 19.

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 97 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kahn	Norton	Skoglund
Adams	Cohen	Kelly, R.	Novak	Smogard
Anderson, B.	Cummiskey	Kelly, W.	Pehler	Stanton
Anderson, G.	Dahl	Kempe, A.	Petrafeso	Stoa
Anderson, I.	Dean	Kempe, R.	Pleasant	Suss
Arlandson	Ellingson	King	Prahl	Swanson
Battaglia	Enebo	Knickerbocker	Reding	Tomlinson
Beauchamp	Ewald	Kostohryz	Rice	Vanasek
Begich	Faricy	Kroening	Rose	Voss
Berg	Forsythe	Laidig	St. Onge	Waldorf
Berglin	Fudro	Lehto	Samuelson	Welch
Berkelman	Fugina	Mangan	Savelkoul	Wenstrom
Birnstihl	George	McCollar	Scheid	White
Brandl	Gunter	McEachern	Schulz	Williamson
Braun	Hanson	Metzen	Searle	Wynia
Byrne	Heinitz	Moe	Searles	Zubay
Carlson, A.	Hokanson	Munger	Sherwood	Speaker Sabo
Carlson, L.	Jacobs	Murphy	Sieben, H.	
Cassery	Jaros	Neisen	Sieben, M.	
Clark	Jude	Nelson	Simoneau	

Those who voted in the negative were:

Albrecht	Eckstein	Jensen	Mann	Wenzel
Anderson, D.	Erickson	Johnson	McDonald	Wieser
Anderson, R.	Esau	Kaley	Nelsen, B.	Wigley
Brinkman	Evans	Kalis	Nelsen, M.	
Carlson, D.	Fjoslien	Kvam	Niehaus	
Den Ouden	Friedrich	Langseth	Peterson	

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

H. F. No. 83, A bill for an act relating to crime victims reparations; eliminating the minimum claim amount necessary for reparations; raising the amount of reparations paid to claimants suffering economic loss; amending Minnesota Statutes 1976, Sections 299B.02; 299B.03, Subdivision 2; 299B.04; 299B.05, by adding a subdivision; 299B.06, Subdivisions 1 and 2; and 299B.07, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Johnson	Munger	Sieben, M.
Adams	Dahl	Jude	Murphy	Simoneau
Albrecht	Dean	Kahn	Neisen	Skoglund
Anderson, B.	Den Ouden	Kaley	Nelsen, B.	Smogard
Anderson, D.	Eckstein	Kalis	Nelsen, M.	Spanish
Anderson, G.	Eken	Kelly, R.	Nelson	Stanton
Anderson, I.	Ellingson	Kelly, W.	Niehaus	Stoa
Anderson, R.	Enebo	Kempe, A.	Norton	Suss
Arlandson	Erickson	Kempe, R.	Novak	Swanson
Battaglia	Esau	King	Osthoff	Tomlinson
Begich	Evans	Knickerbocker	Pehler	Vanasek
Berg	Ewald	Kostohryz	Peterson	Voss
Berglin	Faricy	Kroening	Petrafaso	Waldorf
Berkelman	Fjoslien	Kvam	Prahl	Welch
Birnstihl	Forsythe	Laidig	Reding	Wenzel
Brandl	Fudro	Langseth	Rice	White
Braun	Fugina	Lehto	Rose	Wieser
Byrne	George	Lemke	St. Onge	Wigley
Carlson, A.	Gunter	Mangan	Savelkoul	Williamson
Carlson, D.	Hanson	Mann	Scheid	Wynia
Carlson, L.	Heinitz	McCollar	Schulz	Speaker Sabo
Casserly	Hokanson	McDonald	Searle	
Clark	Jacobs	McEachern	Searles	
Clawson	Jaros	Metzen	Sherwood	
Cohen	Jensen	Moe	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 180, A bill for an act relating to health; appropriating money to fund a program of graduate training in family practice for physicans.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Ewald	Kaley	McDonald
Adams	Carlson, A.	Faricy	Kalis	McEachern
Albrecht	Carlson, D.	Fjoslien	Kelly, R.	Metzen
Anderson, B.	Carlson, L.	Forsythe	Kelly, W.	Moe
Anderson, D.	Casserly	Fudro	Kempe, A.	Munger
Anderson, G.	Clark	Fugina	Kempe, R.	Murphy
Anderson, I.	Clawson	George	King	Neisen
Anderson, R.	Cohen	Gunter	Knickerbocker	Nelsen, B.
Arlandson	Dahl	Hanson	Kostohryz	Nelsen, M.
Battaglia	Dean	Haugerud	Kroening	Nelson
Beauchamp	Den Ouden	Heinitz	Kvam	Niehaus
Begich	Eckstein	Hokanson	Laidig	Norton
Berg	Eken	Jacobs	Langseth	Novak
Berglin	Ellingson	Jaros	Lehto	Pehler
Berkelman	Enebo	Jensen	Lemke	Peterson
Birnstihl	Erickson	Johnson	Mangan	Petrafaso
Brandl	Esau	Jude	Mann	Pleasant
Braun	Evans	Kahn	McCollar	Prahl

Reding	Searle	Smogard	Vanasek	Wieser
Rice	Searles	Spanish	Voss	Wigley
Rose	Sherwood	Stanton	Waldorf	Williamson
St. Onge	Sieben, H.	Stoa	Welch	Wynia
Savelkoul	Sieben, M.	Suss	Wenstrom	Zubay
Scheid	Simoneau	Swanson	Wenzel	Speaker Sabo
Schulz	Skoglund	Tomlinson	White	

The bill was passed and its title agreed to.

H. F. No. 331, A bill for an act relating to motor vehicles; requiring information as to all owners in applications for registration or certificate of title; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

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

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

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Munger	Sherwood
Adams	Cohen	Johnson	Murphy	Sieben, H.
Albrecht	Cummiskey	Jude	Neisen	Sieben, M.
Anderson, B.	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kalis	Nelson	Smogard
Anderson, I.	Eken	Kelly, R.	Niehaus	Spanish
Anderson, R.	Ellingson	Kelly, W.	Norton	Stanton
Arlandson	Enebo	Kempe, A.	Novak	Stoa
Battaglia	Erickson	Kempe, R.	Osthoff	Suss
Beauchamp	Esau	King	Pehler	Swanson
Begich	Ewald	Knickerbocker	Peterson	Tomlinson
Berg	Faricy	Kostohryz	Petrafeso	Vanasek
Berglin	Fjoslien	Kroening	Pleasant	Voss
Berkelman	Forsythe	Kvam	Prahl	Waldorf
Birnstihl	Fudro	Laidig	Reding	Welch
Brandl	Fugina	Langseth	Rice	Wenstrom
Braun	George	Lehto	Rose	Wenzel
Brinkman	Gunter	Mangan	St. Onge	White
Byrne	Hanson	Mann	Samuelson	Wieser
Carlson, A.	Haugerud	McCollar	Savelkoul	Wigley
Carlson, D.	Heinitz	McDonald	Scheid	Williamson
Carlson, L.	Hokanson	McEachern	Schulz	Wynia
Casserly	Jacobs	Metzen	Searle	Zubay
Clark	Jaros	Moe	Searles	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 625, A bill for an act relating to employment services; authorizing the summer employment of young persons for state and local service; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jensen	Munger	Sieben, H.
Adams	Dahl	Johnson	Murphy	Sieben, M.
Anderson, D.	Dean	Jude	Neisen	Simoneau
Anderson, G.	Den Ouden	Kahn	Nelsen, B.	Skoglund
Anderson, I.	Eckstein	Kaley	Nelson	Smogard
Anderson, R.	Ellingson	Kalis	Niehaus	Spanish
Arlandson	Enebo	Kelly, R.	Norton	Stanton
Battaglia	Erickson	Kelly, W.	Novak	Stoa
Begich	Esau	Kempe, R.	Osthoff	Suss
Berg	Evans	King	Pehler	Swanson
Berglin	Ewald	Knickerbocker	Peterson	Tomlinson
Berkelman	Faricy	Kostohryz	Petraseso	Vanasek
Birnstihl	Friedrich	Kroening	Pleasant	Voss
Brandl	Fudro	Laidig	Prahl	Waldorf
Braun	Fugina	Langseth	Reding	Wenstrom
Byrne	George	Lehto	Rice	Wenzel
Carlson, A.	Gunter	Lemke	Rose	White
Carlson, D.	Hansen	Mangan	St. Onge	Wieser
Carlson, L.	Haugerud	McCollar	Savelkoul	Williamson
Casserly	Heinitz	McDonald	Schulz	Wynia
Clark	Hokanson	McEachern	Searle	Zubay
Clawson	Jacobs	Metzen	Searles	Speaker Sabo
Cohen	Jaros	Moe	Sherwood	

Those who voted in the negative were:

Wigley

The bill was passed and its title agreed to.

S. F. No. 1362, A bill for an act relating to game and fish; exempting certain disabled residents from the requirements of obtaining a fishing license; amending Minnesota Statutes 1976, Section 98.47, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Arlandson	Byrne	Cummiskey	Erickson
Adams	Battaglia	Carlson, A.	Dahl	Esau
Albrecht	Begich	Carlson, D.	Dean	Evans
Anderson, B.	Berg	Carlson, L.	Den Ouden	Ewald
Anderson, D.	Berglin	Casserly	Eckstein	Faricy
Anderson, G.	Berkelman	Clark	Eken	Fjoslien
Anderson, I.	Birnstihl	Clawson	Ellingson	Forsythe
Anderson, R.	Brandl	Cohen	Enebo	Friedrich

Fudro	Kempe, R.	Murphy	St. Onge	Vanasek
Fugina	King	Neisen	Savelkoul	Voss
George	Knickerbocker	Nelsen, B.	Schulz	Waldorf
Gunter	Kostohryz	Nelsen, M.	Searle	Welch
Hanson	Kroening	Nelson	Searles	Wenstrom
Heinitz	Kvam	Niehaus	Sherwood	Wenzel
Hokanson	Laidig	Norton	Sieben, H.	White
Jacobs	Langseth	Novak	Sieben, M.	Wieser
Jaros	Lehto	Osthoff	Simoneau	Wigley
Jensen	Lemke	Pehler	Skoglund	Williamson
Johnson	Mangan	Peterson	Smogard	Wynia
Jude	McCollar	Petrafeso	Spanish	Zubay
Kahn	McDonald	Pleasant	Stanton	Speaker Sabo
Kaley	McEachern	Prahl	Stoa	
Kalis	Metzen	Reding	Suss	
Kelly, R.	Moe	Rice	Swanson	
Kelly, W.	Munger	Rose	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 1300 was reported to the House.

Casserly moved to amend H. F. No. 1300, as follows:

Page 5, line 16, delete "7" and insert "8".

Page 8, line 17, delete "\$7,300,000" and insert "\$6,300,000".

Page 11, line 32, after "PARK" insert ", SPECIAL USE FACILITY,".

The motion prevailed and the amendment was adopted.

Wieser and Casserly moved to amend H. F. No. 1300, as follows:

Page 3, line 9, delete everything after the period.

Page 3, delete lines 10 to 16 and insert:

*"If any parcel acquired for the Memorial Hardwood forest after the effective date of this act contains more than 10 contiguous acres of tillable land adjacent to other tillable land or to a public road, the commissioner of natural resources shall declare that tillable land as surplus land to the commissioner of administration. The commissioner of administration shall offer the land for sale in the manner provided by law not less than six months after acquisition by the state and once thereafter in each of the next two years. Tillable land is land classified as class 1, 2, or 3 as defined by the United States soil conservation service. Notwithstanding any law to the contrary neither the state nor any of its subdivisions shall be required to construct or maintain any street, highway or other road to provide access to any parcel of land sold pursuant to this subdivision."*

The motion prevailed and the amendment was adopted.

Knickerbocker moved to amend H. F. No. 1300, as follows:

Page 13, after line 31, insert a new section to read as follows:

*"Sec. 9. There is appropriated from the Minnesota state building fund to the Department of Natural Resources \$500,000 for development and rehabilitation of a state park Outdoor Handicapped Accessibility Program."*

Renumber the remaining sections.

Page 14, line 1, delete "and" and insert after 8 " , and 9".

Page 14, line 13, delete "and" and insert after 8 " , and 9".

Page 14, line 16, delete "\$61,500,000" and insert "\$62,000,000".

A roll call was requested and properly seconded.

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

The question was taken on the adoption of the amendment and the roll was called. There were 62 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kaley	Nelsen, B.	Spanish
Albrecht	Dean	Kalis	Niehaus	Swanson
Anderson, B.	Den Ouden	Kempe, R.	Novak	Waldorf
Anderson, R.	Erickson	Knickerbocker	Osthoff	Welch
Battaglia	Esau	Kostohryz	Pehler	Wenstrom
Begich	Evans	Kvam	Peterson	Wenzel
Berkelman	Ewald	Laidig	Pleasant	White
Byrne	Fjoslien	Lehto	Prahl	Wigley
Carlson, A.	Forsythe	Mangan	Rose	Williamson
Carlson, D.	Friedrich	McDonald	Savelkoul	Zubay
Carlson, L.	Heinitz	McEachern	Scheid	
Clawson	Hokanson	Metzen	Sieben, H.	
Cohen	Jude	Neisen	Simoneau	

Those who voted in the negative were:

Adams	Clark	Jaros	Mann	Sieben, M.
Anderson, D.	Corbid	Jensen	McCollar	Skoglund
Anderson, G.	Dahl	Johnson	Moe	Smogard
Anderson, I.	Eckstein	Kahn	Munger	Stanton
Arlandson	Eken	Kelly, R.	Murphy	Stoa
Beauchamp	Ellingson	Kelly, W.	Nelsen, M.	Suss
Berg	Faricy	Kempe, A.	Nelson	Tomlinson
Berglin	Fudro	King	Norton	Vanasek
Birnstihl	Fugina	Kroening	Petrafaso	Voss
Braun	Gunter	Langseth	Schulz	Wieser
Casserly	Haugerud	Lemke	Sherwood	Speaker Sabo

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

Savelkoul moved to amend H. F. No. 1300, as follows:

Page 12, line 28, strike Subdivision 6 of Section 8 from the bill.

Renumber the following subdivision.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 35 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Adams	Esau	Kaley	Niehaus	Spanish
Albrecht	Evans	Kalis	Osthoff	Suss
Beauchamp	Ewald	Knickerbocker	Peterson	Welch
Carlson, D.	Fjoslien	Kvam	Pleasant	Wenzel
Corbid	Forsythe	Langseth	Rose	Wieser
Den Ouden	Friedrich	McDonald	Savelkoul	Wigley
Erickson	Heinitz	Nelsen, B.	Schulz	Zubay

Those who voted in the negative were:

Abeln	Clark	Johnson	Moe	Skoglund
Anderson, D.	Clawson	Jude	Munger	Smogard
Anderson, I.	Cohen	Kahn	Murphy	Stanton
Anderson, R.	Cummiskey	Kelly, R.	Neisen	Stoa
Arlandson	Dahl	Kelly, W.	Nelsen, M.	Swanson
Battaglia	Ellingson	Kempe, A.	Nelson	Tomlinson
Begich	Enebo	Kempe, R.	Norton	Vanasek
Berg	Faricy	King	Novak	Voss
Berglin	Fudro	Kostohryz	Pehler	Waldorf
Berkelman	Fugina	Kroening	Petrafeso	Wenstrom
Birnstihl	George	Laidig	Reding	White
Brandl	Gunter	Lemke	Rice	Williamson
Braun	Hanson	Mangan	Scheid	Wynia
Byrne	Hokanson	Mann	Sherwood	Speaker Sabo
Carlson, A.	Jacobs	McCollar	Sieben, H.	
Carlson, L.	Jaros	McEachern	Sieben, M.	
Cassery	Jensen	Metzen	Simoneau	

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

H. F. No. 1300, A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 97.49, Subdivision 3; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section.

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 96 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jensen	Neisen	Skoglund
Adams	Dahl	Johnson	Nelsen, M.	Smogard
Anderson, B.	Dean	Jude	Nelson	Stanton
Anderson, G.	Den Ouden	Kahn	Norton	Stoa
Arlandson	Eken	Kelly, R.	Novak	Suss
Beauchamp	Ellingson	Kelly, W.	Osthoff	Swanson
Berg	Enebo	Kempe, R.	Pehler	Tomlinson
Berglin	Ewald	King	Petrafeso	Vanasek
Berkelman	Faricy	Knickerbocker	Pleasant	Voss
Birnstihl	Fjoslien	Kostohryz	Reding	Waldorf
Brandl	Forsythe	Kroening	Rice	Welch
Braun	Fudro	Laidig	St. Onge	Wenstrom
Brinkman	George	Langseth	Samuelson	White
Byrne	Gunter	Lehto	Save!koul	Williamson
Carlson, A.	Hanson	Mangan	Scheid	Wynia
Carlson, L.	Haugerud	McEachern	Searle	Speaker Sabo
Casserly	Heimitz	Metzen	Sherwood	
Clark	Hokanson	Moe	Sieben, H.	
Clawson	Jacobs	Munger	Sieben, M.	
Cohen	Jaros	Murphy	Simoneau	

Those who voted in the negative were:

Albrecht	Corbid	Kaley	McDonald	Wenzel
Anderson, D.	Eckstein	Kalis	Nelsen, B.	Wieser
Anderson, I.	Erickson	Kempe, A.	Niehaus	Wigley
Anderson, R.	Esau	Kvam	Peterson	Zubay
Battaglia	Evans	Lemke	Prahl	
Begich	Friedrich	Mann	Schulz	
Carlson, D.	Fugina	McCollar	Spanish	

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

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 102 and H. F. No. 769.

S. F. No. 102, A bill for an act relating to taxation; removing levy limitations on certain towns having population of less than 3,500; allowing electors of exempt towns to determine mill rates; amending Minnesota Statutes 1976, Sections 275.09, Subdivision 3; 275.10, Subdivision 1; 275.31; and 275.59.

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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, R.	Birnstihl	Clark	Den Ouden
Adams	Arlandson	Brandl	Clawson	Eckstein
Albrecht	Battaglia	Braun	Cohen	Eken
Anderson, B.	Beauchamp	Byrne	Corbid	Ellingson
Anderson, D.	Begich	Carlson, A.	Cummiskey	Erickson
Anderson, G.	Berglin	Carlson, L.	Dahl	Esau
Anderson, I.	Berkelman	Casserly	Dean	Evans

Ewald	Jude	Mangan	Petrafeso	Suss
Faricy	Kahn	Mann	Pleasant	Swanson
Fjoslien	Kaley	McCollar	Prahl	Tomlinson
Forsythe	Kalis	McDonald	Reding	Vanasek
Friedrich	Kelly, R.	McEachern	Rice	Voss
Fudro	Kelly, W.	Metzen	St. Onge	Waldorf
Fugina	Kempe, A.	Munger	Savelkoul	Welch
George	Kempe, R.	Murphy	Scheid	Wenstrom
Gunter	King	Neisen	Schulz	Wenzel
Hanson	Knickerbocker	Nelsen, B.	Searle	White
Haugerud	Kostohyz	Nelsen, M.	Sherwood	Wieser
Heinitz	Kroening	Nelson	Simoneau	Wigley
Hokanson	Kvam	Niehaus	Skoglund	Williamson
Jacobs	Laidig	Norton	Smogard	Wynia
Jaros	Langseth	Novak	Spanish	Zubay
Jensen	Lehto	Osthoff	Stanton	Speaker Sabo
Johnson	Lemke	Peterson	Stoa	

The bill was passed and its title agreed to.

H. F. No. 769, A bill for an act relating to cities; exempting transit systems owned by the cities of Mankato and North Mankato from gasoline and special fuels tax.

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 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Munger	Simoneau
Adams	Cummiskey	Johnson	Murphy	Skoglund
Anderson, B.	Dahl	Jude	Neisen	Smogard
Anderson, D.	Dean	Kahn	Nelsen, B.	Spanish
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Stanton
Anderson, I.	Eckstein	Kalis	Nelson	Stoa
Anderson, R.	Eken	Kelly, R.	Niehaus	Suss
Arlandson	Ellingson	Kelly, W.	Norton	Swanson
Battaglia	Erickson	Kempe, R.	Novak	Tomlinson
Beauchamp	Esau	King	Osthoff	Vanasek
Begich	Evans	Knickerbocker	Pehler	Voss
Berg	Ewald	Kostohryz	Peterson	Waldorf
Berglin	Faricy	Kroening	Petrafeso	Welch
Berkelman	Fjoslien	Kvam	Pleasant	Wenstrom
Birnsthil	Forsythe	Laidig	Prahl	Wenzel
Brandl	Friedrich	Langseth	Reding	White
Braun	Fudro	Lehto	Rice	Wieser
Byrne	Fugina	Lemke	Rose	Wigley
Carlson, A.	George	Mangan	St. Onge	Williamson
Carlson, D.	Gunter	Mann	Savelkoul	Wynia
Carlson, L.	Hanson	McCollar	Scheid	Zubay
Cassery	Heinitz	McDonald	Searle	Speaker Sabo
Clark	Hokanson	McEachern	Sherwood	
Clawson	Jacobs	Metzen	Sieben, H.	
Cohen	Jaros	Moe	Sieben, M.	

Those who voted in the negative were:

Schulz

The bill was passed and its title agreed to.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 875:

Kroening, Hanson, and Friedrich.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1102:

Reding, Beauchamp, and Zubay.

#### SPECIAL ORDERS

S. F. No. 1070 was reported to the House.

Arlandson moved to amend S. F. No. 1070, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [DEFINITIONS.] Subdivision 1. As used in this act and unless otherwise required by the context, the terms defined in this section have the meanings given them.

Subd. 2. “Agreement” means one or more of the following:

(a) A commercial relationship between a licensed beer wholesaler and a licensed brewer of a definite or indefinite duration, which is not required to be evidenced in writing;

(b) A relationship whereby the beer wholesaler is granted the right to offer and sell a brand or brands of beer offered by a brewer;

(c) A relationship whereby the beer wholesaler, as an independent business, constitutes a component of a brewer's distribution system;

(d) A relationship whereby the beer wholesaler's business is substantially associated with a brewer's brand or brands, designating the brewer;

(e) A relationship whereby the beer wholesaler's business is substantially reliant on a brewer for the continued supply of beer;

(f) A written or oral arrangement for a definite or indefinite period whereby a brewer grants to a beer wholesaler a license to use a brand, trade name, trademark, or service mark, and in which there is a community of interest in the marketing of goods or services at wholesale or retail.

Subd. 3. "Beer wholesaler" shall mean any licensed person importing or causing to be imported into this state or purchasing or causing to be purchased within this state, any beer for sale or resale to retailers or wholesalers licensed under Minnesota Statutes, Chapter 340, without regard to whether the business of the person is conducted under the terms of an agreement with a licensed brewer.

Subd. 4. "Brewer" means every licensed brewer of beer located within or without the state of Minnesota, who enters into an "agreement" with any beer wholesaler licensed to do business in the state of Minnesota.

Subd. 5. "Person" means a natural person, corporation, partnership, trust, agency, or other entity as well as the individual officers, directors or other persons in active control of the activities of each such entity. Person also includes heirs, assigns, personal representatives and guardians.

Subd. 6. "Territory" or "sales territory" means the area of primary sales responsibility designated by any agreement between any beer wholesaler and brewer for the brand or brands of any brewer.

Sec. 2. [NO INDUCEMENT OR COERCION.] No brewer shall:

(1) Induce or coerce, or attempt to induce or coerce, any beer wholesaler to accept delivery of any alcoholic beverage or any other commodity which shall not have been ordered by the beer wholesaler.

(2) Induce or coerce, or attempt to induce or coerce, any beer wholesaler to do any illegal act or thing by threatening to amend, cancel, terminate, or refuse to renew any agreement existing between a brewer and a beer wholesaler.

(3) Require a wholesaler to assent to any condition, stipulation or provision limiting the wholesaler in his right to sell the product of any other brewer anywhere in the state of Minnesota, provided that the acquisition of the product of another brewer does not materially impair the quality of service or quantity of sales of the existing brand or brands of the brewer seeking to impose the condition, stipulation or provision.

**Sec. 3. [NO DUAL DISTRIBUTORSHIP.]** No brewer who designates a sales territory for which any wholesaler shall be primarily responsible shall enter into any agreement with any other beer wholesaler for the purpose of establishing an additional agreement for its brand or brands of beer in the same territory served by a beer wholesaler with that particular brand.

**Sec. 4. [CANCELLATION.]** Notwithstanding the terms, provisions or conditions of any agreement, no brewer shall amend, cancel, terminate or refuse to continue to renew any agreement, or cause a wholesaler to resign from an agreement, unless good cause exists for amendment, termination, cancellation, nonrenewal, noncontinuation or causing a resignation. "Good cause" shall not include the sale or purchase of a brewer. "Good cause" shall include, but not be limited to, the following:

(1) Revocation of the wholesaler's license to do business in the state.

(2) Bankruptcy or insolvency of the wholesaler.

(3) Assignment for the benefit of creditors or similar disposition of the assets of the wholesaler.

(4) Failure by the wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed upon him by the brewer.

**Sec. 5. [NOTICE OF INTENT TO TERMINATE.]** Except as provided in this section, a brewer shall provide a wholesaler at least 90 days prior written notice of any intent to amend, terminate, cancel or not renew any agreement. The notice shall state all the reasons for the intended amendment, termination, cancellation or nonrenewal. The wholesaler shall have 90 days in which to rectify any claimed deficiency. If the deficiency shall be rectified within 90 days of notice, then the proposed amendment, termination, cancellation or nonrenewal shall be null and void and without legal effect. The notice provisions of this section shall not apply if the reason for the amendment, termination, cancellation, or nonrenewal is:

(1) The bankruptcy or insolvency of the wholesaler.

(2) An assignment for the benefit of creditors or similar disposition of the assets of the business.

(3) Revocation of the wholesaler's license.

(4) Conviction or a plea of guilty or no contest to a charge of violating a law relating to the business that materially affects the wholesaler's ability to remain in business.

**Sec. 6. [ASSIGNMENT, TRANSFER OR SALE OR BUSINESS.]** No brewer shall unreasonably withhold consent to any assignment, transfer or sale of the wholesaler's business whenever the wholesaler to be substituted meets the material and reasonable qualifications and standards required of its wholesalers.

**Sec. 7. [REASONABLE COMPENSATION.]** Subdivision 1. Any brewer which amends, cancels, terminates, or refuses to continue or renew any beer agreement, or causes a wholesaler to resign, unless for good cause shown as defined in section 4, from an agreement or unreasonably withholds consent to any assignment, transfer or sale of a wholesaler's business, shall pay the wholesaler reasonable compensation for the value of the wholesaler's business with relationship to the terminated brand or brands. The value of the wholesaler's business shall include, but not be limited to, its good will, if any.

Subd. 2. In the event that the brewer and the beer wholesaler are unable to mutually agree on the reasonable compensation to be paid for the value of the wholesaler's business, as defined herein, the matter shall be submitted to a neutral arbitrator to be selected by the parties, or if they cannot agree, by the Chief Judge of the District Court. All of the costs of the arbitration shall be paid one-half by the wholesaler and one-half by the brewer. The award of the neutral arbitrator shall be final and binding on the parties.

**Sec. 8. [JUDICIAL REMEDIES.]** If a brewer engages in conduct prohibited under this act, a wholesaler may maintain a suit against the brewer. The court may grant equitable relief as is necessary to remedy the effects of conduct which it finds to exist and which is prohibited under this act, including, but not limited to, declaratory judgment and injunctive relief. The court may, if it finds that the brewer has acted in bad faith in invoking the amendment, termination, cancellation or nonrenewal provisions of this act, or has unreasonably withheld its consent to any assignment, transfer or sale of the wholesaler's agreement, award punitive damages, as well as actual damages, costs and attorneys fees.

**Sec. 9. [PRICE OF PRODUCT.]** No brewer, whether by means of a term or condition of an agreement or otherwise, shall fix or maintain the price at which the wholesaler shall sell any alcoholic beverage.

**Sec. 10. [RETALIATORY ACTION PROHIBITED.]** A brewer shall not take retaliatory action against a wholesaler who files or manifests an intention to file a complaint of alleged violation of state or federal law or regulation by the brewer with the appropriate state or federal regulatory authority. Retaliatory action shall include, but shall not be limited to, refusal without good cause to continue the agreement, or a material reduction

in the quality of service or quantity of products available to the wholesaler under the agreement.

Sec. 11. [MANAGEMENT.] No brewer shall require or prohibit any change in management or personnel of any wholesaler unless the current or potential management or personnel fails to meet reasonable qualifications and standards required by the brewer.

Sec. 12. [NO DISCRIMINATION.] No brewer shall discriminate among its wholesalers in any business dealings including, but not limited to, the price of beer sold to the wholesaler, unless the classification among its wholesalers is based upon reasonable grounds.

Sec. 13. [NO WAIVER.] No brewer shall require any wholesaler to waive compliance with any provision of this act. Nothing in this act shall be construed to limit or prohibit good faith settlements of disputes voluntarily entered into between the parties.

Sec. 14. [SALE OF BREWER.] Except for good cause, which shall include, but not be limited to (1) revocation of the wholesaler's license to do business in the state, (2) bankruptcy or insolvency of the wholesaler, (3) assignment for the benefit of creditors or similar disposition of the assets of the wholesaler, (4) failure by the wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed upon him by the brewery, the purchaser of a "brewer" as defined in this act shall become obligated to all of the terms and conditions of the agreement in effect on the date of purchase. "Purchase", as defined for the purposes of this act, shall include, but is not limited to, the sale of stock, sale of assets, merger, lease, transfer or consolidation.

Sec. 15. [COVERAGE.] The provisions of this act shall cover agreements in existence on the effective date of this act, as well as agreements entered into after the effective date of this act.

Sec. 16. [RIGHT OF FREE ASSOCIATION.] No brewer or wholesaler shall restrict or inhibit, directly or indirectly, the right of free association among brewers or wholesalers for any lawful purpose.

Sec. 17. [RELATION TO PRIOR LAW.] This act supplements and does not supersede any prior law. If it is found to be inconsistent with prior law, the prior law shall govern.

Sec. 18. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Further, strike the title and insert the following:

"A bill for an act relating to the beer industry; establishing certain requirements for the relationship between brewers and beer wholesalers."

The motion prevailed and the amendment was adopted.

S. F. No. 1070, A bill for an act relating to franchises; concerning franchise fees; amending Minnesota Statutes 1976, Sections 80C.01, Subdivisions 4 and 9; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Jacobs	Metzen	Sherwood
Adams	Cummiskey	Jaros	Moe	Sieben, H.
Albrecht	Dahl	Jensen	Munger	Sieben, M.
Anderson, B.	Dean	Johnson	Murphy	Simoneau
Anderson, D.	Den Ouden	Jude	Neisen	Skoglund
Anderson, G.	Eckstein	Kahn	Nelsen, B.	Smogard
Anderson, I.	Eken	Kaley	Nelsen, M.	Spanish
Anderson, R.	Ellingson	Kalis	Nelson	Stanton
Arlandson	Enebo	Kelly, R.	Niehaus	Stoa
Battaglia	Erickson	Kelly, W.	Norton	Suss
Beauchamp	Esau	Kempe, R.	Novak	Swanson
Begich	Evans	King	Osthoff	Tomlinson
Berg	Ewald	Knickerbocker	Pehler	Vanasek
Berglin	Faricy	Kostohryz	Peterson	Voss
Berkelman	Fjoslien	Kroening	Petrafeso	Waldorf
Birnstihl	Forsythe	Kvam	Pleasant	Welch
Brandl	Friedrich	Laidig	Prahl	Wenstrom
Braun	Fudro	Langseth	Reding	Wenzel
Byrne	Fugina	Lehto	Rice	White
Carlson, A.	George	Lemke	Rose	Wieser
Carlson, D.	Gunter	Mangan	St. Onge	Wigley
Carlson, L.	Hanson	Mann	Savelkoul	Williamson
Casserly	Haugerud	McCollar	Scheid	Wynia
Clark	Heinitz	McDonald	Schulz	Zubay
Cohen	Hokanson	McEachern	Searle	Speaker Sabo

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

S. F. No. 1293, A bill for an act relating to the Minnesota humane society; restructuring its board; making miscellaneous operational changes; repealing obsolete language; amending Minnesota Statutes 1976, Sections 343.01; 343.06 and 343.08; repealing Minnesota Statutes 1976, Sections 343.02; 343.03; 343.04; 343.05; 343.07 and 343.09.

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 105 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Metzen	Sieben, H.
Adams	Cummiskey	Jensen	Moe	Sieben, M.
Anderson, B.	Dahl	Johnson	Munger	Simoneau
Anderson, I.	Den Ouden	Jude	Murphy	Skoglund
Arlandson	Eckstein	Kahn	Neisen	Smogard
Battaglia	Eken	Kalis	Nelson	Spanish
Beauchamp	Ellingson	Kelly, R.	Norton	Stanton
Begich	Enebo	Kelly, W.	Novak	Stoa
Berg	Erickson	Kempe, R.	Osthoff	Suss
Berglin	Evans	King	Pehler	Swanson
Berkelman	Ewald	Knickerbocker	Peterson	Tomlinson
Birnstihl	Faricy	Kostohryz	Petrafeso	Vanasek
Brandl	Forsythe	Kroening	Prahl	Voss
Braun	Friedrich	Laidig	Reding	Waldorf
Byrne	Fudro	Langseth	Rice	Welch
Carlson, D.	Fugina	Lehto	Rose	Wenzel
Carlson, L.	George	Lemke	St. Onge	White
Casserly	Gunter	Mangan	Scheid	Williamson
Clark	Hanson	Mann	Schulz	Wynia
Clawson	Hokanson	McCollar	Searle	Zubay
Cohen	Jacobs	McEachern	Sherwood	Speaker Sabo

Those who voted in the negative were:

Albrecht	Anderson, R.	Heinitz	McDonald	Savelkoul
Anderson, D.	Carlson, A.	Kaley	Nelsen, B.	Wieser
Anderson, G.	Fjoslien	Kvam	Niehaus	Wigley

The bill was passed and its title agreed to.

S. F. No. 1023, A bill for an act relating to public indebtedness; regulating the sale of securities by municipalities subject to reverse repurchase agreements; providing penalties for misconduct of municipal officers in the execution of agreements; amending Minnesota Statutes 1976, Section 475.51, by adding a subdivision; and Chapter 475, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Byrne	Cummiskey	Esau
Adams	Beauchamp	Carlson, A.	Dahl	Evans
Albrecht	Begich	Carlson, D.	Dean	Ewald
Anderson, B.	Berg	Carlson, L.	Den Ouden	Faricy
Anderson, D.	Berglin	Casserly	Eckstein	Fjoslien
Anderson, G.	Berkelman	Clark	Eken	Forsythe
Anderson, I.	Birnstihl	Clawson	Ellingson	Friedrich
Anderson, R.	Brandl	Cohen	Enebo	Fudro
Arlandson	Braun	Corbid	Erickson	Fugina

George	Kempe, R.	Moe	Rice	Suss
Gunter	King	Munger	Rose	Swanson
Hanson	Knickerbocker	Murphy	St. Onge	Tomlinson
Haugerud	Kostohryz	Neisen	Savelkoul	Vanasek
Heinitz	Kroening	Nelsen, B.	Scheid	Waldorf
Hokanson	Kvam	Nelson	Schulz	Welch
Jacobs	Laidig	Niehaus	Searle	Wenstrom
Jaros	Langseth	Norton	Sherwood	Wenzel
Jensen	Lehto	Novak	Sieben, H.	White
Johnson	Lemke	Osthoff	Sieben, M.	Wieser
Jude	Mangan	Pehler	Simoneau	Wigley
Kahn	Mann	Peterson	Skoglund	Williamson
Kaley	McCollar	Petrafeso	Smogard	Wynia
Kalis	McDonald	Pleasant	Spanish	Zubay
Kelly, R.	McEachern	Prahl	Stanton	Speaker Sabo
Kelly, W.	Metzen	Reding	Stoa	

The bill was passed and its title agreed to.

S. F. No. 270, A bill for an act relating to motor vehicles; increasing gross weight limitations on interstate highways and routes designated by the commissioner of transportation; increasing truck registration taxes on heaviest trucks; establishing procedures for route designation and undesignation; requiring weight enforcement reports by county sheriffs; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1c, 1e and 12; 169.79; 169.83, Subdivisions 1 and 2; 169.85; 169.86, by adding a subdivision; and Chapter 169, by adding sections.

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 91 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Jensen	Metzen	Skoglund
Albrecht	Cummiskey	Johnson	Murphy	Smogard
Anderson, B.	Dahl	Kaley	Neisen	Spanish
Anderson, I.	Den Ouden	Kalis	Nelsen, B.	Stanton
Anderson, R.	Eckstein	Kelly, W.	Nelsen, M.	Suss
Arlandson	Eken	Kempe, A.	Nelson	Swanson
Beauchamp	Ellingson	Kempe, R.	Niehaus	Vanasek
Begich	Erickson	King	Novak	Welch
Berg	Esau	Knickerbocker	Peterson	Wenstrom
Berglin	Evans	Kostohryz	Petrafeso	Wenzel
Berkelman	Ewald	Kroening	Prahl	White
Birnstihl	Fjoslien	Laidig	Reding	Wieser
Braun	Forsythe	Langseth	Rice	Wigley
Byrne	Friedrich	Lemke	Savelkoul	Williamson
Carlson, D.	George	Mangan	Scheid	Zubay
Carlson, L.	Gunter	Mann	Sherwood	
Casserly	Haugerud	McCollar	Sieben, H.	
Clark	Heinitz	McDonald	Sieben, M.	
Cohen	Hokanson	McEachern	Simoneau	

Those who voted in the negative were:

Abeln	Dean	Jude	Norton	Voss
Anderson, D.	Faricy	Kahn	Osthoff	Wynia
Anderson, G.	Fudro	Kelly, R.	Pehler	Speaker Sabo
Battaglia	Fugina	Kvam	Pleasant	
Brandl	Hanson	Lehto	Samuelson	
Carlson, A.	Jacobs	Moe	Stoa	
Clawson	Jaros	Munger	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 558 was reported to the House.

Nelson moved to amend S. F. No. 558, the unofficial engrossment, as follows:

Page 1, line 15, after "owl" insert "*from April 1 to October 15 inclusively,*".

Page 1, line 15, after "trap" insert "*as prescribed by the commissioner,*".

The motion prevailed and the amendment was adopted.

S. F. No. 558, A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

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 81 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Adams	Den Ouden	Kempe, A.	Nelsen, B.	Stanton
Albrecht	Eckstein	Kempe, R.	Nelsen, M.	Suss
Anderson, I.	Erickson	King	Niehaus	Swanson
Anderson, R.	Esau	Knickerbocker	Norton	Tomlinson
Arlandson	Evans	Kostohryz	Novak	Vanasek
Battaglia	Fjoslien	Kvam	Pehler	Voss
Beauchamp	Friedrich	Laidig	Peterson	Wenzel
Begich	Fudro	Langseth	Pleasant	White
Berkelman	Fugina	Lemke	Prahl	Wieser
Birnstihl	George	Mangan	Reding	Wigley
Brandl	Gunter	Mann	St. Onge	Williamson
Braun	Hokanson	McCollar	Savelkoul	Zubay
Carlson, D.	Jacobs	McDonald	Schulz	Speaker Sabo
Carlson, L.	Jensen	McEachern	Sieben, H.	
Clawson	Johnson	Metzen	Sieben, M.	
Cummiskey	Kaley	Murphy	Smogard	
Dahl	Kelly, W.	Neisen	Spanish	

Those who voted in the negative were:

Abeln	Carlson, A.	Heinitz	Lehto	Simoneau
Anderson, B.	Clark	Jaros	Munger	Skoglund
Anderson, D.	Corbid	Jude	Osthoff	Stoa
Anderson, G.	Dean	Kahn	Rose	Wenstrom
Berglin	Ellingson	Kelly, R.	Scheid	Wynia
Byrne	Ewald	Kroening	Sherwood	

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

H. F. No. 1416, A bill for an act relating to the legislature; requiring that bodies wholly or principally composed of legislators submit budgets and complement requests to the legislative coordinating commission; amending Minnesota Statutes 1976, Chapter 3, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Nelsen, M.	Smogard
Adams	Cummiskey	Kelly, R.	Nelson	Spanish
Albrecht	Dean	Kelly, W.	Niehaus	Stoa
Anderson, B.	Den Ouden	Kempe, R.	Norton	Suss
Anderson, D.	Eckstein	King	Novak	Swanson
Anderson, G.	Ellingson	Knickerbocker	Osthoff	Tomlinson
Anderson, I.	Erickson	Kostohryz	Pehler	Vanasek
Anderson, R.	Esau	Kroening	Peterson	Voss
Arlandson	Evans	Kvam	Pleasant	Waldorf
Beauchamp	Ewald	Laidig	Prahl	Welch
Berglin	Fjoslien	Langseth	Reding	Wenstrom
Berkelman	Friedrich	Lehto	Rice	Wenzel
Birnstihl	Fudro	Lemke	Rose	White
Brandl	Fugina	Mangan	St. Onge	Wieser
Braun	George	Mann	Savelkoul	Wigley
Byrne	Gunter	McCollar	Scheid	Williamson
Carlson, A.	Heinitz	McDonald	Schulz	Wynia
Carlson, D.	Hokanson	McEachern	Searle	Zubay
Carlson, L.	Jacobs	Metzen	Sherwood	Speaker Sabo
Casserly	Jaros	Munger	Sieben, H.	
Clark	Jensen	Murphy	Sieben, M.	
Clawson	Jude	Neisen	Simoneau	
Cohen	Kahn	Nelsen, B.	Skoglund	

Those who voted in the negative were:

Battaglia

The bill was passed and its title agreed to.

H. F. No. 287 was reported to the House.

McDonald, Jude and Carlson, A., offered an amendment to H. F. No. 287.

#### POINT OF ORDER

George raised a point of order pursuant to rule 3.9 that the McDonald amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

H. F. No. 287, A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; providing for a hearing in the courts to determine if a motion picture is obscene; prescribing penalties.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Munger	Skoglund
Adams	Corbid	Jude	Murphy	Smogard
Albrecht	Cummiskey	Kahn	Neisen	Spanish
Anderson, B.	Dahl	Kaley	Nelsen, B.	Stanton
Anderson, D.	Dean	Kalis	Nelsen, M.	Stoa
Anderson, G.	Den Ouden	Kelly, R.	Nelson	Suss
Anderson, I.	Eckstein	Kelly, W.	Niehaus	Swanson
Anderson, R.	Eken	Kempe, A.	Norton	Tomlinson
Arlandson	Ellingson	Kempe, R.	Novak	Vanasek
Battaglia	Erickson	King	Osthoff	Voss
Beauchamp	Esau	Knickerbocker	Pehler	Waldorf
Begich	Evans	Kostohryz	Peterson	Welch
Berg	Ewald	Kroening	Prahl	Wenstrom
Berglin	Fjoslien	Kvam	Reding	Wenzel
Berkelman	Forsythe	Laidig	Rice	White
Birnstihl	Friedrich	Langseth	Rose	Wieser
Brandl	Fudro	Lehto	St. Onge	Wigley
Braun	Fugina	Lemke	Savelkoul	Williamson
Byrne	George	Mangan	Scheid	Wynia
Carlson, A.	Gunter	Mann	Schulz	Zubay
Carlson, D.	Heinitz	McCollar	Searle	Speaker Sabo
Carlson, L.	Hokanson	McDonald	Sherwood	
Casserly	Jacobs	McEachern	Sieben, H.	
Clark	Jaros	Metzen	Sieben, M.	
Clawson	Jensen	Moe	Simoneau	

The bill was passed and its title agreed to.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, May 16, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, May 16, 1977.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 16, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Corbid	Jensen	Moe	Searles
Adams	Cummiskey	Johnson	Munger	Sherwood
Albrecht	Dahl	Jude	Murphy	Sieben, H.
Anderson, B.	Dean	Kahn	Neisen	Sieben, M.
Anderson, D.	Den Ouden	Kaley	Nelsen, B.	Simoneau
Anderson, G.	Eckstein	Kalis	Nelsen, M.	Skoglund
Anderson, I.	Eken	Kelly, R.	Nelson	Smogard
Arlandson	Ellingson	Kelly, W.	Niehaus	Spanish
Battaglia	Enebo	Kempe, A.	Norton	Stanton
Beauchamp	Erickson	Kempe, R.	Novak	Stoa
Begich	Esau	King	Osthoff	Suss
Berg	Evans	Knickerbocker	Patton	Swanson
Berglin	Faricy	Kostohryz	Pehler	Tomlinson
Berkelman	Fjoslien	Kroening	Peterson	Vanasek
Biersdorf	Forsythe	Kvam	Petrafaso	Voss
Birnstihl	Friedrich	Laidig	Pleasant	Waldorf
Brandl	Fudro	Langseth	Prahl	Welch
Braun	Fugina	Lehto	Reding	Wenstrom
Byrne	George	Lenke	Rice	Wenzel
Carlson, A.	Gunter	Mangan	St. Onge	White
Carlson, D.	Hanson	Mann	Samuelson	Wieser
Carlson, L.	Haugerud	McCarron	Sarna	Wigley
Cassery	Heinitz	McCollar	Savelkoul	Williamson
Clark	Hokanson	McDonald	Scheid	Wynia
Clawson	Jacobs	McEachern	Schulz	Zubay
Cohen	Jaros	Metzen	Searle	Speaker Sabo

A quorum was present.

Rose was excused until 1:40 p.m. Brinkman and Ewald were excused until 2:30 p.m. Anderson, R. was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau 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. 1630, 522 and 1300 and S. F. Nos. 446, 690, 73, 210, 1019, 655, 124 and 830 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 666, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [WATER FOWL HABITAT DEVELOPMENT.] The commissioner of natural resources shall establish a program for projects approved by him for the following purposes:

(a) Development of state wetlands and designated waterfowl management lakes for maximum migratory waterfowl production;

(b) Protection and propagation of migratory waterfowl;

(c) Development, restoration, maintenance or preservation of migratory waterfowl habitat; and

(d) Acquisition of structure sites and access thereto.

Sec. 2. [APPROPRIATIONS.] There is appropriated to the commissioner of natural resources from the game and fish fund the sums of \$210,000 for fiscal year 1978 and \$210,000 for fiscal year 1979 for waterfowl habitat improvement. Of these funds not more than ten percent shall be expended for administrative costs.”

Further amend the title as follows:

Page 1, line 2, delete “requiring a migratory”.

Page 1, delete line 3.

Page 1, line 4, delete “proceeds” and insert “providing for a program of waterfowl habitat development”.

Page 1, line 4, delete “; amending Minnesota”.

Page 1, delete lines 5 and 6.

Page 1, line 7, delete “Subdivision 5”.

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 666 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clawson, McEachern, Laidig, Cummiskey and Clark introduced:

H. F. No. 1637, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing staggered four year terms for state senators.

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

Simoneau; Carlson, L.; Berglin; Novak and Neisen introduced:

H. F. No. 1638, A bill for an act relating to chemical compounds; requiring the labeling to certain substances; amending Minnesota Statutes 1976, Chapter 24, by adding a section.

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

Berglin introduced:

H. F. No. 1639, A bill for an act relating to taxation; sales tax; simplifying returns for certain taxpayers; amending Minnesota Statutes 1976, Section 297A.27, Subdivision 1.

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

## HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Fugina, McCollar, Begich and Battaglia introduced:

H. A. No. 33, A proposal to prevent conflicts of interest on housing and redevelopment authorities.

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

Osthoff and Kvam introduced:

H. A. No. 34, A proposal to study security problems of transportation companies.

The advisory was referred to the Committee on Transportation.

Hanson introduced:

H. A. No. 35, A proposal to study the feasibility of eliminating property tax on homesteads.

The advisory was referred to the Committee on Taxes.

Kelly, W.; Jacobs; Tomlinson and Vanasek introduced:

H. A. No. 36, A proposal to study the income tax provisions of the 1976 Federal Tax Reform Act.

The advisory was referred to the Committee on Taxes.

Vanasek and Kelly, W., introduced:

H. A. No. 37, A proposal to study the estate and gift tax provisions of the 1976 Federal Tax Reform Act.

The advisory was referred to the Committee on Taxes.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., 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 the Calendar for today, Monday, May 16, 1977: S. F. Nos. 572, 695 and 828.

## 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. 90, A bill for an act relating to intoxicating liquor; authorizing cities to issue additional on-sale licenses by referendum; amending Minnesota Statutes 1976, Section 340.11, Subdivision 18.

H. F. No. 914, A bill for an act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, Subdivision 2.

H. F. No. 1107, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Itasca county; appropriating money.

H. F. No. 1184, A bill for an act relating to the city of Lakeville; authorizing an increase in firemen's service pensions; amending Laws 1975, Chapter 125, Section 1.

H. F. No. 1405, A bill for an act relating to state employees; providing for investment options for deferred compensation; amending Minnesota Statutes 1976, Section 352.96, Subdivisions 2, 3, and 4.

H. F. No. 1518, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 271.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 261, A bill for an act relating to veterans; permitting the commissioner of veterans affairs to act as guardian for minors or incompetents without posting bond; amending Minnesota Statutes 1976, Chapter 196, by adding a section.

H. F. No. 313, A bill for an act relating to unemployment compensation; providing eligibility for benefits for certain retired workers; amending Minnesota Statutes 1976, Section 268.09, Subdivision 1, as amended by Laws 1977, Chapter 4.

H. F. No. 675, A bill for an act relating to insurance; changing the filing date for annual statements of township mutual companies; changing limitations on property insurable by township mutual companies; changing limitations on investments by township mutual companies; amending Minnesota Statutes 1976, Sections 67A.11, Subdivision 3; 67A.14, Subdivisions 1 and 5; and 67A.23.

H. F. No. 947, A bill for an act relating to railroads; allowing reduced rates for transportation of waste material for reprocessing; amending Minnesota Statutes 1976, Section 218.021, Subdivision 2.

H. F. No. 1498, A bill for an act relating to public welfare; mandating the working of certain general assistance recipients; allowing the use of general assistance funds for the work equity program; empowering the commissioner of public welfare to contract for recipient services and grant distribution; amending Minnesota Statutes 1976, Sections 256D.02, by adding subdivisions; 256D.04; 256D.06, by adding a subdivision; and 256D.11, Subdivisions 1 and 4, and by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 231, A bill for an act relating to transportation, particular uses of highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 176, A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

The Senate has appointed as such committee Messrs. Stokowski, Menning and Olson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 293, A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

The Senate has appointed as such committee Messrs. Lessard, Dunn and Wegener.

Said House File is herewith returned to the House.

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. 916, A bill for an act relating to welfare; child support; authorizing additional procedures in collection of support payments; updating uniform reciprocal enforcement of support act; amending Minnesota Statutes 1976, Sections 256.87, Subdivision 1; 256.872; 256.873; 257.253; 257.254; 257.257; 257.259; 257.261, Subdivision 1; 257.29; 393.07, Subdivision 9; 393.11; 487.19, Subdivision 1; 518.41; 518.42, Subdivisions 2, 5, 7, 8, 9, and by adding subdivisions; 518.45, Subdivisions 2, 4 and 5; 518.46, Subdivisions 2, 3 and 4; 518.48; 518.49; 518.551; and Chapter 518, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Dahl moved that the House concur in the Senate amendments to H. F. No. 916 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 916, A bill for an act relating to welfare; child support; authorizing additional procedures in collection of support payments; updating uniform reciprocal enforcement of support act; amending Minnesota Statutes 1976, Sections 256.87, Subdivision 1; 256.872; 256.873; 257.253; 257.254; 257.257; 257.259; 257.261, Subdivision 1; 257.29; 393.07, Subdivision 9; 393.11; 487.19, Subdivision 1; 518.41; 518.42, Subdivisions 2, 5, 7, 8, 9, and by adding subdivisions; 518.45, Subdivisions 2, 4 and 5; 518.46, Subdivisions 2, 3 and 4; 518.48; 518.49; 518.551; and Chapter 518, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Moe	Searles
Adams	Cummiskey	Johnson	Munger	Sherwood
Albrecht	Dahl	Jude	Murphy	Sieben, H.
Anderson, B.	Dean	Kahn	Neisen	Sieben, M.
Anderson, D.	Den Ouden	Kaley	Nelsen, B.	Simoneau
Anderson, G.	Eckstein	Kalis	Nelsen, M.	Skoglund
Anderson, I.	Eken	Kelly, R.	Nelson	Smogard
Arlandson	Ellingson	Kelly, W.	Niehaus	Spanish
Battaglia	Enebo	Kempe, A.	Norton	Stanton
Beauchamp	Erickson	Kempe, R.	Novak	Stoa
Begich	Esau	King	Osthoff	Suss
Berg	Evans	Knickerbocker	Patton	Swanson
Berglin	Farcy	Kostohryz	Pehler	Tomlinson
Berkelman	Fjoslien	Kroening	Peterson	Vanasek
Biersdorf	Forsythe	Kvam	Petrafaso	Voss
Birnsthil	Friedrich	Laidig	Pleasant	Waldorf
Brandl	Fudro	Langseth	Prahl	Welch
Braun	Fugina	Lehto	Reding	Wenstrom
Byrne	George	Lemke	Rice	Wenzel
Carlson, A.	Gunter	Mangan	St. Onge	White
Carlson, D.	Hanson	Mann	Samuelson	Wieser
Carlson, L.	Haugerud	McCarron	Sarna	Wigley
Casserly	Heinitz	McCollar	Savelkoul	Williamson
Clark	Hokanson	McDonald	Scheid	Wynia
Clawson	Jacobs	McEachern	Schulz	Zubay
Cohen	Jaros	Metzen	Searle	Speaker Sabo

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. 808, A bill for an act relating to local improvement contracts; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Section 429.041, Subdivision 6.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Fudro moved that the House concur in the Senate amendments to H. F. No. 808 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 808, A bill for an act relating to local improvement; contracts; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Section 429.041, Subdivision 6.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Fudro	Knickerbocker	Nelson
Adams	Casserly	Fugina	Kostohryz	Niehaus
Albrecht	Clark	George	Kroening	Norton
Anderson, B.	Clawson	Gunter	Kvam	Novak
Anderson, D.	Cohen	Hanson	Laidig	Osthoff
Anderson, G.	Corbid	Haugerud	Langseth	Patton
Anderson, I.	Cummiskey	Heinitz	Lehto	Pehler
Arlandson	Dahl	Hokanson	Lemke	Peterson
Battaglia	Dean	Jacobs	Mangan	Petrafeso
Beauchamp	Den Ouden	Jaros	Mann	Pleasant
Begich	Eckstein	Jensen	McCarron	Prahl
Berg	Eken	Johnson	McCollar	Reding
Berglin	Ellingson	Jude	McDonald	Rice
Berkelman	Enebo	Kahn	McEachern	St. Onge
Biersdorf	Erickson	Kaley	Metzen	Samuelson
Birnstihl	Esau	Kalis	Moe	Sarna
Brandl	Evans	Kelly, R.	Munger	Savelkoul
Braun	Faricy	Kelly, W.	Murphy	Scheid
Byrne	Fjoslien	Kempe, A.	Neisen	Schulz
Carlson, A.	Forsythe	Kempe, R.	Nelsen, B.	Searle
Carlson, D.	Friedrich	King	Nelsen, M.	Searles

Sherwood	Smogard	Swanson	Welch	Wigley
Sieben, H.	Spanish	Tomlinson	Wenstrom	Williamson
Sieben, M.	Stanton	Vanasek	Wenzel	Wynia
Simoneau	Stoa	Voss	White	Zubay
Skoglund	Suss	Waldorf	Wieser	Speaker Sabo

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. 451, A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes 1976, Sections 47.51; 47.52; 47.53; 47.54; and 47.55.

PATRICK E. FLAHAVEN, Secretary of the Senate

Corbid moved that the House refuse to concur in the Senate amendments to H. F. No. 451, 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.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 101 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Nelsen, M.	Spanish
Adams	Cummiskey	Kalis	Nelson	Stanton
Albrecht	Dahl	Kelly, R.	Norton	Stoa
Anderson, B.	Dean	Kelly, W.	Novak	Swanson
Anderson, G.	Den Ouden	Kempe, A.	Patton	Tomlinson
Arlandson	Ellingson	Kempe, R.	Pehler	Vanasek
Battaglia	Enebo	King	Petrafeso	Voss
Beauchamp	Evans	Knickerbocker	Pleasant	Waldorf
Begich	Faricy	Kostohryz	Reding	Welch
Berg	Forsythe	Kvam	Rose	Wenstrom
Berkelman	Fudro	Laidig	St. Onge	White
Biersdorf	George	Lehto	Samuelson	Wieser
Brandl	Gunter	Mangan	Savelkoul	Wigley
Braun	Hanson	McCollar	Scheid	Williamson
Byrne	Heinitz	McDonald	Searles	Wynia
Carlson, A.	Hokanson	Metzen	Sherwood	Zubay
Carlson, D.	Jacobs	Moe	Sieben, H.	Speaker Sabo
Carlson, L.	Jensen	Munger	Sieben, M.	
Casserly	Johnson	Murphy	Simoneau	
Clark	Jude	Neisen	Skoglund	
Cohen	Kahn	Nelsen, B.	Smogard	

Those who voted in the negative were:

Anderson, D.	Erickson	Kroening	Osthoff	Searle
Anderson, I.	Esau	Langseth	Peterson	Suss
Birnstihl	Fjoslien	Lemke	Prahl	Wenzel
Clawson	Friedrich	Mann	Rice	
Eckstein	Fugina	McEachern	Sarna	
Eken	Jaros	Niehaus	Schulz	

The motion prevailed.

Mr. Speaker:

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

H. F. No. 544, A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kempe, A., moved that the House refuse to concur in the Senate amendments to H. F. No. 544, that the Speaker appoint a Conference Committee of 3 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.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 89 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Abeln	Esau	Kelly, W.	Niehaus	Smogard
Adams	Evans	Kempe, A.	Novak	Spanish
Albrecht	Farcy	Kempe, R.	Osthoff	Suss
Battaglia	Fjoslien	Knickerbocker	Peterson	Swanson
Beauchamp	Forsythe	Kostohryz	Petrafaso	Tomlinson
Begich	Friedrich	Kroening	Pleasant	Vanasek
Berkelman	Fudro	Kvam	Prahl	Voss
Biersdorf	George	Langseth	Reding	Waldorf
Birnstihl	Hanson	Lehto	Rice	Welch
Braun	Heinitz	Mangan	Rose	Wenstrom
Byrne	Hokanson	Mann	Sarna	Wenzel
Carlson, D.	Jacobs	McCollar	Savelkoul	White
Carlson, L.	Jensen	McDonald	Scheid	Wieser
Clawson	Johnson	McEachern	Schulz	Williamson
Cohen	Jude	Metzen	Searles	Wynia
Den Ouden	Kaley	Neisen	Sieben, H.	Zubay
Enebo	Kalis	Nelsen, B.	Sieben, M.	Speaker Sabo
Erickson	Kelly, R.	Nelsen, M.	Simoneau	

Those who voted in the negative were:

Anderson, B.	Carlson, A.	Fugina	McCarron	Searle
Anderson, D.	Clark	Gunter	Moe	Sherwood
Anderson, G.	Cummiskey	Jaros	Murphy	Skoglund
Arlandson	Dean	Kahn	Nelson	Stanton
Berg	Eckstein	King	Norton	Stoa
Berglin	Eken	Laidig	Patton	Wigley
Brandl	Ellingson	Lemke	Samuelson	

The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 181, A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Stokowski, Ogdahl and Strand have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Patton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 181. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 896, A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned and annual payments for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; providing for a property tax credit for land crossed by high voltage transmission lines; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; 116C.69; 273.42; 276.04; and Chapters 116C, by adding a section; and 273, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

And the Senate respectfully requests that a Conference Committee of five members be appointed thereon. Messrs. Merriam, Anderson, Luther, Olhoft and Dunn have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 896. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 448, 472, 801 and 1394.

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. 126 and 1337.

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. 522, 978, 1087 and 1174.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1027.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 899.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 448, A bill for an act relating to public safety; requiring implementation of 911 emergency telephone systems; providing for standards and waivers; appropriating money.

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

S. F. No. 472, A bill for an act relating to retirement; additional employer contributions to amortize the deficit in the teachers' retirement fund; amending Minnesota Statutes 1976, Section 354.42, Subdivision 5.

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

S. F. No. 801, A bill for an act relating to health care; catastrophic health expense protection; providing protection against certain nursing home expenses incurred for long term care; excluding certain dependent income from the definition of household income; amending Minnesota Statutes 1976, Sections 62E.52, Subdivisions 2 and 5, and by adding a subdivision; and 62E.53, Subdivision 2.

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

S. F. No. 1394, A bill for an act relating to taxation; continuing certain tax incentives for pollution control equipment; amending Minnesota Statutes 1976, Section 290.06, Subdivision 9.

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

S. F. No. 126, A bill for an act relating to taxation; providing for the taxation of unemployment compensation benefits if the benefits and federal gross income exceeds \$15,000; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; and 290.56, Subdivision 1.

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

S. F. No. 1337, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

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

S. F. No. 522, A bill for an act relating to watersheds located primarily in Hennepin county; providing for the issuance of Hennepin county bonds to pay the cost of watershed district improvements initiated by petition of a municipality.

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

S. F. No. 978, A bill for an act relating to Hennepin county; increasing tax levy and bond issue limitations for the purposes of the county park reserve district; amending Laws 1967, Chapter 721, Section 2, as amended.

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

S. F. No. 1087, A bill for an act relating to nonprofit health service plan corporations; modifying retained surplus requirements; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.

The bill was read for the first time.

McCollar moved that S. F. No. 1087 and H. F. No. 1179, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1174, A bill for an act relating to the city of Mankato; authorizing residential property rehabilitation loans and grants.

The bill was read for the first time.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Cummiskey moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1174 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Cummiskey moved that the rules of the House be so far suspended that S. F. No. 1174 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1174 was read for the second time.

S. F. No. 1174, A bill for an act relating to the city of Mankato; authorizing residential property rehabilitation loans and grants.

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:

Abeln	Cummiskey	Jude	Neisen	Sieben, M.
Adams	Dahl	Kahn	Nelsen, B.	Simoneau
Albrecht	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, B.	Den Ouden	Kalis	Nelson	Smogard
Anderson, D.	Eckstein	Kelly, R.	Niehaus	Spanish
Anderson, G.	Eken	Kelly, W.	Norton	Stanton
Anderson, I.	Ellingson	Kempe, A.	Novak	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	King	Patton	Swanson
Beauchamp	Esau	Knickerbocker	Pehler	Tomlinson
Begich	Evans	Kostohryz	Peterson	Vanasek
Berg	Faricy	Kroening	Petraleso	Voss
Berglin	Fjoslien	Kvam	Pleasant	Waldorf
Berkelman	Forsythe	Laidig	Prahl	Welch
Biersdorf	Friedrich	Langseth	Reding	Wenstrom
Birnstihl	Fudro	Lehto	Rice	Wenzel
Brandl	Fugina	Lemke	Rose	White
Braun	George	Mangan	St. Onge	Wieser
Byrne	Gunter	Mann	Samuelson	Wigley
Carlson, A.	Hanson	McCarron	Sarna	Williamson
Carlson, D.	Haugerud	McCollar	Savelkoul	Wynia
Carlson, L.	Heinitz	McDonald	Scheid	Zubay
Casserly	Hokanson	McEachern	Schulz	Speaker Sabo
Clark	Jacobs	Metzen	Searle	
Clawson	Jaros	Moe	Searles	
Cohen	Jensen	Munger	Sherwood	
Corbid	Johnson	Murphy	Sieben, H.	

The bill was passed and its title agreed to.

#### FIRST READING OF SENATE BILLS, Continued

S. F. No. 1027, A bill for an act relating to the organization and operation of state government; education; changing the membership of the higher education coordinating board; prescribing additional duties for the board; restricting the staff of the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.02, Subdivisions 1, 1a, and 2; 136A.03; 136A.04; 136A.05; and 136A.07.

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

S. F. No. 899, A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; providing depreciation allowances; providing for reimbursable expenses; providing for a study on nursing assistant training; authorizing Chisago county to issue revenue bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of the facilities; amending Minnesota Statutes 1976, Sections 144.652, Subdivision 2; 144A.04, Subdivisions 3 and 5; 144A.05; 144A.10, Subdivisions 2 and 5; 144A.61, Subdivision 6; 256B.27, by adding a subdivision; 256B.43, by adding a sub-

division; 256B.44, Subdivisions 2 and 3; 256B.45, Subdivisions 1 and 4; 256B.47, Subdivisions 1 and 2; 256B.48, Subdivision 1; Chapter 144A, by adding a section; and repealing Minnesota Statutes 1976, Section 256B.45, Subdivisions 2 and 3.

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

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

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 415, A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

Reported the same back with the following amendments:

Page 2, line 21, delete "*trusts*" and insert "*trust*".

Page 2, line 23, delete "*counties*" and insert "*any county*".

Page 2, line 24, in both instances delete "*cities*" and insert "*city*" delete "*towns*" and insert "*town*".

Page 2, line 25, delete "*districts*" and insert "*district*" both times it occurs, delete "*boards*" and insert "*board*" and delete "*commissions*" and insert "*commission*".

Page 2, line 26, delete "*districts*" and insert "*district*" and delete "*authorities*" and insert "*authority*".

Page 3, line 12, delete "*and*".

Page 3, line 13, delete "*shall include*" and insert "*including*".

Page 4, line 1, after "*designate*" insert "*one or more*".

Page 4, line 17, after "*access*" insert a comma.

Page 4, line 22, after "SUMMARY" insert "OF".

Page 4, line 28, delete "*summary data*".

Page 4, line 29, delete "*and*".

Page 5, line 2, after "*board.*" insert "*An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.*".

Page 6, line 6, after the period insert "*The commissioner shall consult the government data access board before approving or disapproving applications submitted after September 30, 1977.*".

Page 10, line 8, after the period insert "*In an action involving a request for government data under section 3*".

Page 10, line 9, delete "*and*" and insert "*but*".

Page 10, line 11, delete "*and*" and insert "*. The court shall*".

Page 10, line 12, delete the period and insert "*, and*".

Page 10, line 13, delete "*the*" and insert "*its*".

Page 14, line 11, after "\$" insert "*200,000*" and after "*biennium*" insert "*ending June 30, 1979,*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 723, A bill for an act relating to economic development; providing grants to community development corporations; setting out criteria for making such grants; appropriating funds; amending Minnesota Statutes 1976, Chapter 362, by adding a section.

Reported the same back with the following amendments:

Page 2, line 16, before "*cities*" insert "*home rule charter or statutory*".

Page 4, line 2, delete "*\$1,574,200*" and insert "*\$500,000 for the biennium ending June 30, 1979,*".

Page 4, line 4, delete "*\$74,200*" and insert "*\$59,000*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 843, A bill for an act relating to elections; providing for training of all election officials; prescribing certain duties for the secretary of state; appropriating money; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.18, by adding a subdivision; 204A.20; and Chapter 204A, by adding a section.

Reported the same back with the following amendments:

Page 1, line 18, delete "*shall*" and reinstate "*may*".

Page 2, line 9, delete "*shall*" and insert "*may*".

Page 2, line 9, after "*judges*" insert "*, and for the conduct of their duties as prescribed by law,*".

Page 2, line 10, delete "*and for this purpose shall adopt rules*".

Page 2, line 11, delete "*in accordance with chapter 15*".

Page 3, line 3, delete "*Training shall be in*".

Page 3, delete line 4.

Page 3, line 5, delete "*pursuant to section 2, subdivision 6*".

Page 3, delete lines 8 to 32.

Page 4, delete line 1.

Further amend the title as follows:

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

Page 1, line 7, delete "*204A.18, by*".

Page 1, line 8, delete "*adding a subdivision; 204A.20*";

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1631, A bill for an act relating to public improvements; providing for prison and education facilities; regulating

the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 288, A bill for an act relating to state parks; providing for cooperative agricultural leases of property acquired by the state within state parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section.

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

The report was adopted.

#### SECOND READING OF HOUSE BILLS

H. F. Nos. 415, 723, 843 and 1631 were read for the second time.

#### SECOND READING OF SENATE BILLS

S. F. No. 288 was read for the second time.

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 437 and 586 was reported to the House.

#### SPECIAL ORDERS

S. F. No. 572 was reported to the House.

George; Kelly, R.; Suss and Abeln offered an amendment to S. F. No. 572.

#### POINT OF ORDER

Simoneau raised a point of order pursuant to rule 3.9 that the George amendment to S. F. No. 572 was out of order. Sieben, H., as Speaker Pro Tempore, ruled the point of order well taken and the amendment out of order.

Savelkoul moved to amend S. F. No. 572, as follows:

Page 4, line 17, after "state" insert "and was permitted by law or rule as of June 1, 1977".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 79 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Friedrich	McDonald	Sieben, H.
Adams	Clark	George	Metzen	Smogard
Albrecht	Clawson	Hanson	Munger	Stanton
Anderson, B.	Cohen	Heinitz	Murphy	Stoa
Anderson, D.	Corbid	Hokanson	Nelsen, B.	Swanson
Anderson, G.	Dean	Jacobs	Niehaus	Tomlinson
Arlandson	Den Ouden	Jensen	Pehler	Waldorf
Battaglia	Eckstein	Jude	Peterson	Welch
Beauchamp	Ellingson	Kaley	Pleasant	Wenstrom
Begich	Erickson	Kelly, R.	Rose	Wenzel
Biersdorf	Esau	Kelly, W.	Samuelson	White
Birnstihl	Evans	Kempe, R.	Savelkoul	Wieser
Brandl	Ewald	Knickerbocker	Schulz	Wigley
Braun	Farcy	Kroening	Searle	Wynia
Brinkman	Fjoslien	Kvam	Searles	Zubay
Byrne	Forsythe	Lemke	Sherwood	

Those who voted in the negative were:

Anderson, I.	Dahl	Langseth	Osthoff	Simoneau
Berglin	Enebo	Mangan	Prahl	Skoglund
Carlson, D.	Fudro	Mann	Reding	Spanish
Carlson, L.	Gunter	McCarron	Rice	Suss
Casserly	Jaros	Neisen	Scheid	
Cummiskey	Kostohryz	Novak	Sieben, M.	

The motion prevailed and the amendment was adopted.

S. F. No. 572, A bill for an act relating to credit unions; extending the authority of state chartered credit unions to permit same activities as federally-chartered credit unions where commissioner of banks authorizes by rule; amending Minnesota Statutes 1976, Section 52.04.

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 85 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Adams	Berglin	Carlson, D.	Cummiskey	Ewald
Anderson, I.	Berkelman	Carlson, L.	Dahl	Friedrich
Battaglia	Biersdorf	Casserly	Dean	Fudro
Beauchamp	Brandl	Clark	Eken	Fugina
Begich	Byrne	Cohen	Ellingson	George
Berg	Carlson, A.	Corbid	Enebo	Gunter

Hanson	Kempe, R.	Neisen	Rice	Skoglund
Heinitz	King	Nelsen, M.	Rose	Spanish
Hokanson	Kostohryz	Nelson	St. Onge	Stanton
Jacobs	Langseth	Norton	Samuelson	Swanson
Jensen	Lehto	Novak	Sarna	Tomlinson
Johnson	Mangan	Osthoff	Scheid	Vanasek
Jude	McCarron	Patton	Schulz	Wenzel
Kahn	McCollar	Pehler	Sherwood	White
Kaley	McEachern	Petrafeso	Sieben, H.	Wieser
Kelly, W.	Munger	Prahl	Sieben, M.	Wynia
Kempe, A.	Murphy	Reding	Simoneau	Speaker Sabo

Those who voted in the negative were:

Abeln	Clawson	Kelly, R.	Peterson	Waldorf
Albrecht	Den Ouden	Knickerbocker	Pleasant	Welch
Anderson, B.	Eckstein	Kvam	Savelkoul	Wigley
Anderson, D.	Erickson	Lemke	Searle	Zubay
Anderson, G.	Esau	McDonald	Searles	
Birnstihl	Evans	Metzen	Stoa	
Brinkman	Fjoslien	Niehaus	Suss	

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

S. F. No. 695, A bill for an act relating to the Como Park zoo; requiring the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Moe	Sieben, H.
Albrecht	Cummiskey	Jensen	Munger	Sieben, M.
Anderson, D.	Dahl	Johnson	Murphy	Simoneau
Anderson, I.	Dean	Kahn	Nelsen, B.	Skoglund
Arlandson	Den Ouden	Kaley	Nelsen, M.	Smogard
Battaglia	Eckstein	Kalis	Norton	Spanish
Beauchamp	Eken	Kelly, R.	Novak	Stanton
Begich	Ellingson	Kelly, W.	Osthoff	Stoa
Berg	Enebo	Kempe, A.	Pehler	Suss
Berglin	Erickson	Kempe, R.	Peterson	Swanson
Berkelman	Esau	King	Petrafeso	Tomlinson
Biersdorf	Evans	Kostohryz	Reding	Waldorf
Brandl	Ewald	Kvam	Rice	Wenstrom
Braun	Faricy	Langseth	Rose	Wenzel
Brinkman	Fjoslien	Lehto	St. Onge	White
Byrne	Forsythe	Lemke	Samuelson	Wieser
Carlson, A.	Friedrich	Mangan	Sarna	Wigley
Carlson, D.	Fudro	Mann	Savelkoul	Williamson
Carlson, L.	Gunter	McCarron	Scheid	Wynia
Casserly	Hanson	McCollar	Schulz	Zubay
Clark	Heinitz	McDonald	Searle	Speaker Sabo
Clawson	Hokanson	McEachern	Searles	
Cohen	Jacobs	Metzen	Sherwood	

Those who voted in the negative were:

Adams	Birnstihl	Neisen	Pleasant	Welch
Anderson, G.	Jude	Niehaus	Vanasek	

The bill was passed and its title agreed to.

S. F. No. 828, A bill for an act relating to the city of Duluth; authorizing the city to acquire, construct, and maintain parking facilities and to finance same.

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 70 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Jaros	Murphy	Simoneau
Arlandson	Cummiskey	Jude	Neisen	Smogard
Battaglia	Dahl	Kahn	Nelsen, M.	Spanish
Beauchamp	Dean	Kaley	Nelson	Stanton
Berglin	Eken	Kempe, A.	Norton	Stoa
Berkelman	Esau	King	Novak	Suss
Biersdorf	Ewald	Knickerbocker	Reding	Swanson
Brinkman	Forsythe	Kostohryz	Rice	Tomlinson
Carlson, A.	Friedrich	Langseth	Rose	Wenstrom
Carlson, D.	Fudro	Lehto	Samuelson	Wenzel
Carlson, L.	Fugina	Mangan	Sarna	White
Casserly	Hanson	McDonald	Searle	Wieser
Clark	Heinitz	Metzen	Sherwood	Zubay
Clawson	Hokanson	Munger	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Abeln	Braun	Jacobs	Kvam	Peterson
Albrecht	Den Ouden	Johnson	McCarron	Petrafeso
Anderson, D.	Eckstein	Kalis	McEachern	Pleasant
Anderson, G.	Erickson	Kelly, R.	Nelsen, B.	Savelkoul
Berg	Faricy	Kelly, W.	Niehaus	Schulz
Birnstihl	Fjoslien	Kempe, R.	Osthoff	Wigley
Brandl	Gunter	Kroening	Pehler	Wynia

The bill was passed and its title agreed to.

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

### GENERAL ORDERS

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

## REPORT OF COMMITTEE OF THE WHOLE

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

H. F. Nos. 267 and 356 which it recommended to pass.

H. F. No. 790 which it recommended progress until Thursday, February 9, 1978.

H. F. Nos. 424, 830 and 13 which it recommended progress.

H. F. Nos. 721 and 1101 which it recommended re-referral to the Committee on Governmental Operations.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

## ROLL CALLS IN COMMITTEE OF THE WHOLE

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

The question was taken on the motion by Savelkoul that H. F. No. 721 be re-referred to the Committee on Taxes and the roll was called. There were 48 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Jensen	McDonald	Searle
Albrecht	Erickson	Jude	Nelson, B.	Smogard
Anderson, D.	Esau	Kaley	Niehaus	Tomlinson
Biersdorf	Evans	Kalis	Patton	Welch
Birnstihl	Fjoslien	Knickerbocker	Pehler	Wenzel
Braun	Forsythe	Kvam	Peterson	Wieser
Brinkman	Friedrich	Laidig	Pleasant	Wigley
Carlson, A.	Fugina	Langseth	Samuelson	Zubay
Carlson, D.	Heinitz	Lemke	Savelkoul	
Den Ouden	Hokanson	Mann	Schulz	

Those who voted in the negative were:

Adams	Corbid	Kahn	Neisen	Simoneau
Anderson, G.	Cumiskey	Kelly, W.	Nelson	Skoglund
Arlandson	Dean	Kempe, A.	Norton	Spanish
Beauchamp	Eken	Kempe, R.	Novak	Stanton
Berglin	Ellingson	Kostohryz	Osthoff	Stoa
Berkelman	Enebo	Kroening	Petrafaso	Suss
Byrne	Ewald	Lehto	Rice	Vanasek
Carlson, L.	Fudro	Mangan	Sarna	Waldorf
Casserly	George	McCarron	Scheid	White
Clark	Gunter	McEachern	Sherwood	Williamson
Clawson	Jacobs	Metzen	Sieben, H.	Speaker Sabo
Cohen	Jaros	Murphy	Sieben, M.	

The motion did not prevail.

There being no objection the order of business reverted to Messages from the Senate.

### 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. 16, A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kempe, R., moved that the House refuse to concur in the Senate amendments to H. F. No. 16, that the Speaker appoint a Conference Committee of 3 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.

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. 343, A bill for an act relating to obscenity; prohibiting the dissemination of obscene photographs or other similar visual representations which depict minors involved in scenes of patently offensive sexual conduct; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson moved that the House refuse to concur in the Senate amendments to H. F. No. 343, that the Speaker appoint a Conference Committee of 3 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.

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. 856, A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clawson moved that the House refuse to concur in the Senate amendments to H. F. No. 856, that the Speaker appoint a Conference Committee of 3 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.

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. 256, A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; amending Minnesota Statutes 1976, Sections 70A.02, Subdivision 2; and 70A.06, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wynia moved that the House refuse to concur in the Senate amendments to H. F. No. 256, that the Speaker appoint a Conference Committee of 3 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.

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. 398, A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; prescribing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wynia moved that the House refuse to concur in the Senate amendments to H. F. No. 398, that the Speaker appoint a Conference Committee of 3 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.

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. 129, A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pehler moved that the House refuse to concur in the Senate amendments to H. F. No. 129, that the Speaker appoint a Conference Committee of 3 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.

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. 259, A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly, R., moved that the House refuse to concur in the Senate amendments to H. F. No. 259, that the Speaker appoint a Conference Committee of 3 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.

#### MOTIONS FOR RECONSIDERATION

Moe moved that the vote whereby S. F. No. 193, as amended, was not passed by the House as a Special Order on Thursday, May 12, 1977, be now reconsidered. The motion prevailed.

S. F. No. 193, as amended, was reported to the House.

Moe moved that S. F. No. 193, as amended, be re-referred to the Committee on Criminal Justice. The motion prevailed.

Jensen moved that the vote whereby the House passed S. F. No. 558, as amended on May 13, 1977, be now reconsidered. The motion prevailed.

S. F. No. 558, as amended, was reported to the House.

Jensen moved that the action whereby the House gave S. F. No. 558 a third reading, as amended on May 13, 1977, be now reconsidered. The motion prevailed.

Jensen moved to amend S. F. No. 558, the unofficial engrossment, as amended, as follows:

Page 2, after line 1, add a new section to read:

*"Sec. 2. This act is effective the day following final enactment."*

The motion prevailed and the amendment was adopted.

S. F. No. 558, A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

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

The question was taken on the repassage of the bill and the roll was called. There were 92 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Kaley	Neisen	Sieben, M.
Anderson, B.	Den Ouden	Kalis	Nelsen, B.	Simoneau
Anderson, I.	Eckstein	Kelly, W.	Nelsen, M.	Spanish
Arlandson	Eken	Kempe, A.	Niehaus	Suss
Battaglia	Enebo	Kempe, R.	Norton	Swanson
Beauchamp	Erickson	King	Novak	Tomlinson
Begich	Esau	Knickerbocker	Patton	Vanasek
Berg	Evans	Kostohryz	Pehler	Voss
Berkelman	Faricy	Kroening	Petraleso	Waldorf
Biersdorf	Fjoslien	Langseth	Pleasant	Welch
Birnstihl	Fugina	Lemke	Reding	Wenstrom
Braun	George	Mangan	Rice	Wenzel
Brinkman	Gunter	Mann	St. Onge	White
Byrne	Hokanson	McCarron	Samuelson	Wieser
Carlson, D.	Jacobs	McCollar	Sarna	Zubay
Carlson, L.	Jaros	McDonald	Schulz	Speaker Sabo
Clawson	Jensen	McEachern	Searle	
Cummiskey	Johnson	Moe	Searles	
Dahl	Jude	Murphy	Sieben, H.	

Those who voted in the negative were:

Abein	Cohen	Heinitz	Savelkoul	Williamson
Albrecht	Corbid	Kelly, R.	Sherwood	Wynia
Anderson, D.	Ellingson	Kvam	Skoglund	
Brandl	Ewald	Lehto	Stanton	
Carlson, A.	Friedrich	Munger	Stoa	
Clark	Hanson	Osthoff	Wigley	

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

Clawson moved that H. F. No. 854 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 the Conference Committee on S. F. No. 896:

Sieben, H. ; Munger ; Skoglund ; Wenstrom and Biersdorf.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 181:

Patton, Reding, and Biersdorf.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 544:

Kempe, A. ; Tomlinson and Osthoff.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 129:

Pehler, Kroening and Peterson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 856:

Clawson, Neisen and Wigley.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 451:

Corbid; George; Hanson; Brinkman and Ewald.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 16:

Kempe, R.; Hanson and Savelkoul.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 259:

Kelly, R.; Suss and George.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 343:

Nelson, Forsythe and Clark.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 256:

Wynia, McCollar and Anderson, R.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 398:

Wynia, Stoa and Dean.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Tuesday, May 17, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Tuesday, May 17, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 17, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jaros	Moe	Searles
Adams	Corbid	Jensen	Munger	Sherwood
Albrecht	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, B.	Dahl	Jude	Neisen	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, A.	Novak	Stoa
Beauchamp	Erickson	Kempe, R.	Osthoff	Suss
Begich	Esau	King	Patton	Swanson
Berg	Evans	Knickerbocker	Pehler	Tomlinson
Berglin	Ewald	Kostohryz	Peterson	Vanasek
Berkelman	Faricy	Kroening	Petrafeso	Voss
Biersdorf	Fjoslien	Kvam	Pleasant	Waldorf
Birnstihl	Forsythe	Laidig	Prahl	Welch
Brandl	Friedrich	Langseth	Reding	Wenzel
Braun	Fudro	Lehto	Rice	White
Brinkman	Fugina	Lemke	Rose	Wieser
Byrne	George	Mangan	St. Onge	Wigley
Carlson, A.	Gunter	Mann	Samuelson	Williamson
Carlson, D.	Hanson	McCarron	Sarna	Wynia
Carlson, L.	Haugerud	McCollar	Savelkoul	Zubay
Casserly	Heinitz	McDonald	Scheid	Speaker Sabo
Clark	Hokanson	McEachern	Schulz	
Clawson	Jacobs	Metzen	Searle	

A quorum was present.

Wenstrom was excused until 3:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Enebo 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. 1631, 666, 723, 415 and 843 and S. F. Nos. 448, 472, 801, 1394, 126, 1337, 522, 978, 1087, 1174, 899 and 1027 have been placed in the members' files.

S. F. No. 1087 and H. F. No. 1179, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

McCollar moved that the rules be so far suspended that S. F. No. 1087 be substituted for H. F. No. 1179 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

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

May 16, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1977	Date Filed 1977
895		89	May 16	May 16

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

PURSUANT TO JOINT RULE 2.03, THE FOLLOWING COMMITTEE REPORT WAS RE-REFERRED TO THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

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

H. F. No. 1343, A bill for an act relating to commerce; transferring the powers and duties of the consumer services section of the department of commerce to other state agencies; amending Minnesota Statutes 1976, Sections 144A.53, Subdivision 4; 214.14, Subdivision 1; 306.761, Subdivisions 1 and 2; 325.382; 325.383; 325.384; 325.385, Subdivision 1; 325.387; 325.388; 325.77, Subdivision 4a; 325.80, Subdivision 1; 332.31, by adding a subdivision; 332.311; 332.33, Subdivisions 4, 5, and 6; 332.34; 332.40; 332.41, Subdivision 2; 332.42; 332.43; 332.44; 332.45; and Chapter 325, by adding a section; repealing Minnesota Statutes 1976, Sections 45.15; 45.16; and 332.31, Subdivision 4.

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

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

## SECOND READING OF SENATE BILLS

S. F. No. 1087 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Dean; Novak; Sieben, M.; Hanson and Adams introduced:

H. F. No. 1640, A bill for an act relating to energy costs; requiring fuel suppliers to provide heating fuel discounts to certain low income senior citizens; prescribing powers and duties for the public service commission and the commissioner of revenue; reimbursing fuel suppliers for discount expenses; providing penalties; amending Minnesota Statutes 1976, Sections 297A.26, by adding a subdivision; and 297A.27, by adding a subdivision.

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

Nelson, Brandl, Tomlinson, Carlson, A., and Petrafeso introduced:

H. F. No. 1641, A bill for an act relating to education; establishing a system of statewide assessment of minimal basic skills of students; providing assistance in teaching basic skills.

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

Munger, Jaros, Lehto, Berkelman and Murphy introduced:

H. F. No. 1642, A bill for an act relating to the Western Lake Superior Sanitary District; providing for its financing and operation; authorizing temporary reallocation and deferment of user charges to avoid financial hardships to units of government; authorizing direct user contracts with private industries; clarifying the district's taxing and bonding authority; amending Laws 1971, Chapter 478, Sections 9, 10 and 14, as amended.

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

Cummiskey, McCarron, Rice, Faricy and Anderson, R., introduced:

H. F. No. 1643, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 3; providing that each senate district include four representative districts.

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

Cummiskey introduced:

H. F. No. 1644, A bill for an act relating to competitive bidding; allowing ten percent latitude in the selection of the lowest responsible bid.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Osthoff introduced:

H. A. No. 38, A proposal to study commercial users of inland waterways.

The advisory was referred to the Committee on Transportation.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 921

A bill for an act relating to public employees; designating the number of arbitrators to resolve labor dispute; amending Minnesota Statutes 1976, Section 179.72, Subdivision 6.

May 16, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 921 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 921 be further amended as follows:

Page 2, lines 8 to 12, restore the stricken language.

Page 2, line 11, strike "\$100" and insert "\$180".

Page 2, line 13, after "All" insert "fees,".

Page 2, line 14, after the period insert "*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.*".

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

House Conferees: DOUGLAS J. ST. ONGE, BOB MCEACHERN and MARY O. MURPHY.

Senate Conferees: CLARENCE M. PURFEERST, CONRAD M. VEGA and MEL FREDERICK.

St. Onge moved that the report of the Conference Committee on H. F. No. 921 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 921, A bill for an act relating to public employees; designating the number of arbitrators to resolve labor dispute; amending Minnesota Statutes 1976, Section 179.72, Subdivision 6.

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 79 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Kahn	Nelsen, M.	Sieben, M.
Adams	Clawson	Kelly, W.	Nelson	Simoneau
Anderson, B.	Cohen	Kempe, A.	Norton	Skoglund
Anderson, I.	Cummiskey	Kempe, R.	Novak	Smogard
Arlandson	Dahl	King	Osthoff	Spanish
Battaglia	Ellingson	Kostohryz	Patton	Stanton
Begich	Enebo	Kroening	Pehler	Stoa
Berglin	Fudro	Lehto	Prahl	Swanson
Berkelman	Fugina	Mangan	Reding	Vanasek
Biersdorf	George	McCarron	Rice	Voss
Birnstihl	Hanson	McCollar	St. Onge	Wenzel
Brandl	Haugerud	McEachern	Sarna	White
Byrne	Jacobs	Metzen	Scheid	Williamson
Carlson, D.	Jaros	Moe	Schulz	Wynia
Carlson, L.	Jensen	Munger	Sherwood	Speaker Sabo
Casserly	Jude	Murphy	Sieben, H.	

Those who voted in the negative were:

Albrecht	Eckstein	Heinitz	Neisen	Searles
Anderson, D.	Erickson	Johnson	Nelsen, B.	Suss
Anderson, G.	Esau	Kaley	Niehaus	Tomlinson
Anderson, R.	Evans	Kalis	Peterson	Waldorf
Berg	Ewald	Kelly, R.	Pleasant	Wieser
Carlson, A.	Faricy	Kvam	Rose	Wigley
Dean	Fjoslien	Langseth	Savelkoul	Zubay
Den Ouden	Friedrich	McDonald	Searle	

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1337, A bill for an act relating to taxation; removing membership dues, fees and assessments received by certain homeowners associations from definition of gross income for corporate income tax purposes; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 801, A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2; and Chapter 609, by adding a section.

The Senate has appointed as such committee Messrs. Stokowski, Kleinbaum and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 875, A bill for an act relating to the state housing finance agency; setting the amount of bonds and notes that may be outstanding; clarifying eligibility; providing for fund administration and repayment requirements; appropriating money; amending Minnesota Statutes 1976, Sections 462A.03, Subdivisions 7 and 13; 462A.05, Subdivisions 5 and 15; 462A.07, Subdivision 12, and by adding subdivisions; 462A.21, Subdivisions 4a and 4b, and by adding a subdivision; and 462A.22, Subdivision 1.

The Senate has appointed as such committee Messrs. Knoll, Anderson and Willet.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1102, A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Chapter 16, by adding a section; Sections 15.047, Subdivision 1; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

The Senate has appointed as such committee Messrs. Schaaf, Gunderson and Ulland, J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1610, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes; amending Minnesota Statutes 1976, Sections 161.125, Subdivision 1; 219.40; and 299D.03, Subdivision 5; repealing Minnesota Statutes 1976, Sections 161.125, Subdivision 2; 161.50; 219.401; and 299D.03, Subdivision 4.

The Senate has appointed as such committee Messrs. Kleinbaum, Schaaf, Purfeerst, Gearty and Ogdahl.

Said House File is herewith returned to the House.

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. 296, A bill for an act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association; providing protection for policyowners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota; amending Minnesota Statutes 1976, Sections 60B.17, by adding a subdivision; 60B.25; 60B.26, Subdivision 2; 60B.30, by adding a subdivision; and 60B.46, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Casserly moved that the House concur in the Senate amendments to H. F. No. 296 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 296, A bill for an act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association; providing protection for policyowners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota; amending Minnesota Statutes 1976, Sections 60B.17, by adding a subdivision; 60B.25; 60B.26, Subdivision 2; 60B.30, by adding a subdivision; and 60B.46, Subdivision 1.

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

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

Those who voted in the affirmative were:

Abeln	Clark	Hanson	Lemke	Reding
Adams	Clawson	Haugerud	Mangan	Rice
Albrecht	Cohen	Heinitz	Mann	Rose
Anderson, B.	Cummiskey	Hokanson	McCarron	St. Onge
Anderson, D.	Dahl	Jacobs	McDonald	Sarna
Anderson, G.	Dean	Jaros	McEachern	Savelkoul
Anderson, I.	Den Ouden	Jensen	Metzen	Scheid
Anderson, R.	Eckstein	Johnson	Moe	Schulz
Arlandson	Eken	Jude	Munger	Searle
Battaglia	Ellingson	Kahn	Murphy	Searles
Beauchamp	Enebo	Kaley	Neisen	Sherwood
Begich	Erickson	Kalis	Nelsen, B.	Sieben, H.
Berg	Esau	Kelly, R.	Nelsen, M.	Sieben, M.
Berglin	Evans	Kelly, W.	Nelson	Simoneau
Berkelman	Ewald	Kempe, R.	Niehaus	Skoglund
Biersdorf	Faricy	King	Norton	Smogard
Birnstihl	Fjostien	Knickerbocker	Novak	Spanish
Brandl	Forsythe	Kostohryz	Patton	Stanton
Byrne	Friedrich	Kroening	Pehler	Stoa
Carlson, A.	Fudro	Kvam	Peterson	Suss
Carlson, D.	Fugina	Laidig	Petrafeso	Swanson
Carlson, L.	George	Langseth	Pleasant	Tomlinson
Casserly	Gunter	Lehto	Prahl	Vanasek

Voss  
Waldorf  
Welch

Wenzel  
White  
Wieser

Wigley  
Williamson  
Wynia

Zubay

Speaker Sabo

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. 672, A bill for an act relating to insurance; providing for determination of the participation ratio; providing for higher limits of liability coverage and uninsured motorist coverage; amending Minnesota Statutes 1976, Sections 65B.02, Subdivision 7; 65B.06, Subdivision 2; and 65B.49, Subdivision 6.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 672 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 672, A bill for an act relating to insurance; providing for determination of the participation ratio; providing for higher limits of liability coverage and uninsured motorist coverage; amending Minnesota Statutes 1976, Sections 65B.02, Subdivision 7; 65B.06, Subdivision 2; and 65B.49, Subdivision 6.

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

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

Those who voted in the affirmative were:

Abeln	Berglin	Corbid	Faricy	Jaros
Adams	Berkelman	Cummiskey	Fjoslien	Jensen
Albrecht	Biersdorf	Dahl	Forsythe	Johnson
Anderson, B.	Birnstihl	Dean	Friedrich	Jude
Anderson, D.	Brandl	Den Ouden	Fudro	Kahn
Anderson, G.	Byrne	Eckstein	Fugina	Kaley
Anderson, I.	Carlson, A.	Eken	George	Kalis
Anderson, R.	Carlson, D.	Ellingson	Gunter	Kelly, R.
Arlandson	Carlson, L.	Enebo	Hanson	Kelly, W.
Battaglia	Casserly	Erickson	Haugerud	Kempe, A.
Beauchamp	Clark	Esau	Heinitz	Kempe, R.
Begich	Clawson	Evans	Hokanson	King
Berg	Cohen	Ewald	Jacobs	Knickerbocker

Kostohryz	Metzen	Pepler	Searles	Vanasek
Kroening	Moe	Peterson	Sherwood	Voss
Kvam	Munger	Pleasant	Sieben, H.	Waldorf
Laidig	Murphy	Prahl	Sieben, M.	Welch
Langseth	Neisen	Reding	Simoneau	Wenzel
Lehto	Nelsen, B.	Rice	Skoglund	White
Lemke	Nelsen, M.	Rose	Smogard	Wieser
Mangan	Nelson	St. Onge	Spanish	Wigley
Mann	Niehaus	Sarna	Stanton	Williamson
McCarron	Norton	Savelkoul	Stoa	Wynia
McCollar	Novak	Scheid	Suss	Zubay
McDonald	Osthoff	Schulz	Swanson	Speaker Sabo
McEachern	Patton	Searle	Tomlinson	

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. 1017, A bill for an act relating to consumer protection; regulating invention development services; prescribing contract terms and disclosures to customers; defining terms; requiring invention developers to file a bond; providing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Arlandson moved that the House concur in the Senate amendments to H. F. No. 1017 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1017, A bill for an act relating to consumer protection; regulating invention development services; prescribing contract terms and disclosures to customers; defining terms; requiring invention developers to file a bond; providing penalties.

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

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

Those who voted in the affirmative were:

Abeln	Anderson, G.	Beauchamp	Biersdorf	Carlson, D.
Adams	Anderson, I.	Begich	Birnstihl	Carlson, L.
Albrecht	Anderson, R.	Berg	Brandl	Casserly
Anderson, B.	Arlandson	Berglin	Byrne	Clark
Anderson, D.	Battaglia	Berkelman	Carlson, A.	Clawson

Cohen	Gunter	Kvam	Patton	Smogard
Corbid	Hanson	Laidig	Pehler	Spanish
Cummiskey	Haugerud	Langseth	Peterson	Stanton
Dahl	Heinitz	Lehto	Petrafeso	Stoa
Dean	Hokanson	Lemke	Pleasant	Suss
Den Ouden	Jacobs	Mangan	Prahl	Swanson
Eckstein	Jaros	Mann	Reding	Tomlinson
Eken	Jensen	McCarron	Rice	Vanasek
Ellingson	Johnson	McCollar	Rose	Voss
Enebo	Jude	McEachern	St. Onge	Waldorf
Erickson	Kahn	Metzen	Sarna	Welch
Esau	Kaley	Moe	Savelkoul	Wenzel
Evans	Kalis	Murphy	Scheid	White
Ewald	Kelly, R.	Neisen	Schulz	Wieser
Faricy	Kelly, W.	Nelsen, B.	Searle	Wigley
Fjoslien	Kempe, A.	Nelsen, M.	Searles	Williamson
Foraythe	Kempe, R.	Nelson	Sherwood	Wynia
Friedrich	King	Niehaus	Sieben, H.	Zubay
Fudro	Knickerbocker	Norton	Sieben, M.	Speaker Sabo
Fugina	Kostohryz	Novak	Simoneau	
George	Kroening	Osthoff	Skoglund	

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. 1275, A bill for an act relating to agriculture; grain inspection and weighing; fees; providing a basis for establishing and adjusting fees; amending Minnesota Statutes 1976, Section 17B.15, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Corbid moved that the House concur in the Senate amendments to H. F. No. 1275 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1275, A bill for an act relating to agriculture; grain inspection and weighing; fees; providing a basis for establishing and adjusting fees; amending Minnesota Statutes 1976, Section 17B.15, Subdivision 2.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Munger	Sieben, H.
Adams	Cummiskey	Jensen	Murphy	Sieben, M.
Albrecht	Dahl	Johnson	Neisen	Simoneau
Anderson, B.	Dean	Jude	Nelsen, B.	Skogiund
Anderson, D.	Den Ouden	Kahn	Nelson	Smogard
Anderson, G.	Eckstein	Kaley	Niehaus	Spanish
Anderson, I.	Eken	Kalis	Norton	Stanton
Anderson, R.	Ellingson	Kelly, R.	Novak	Stoa
Arlandson	Enebo	Kelly, W.	Osthoff	Suss
Battaglia	Erickson	Kempe, A.	Patton	Swanson
Beauchamp	Esau	Kempe, R.	Pehler	Tomlinson
Begich	Evans	King	Peterson	Vanasek
Berg	Ewald	Knickerbocker	Petrafeso	Voss
Berglin	Faricy	Kostohryz	Pleasant	Waldorf
Berkelman	Fjoslien	Kroening	Prahl	Welch
Biersdorf	Forsythe	Laidig	Reding	Wenzel
Birnstihl	Friedrich	Langseth	Rice	White
Brandl	Fudro	Lehto	Rose	Wieser
Byrne	Fugina	Lemke	St. Onge	Wigley
Carlson, A.	George	Mangan	Sarna	Williamson
Carlson, D.	Gunter	Mann	Savelkoul	Wynia
Carlson, L.	Hanson	McCarron	Scheid	Zubay
Cassarly	Haugerud	McCollar	Schulz	Speaker Sabo
Clark	Heinitz	McEachern	Searle	
Clawson	Hokanson	Metzen	Searles	
Cohen	Jacobs	Moe	Sherwood	

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

Mr. Speaker :

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

H. F. No. 1421, A bill for an act relating to natural resources; designating wild rice as the official state grain; amending Minnesota Statutes 1976, Chapter 1, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Nelsen, M., moved that the House concur in the Senate amendments to H. F. No. 1421 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1421, A bill for an act relating to natural resources; designating wild rice as the official state grain; amending Minnesota Statutes 1976, Chapter 1, 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 121 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Moe	Sieben, H.
Adams	Dahl	Jensen	Munger	Sieben, M.
Albrecht	Dean	Johnson	Murphy	Simoneau
Anderson, B.	Den Ouden	Jude	Neisen	Skoglund
Anderson, D.	Eckstein	Kahn	Nelsen, B.	Smogard
Anderson, G.	Eken	Kaley	Nelsen, M.	Spanish
Anderson, I.	Ellingson	Kelly, R.	Nelson	Stanton
Anderson, R.	Enebo	Kelly, W.	Niehaus	Stoa
Arlandson	Erickson	Kempe, A.	Norton	Suss
Battaglia	Esau	Kempe, R.	Novak	Swanson
Begich	Evans	King	Patton	Tomlinson
Berg	Ewald	Knickerbocker	Pehler	Vanasek
Berglin	Faricy	Kostohryz	Peterson	Waldorf
Berkelman	Fjoslien	Kroening	Petrafeso	Welch
Biersdorf	Forsythe	Kvam	Pleasant	Wenzel
Birnstihl	Friedrich	Laidig	Prahl	White
Brandl	Fudro	Langseth	Reding	Wieser
Byrne	Fugina	Lehto	Rice	Wigley
Carlson, A.	George	Lemke	Rose	Wynia
Carlson, D.	Gunter	Mangan	St. Onge	Zubay
Carlson, L.	Hanson	Mann	Sarna	Speaker Sabo
Casserly	Haugerud	McCarron	Savelkoul	
Clark	Heinitz	McCollar	Schulz	
Clawson	Hokanson	McEachern	Searles	
Cohen	Jacobs	Metzen	Sherwood	

Those who voted in the negative were:

Cummiskey      Kalis      Williamson

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. 56, A bill for an act relating to children; providing visitation rights to minor children in certain cases; amending Minnesota Statutes 1976, Section 257.022, Subdivision 2.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 56 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 56, A bill for an act relating to children; providing visitation rights to minor children in certain cases; amending Minnesota Statutes 1976, Section 257.022, Subdivision 2, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Moe	Searles
Adams	Dahl	Jensen	Munger	Sherwood
Albrecht	Dean	Johnson	Murphy	Sieben, H.
Anderson, B.	Den Ouden	Jude	Neisen	Sieben, M.
Anderson, D.	Eckstein	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Eken	Kaley	Nelson	Skoglund
Anderson, I.	Ellingson	Kalis	Niehaus	Smogard
Anderson, R.	Enebo	Kelly, R.	Norton	Spanish
Arlandson	Erickson	Kelly, W.	Novak	Stanton
Battaglia	Esau	Kempe, A.	Osthoff	Stoa
Begich	Evans	Kempe, R.	Patton	Suss
Berg	Ewald	King	Pehler	Swanson
Berglin	Faricy	Knickerbocker	Peterson	Tomlinson
Berkelman	Fjoslien	Kostohryz	Petraleso	Vanasek
Biersdorf	Forsythe	Kroening	Pleasant	Voss
Birnstihl	Friedrich	Kvam	Prahl	Waldorf
Brandl	Fudro	Laidig	Reding	Welch
Byrne	Fugina	Langseth	Rice	Wenzel
Carlson, A.	George	Lehto	Rose	White
Carlson, D.	Gunter	Lemke	St. Onge	Wieser
Carlson, L.	Hanson	Mangan	Sarna	Wigley
Casserly	Haugerud	Mann	Savelkoul	Williamson
Clark	Heinitz	McCarron	Scheid	Wynia
Clawson	Hokanson	McCollar	Schulz	Zubay
Cohen	Jacobs	Metzen	Searle	Speaker Sabo

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. 79, A bill for an act relating to real estate; placing restrictions on who may acquire title; providing enforcement powers; providing penalty; amending Minnesota Statutes 1976, Chapter 500, by adding a section; repealing Minnesota Statutes 1976, Section 500.22.

PATRICK E. FLAHAVER, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Anderson, B., moved that the House concur in the Senate amendments to H. F. No. 79 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 79, A bill for an act relating to real estate; placing restrictions on who may acquire title; providing enforcement powers; providing penalty; amending Minnesota Statutes 1976, Chapter 500, by adding a section; repealing Minnesota Statutes 1976, Section 500.22.

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 120 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jude	Munger	Searle
Adams	Dean	Kahn	Murphy	Searles
Albrecht	Den Ouden	Kaley	Neisen	Sherwood
Anderson, B.	Eckstein	Kalis	Nelsen, B.	Sieben, H.
Anderson, D.	Eken	Kelly, R.	Nelsen, M.	Sieben, M.
Anderson, G.	Ellingson	Kelly, W.	Nelson	Smogard
Anderson, I.	Enebo	Kempe, A.	Niehaus	Spanish
Anderson, R.	Erickson	Kempe, R.	Norton	Stanton
Battaglia	Esau	King	Novak	Stoa
Beauchamp	Evans	Knickerbocker	Osthoff	Suss
Begich	Ewald	Kostohryz	Patton	Swanson
Berg	Faricy	Kroening	Pehler	Tomlinson
Berglin	Fjoslien	Kvam	Peterson	Vanasek
Berkalman	Forsythe	Laidig	Petrafeso	Voss
Biersdorf	Friedrich	Langseth	Pleasant	Waldorf
Birnstihl	Fudro	Lehto	Prahl	Welch
Byrne	George	Lemke	Reding	Wenzel
Carlson, D.	Gunter	Mangan	Rice	White
Carlson, L.	Hanson	Mann	Rose	Wieser
Casserly	Haugerud	McCarron	St. Onge	Wigley
Clark	Jacobs	McCollar	Sarna	Williamson
Clawson	Jaros	McEachern	Savelkoul	Wynia
Cohen	Jensen	Metzen	Scheid	Zubay
Corbid	Johnson	Moe	Schulz	Speaker Sabo

Those who voted in the negative were:

Arlandson	Carlson, A.	Fugina	Heinitz	Skoglund
Brandl	Cummiskey			

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. 829, A bill for an act relating to landlord and tenant; establishing period for which interest is payable on security deposit; providing a measure of damages for the improper withholding of security deposits; amending Minnesota Statutes 1976, Section 504.20, Subdivisions 2, 3, 4, 7 and 7a.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Reding moved that the House concur in the Senate amendments to H. F. No. 829 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 829, A bill for an act relating to landlord and tenant; establishing period for which interest is payable on security deposit; providing a measure of damages for the improper withholding of security deposits and the improper withholding of rent payments; amending Minnesota Statutes 1976, Section 504.20, Subdivisions 2, 3, 4, 7 and 7a.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Moe	Sherwood
Adams	Cummiskey	Jensen	Munger	Sieben, H.
Albrecht	Dahl	Johnson	Murphy	Sieben, M.
Anderson, B.	Dean	Jude	Neisen	Simoneau
Anderson, D.	Den Ouden	Kahn	Nelsen, B.	Skoglund
Anderson, G.	Eckstein	Kaley	Nelson	Smogard
Anderson, I.	Eken	Kalis	Niehaus	Spanish
Anderson, R.	Ellingson	Kelly, R.	Norton	Stanton
Arlandson	Enebo	Kelly, W.	Novak	Stoa
Battaglia	Erickson	Kempe, A.	Osthoff	Suss
Beauchamp	Esau	Kempe, R.	Patton	Swanson
Begich	Evans	King	Pehler	Tomlinson
Berg	Ewald	Knickerbocker	Peterson	Vanasek
Berglin	Farcy	Kostohryz	Petraleso	Voss
Berkelman	Fjoslien	Kroening	Pleasant	Waldorf
Biersdorf	Forsythe	Kvam	Prahl	Welch
Birnstihl	Friedrich	Laidig	Reding	Wenzel
Brandl	Fudro	Langseth	Rice	White
Byrne	Fugina	Lehto	Rose	Wieser
Carlson, A.	George	Lemke	St. Onge	Wigley
Carlson, D.	Gunter	Mangan	Sarna	Williamson
Carlson, L.	Hanson	Mann	Savelkoul	Wynia
Casserly	Haugerud	McCarron	Scheid	Zubay
Clark	Heinitz	McCollar	Schulz	Speaker Sabo
Clawson	Hokanson	McEachern	Searle	
Cohen	Jacobs	Metzen	Searles	

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

Mr. Speaker:

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

H. F. No. 952, A bill for an act relating to courts; sixth judicial district; authorizing the position of domestic relations referee in St. Louis county; amending Minnesota Statutes 1976, Chapter 484, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lehto moved that the House concur in the Senate amendments to H. F. No. 952 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 952, A bill for an act relating to courts; sixth judicial district; authorizing the position of domestic relations referee in St. Louis county; amending Minnesota Statutes 1976, Chapter 484, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Heinitz	Mann	Rose
Adams	Cohen	Hokanson	McCarron	St. Onge
Albrecht	Cummiskey	Jacobs	McCollar	Sarna
Anderson, B.	Dahl	Jaros	McDonald	Savelkoul
Anderson, D.	Dean	Jensen	McEachern	Scheid
Anderson, G.	Den Ouden	Johnson	Metzen	Schulz
Anderson, I.	Eckstein	Jude	Moe	Searle
Anderson, R.	Eken	Kahn	Munger	Searles
Arlandson	Ellingson	Kaley	Murphy	Sherwood
Battaglia	Enebo	Kalis	Neisen	Sieben, H.
Beauchamp	Erickson	Kelly, R.	Nelsen, B.	Sieben, M.
Begich	Esau	Kelly, W.	Nelson	Simoneau
Berg	Evans	Kempe, A.	Niehaus	Skoglund
Berglin	Ewald	Kempe, R.	Norton	Smogard
Berkelman	Faricy	King	Novak	Spanish
Biersdorf	Fjoslien	Knickerbocker	Osthooff	Stanton
Birnstihl	Forsythe	Kostohryz	Patton	Stoa
Brandl	Friedrich	Kroening	Pehler	Suss
Byrne	Fudro	Kvam	Peterson	Swanson
Carlson, A.	Fugina	Laidig	Petrafeso	Tomlinson
Carlson, D.	George	Langseth	Pleasant	Vanasek
Carlson, L.	Gunter	Lehto	Prahl	Voss
Casserly	Hanson	Lemke	Reding	Waldorf
Clark	Haugerud	Mangan	Rice	Welch

Wenzel  
WhiteWieser  
WigleyWilliamson  
Wynia

Zubay

Speaker Sabo

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

Pehler was excused between the hours of 2:05 p.m. and 3:15 p.m.

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. 1226, A bill for an act relating to metropolitan airports; authorizing reimbursement to commission members; clarifying its organization and authority; granting emergency authority to expend funds; amending Minnesota Statutes 1976, Sections 473.605, Subdivisions 1 and 2; 473.606, Subdivisions 1 and 4; 473.608, Subdivisions 1, 15 and 17; 473.611, Subdivision 5; 473.621, Subdivisions 2 and 4; 473.641, Subdivision 2; 473.652; repealing Minnesota Statutes 1976, Sections 473.611, Subdivisions 1, 2, 3 and 4; and 473.621, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Adams moved that the House concur in the Senate amendments to H. F. No. 1226 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1226, A bill for an act relating to metropolitan airports; authorizing reimbursement to commission members; clarifying its organization and authority; granting emergency authority to expend funds; amending Minnesota Statutes 1976, Sections 473.605, Subdivisions 1 and 2; 473.606, Subdivisions 1 and 4; 473.608, Subdivisions 1, 15 and 17; 473.611, Subdivision 5; 473.621, Subdivisions 2, 4 and 5; 473.641, Subdivision 2; 473.652; repealing Minnesota Statutes 1976, Sections 473.611, Subdivisions 1, 2, 3 and 4; and 473.621, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 108 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln

Adams

Anderson, B.

Anderson, D.

Anderson, I.

Anderson, R.	Eckstein	Kaley	Nelsen, M.	Smogard
Arlandson	Eken	Kalis	Niehaus	Spanish
Battaglia	Ellingson	Kelly, R.	Norton	Stanton
Beauchamp	Erickson	Kelly, W.	Novak	Stoa
Begich	Esau	Kempe, A.	Peterson	Suss
Berg	Evans	Kempe, R.	Petrafaso	Swanson
Biersdorf	Faricy	King	Pleasant	Tomlinson
Brandl	Fjoslien	Knickerbocker	Prahl	Vanasek
Brinkman	Fudro	Kostohryz	Reding	Voss
Byrne	Fugina	Kvam	Rice	Waldorf
Carlson, A.	George	Langseth	Rose	Welch
Carlson, D.	Gunter	Lehto	Sarna	Wenzel
Carlson, L.	Hanson	Mangan	Savelkoul	White
Casserly	Haugerud	Mann	Scheid	Wieser
Clawson	Heinitz	McCollar	Schulz	Wigley
Cohen	Hokanson	McEachern	Searle	Williamson
Corbid	Jacobs	Metzen	Searles	Wynia
Cummiskey	Jaros	Munger	Sherwood	Zubay
Dahl	Johnson	Murphy	Sieben, H.	Speaker Sabo
Dean	Jude	Neisen	Sieben, M.	
Den Ouden	Kahn	Nelsen, B.	Simoneau	

Those who voted in the negative were:

Albrecht	Birnstihl	Enebo	McDonald	Skoglund
Berglin	Clark	Jensen	Nelson	

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. 1310, A bill for an act relating to unemployment compensation; providing for conformity with federal requirements; providing for agricultural and domestic service employees; altering covered employment; regulating employer's contributions; providing for the noncharging of certain benefits; providing for extended benefits; providing for certain public employees; allowing certain political activities; changing total disqualification based on receipt of social security benefits; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 10, 12, 22, and 23, and by adding a subdivision; 268.06, Subdivisions 1, 5, 25 and 28, and by adding subdivisions; 268.07, by adding a subdivision; 268.071, Subdivisions 1 and 6; 268.08, Subdivisions 3, 4, and 5, and by adding subdivisions; 268.09, Subdivision 3, as amended; and 268.12, Subdivision 5; repealing Minnesota Statutes 1976, Section 268.08, Subdivision 5; and a portion of Laws 1975, Chapter 433, Section 11, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Adams moved that the House concur in the Senate amendments to H. F. No. 1310 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1310, A bill for an act relating to unemployment compensation; providing for conformity with federal requirements; providing for agricultural and domestic service employees; altering covered employment; regulating employer's contributions; providing for the noncharging of certain benefits; providing for extended benefits; providing for certain public employees; changing total disqualification based on receipt of social security; allowing certain political activities; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 10, 12, 22, and 23, and by adding a subdivision; 268.06, Subdivisions 1, 5, 25 and 28, and by adding subdivisions; 268.07, by adding a subdivision; 268.071, Subdivisions 1 and 6; 268.08, Subdivisions 3, 4, and 5, and by adding subdivisions; 268.09, Subdivision 1; and 268.12, Subdivision 5; repealing Minnesota Statutes 1976, Section 268.08, Subdivision 5; and a portion of Laws 1975, Chapter 433, Section 11, Subdivision 4.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Munger	Sherwood
Adams	Cummiskey	Jensen	Murphy	Sieben, H.
Albrecht	Dahl	Johnson	Neisen	Sieben, M.
Anderson, B.	Dean	Jude	Nelsen, B.	Simoneau
Anderson, D.	Den Ouden	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Eckstein	Kaley	Nelson	Smogard
Anderson, I.	Eken	Kalis	Niehaus	Spanish
Anderson, R.	Ellingson	Kelly, R.	Norton	Stanton
Arlandson	Enebo	Kelly, W.	Novak	Stoa
Battaglia	Erickson	Kempe, A.	Osthoff	Suss
Beauchamp	Esau	Kempe, R.	Patton	Swanson
Begich	Evans	King	Peterson	Tomlinson
Berg	Ewald	Knickerbocker	Petrafaso	Vanasek
Berglin	Faricy	Kostohryz	Pleasant	Voss
Berkelman	Fjoslien	Kroening	Prahl	Waldorf
Biersdorf	Forsythe	Laidig	Reding	Welch
Birnstihl	Friedrich	Langseth	Rice	Wenzel
Brandl	Fudro	Lehto	Rose	White
Brinkman	Fugina	Lemke	St. Onge	Wieser
Byrne	Gerge	Mangan	Samuelson	Wigley
Carlson, A.	Gunter	Mann	Sarna	Williamson
Carlson, D.	Hanson	McCarron	Savelkoul	Wynia
Carlson, L.	Hangerud	McCollar	Scheid	Zubay
Casserly	Heinitz	McDonald	Schulz	Speaker Sabo
Clark	Hokanson	McEachern	Searle	
Clawson	Jacobs	Metzen	Searles	

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

Mr. Speaker:

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

H. F. No. 1386, A bill for an act relating to agriculture; clarifying certain terms; eliminating six months license provision; permitting license suspension; permitting waiver of the right to a hearing; clarifying weighing locations and weighing fees; amending Minnesota Statutes 1976, Sections 17A.03, Subdivisions 6 and 7; 17A.04, Subdivision 1, and by adding a subdivision; 17A.05, Subdivision 2; 17A.06, Subdivisions 2 and 3; 17A.10; and 17A.11.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Wenzel moved that the House concur in the Senate amendments to H. F. No. 1386 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1386, A bill for an act relating to agriculture; clarifying certain terms; eliminating six months license provision; permitting license suspension; permitting waiver of the right to a hearing; clarifying weighing locations and weighing fees; amending Minnesota Statutes 1976, Sections 17A.03, Subdivisions 6 and 7; 17A.04, Subdivision 1, and by adding a subdivision; 17A.05, Subdivision 2; 17A.06, Subdivisions 2 and 3; 17A.10; and 17A.11.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Byrne	Dahl	Evans
Adams	Begich	Carlson, A.	Dean	Ewald
Albrecht	Berg	Carlson, D.	Den Ouden	Farcy
Anderson, B.	Berglin	Carlson, L.	Eckstein	Fjoslien
Anderson, D.	Berkelman	Casserly	Eken	Forsythe
Anderson, G.	Biersdorf	Clark	Ellingson	Friedrich
Anderson, I.	Birnstihl	Clawson	Enebo	Fudro
Anderson, R.	Brandl	Corbid	Erickson	Fugina
Battaglia	Brinkman	Cummiskey	Esau	George

Gunter	King	Munger	Rose	Stoa
Hanson	Knickerbocker	Murphy	St. Onge	Suss
Haugerud	Kostohryz	Neisen	Samuelson	Swanson
Heinitz	Kroening	Nelsen, B.	Sarna	Tomlinson
Hokanson	Kvam	Nelsen, M.	Savelkoul	Vanasek
Jacobs	Laidig	Nelson	Scheid	Voss
Jaros	Langseth	Niehaus	Schulz	Waldorf
Jensen	Lehto	Norton	Searle	Welch
Johnson	Lemke	Novak	Searles	Wenzel
Jude	Mangan	Osthoff	Sherwood	White
Kahn	Mann	Patton	Sieben, H.	Wieser
Kaley	McCarron	Peterson	Sieben, M.	Wigley
Kalis	McCollar	Petrafeso	Simoneau	Williamson
Kelly, R.	McDonald	Pleasant	Skoglund	Wynia
Kelly, W.	McEachern	Prahl	Smogard	Zubay
Kempe, A.	Metzen	Reding	Spanish	Speaker Sabo
Kempe, R.	Moe	Rice	Stanton	

Those who voted in the negative were:

Arlandson

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1172, A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Borden, Schaaf and Sieloff have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee ap-

pointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1172. The motion prevailed.

**Mr. Speaker:**

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 274, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Perpich, Nelson and Willet have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clawson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 274. The motion prevailed.

**Mr. Speaker:**

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 977, A bill for an act relating to marriage; requiring certain information to be included on an application for a marriage license; amending Minnesota Statutes 1976, Sections 517.08, Subdivision 1; and 517.10.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Olson, Chmielewski and Ueland, A., have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Cummiskey moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee

of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 977. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 971, A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

And the Senate respectfully requests that a Conference Committee of three members be appointed thereon. Messrs. Davies, Strand and Keefe, J., have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ellingson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 971. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 381, A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

And the Senate respectfully requests that a Conference Committee of three members be appointed thereon. Messrs. Peterson, Nichols and Bernhagen have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 381. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1349, A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for the source of per diem and expense payments; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, Subdivision 1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 238.04, Subdivision 2; 363.04, Subdivisions 4, 4a and 5; Chapter 15, by adding a section; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

And the Senate respectfully requests that a Conference Committee of three members be appointed thereon. Messrs. Schaaf, Ulland, J., and Sikorski have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Adams moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed

by the Senate on the disagreeing votes of the two Houses on S. F. No. 1349. The motion prevailed.

Mr. Speaker:

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

H. F. No. 206, A bill for an act relating to welfare; increasing the personal allowance for persons in care facilities; amending Minnesota Statutes 1976, Section 256B.35, Subdivision 1, and by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

King moved that the House concur in the Senate amendments to H. F. No. 206 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 206, A bill for an act relating to welfare; increasing the personal allowance for persons in care facilities; amending Minnesota Statutes 1976, Section 256B.35, Subdivision 1, and by adding subdivisions.

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

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

Those who voted in the affirmative were:

Abeln	Carlson, A.	Fjoslien	Kelly, W.	Murphy
Adams	Carlson, D.	Forsythe	Kempe, A.	Neisen
Albrecht	Carlson, L.	Friedrich	Kempe, R.	Nelsen, B.
Anderson, B.	Casserly	Fudro	King	Nelsen, M.
Anderson, D.	Clark	Fugina	Knickerbocker	Nelson
Anderson, G.	Clawson	George	Kostohryz	Niehaus
Anderson, I.	Corbid	Gunter	Kroening	Norton
Anderson, R.	Cummiskey	Hanson	Kvam	Novak
Arlandson	Dahl	Haugerud	Langseth	Osthoff
Battaglia	Dean	Heinitz	Lehto	Patton
Beauchamp	Den Ouden	Hokanson	Lemke	Peterson
Begich	Eckstein	Jacobs	Mangan	Petrafeso
Berg	Eken	Jaros	Mann	Pleasant
Berglin	Ellingson	Jensen	McCarron	Prahl
Berkelman	Enebo	Johnson	McCollar	Reding
Biersdorf	Erickson	Jude	McDonald	Rice
Birnstihl	Esau	Kahn	McEachern	Rose
Brandl	Evans	Kaley	Metzen	St. Onge
Brinkman	Ewald	Kalis	Moe	Samuelson
Byrne	Faricy	Kelly, R.	Munger	Sarna

Savelkoul	Sieben, H.	Stanton	Voss	Wigley
Scheid	Sieben, M.	Stoa	Waldorf	Williamson
Schulz	Simoneau	Suss	Welch	Wynia
Searle	Skoglund	Swanson	Wenzel	Zubay
Searles	Smogard	Tomlinson	White	Speaker Sabo
Sherwood	Spanish	Vanasek	Wieser	

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

Mr. Speaker:

I hereby announce that the Senate has discharged the present Conference Committee and appointed a new committee, consisting of three members, on the following Senate File:

S. F. No. 932, A bill for an act relating to motor vehicles; registration and taxation; increasing fees for filing applications; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

The Senate has appointed as such committee Messrs. Menning, Knutson and Olson.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1015.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1015, A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; increasing surcharges on certain building permits; requiring certain units of government to establish dilapidated building removal accounts; authorizing the commissioner of transportation to remove certain dilapidated buildings; appropriating money; amending Minnesota Statutes 1976, Section 16.866.

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

## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 324, 550 and 1475 and S. F. Nos. 1416 and 1489 was reported to the House.

## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 274:

Clawson, Lemke, and Anderson, G.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 971:

Ellingson, Haugerud, and Stoa.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 977:

Cummiskey, Casserly, and Laidig.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1349:

Adams, Arlandson and Searles.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1172:

Sieben, H.; Berg and Casserly.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 381:

Reding, Begich, and Anderson, G.

Wenstrom was excused between the hours of 4:00 p.m. and 5:50 p.m.

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

## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 415, 723 and 1631, S. F. No. 288, and H. F. No. 1630.

H. F. No. 415 was reported to the House.

Savelkoul moved to amend H. F. No. 415, as follows:

Page 10, line 13, after "*matter shall*" delete "*be given immediate priority and shall*".

The motion prevailed and the amendment was adopted.

H. F. No. 415, A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

The bill was read for 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 116 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Jude	Neisen	Sieben, M.
Adams	Den Ouden	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Eken	Kaley	Nelson	Skoglund
Anderson, D.	Ellingson	Kelly, W.	Niehaus	Smogard
Anderson, G.	Enebo	Kempe, A.	Norton	Stanton
Anderson, I.	Erickson	Kempe, R.	Novak	Stoa
Arlandson	Esau	King	Osthoff	Suss
Battaglia	Evans	Knickerbocker	Patton	Swanson
Beauchamp	Ewald	Kostohryz	Pehler	Tomlinson
Begich	Fjoslien	Kroening	Peterson	Vanasek
Berg	Forsythe	Kvam	Petraseso	Voss
Berglin	Friedrich	Laidig	Pleasant	Waldorf
Berkelman	Fudro	Langseth	Prahl	Welch
Birnstihl	Fugina	Lehto	Reding	Wenzel
Brandl	George	Mangan	Rice	White
Byrne	Gunter	Mann	Rose	Wigley
Carlson, D.	Hanson	McCarron	St. Onge	Williamson
Carlson, L.	Haugerud	McCollar	Sarna	Wynia
Casserly	Heinitz	McDonald	Savelkoul	Zubay
Clark	Hokanson	McEachern	Scheid	Speaker Sabo
Clawson	Jacobs	Metzen	Schulz	
Cohen	Jaros	Moe	Searles	
Cummiskey	Jensen	Munger	Sherwood	
Dahl	Johnson	Murphy	Sieben, H.	

Those who voted in the negative were:

Albrecht	Eckstein	Kalis	Lemke	Wieser
Anderson, R.				

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

H. F. No. 723, A bill for an act relating to economic development; providing grants to community development corporations; setting out criteria for making such grants; appropriating funds; amending Minnesota Statutes 1976, Chapter 362, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Munger	Sieben, M.
Adams	Cummiskey	Jude	Murphy	Simoneau
Albrecht	Dahl	Kahn	Neisen	Skoglund
Anderson, B.	Dean	Kaley	Nelsen, B.	Smogard
Anderson, D.	Den Ouden	Kalis	Nelson	Spanish
Anderson, G.	Eken	Kelly, R.	Niehaus	Stanton
Anderson, J.	Ellingson	Kelly, W.	Norton	Stoa
Anderson, R.	Enebo	Kempe, A.	Novak	Suss
Arlandson	Esau	Kempe, R.	Osthoff	Swanson
Battaglia	Evans	King	Patton	Tomlinson
Beauchamp	Ewald	Knickerbocker	Pehler	Vanasek
Begich	Farcy	Kostohryz	Peterson	Voss
Berg	Fjoslien	Kroening	Petrafeso	Waldorf
Berglin	Forsythe	Laidig	Pleasant	Welch
Berkelman	Friedrich	Langseth	Reding	Wenzel
Biersdorf	Fudro	Lehto	Rice	White
Birnstihl	Fugina	Lemke	Rose	Wieser
Brandl	George	Mangan	St. Onge	Wigley
Byrne	Gunter	Mann	Sarna	Williamson
Carlson, A.	Hanson	McCarron	Savelkoul	Wynia
Carlson, D.	Haugerud	McCollar	Scheid	Zubay
Carlson, L.	Heinitz	McDonald	Schulz	Speaker Sabo
Casserly	Jacobs	McEachern	Searles	
Clark	Jaros	Metzen	Sherwood	
Clawson	Jensen	Moe	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1631 was reported to the House.

Swanson moved to amend H. F. No. 1631, as follows:

Page 2, delete Section 2 of the bill.

Renumber the remaining sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 18 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Gunter	Nelsen, M.	Scheid	Swanson
Byrne	Kahn	Patton	Schulz	Welch
Corbid	Kroening	Pehler	Spanish	
Fugina	McCollar	Reding	Suss	

Those who voted in the negative were:

Abeln	Cohen	Hokanson	McCarron	Savelkoul
Adams	Dahl	Jacobs	McDonald	Searle
Albrecht	Dean	Jaros	McEachern	Searles
Anderson, D.	Den Ouden	Jensen	Metzen	Sieben, H.
Anderson, G.	Eckstein	Johnson	Munger	Sieben, M.
Anderson, I.	Eken	Jude	Murphy	Simoneau
Anderson, R.	Ellingson	Kaley	Neisen	Skoglund
Arlandson	Enebo	Kalis	Nelsen, B.	Stoa
Battaglia	Erickson	Kelly, R.	Nelson	Vanasek
Beauchamp	Esau	Kelly, W.	Niehaus	Waldorf
Begich	Evans	Kempe, A.	Norton	Wenzel
Berkelman	Ewald	Kempe, R.	Novak	White
Biersdorf	Faricy	Knickerbocker	Osthoff	Wieser
Birnstihl	Fjoslien	Kostohryz	Peterson	Wigley
Brandl	Forsythe	Laidig	Petraieso	Williamson
Carlson, A.	Friedrich	Langseth	Pleasant	Wynia
Carlson, D.	Fudro	Lehto	Rice	Zubay
Carlson, L.	George	Lemke	Rose	Speaker Sabo
Clark	Hanson	Mangan	St. Onge	
Clawson	Heinitz	Mann	Sarna	

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

McDonald moved to amend H. F. No. 1631, as follows:

Pages 1 and 2, strike all of Section 1 and insert in lieu thereof the following:

“Section 1. [DAY ACTIVITY CENTERS FOR THE MENTALLY RETARDED.] \$5,000,000 or as much thereof as necessary is appropriated from the Minnesota state building fund to the commissioner of welfare to design, construct and equip day activity centers for the mentally retarded. The commissioner of welfare may disperse funds appropriated by this section to a local governmental unit to discharge all or part of the capital cost of a day activity center for the mentally retarded that he determines to have been a financial obligation of the unit on May 15, 1977.”.

Page 3, line 8, strike “\$34,766,000” and insert “\$18,966,000”.

Further amend the title, page 1, line 3, strike "prison" and insert "health".

A roll call was requested and properly seconded.

#### POINT OF ORDER

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

The question was taken on the adoption of the McDonald amendment and the roll was called. There were 30 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeln	Esau	Kaley	Niehaus	Spanish
Albrecht	Evans	Kalis	Peterson	Wenzel
Anderson, R.	Ewald	Kempe, R.	Rose	Wieser
Biersdorf	Fjoslien	Knickerbocker	Savelkoul	Wigley
Carlson, A.	Friedrich	McDonald	Searles	Williamson
Den Ouden	Heinitz	Nelsen, B.	Sherwood	Zubay

Those who voted in the negative were:

Adams	Clark	Jaros	Moe	Scheid
Anderson, B.	Clawson	Jensen	Munger	Schulz
Anderson, D.	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, G.	Dahl	Jude	Neisen	Sieben, M.
Anderson, I.	Dean	Kahn	Nelson	Simoneau
Arlandson	Eckstein	Kelly, W.	Norton	Skoglund
Battaglia	Eken	Kempe, A.	Novak	Smogard
Beauchamp	Ellingson	King	Osthoff	Stanton
Berg	Enebo	Kostohryz	Patton	Stoa
Berglin	Faricy	Laidig	Pehler	Suss
Berkelman	Forsythe	Langseth	Petrafeso	Swanson
Brandl	Fudro	Lehto	Prahl	Vanasek
Brinkman	Fugina	Lemke	Reding	Waldorf
Byrne	George	Mangan	Rice	Welch
Carlson, D.	Gunter	McCarron	St. Onge	Wynia
Carlson, L.	Hanson	McEachern	Samuelson	Speaker Sabo
Casserly	Jacobs	Metzen	Sarna	

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

Kahn moved to amend H. F. No. 1631, as follows:

Page 2, line 11, after "funds." insert "It is the intent of the legislature that the construction of building F shall not result in increased state appropriations for faculty in pharmacy or nursing."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 4 yeas and 116 nays as follows:

Those who voted in the affirmative were:

Kahn                      McCollar                      Moe                      Williamson

Those who voted in the negative were:

Abeln	Corbid	Jacobs	Munger	Searles
Adams	Cummiskey	Jaros	Murphy	Sherwood
Albrecht	Dahl	Jensen	Neisen	Sieben, H.
Anderson, B.	Dean	Johnson	Nelsen, B.	Sieben, M.
Anderson, D.	Den Ouden	Jude	Nelson	Simoneau
Anderson, G.	Eckstein	Kaley	Niehaus	Skoglund
Anderson, I.	Eken	Kalis	Norton	Smogard
Anderson, R.	Enebo	Kelly, W.	Novak	Spanish
Arlandson	Erickson	Kempe, A.	Osthoff	Stoa
Battaglia	Esau	Kempe, R.	Patton	Suss
Beauchamp	Evans	King	Pehler	Vanasek
Begich	Ewald	Knickerbocker	Peterson	Waldorf
Berg	Faricy	Kostohryz	Petrafeso	Welch
Berkelman	Fjoslien	Kvam	Pleasant	Wenzel
Biersdorf	Forsythe	Laidig	Reding	White
Birnstihl	Friedrich	Langseth	Rice	Wieser
Brinkman	Fudro	Lehto	Rose	Wigley
Byrne	Fugina	Lemke	St. Onge	Wynia
Carlson, A.	George	Mangan	Samuelson	Zubay
Carlson, D.	Gunter	Mann	Sarna	Speaker Sabo
Carlson, L.	Hanson	McCarron	Savelkoul	
Clark	Haugerud	McDonald	Scheid	
Clawson	Heinitz	McEachern	Schulz	
Cohen	Hokanson	Metzen	Searle	

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

Carlson, A., moved to amend H. F. No. 1631, as follows:

Delete Section 1 from the bill.

Renumber the following sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 19 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Friedrich	Niehaus	Searles
Albrecht	Den Ouden	Kaley	Peterson	Wieser
Anderson, R.	Evans	Knickerbocker	Rose	Zubay
Begich	Ewald	McDonald	Savelkoul	

Those who voted in the negative were:

Adams	Clawson	Jacobs	McCarron	Schulz
Anderson, B.	Cohen	Jaros	McCollar	Searle
Anderson, D.	Corbid	Jensen	McEachern	Sherwood
Anderson, G.	Cummiskey	Johnson	Metzen	Sieben, H.
Anderson, I.	Dahl	Jude	Moe	Sieben, M.
Arlandson	Dean	Kahn	Munger	Simoneau
Battaglia	Eckstein	Kelly, R.	Murphy	Skoglund
Beauchamp	Eken	Kelly, W.	Neisen	Smogard
Berg	Ellingson	Kempe, A.	Nelsen, B.	Spanish
Berglin	Enebo	Kempe, R.	Norton	Stanton
Berkelman	Faricy	King	Novak	Stoa
Biersdorf	Fjoslien	Kostohryz	Patton	Swanson
Birnstihl	Forsythe	Kroening	Pehler	Waldorf
Brandl	Fudro	Kvam	Petrafeso	Welch
Brinkman	Fugina	Laidig	Prahl	Wenzel
Byrne	George	Langseth	Rice	White
Carlson, D.	Gunter	Lehto	St. Onge	Wigley
Carlson, L.	Hanson	Lemke	Samuelson	Williamson
Casserly	Heinitz	Mangan	Sarna	Wynia
Clark	Hokanson	Mann	Scheid	Speaker Sabo

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

Begich moved to amend H. F. No. 1631, as follows:

Page 2, after line 30, insert the following:

“Sec. 5. There is appropriated to the Commissioner of Education, the sum of \$345,000 for the purpose of constructing an addition to the Eveleth Voc-Tech AVTI as planned and approved by the Department.”.

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

H. F. No. 1631, A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, R.	Berg	Brandl	Carlson, L.
Anderson, B.	Arlandson	Berglin	Brinkman	Casserly
Anderson, D.	Battaglia	Berkelman	Byrne	Clark
Anderson, G.	Beauchamp	Biersdorf	Carlson, A.	Clawson
Anderson, I.	Begich	Birnstihl	Carlson, D.	Cohen

Corbid	Hanson	Langseth	Pehler	Skoglund
Cummiskey	Heinitz	Lehto	Peterson	Smogard
Dahl	Hokanson	Lemke	Pleasant	Spanish
Dean	Jacobs	Mangan	Prahl	Stanton
Den Ouden	Jaros	Mann	Reding	Stoa
Eckstein	Jensen	McCarron	Rice	Swanson
Eken	Johnson	McDonald	Rose	Tomlinson
Ellingson	Jude	McEachern	St. Onge	Vanasek
Enebo	Kaley	Metzen	Samuelson	Waldorf
Erickson	Kelly, R.	Moe	Sarna	Welch
Esau	Kelly, W.	Munger	Savelkoul	Wenzel
Evans	Kempe, A.	Murphy	Scheid	White
Ewald	Kempe, R.	Neisen	Schulz	Wigley
Fjoslien	King	Nelsen, B.	Searle	Williamson
Forsythe	Knickerbocker	Nelson	Searles	Wynia
Fudro	Kostohryz	Norton	Sherwood	Zubay
Fugina	Kroening	Novak	Sieben, H.	Speaker Sabo
George	Kvam	Osthoff	Sieben, M.	
Gunter	Laidig	Patton	Simoneau	

Those who voted in the negative were:

Abeln	Friedrich	McCollar	Niehaus	Wieser
Albrecht	Kalis	Nelsen, M.	Suss	

The bill was passed and its title agreed to.

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

S. F. No. 288, A bill for an act relating to state parks; providing for cooperative agricultural leases of property acquired by the state within state parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Fjoslien	Kalis	Moe
Adams	Carlson, D.	Forsythe	Kempe, A.	Munger
Albrecht	Carlson, L.	Friedrich	Kempe, R.	Murphy
Anderson, B.	Casserly	Fudro	King	Neisen
Anderson, D.	Clark	Fugina	Knickerbocker	Nelsen, B.
Anderson, I.	Clawson	George	Kostohryz	Nelsen, M.
Anderson, R.	Cohen	Gunter	Kroening	Nelson
Arlandson	Corbid	Hanson	Kvam	Niehaus
Battaglia	Cummiskey	Haugerud	Laidig	Norton
Beauchamp	Dean	Heinitz	Langseth	Novak
Begich	Den Ouden	Hokanson	Lehto	Osthoff
Berg	Eckstein	Jacobs	Mangan	Patton
Berglin	Eken	Jaros	Mann	Pehler
Berkelman	Ellingson	Jensen	McCarron	Peterson
Biersdorf	Esau	Johnson	McCollar	Petrafeso
Birnstihl	Evans	Jude	McDonald	Pleasant
Brandl	Ewald	Kahn	McEachern	Prahl
Byrne	Faricy	Kaley	Metzen	Reding

Rice	Searles	Spanish	Waldorf	Wynia
Rose	Sherwood	Stanton	Welch	Zubay
St. Onge	Sieben, H.	Stein	Wenzel	Speaker Sabo
Sarna	Sieben, M.	Suss	White	
Savelkoul	Simoneau	Swanson	Wieser	
Scheid	Skoglund	Tomlinson	Wigley	
Schulz	Smogard	Vanasek	Williamson	

The bill was passed and its title agreed to.

H. F. No. 1630 was reported to the House.

McCarron moved to amend H. F. No. 1630, as follows:

Page 5, after line 16, insert a new section:

“Sec. 7. The section of law enacted at the 1977 session of the legislature known as H. F. No. 384, Section 6, is repealed effective retroactively to the effective date of H. F. No. 384.”.

Page 5, line 17, delete “and” and insert a comma, and after “6” insert “and 7”.

Renumber the sections accordingly.

The motion prevailed and the amendment was adopted.

H. F. No. 1630, A bill for an act relating to claims against the state; appropriating money for the payment thereof; establishing procedures for consideration of certain claims.

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 119 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Ewald	Kahn	McEachern
Adams	Carlson, L.	Faricy	Kaley	Metzen
Albrecht	Casserly	Fjoslien	Kelly, R.	Moe
Anderson, B.	Clark	Forsythe	Kempe, A.	Munger
Anderson, G.	Clawson	Friedrich	Kempe, R.	Murphy
Anderson, I.	Cohen	Fudro	King	Neisen
Anderson, R.	Corbid	Fugina	Knickerbocker	Nelsen, B.
Arlandson	Cummiskey	George	Kostohryz	Nelsen, M.
Battaglia	Dahl	Gunter	Kroening	Nelson
Beauchamp	Dean	Hanson	Laidig	Niehau
Begich	Den Ouden	Heinitz	Langseth	Norton
Berg	Eckstein	Hokanson	Lemke	Novak
Berglin	Eken	Jacobs	Mangan	Osthoff
Berkelman	Ellingson	Jaros	Mann	Patton
Birnstihl	Erickson	Jensen	McCarron	Pehler
Brandl	Esau	Johnson	McCollar	Peterson
Byrne	Evans	Jude	McDonald	Petrafses

Prahl	Schulz	Skoglund	Tomlinson	Wieser
Reding	Searle	Smogard	Vanasek	Wigley
Rose	Searles	Spanish	Voss	Williamson
St. Onge	Sherwood	Stanton	Waldorf	Wynia
Sarna	Sieben, H.	Stoa	Welch	Zubay
Savelkoul	Sieben, M.	Suss	Wenzel	Speaker Sabo
Scheid	Simoneau	Swanson	White	

Those who voted in the negative were:

Kvam

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

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. Nos. 506, 928, 1175, 223, 626, 709, 1029 and 1309.

S. F. No. 506, A bill for an act relating to taxation; extending the tax credit for feedlot pollution control equipment and providing for a carryover of the credit from one year to another; amending Minnesota Statutes 1976, Section 290.06, Subdivision 9a.

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 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kahn	Nelsen, B.	Simoneau
Adams	Dean	Kaley	Nelsen, M.	Skoglund
Albrecht	Den Ouden	Kelly, R.	Nelson	Smogard
Anderson, B.	Eckstein	Kelly, W.	Niehaus	Spanish
Anderson, G.	Eken	Kempe, A.	Norton	Stanton
Anderson, I.	Ellingson	Kempe, R.	Novak	Stoa
Anderson, R.	Erickson	King	Osthoff	Suss
Arlandson	Esau	Knickerbocker	Patton	Swanson
Battaglia	Ewald	Kostohryz	Pehler	Tomlinson
Beauchamp	Faricy	Kroening	Peterson	Vanasek
Berg	Fjoslien	Kvam	Petrafeso	Voss
Berglin	Forsythe	Laidig	Prahl	Waldorf
Berkelman	Friedrich	Langseth	Reding	Welch
Biersdorf	Fudro	Lehto	Rice	Wenzel
Birnstihl	Fugina	Lemke	Rose	White
Brandl	George	Mangan	St. Onge	Wieser
Byrne	Gunter	Mann	Sarna	Wigley
Carlson, D.	Hanson	McCarron	Savelkoul	Williamson
Carlson, L.	Heinitz	McCollar	Scheid	Wynia
Casserly	Hokanson	McDonald	Schulz	Zubay
Clark	Jacobs	McEachern	Searle	Speaker Sabo
Clawson	Jaros	Metzen	Searles	
Cohen	Jensen	Munger	Sherwood	
Corbid	Johnson	Murphy	Sieben, H.	
Cummiskey	Jude	Neisen	Sieben, M.	

Those who voted in the negative were:

Moe

The bill was passed and its title agreed to.

S. F. No. 928, A bill for an act relating to taxation; altering the requirements for claiming withholding exemptions; amending Minnesota Statutes 1976, Section 290.92, Subdivision 5.

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

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

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Moe	Searles
Adams	Cummiskey	Jude	Munger	Sherwood
Albrecht	Dahl	Kahn	Murphy	Sieben, H.
Anderson, B.	Dean	Kaley	Neisen	Sieben, M.
Anderson, G.	Den Ouden	Kalis	Nelsen, B.	Simoneau
Anderson, I.	Eckstein	Kelly, R.	Nelsen, M.	Skoglund
Anderson, R.	Eken	Kelly, W.	Nelson	Smogard
Arlandson	Ellingson	Kempe, A.	Niehaus	Spanish
Battaglia	Erickson	Kempe, R.	Norton	Stanton
Beauchamp	Evans	King	Novak	Stoa
Begich	Ewald	Knickerbocker	Osthoff	Suss
Berg	Faricy	Kostohryz	Patton	Swanson
Berglin	Fjoslien	Kroening	Pehler	Tomlinson
Berkelman	Forsythe	Kvam	Peterson	Vanasek
Biersdorf	Friedrich	Laidig	Petrafeso	Voss
Birnstihl	Fudro	Langseth	Prahl	Waldorf
Brandl	Fugina	Lehto	Reding	Welch
Byrne	George	Lemke	Rice	Wenzel
Carlson, A.	Gunter	Mangan	Rose	White
Carlson, D.	Hanson	Mann	St. Onge	Wieser
Carlson, L.	Heinitz	McCarron	Sarna	Wigley
Casserly	Hokanson	McCollar	Savelkoul	Williamson
Clark	Jacobs	McDonald	Scheid	Wynia
Clawson	Jaros	McEachern	Schulz	Zubay
Cohen	Jensen	Metzen	Searle	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 1175, A bill for an act relating to taxation; exempting probate deeds of distribution from conveyance recording requirements; amending Minnesota Statutes 1976, Section 272.12.

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:

Abeln	Corbid	Johnson	Munger	Sherwood
Adams	Cummiskey	Jude	Murphy	Sieben, H.
Albrecht	Dahl	Kahn	Neisen	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, B.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelsen, M.	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Nelson	Smogard
Anderson, I.	Eken	Kelly, W.	Niehaus	Spanish
Anderson, R.	Ellingson	Kempe, A.	Norton	Stanton
Arlandson	Erickson	Kempe, R.	Novak	Stoa
Battaglia	Esau	King	Osthoff	Suss
Beauchamp	Evans	Knickerbocker	Patton	Swanson
Begich	Ewald	Kostohryz	Pehler	Tomlinson
Berg	Faricy	Kroening	Peterson	Vanasek
Berglin	Fjoslien	Kvam	Petrafeso	Voss
Berkelman	Forsythe	Laidig	Pleasant	Waldorf
Biersdorf	Friedrich	Langseth	Prahl	Welch
Birnstihl	Fudro	Lehto	Reding	Wenzel
Brandl	Fugina	Lemke	Rice	White
Byrne	George	Mangan	Rose	Wieser
Carlson, A.	Gunter	Mann	St. Onge	Wigley
Carlson, D.	Hanson	McCarron	Sarna	Williamson
Carlson, L.	Heinitz	McCollar	Savelkoul	Wynia
Casserly	Hokanson	McDonald	Scheid	Zubay
Clark	Jacobs	McEachern	Schulz	Speaker Sabo
Clawson	Jaros	Metzen	Searle	
Cohen	Jensen	Moe	Searles	

The bill was passed and its title agreed to.

S. F. No. 223, A bill for an act relating to deaf persons; providing that deaf persons with guide dogs have the same rights and protection as blind persons with guide dogs; defining as a deductible medical expense the cost, feeding and maintenance expenses of guide dogs; amending Minnesota Statutes 1976, Sections 256C.02; 256C.025, Subdivision 4; 256C.03; 290.09, Subdivision 10; and 327.095.

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:

Abeln	Begich	Casserly	Ellingson	George
Adams	Berg	Clark	Erickson	Gunter
Albrecht	Berglin	Clawson	Esau	Hanson
Anderson, B.	Berkelman	Cohen	Evans	Heinitz
Anderson, D.	Biersdorf	Corbid	Ewald	Hokanson
Anderson, G.	Birnstihl	Cummiskey	Faricy	Jacobs
Anderson, I.	Brandl	Dahl	Fjoslien	Jaros
Anderson, R.	Byrne	Dean	Forsythe	Jensen
Arlandson	Carlson, A.	Den Ouden	Friedrich	Johnson
Battaglia	Carlson, D.	Eckstein	Fudro	Jude
Beauchamp	Carlson, L.	Eken	Fugina	Kahn

Kaley	Mangan	Norton	Scheid	Tomlinson
Kalis	Mann	Novak	Schulz	Vanasek
Kelly, R.	McCarron	Osthoff	Searle	Voss
Kelly, W.	McCollar	Patton	Searles	Waldorf
Kempe, A.	McDonald	Pehler	Sherwood	Welch
Kempe, R.	McEachern	Peterson	Sieben, H.	Wenzel
King	Metzen	Petrafeso	Sieben, M.	White
Knickerbocker	Moe	Pleasant	Simoneau	Wieser
Kostohryz	Munger	Prahl	Skoglund	Wigley
Kroening	Murphy	Reding	Smogard	Williamson
Kvam	Neisen	Rice	Spanish	Wynia
Laidig	Nelsen, B.	Rose	Stanton	Zubay
Langseth	Nelsen, M.	St. Onge	Stoa	Speaker Sabo
Lehto	Nelson	Sarna	Suss	
Lemke	Niehaus	Savelkoul	Swanson	

The bill was passed and its title agreed to.

S. F. No. 626, A bill for an act relating to taxation; providing for reduced assessment classification of certain resort property; amending Minnesota Statutes 1976, Section 273.13, Subdivisions 4 and 6.

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:

Abeln	Corbid	Jensen	Neisen	Sieben, M.
Adams	Cummiskey	Johnson	Nelsen, B.	Simoneau
Albrecht	Dahl	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kahn	Nelson	Smogard
Anderson, D.	Den Ouden	Kaley	Niehaus	Spanish
Anderson, G.	Eckstein	Kalis	Norton	Stanton
Anderson, I.	Eken	Kelly, R.	Novak	Stoa
Anderson, R.	Ellingson	Kelly, W.	Osthoff	Suss
Arlandson	Erickson	Kempe, A.	Patton	Swanson
Battaglia	Esau	Kempe, R.	Pehler	Tomlinson
Beauchamp	Evans	Knickerbocker	Peterson	Vanasek
Begich	Ewald	Kostohryz	Petrafeso	Voss
Berg	Faricy	Kroening	Pleasant	Waldorf
Berglin	Fjoslien	Kvam	Prahl	Welch
Berkelman	Forsythe	Langseth	Reding	Wenzel
Biersdorf	Friedrich	Lehto	Rice	White
Birnstihl	Fudro	Lemke	Rose	Wieser
Brandl	Fugina	Mangan	St. Onge	Wigley
Byrne	George	Mann	Sarna	Williamson
Carlson, A.	Gunter	McCarron	Savelkoul	Wynia
Carlson, D.	Hanson	McCollar	Scheid	Zubay
Carlson, L.	Haugerud	McDonald	Schulz	Speaker Sabo
Cassery	Heinitz	McEachern	Searle	
Clark	Hokanson	Metzen	Searles	
Clawson	Jacobs	Munger	Sherwood	
Cohen	Jaros	Murphy	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 709, A bill for an act relating to the Hennepin county municipal court; clarifying fee exclusions for governmental units; amending Minnesota Statutes 1976, Section 488A.03, Subdivision 11a.

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 115 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jacobs	McDonald	Searles
Adams	Cummiskey	Jaros	Metzen	Sherwood
Albrecht	Dahl	Jensen	Munger	Sieben, H.
Anderson, B.	Den Ouden	Johnson	Murphy	Sieben, M.
Anderson, D.	Eckstein	Jude	Neisen	Simoneau
Anderson, G.	Eken	Kahn	Nelsen, B.	Smogard
Anderson, I.	Ellingson	Kaley	Nelsen, M.	Spanish
Anderson, R.	Erickson	Kalis	Nelson	Stanton
Arlandson	Esau	Kelly, W.	Niehaus	Stoa
Battaglia	Evans	Kempe, A.	Norton	Suss
Beauchamp	Ewald	Kempe, E.	Novak	Swanson
Begich	Faricy	King	Patton	Tomlinson
Berkelman	Fjoslien	Knickerbocker	Peterson	Vanasek
Biersdorf	Forsythe	Kostohryz	Petrafaso	Voss
Birnstihl	Friedrich	Kvam	Prahl	Waldorf
Brandl	Fudro	Laidig	Reding	Welch
Brinkman	Fugina	Langseth	Rose	Wenzel
Byrne	George	Lehto	St. Onge	White
Carlson, D.	Gunter	Lemke	Samuelson	Wieser
Carlson, L.	Hanson	Mangan	Savelkoul	Wigley
Casserly	Haugerud	Mann	Scheid	Williamson
Clawson	Heinitz	McCarron	Schulz	Wynia
Cohen	Hokanson	McCollar	Searle	Zubay

Those who voted in the negative were:

Berg	Clark	Kroening	Pehler	Skoglund
Berglin	Dean	McEachern	Rice	
Carlson, A.	Kelly, R.	Osthoff	Sarna	

The bill was passed and its title agreed to.

S. F. No. 1029 was reported to the House.

Erickson moved to amend S. F. No. 1029, as follows:

Page 5, line 31, after "*petition*" insert "*or who prior to the effective date of this act has signed a petition for such a district,*".

Page 6, line 8, after "*petition*" insert "*, or the petition was signed prior to the effective date of this act*".

The motion prevailed and the amendment was adopted.

White moved to amend S. F. 1029 as follows:

Page 16, after line 18, insert the following:

"Sec. 15. Minnesota Statutes 1976, Section 375.18, Subdivision 9, is amended to read:

Subd. 9. [COUNTY FAIRS, PURCHASE OR CONDEMNATION OF LANDS.] Each county board may purchase or condemn land with such improvements, if any, as may be thereon, for the purpose of holding thereon agricultural fairs and exhibitions and appropriate money in payment therefor, not exceeding the sum of \$5,000, and such county board may purchase or condemn land for holding such fairs and exhibitions thereon and appropriate money in payment therefor in excess of the sum of \$5,000 when authorized so to do by a vote of the people; accept and receive a donation or donations to be used to obtain lands for the purpose of holding thereon agricultural fairs and exhibitions and in such case and for such purpose, without being authorized by a vote of the people, to purchase or condemn lands not exceeding in value the amount of such donation or donations; improve and erect structures thereon, for which purpose they may receive donations of money, materials or labor; and lease such land from time to time to agricultural and other societies of similar nature and establish reasonable rules and regulations under which such land may be used by all such societies in the county; provided, that all structures and improvements made on such land by societies using the same shall belong to the county.

(All proceedings for the condemnation of such lands shall be had under the provisions of chapter 117.)

*Notwithstanding section 375.18, upon majority vote of the Dakota county board, the Dakota county board may spend up to but not to exceed \$240,000 for the purposes of payment for property needed for expansion of the Dakota county fairgrounds. This provision expires January 1, 1978."*

Renumber the remaining sections.

Further amend the title:

Line 11, after the semicolon, insert "375.18, Subdivision 9;"

The motion prevailed and the amendment was adopted.

S. F. No. 1029, A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding

a subdivision; 116A.02, by adding a subdivision; 116A.09; 116A.-11, Subdivision 4; 116A.12, by adding a subdivision; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivisions 1, 2 and 3.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Metzen	Searle
Adams	Corbid	Jensen	Moe	Searles
Albrecht	Cummiskey	Johnson	Munger	Sherwood
Anderson, B.	Dahl	Jude	Murphy	Sieben, H.
Anderson, D.	Dean	Kahn	Neisen	Sieben, M.
Anderson, G.	Den Ouden	Kaley	Nelsen, B.	Simoneau
Anderson, I.	Eckstein	Kalis	Nelson	Skoglund
Anderson, R.	Eken	Kelly, R.	Niehaus	Smogard
Arlandson	Ellingson	Kelly, W.	Norton	Spanish
Battaglia	Erickson	Kempe, A.	Novak	Stanton
Beauchamp	Esau	Kempe, R.	Osthoff	Stoa
Begich	Evans	King	Patton	Suss
Berg	Ewald	Knickerbocker	Pehler	Swanson
Berglin	Farcy	Kostohryz	Peterson	Tomlinson
Berkelman	Fjoslien	Kroening	Petrafeso	Vanasek
Biersdorf	Forsythe	Kvam	Pleasant	Voss
Birnstihl	Friedrich	Laidig	Prahl	Waldorf
Brandl	Fudro	Langseth	Reding	Welch
Brinkman	Fugina	Lehto	Rice	White
Byrne	George	Lemke	Rose	Wieser
Carlson, A.	Gunter	Mangan	St. Onge	Wigley
Carlson, D.	Hanson	Mann	Samuelson	Williamson
Carlson, L.	Haugerud	McCarron	Sarna	Wynia
Casserly	Heinitz	McCollar	Savelkoul	Zubay
Clark	Hokanson	McDonald	Scheid	Speaker Sabo
Clawson	Jacobs	McEachern	Schulz	

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

S. F. No. 1309 was reported to the House.

Kempe, A., moved to amend S. F. No. 1309, as follows:

Page 8, line 28, delete "1977" insert "1978".

The motion prevailed and the amendment was adopted.

S. F. No. 1309, A bill for an act relating to tax-forfeited land; providing time limitations for bringing actions; providing procedures for settling tax titles; amending Minnesota Statutes 1976, Section 284.28; and Chapter 541, by adding a section; repealing Minnesota Statutes 1976, Sections 280.34; 284.09 and 284.22.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Neisen	Sieben, M.
Adams	Cummiskey	Johnson	Nelsen, B.	Simoneau
Albrecht	Dahl	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kahn	Nelson	Smogard
Anderson, D.	Den Ouden	Kaley	Niehaus	Spanish
Anderson, I.	Eckstein	Kalis	Norton	Stanton
Anderson, R.	Eken	Kempe, A.	Novak	Stoa
Arlandson	Ellingson	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	King	Patton	Swanson
Beauchamp	Esau	Knickerbocker	Pehler	Tomlinson
Begich	Evans	Kostohryz	Peterson	Vanasek
Berg	Ewald	Kroening	Petraieso	Voss
Berglin	Faricy	Kvam	Pleasant	Waldorf
Berkelman	Fjoslien	Laidig	Reding	Welch
Biersdorf	Forsythe	Langseth	Rice	Wenstrom
Birnstihl	Friedrich	Lehto	Rose	Wenzel
Brandl	Fudro	Lemke	St. Onge	White
Brinkman	Fugina	Mangan	Samuelson	Wieser
Byrne	George	Mann	Sarna	Wigley
Carlson, A.	Gunter	McCarron	Savelkoul	Williamson
Carlson, D.	Hanson	McDonald	Scheid	Wynia
Carlson, L.	Haugerud	McEachern	Schulz	Zubay
Casserly	Heinitz	Metzen	Searle	Speaker Sabo
Clark	Hokanson	Moe	Searles	
Clawson	Jacobs	Munger	Sherwood	
Cohen	Jaros	Murphy	Sieben, H.	

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

Norton from the Committee on Appropriations to which was referred:

H. F. No. 68, A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivision 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16.

Reported the same back with the following amendments:

Page 2, line 13, delete "*continue to*".

Page 2, line 13, after the period insert "*The initial three terms to be filled pursuant to this act will expire on the first Monday in January in the following years: 1979, 1981, and 1983.*".

Page 4, line 28, strike "judge" and insert "judges".

Page 4, line 29, strike "having for the time being the longest record of then".

Page 4, line 30, strike "continuous service as such".

Page 4, line 30, strike "be" and insert "*choose a*".

Page 4, line 32, strike "In case the periods".

Page 5, strike line 1.

Page 5, line 2, strike "shall choose between them".

Page 5, line 2, after "The" insert "*chief judge of the*".

Page 5, line 3, delete "an" and insert "*one of the judges to serve as the*".

Page 5, line 4, strike "its" and insert "*the court's*"; strike "it" and insert "*the administrator*"; strike "a deputy".

Page 5, line 5, delete "*administrator*" and strike "and other necessary" and insert "*up to two*".

Page 5, line 5, after the period insert "*The judge who is appointed the administrator may delegate his duties as administrator to the employees whom he has appointed and may select one employee to act in his place as the administrator.*".

Pages 25 and 26, delete all of section 30 and insert:

"Sec. 30. [APPROPRIATION.] *Subdivision 1. The sums set forth in this section are appropriated from the general fund to the agencies indicated for increased costs of general operations and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.*

	1978	1979
Subd. 2. Tax Court	\$208,000	\$203,500

*The approved complement of the tax court is increased by the following number of persons. 1978 — 4”.*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 757, A bill for an act relating to health; establishing a health program for pre-school children; providing for reimbursement to school districts; appropriating money.

Reported the same back with the following amendments:

Page 1, line 18, delete “at least”.

Page 2, line 16, delete “by the school board and the school board”.

Page 2, delete line 17.

Page 2, line 18, delete “treatment” and insert “of the condition and the school board shall ensure that an appropriate follow-up and referral process are available,”.

Page 2, line 22, delete “To the extent possible,”.

Page 2, line 23, delete “attempt to” and “existing”.

Page 3, line 21, delete “health”.

Page 3, line 22, delete “for” and insert “to meet the individual needs of”.

Page 3, line 22, delete “their families” and insert “designing appropriate health education programs for the district”.

Page 3, line 30, delete “\$24” and insert “\$22”.

Page 4, line 19, delete “650,000” and “1,200,000” and insert “390,000” and “660,000”.

Page 4, line 20, delete “97,395” and “106,895” and insert “50,000” and “58,000”.

Page 4, line 27, delete "3" and insert "1".

Page 4, line 28, delete "persons" and insert "clerical position".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1252, A bill for an act relating to the Minnesota state water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 73, A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 15, the terms defined in this section have the meanings given them.

Subd. 2. "Weather modification" means any activity performed in connection with placing or attempting to place any substance in the atmosphere or clouds within the atmosphere, including fog, with the intention of and for the purpose of producing artificial changes in the composition, motions, and resulting behavior of the atmosphere or clouds within the atmosphere, including fog.

Subd. 3. "Person" means any person, firm, association, organization, partnership, company, corporation, private or public, county, city, trust or other public agency.

Subd. 4. "Operation" means the performance of weather modification activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year.

Subd. 5. "Commissioner" means the commissioner of agriculture.

Sec. 2. [SOVEREIGN RIGHT CLAIMED BY STATE.] It is declared that the state of Minnesota claims its sovereign right to use for the best interest of its residents the moisture contained in the clouds and atmosphere within its sovereign state boundaries.

Sec. 3. [COMMISSIONER; POWERS AND DUTIES.]  
Subdivision 1. [POWERS.] The commissioner of agriculture may:

(a) pursuant to Minnesota Statutes, Chapter 15, adopt rules necessary to implement the license and permit program established pursuant to sections 1 to 15;

(b) enter into contracts or memoranda of agreement and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any private grant intended for the administration of sections 1 to 15;

(c) cooperate with other states to jointly carry out research and planning in weather modification;

(d) advise persons, groups, and local units of government on weather modification and distribute informational material relating to weather modification and review and comment on all county programs of weather modification; and

(e) carry on research related to weather modification including evaluation of the effects of weather modification activities within the state by staff members, or by contract. Evaluation of weather modification programs shall, if practical and within limits of available funding, include components of economic and environmental analysis which delineate the economic and environmental implications of the programs.

Subd. 2. [DUTIES.] The commissioner of agriculture shall:

(a) utilize to the extent possible the facilities and technical resources of public and private institutions in the state;

(b) by rule adopted pursuant to Minnesota Statutes, Chapter 15, require persons engaged in weather modification to submit reports of their activities and operations and any other information deemed necessary;

(c) on or before January 15 of each year, submit a report to the legislature and governor describing the weather modification operations within the state during the preceding year and the social, economic and environmental impact of the operations. The report shall also include recommendations for legislative action and any other information useful to the legislature.

**Sec. 4. [COUNTY PROGRAMS OF WEATHER MODIFICATION.]** Counties may, only after approval of the commissioner and subject to the requirements of sections 1 to 15, conduct programs of weather modification and levy taxes therefor, not in excess of limitations provided by law. Counties may participate in and conduct programs with the state or jointly with other states. No program may be conducted within the county without prior approval by the county board.

**Sec. 5. [LICENSES.]** Subdivision 1. No person shall engage in weather modification without a license issued by the commissioner. Applications for weather modification licenses shall be on forms prescribed and furnished by the commissioner. The commissioner shall issue licenses only to applicants who demonstrate good character, adequate education and sufficient competence in the field of meteorology and cloud physics to engage in weather modification and who pay a fee of \$100. If the applicant is an organization, the competence must be demonstrated by the individuals who are to supervise and conduct the weather modification. The license shall be valid for one year. The commissioner may waive the license fee in situations he deems appropriate.

Subd. 2. The commissioner may renew a license annually if the applicant has the qualifications necessary for issuance of an original license and pays a fee of \$100.

Subd. 3. The moneys collected as fees shall be deposited with the state treasurer in the general fund.

**Sec. 6. [SUSPENSION; REVOCATION; REFUSAL TO RENEW LICENSE.]** The commissioner may, subject to the provisions of chapter 15, suspend, revoke or refuse to renew a license for any one or any combination of the following causes:

- (1) Incompetency;
- (2) Dishonest practice;
- (3) False or fraudulent representation in obtaining a license or permit under sections 1 to 15 or rules promulgated thereunder;
- (4) Failure to comply with any of the provisions of sections 1 to 15 or of rules promulgated thereunder; or

(5) Aiding other persons who fail to comply with any of the provisions of sections 1 to 15 or rules promulgated thereunder.

**Sec. 7. [INVESTIGATION.]** The commissioner may investigate any operation or research and development activities of any person applying for a license and of any person holding or claiming to hold a license or permit.

**Sec. 8. [PERMITS.]** Subdivision 1. No person shall conduct an operation without a permit issued by the commissioner. Applications for permits shall be on forms prescribed and furnished by the commissioner. Permits shall be issued only to applicants who hold a valid weather modification license, pay a fee of \$100 and furnish proof of financial responsibility pursuant to subdivision 2. Prior to conducting an operation, the permittee shall publish notice of the operation as the commissioner shall require and shall give written notice to the county boards of the counties over which the operation is to be conducted and counties contiguous thereto. The permit shall be valid for one year or until the operation terminates, whichever first occurs.

**Subd. 2.** The applicant shall demonstrate to the satisfaction of the commissioner that he has the ability to respond to damages for liability which might reasonably result from the operation for which the permit is sought.

**Subd. 3.** The fees collected for permits shall be deposited with the state treasurer in the general fund.

**Subd. 4.** To the extent the commissioner deems necessary, emergency weather modification operations for the purpose of controlling fire, frost, sleet, hail, fog, or wind shall be exempt from the permit requirements.

**Subd. 5.** The commissioner may renew a permit annually if the applicant has the qualifications necessary for issuance of an original permit and pays a fee of \$100.

**Sec. 9. [SUSPENSION; REVOCATION AND REFUSAL TO RENEW PERMIT.]** Subdivision 1. The commissioner may, subject to chapter 15, suspend or revoke a permit if it appears that the permittee no longer has the qualifications necessary for the issuance of an original permit or has violated any provision of sections 1 to 15 or of any rules promulgated thereunder.

**Subd. 2.** The commissioner may, subject to chapter 15, refuse to renew a permit if it appears from the operational records and reports of the permittee that an original permit would not be issuable for the operation, or if the permittee has violated any provision of sections 1 to 15 or of any rules promulgated thereunder.

Sec. 10. [MODIFICATION OF PERMIT.] Subdivision 1. The commissioner may revise the conditions and limits of a permit if:

(a) The permittee is given notice and a hearing, pursuant to chapter 15, on whether there is a need for the revision and the commissioner finds that a modification of the conditions and limits of a permit is necessary to protect the public health, safety or welfare, or the environment.

(b) If it appears to the commissioner that an emergency situation exists or is impending which could endanger the public safety, health or welfare, or the environment, the commissioner may, without prior notice or a hearing, immediately modify the conditions and limits of a permit, or order temporary suspension of the permit. The order shall include notice of a hearing to be held pursuant to chapter 15 within ten days thereafter on the question of permanently modifying the conditions and limits, continuing the suspension of the permit, removing the changes or lifting the suspension.

Subd. 2. Failure to comply with an order temporarily suspending an operation or modifying the conditions and limits of a permit shall be grounds for immediate revocation of the permit and of the license of the person controlling the operation.

Subd. 3. The permittee shall notify the commissioner of any emergency which can reasonably be foreseen, or of any existing emergency situations which might be caused or affected by the operation. Failure by the permittee to so notify the commissioner may be grounds, at the discretion of the commissioner, for revocation of the permit and of the license of the person controlling the operation.

Sec. 11. [PENALTY FOR VIOLATIONS.] Any person violating any of the provisions of sections 1 to 15 or of any rule promulgated thereunder is guilty of a misdemeanor, and each day such violation continues constitutes a separate offense.

Sec. 12. [JUDICIAL REVIEW.] All final administrative decisions of the commissioner are subject to judicial review pursuant to the provisions of Minnesota Statutes, Chapter 15. The proceedings for judicial review shall be commenced in the district court of the county in which the party applying for review resides. If such party is not a resident of Minnesota, the venue shall be in the district court of Ramsey county.

Sec. 13. [IMMUNITY.] Nothing in sections 1 to 15 shall be construed to impose on the state, or its officers and employees any responsibility or liability for any injury caused by activities undertaken under sections 1 to 15 by persons granted licenses or permits under sections 1 to 15 or exempt from the permit requirement.

Sec. 14. [LIABILITY.] Subdivision 1. An operation or research and development activity conducted under the license and permit requirements of sections 1 to 15 or exempt from them is not an ultrahazardous or an abnormally dangerous activity.

Subd. 2. Dissemination of weather modification agents into the atmosphere or clouds within the atmosphere, including fog, by a licensee or a person exempt from the license and permit requirements of sections 1 to 15, acting within the scope of the permit or exemption, shall not in itself give rise to a cause of action.

Subd. 3. Except as expressly provided in sections 1 to 15, nothing in sections 1 to 15 shall prevent any person adversely affected by a weather modification operation or research and development activity from recovering damages resulting from intentional harmful actions or negligent conduct by a person conducting the weather modification operation or research and development activity.

Subd. 4. Failure to obtain a license and permit, when required by sections 1 to 15, before conducting an operation or operational activities when one knows the operation or activities constitute a violation of the conditions or limits of permits, shall constitute negligence per se and shall give rise to liability for all harm caused thereby.

Subd. 5. Other than in legal actions charging failure to obtain a license and permit, the fact that a person holds a license or was issued a permit under sections 1 to 15, or that a person has complied with the rules made by the commissioner pursuant to sections 1 to 15, is not admissible as a defense in any legal action which may be brought under this section against such person.

Sec. 15. [INJUNCTION.] The commissioner may, in addition to the other remedies provided in sections 1 to 15, apply to a district court having venue and jurisdiction, for an injunction to restrain repetitious violations of the provisions of sections 1 to 15 and of any rule promulgated thereunder.

Sec. 16. [APPROPRIATION.] There is appropriated from the general fund to the commissioner the sum of \$100,000 for the biennium ending June 30, 1979 for administrative expenses incurred in fulfilling the provisions of this act.

Sec. 17. [EFFECTIVE DATE.] Section 4 of this act is effective on the day following its final enactment. Sections 1 to 3 and sections 5 to 16 are effective January 1, 1978."

Further amend by striking the title in its entirety and substituting the following :

"A bill for an act relating to weather modification; prescribing powers and duties for the commissioner of agriculture; providing for weather modification research; requiring the obtaining of licenses and permits prior to engaging in weather modification; prescribing penalties; appropriating money."

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 311, A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; providing for the compensation of certain judges upon compliance with certain provisions of the law; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; 487, by adding a section; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.23; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; 490.124, Subdivision 7; and Chapters 530; 531; 532; and 633.

Reported the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 2.722, is amended to read:

2.722 [JUDICIAL DISTRICTS.] *Subdivision 1.* [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts two or more judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley; five judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 12 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; six judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 19 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; five judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; six judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; four judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; three judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; six judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; six judges; and permanent chambers

shall be maintained in Anoka, Stillwater, and such other places as may be designated by the chief judge of the district.

*Subd. 2. [ALTERING BOUNDARIES.] The supreme court, with the consent of a majority of the chief judges of the several may alter the boundaries or change the number of judicial districts, except the second and fourth.*

Sec. 2. Minnesota Statutes 1976, Section 2.724, is amended to read:

2.724 [CHIEF JUSTICE OF SUPREME COURT, DUTIES.] Subdivision 1. When public convenience and necessity require it, the chief justice of the supreme court may assign any judge of (THE DISTRICT) *any* court to serve and discharge the duties of judge of any (OTHER) *court in a judicial* district not his own at such times as the chief justice may determine. *A judge may appeal his assignment to the supreme court. The appeal shall be decided before the assignment is effective. A transferred judge shall be subject to the assignment powers of the chief judge of the judicial district to which he is transferred.*

Subd. 2. To promote and secure more efficient administration of justice, the chief justice of the supreme court of the state shall supervise and coordinate the work of the (DISTRICT) courts of the state. The supreme court may provide by rule that the chief justice not be required to write opinions as a member of the supreme court. Its rules may further provide for it to hear and consider cases in divisions, and it may by rule assign temporarily any retired justice of the supreme court or one district judge at a time to act as a justice of the supreme court. Upon the assignment of a district judge to act as a justice of the supreme court a district judge previously acting as a justice may continue to so act to complete his duties. Any number of justices may disqualify themselves from hearing and considering a case, in which event the supreme court may assign temporarily a retired justice of the supreme court or a district judge to hear and consider the case in place of each disqualified justice. At any time that a retired justice is acting as a justice of the supreme court under this section, he shall receive, in addition to his retirement pay, such further sum, to be paid out of the general fund of the state, as shall afford him the same salary as an associate justice of the supreme court.

Subd. 3. (WHEN PUBLIC CONVENIENCE AND NECESSITY REQUIRE IT, THE CHIEF JUSTICE OF THE SUPREME COURT MAY ASSIGN ANY MUNICIPAL JUDGE OF THE STATE TO SERVE AND DISCHARGE THE DUTIES OF A MUNICIPAL JUDGE IN ANY OTHER MUNICIPALITY NOT HIS OWN, AT SUCH TIMES AS THE CHIEF JUSTICE MAY DETERMINE. ANY MUNICIPALITY

SO SERVED BY A MUNICIPAL JUDGE OTHER THAN ITS OWN SHALL PAY SUCH JUDGE ALL SUMS FOR TRAVEL, MEALS, LODGING AND COMMUNICATIONS NECESSARILY PAID OR INCURRED BY HIM AS A RESULT OF SUCH ASSIGNMENT TOGETHER WITH THE PER DIEM PAYMENT SPECIFIED FOR A SPECIAL JUDGE OF A MUNICIPAL COURT BY SECTION 488.22, SUBDIVISION 1.)

(SUBD. 4.) The chief justice of the supreme court may assign a retired justice of the supreme court to act as a justice of the supreme court pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a retired judge of (THE DISTRICT) *any* court to act as a judge of (THE DISTRICT) *any* court (IN ANY JUDICIAL DISTRICT OR ANY OTHER COURT) except the supreme court. (THE CHIEF JUSTICE MAY ASSIGN ANY OTHER RETIRED JUDGE TO ACT AS A JUDGE OF ANY COURT WHOSE JURISDICTION IS NOT GREATER THAN THE JURISDICTION OF THE COURT FROM WHICH HE RETIRED. UNLESS OTHERWISE PROVIDED BY LAW,) A judge acting pursuant to this subdivision shall receive pay and expenses in the amount and manner provided by law for (ACTIVELY SERVING RETIRED DISTRICT) judges *serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving.* (A JUDGE ACTING PURSUANT TO THIS SUBDIVISION OR ANY OTHER LAW PROVIDING FOR THE SERVICE OF RETIRED JUDGES SHALL BE PAID ONLY HIS EXPENSES FOR SERVICE PERFORMED WHILE STILL RECEIVING THE FULL PAY OF THE OFFICE FROM WHICH HE RETIRED.)

*Subd. 4. The chief justice shall exercise general supervisory powers over the courts in the state, including:*

*(a) Supervising the courts' financial affairs, programs of continuing education for judicial and nonjudicial personnel and planning and operations research;*

*(b) Serving as chief representative of the court system and as liaison with other governmental agencies for the public; and*

*(c) Supervising the administrative operations of the courts. The chief justice may designate individual judges and committees of judges to assist him in the performance of his duties.*

Sec. 3. Minnesota Statutes 1976, Section 15A.083, is amended to read:

15A.083 [SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH.] Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

(1) Chief justice of the supreme court	(\$40,000)
	\$52,000
(2) Associate justice of the supreme court	(36,500)
	49,000
(3) District judge, judge of county court (learned in the law), probate court, and municipal court	(32,000)
	42,000
(4) Judge of a county court (not learned in the law)	27,000

(EACH DISTRICT JUDGE SHALL RECEIVE \$1,500 ADDITIONAL ANNUALLY FROM EACH COUNTY IN HIS DISTRICT HAVING A POPULATION OF 200,000 OR MORE, WHEN ANY DISTRICT JUDGE SHALL PRESIDE UPON THE TRIAL OR HEARING OF ANY CAUSE OUTSIDE OF HIS RESIDENT DISTRICT WHEREIN THE DISTRICT JUDGE RECEIVES A LARGER SALARY HE SHALL RECEIVE AN ADDITIONAL COMPENSATION DURING THE PERIOD OF SUCH TRIAL OR HEARING THE DIFFERENCE BETWEEN HIS FIXED COMPENSATION AND THE COMPENSATION OF THE DISTRICT JUDGE OF THE DISTRICT WHERE HE HAS BEEN SO ENGAGED, TO BE PAID BY THE COUNTY WHEREIN THE TRIAL OR HEARING WAS HELD UPON CERTIFICATION OF THE SENIOR RESIDENT DISTRICT JUDGE THEREOF.)

(AN AMOUNT DUE FROM A COUNTY UNDER THIS SUBDIVISION SHALL BE PAID BY THE STATE AND FORTHWITH REIMBURSED BY THE COUNTY.)

Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota . . . (\$29,000) \$42,000.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

*Beginning January 1, 1978, the entire compensation of county, probate and municipal court judges shall be paid by the state.*

*Beginning on July 1, 1977, the salary increases provided in this act for county, probate and municipal judges shall be paid by the state. All payments made pursuant to sections 490.11 and 490.12, subdivision 1, after January 1, 1978, shall be made by the state regardless of whether the payments commenced before or commence after the effective date of this act.*

*Notwithstanding any other provision in this section to the contrary, an increase in compensation provided a district or supreme court judge herein shall not take effect as to any judge of the district court or any justice of the supreme court who served in the district or supreme court prior to July 1, 1967, until that judge who served in the district or supreme court prior to July 1, 1967 and who has not submitted an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106 on or prior to the effective date of this section submits an executed agreement to the executive director in accord with section 490.106.*

**Subd. 3. [RANGES FOR OTHER JUDICIAL POSITIONS.]** Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of the positions for which ranges have been provided shall fix individual salaries under the provisions of section 15A.081, subdivision 2.

Public defender	(\$24,000-30,000)
	\$35,000
District Court administrator	(25,000-32,000)
	25,000-35,000
County attorneys	
council executive director	(18,000-27,500)
	20,400-29,700

**Subd. 4. [TAX COURT OF APPEALS.]** Salaries of judges of the tax court of appeals . . . (\$10,500) \$15,000.

**Subd. 5. [REFEREE SALARIES.]** *Notwithstanding any other law or ordinance to the contrary, no referee or hearing examiner employed by a court in this state shall receive a salary which is in excess of 90 percent of the salary paid a judge of the court by which he is employed.*

**Sec. 4.** Minnesota Statutes 1976, Section 43.43, Subdivision 2, is amended to read:

Subd. 2. "State employee" for the purpose of determining eligibility for the basic life insurance and basic health benefits coverage hereunder means:

(1) An employee in the classified service of the state civil service paid on a state payroll;

(2) An employee in the unclassified service of the state paid on a state payroll who is not excluded from any of the provisions of sections 43.42 to 43.49;

(3) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission;

(4) A judge of the supreme court or an officer or employee of such court; a judge of the district court, *a judge of county court, a judge of municipal court, a judge of probate court*;

(5) A salaried employee of the public employees retirement association;

(6) Full time military or civilian personnel in the unclassified service of the department of military affairs whose salary is paid from state funds;

(7) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(8) An employee of the regents of the University of Minnesota, who is a member of the academic staff with the rank of instructor, research fellow, or above, including a lecturer, serving on not less than 75 percent regular appointment;

(9) An employee of the regents of the University of Minnesota and a member of the civil service staff under the civil service plan, adopted by the university of Minnesota, who is employed on a monthly salaried appointment;

(10) An employee of the state university board or the state board for community colleges who is a member of the academic staff, who is employed for not less than a 75 percent time basis, and who is paid on a state salary payroll; or

(11) An employee of the state university board or the state board for community colleges who is either in the classified service or the unclassified service of the state civil service whose salary is paid from the university board of the state of Minnesota, revenue fund or the university activity fund. The required premium payment of such an employee is to be paid, however, from the fund from which the employee's salary is paid.

(12) A member of the state legislature.

(13) A seasonal employee of the waters, soils and minerals division of the state department of natural resources whose duties include the sampling, weighing or grading of iron ore, taconite, or other minerals; provided that the employee shall receive the benefits provided in sections 43.42 to 43.50, at no cost to the employee for the period in each calendar year when the employee is not working at his occupation, and the premiums therefor shall be paid from the same salary fund or account as the salary of the employee.

(14) A person employed in the state service as a pre-service trainee on a full time basis.

Sec. 5. Minnesota Statutes 1976, Section 43.47, Subdivision 6, is amended to read:

Subd. 6. (A JUDGE OF ANY COURT, AND) An officer or employee thereof except as otherwise provided in section 43.43;

Sec. 6. Minnesota Statutes 1976, Chapter 480, is amended by adding a section to read:

[480.051] [DISCRETIONARY REVIEW.] *The supreme court may, in its discretion, exercise or decline to exercise its appellate jurisdiction in any case or class of cases. Refusal to exercise its appellate jurisdiction shall constitute summary affirmation of the judgment or order appealed from and shall not require written decision.*

Sec. 7. Minnesota Statutes 1976, Section 480.15, is amended by adding a subdivision to read:

*Subd. 10a. The court administrator shall prepare standards and procedures for the recruitment, evaluation, promotion, in-service training and discipline which shall apply to all personnel in the court system other than judges, judicial officers, court reporters and court services officers by January 1, 1979.*

Sec. 8. Minnesota Statutes 1976, Section 480.15, is amended by adding a subdivision to read:

*Subd. 10b. The court administrator shall promulgate and administer uniform requirements concerning records, budget and information systems and statistical compilation and controls for the purpose of performance evaluation.*

Sec. 9. Minnesota Statutes 1976, Section 480.17, is amended to read:

480.17 [JUDGES, CLERKS, OTHER OFFICERS, TO COMPLY WITH REQUESTS OF COURT ADMINISTRATOR.] The judges and clerks of the courts and all other officers, state and local, shall comply with all requests made by the court administrator after approval by the chief justice, for information and statistical data bearing on the state of the dockets of such courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system. *Failure to comply with requests made by the court administrator pursuant to this section is grounds for removal from office by the appointing authority.*

Sec. 10. Minnesota Statutes 1976, Section 480.18, is amended to read:

480.18 [ANNUAL CONFERENCE OF JUDGES; JUDGE'S EXPENSES.] The (SUPREME COURT OF THIS STATE MAY PROVIDE BY RULE OR SPECIAL ORDER FOR THE HOLDING IN THIS STATE OF AN ANNUAL) *chief justice shall call a conference of the judges of the courts of record of this state (, AND OF MEMBERS OF THE RESPECTIVE JUDICIARY COMMITTEES OF THE LEGISLATURE, AND OF INVITED MEMBERS OF THE BAR) at least once each year,* for the consideration of matters relating to judicial business, the improvement of the judicial system, and the administration of justice. Each judge attending such annual judicial conference shall be entitled to be reimbursed for his necessary expenses to be paid from state appropriations made for the purposes of sections 480.13 to 480.20.

Sec. 11. Minnesota Statutes 1976, Chapter 480, is amended by adding a section to read:

[480.22] *The supreme court, with the advice of the judicial conference held pursuant to section 480.18, may establish chambers locations for judges in all courts in the state.*

Sec. 12. Minnesota Statutes 1976, Section 484.08, is amended to read:

484.08 [DISTRICT COURTS TO BE OPEN AT ALL TIMES.] The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays (, FOR THE TRANSACTION OF SUCH BUSINESS AS MAY BE PRESENTED, INCLUDING THE ISSUANCE OF WRITS AND PROCESSES, THE HEARING OF MATTERS OF LAW IN PENDING ACTIONS AND PROCEEDINGS, AND THE ENTRY OF JUDGMENTS AND DECREES THEREIN; AND, IN ADDITION TO THE GENERAL TERMS APPOINTED BY LAW TO BE HELD, WHICH MAY BE ADJOURNED FROM TIME TO TIME, THE JUDGE OF THE DISTRICT

COURT, OR ONE THEREOF IN DISTRICTS OF MORE THAN ONE JUDGE, MAY BY ORDER FILED WITH THE CLERK, CONVENE THE COURT IN ACTUAL SESSION DURING THE VACATION PERIOD ON A DATE NAMED IN THE ORDER, FOR THE TRIAL OF BOTH CIVIL ACTIONS INVOLVING PUBLIC INTEREST AND CRIMINAL ACTIONS, WHENEVER IN HIS JUDGMENT PUBLIC INTERESTS WILL THEREBY BE PROMOTED. WHEN SO CONVENED, THE COURT MAY, BY ORDER ENTERED IN THE MINUTES BY THE CLERK, DIRECT THE ISSUANCE OF SPECIAL VENIRES FOR GRAND AND PETIT JURIES, RETURNABLE ON A NAMED DATE, FOR THE PERFORMANCE OF SUCH DUTIES AS MAY BE SUBMITTED BY THE COURT IN THE USUAL COURSE OF PROCEDURE. CIVIL ACTIONS INVOLVING PUBLIC INTERESTS MAY BE NOTICED FOR TRIAL AT AN ADJOURNED SITTING OF SUCH TERM OCCURRING MORE THAN EIGHT DAYS AFTER THE DATE OF CALLING SAME, AND INFORMATION BY THE COUNTY ATTORNEY CHARGING THE COMMISSION OF CRIMES WITHIN THE COUNTY MAY, AS AUTHORIZED BY LAW, BE PRESENTED AT SUCH TERMS, AND ANY SUCH INFORMATION THEN PRESENTED AND FILED AND ALL INDICTMENTS THEN RETURNED BY THE SPECIAL GRAND JURY SHALL BE PROCEEDED WITH BY THE COURT IN ALL RESPECTS IN HARMONY WITH THE LAW APPLICABLE TO OTHER CASES AND OTHER TERMS OF THE COURT. THE JUDGE OF THE DISTRICT COURT MAY ALSO, BY ORDER FILED WITH THE CLERK, APPOINT SPECIAL TERMS IN ANY COUNTY OF THE DISTRICT FOR THE HEARING OF MATTERS OF LAW). *The term of the court shall be continuous.*

Sec. 13. Minnesota Statutes 1976, Section 484.62, is amended to read:

484.62 [COMPENSATION AND REPORTER.] When such retired judge undertakes such service, he shall be provided at the expense of the county in which he is performing such service with a reporter, selected by such retired judge, clerk, bailiff, if the judge deems a bailiff necessary, and a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county in which such service is rendered and shall be paid in addition to his retirement compensation and not affecting the amount thereof, the sum of \$50 per diem for such additional service, together with travel pay in the (SUM OF NINE CENTS PER MILE) *same amount and manner as other state employees* and his actual expenses incurred in such service, said payment to be made in the same manner as the payment of salaries for district judges, on certification by the presiding or senior judge of the district or by the Chief Judge of the Supreme Court of the state of Minnesota. A deputy clerk may act as bailiff when called to do so for the purposes of this section.

Sec. 14. Minnesota Statutes 1976, Section 485.01, is amended to read:

485.01 [APPOINTMENT; BOND; DUTIES.] (THERE SHALL BE ELECTED IN EACH COUNTY) A clerk of the district court(, WHO) *for each county within the judicial district shall be appointed by a majority of the district court judges in the district, after consulting the county court judges of the affected county court districts. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the (COUNTY BOARD) chief judge, in a penal sum of not less than (\$1,000) \$25,000 nor more than (\$10,000) \$250,000 conditioned for the faithful discharge of his official duties. (IN THE SECOND JUDICIAL DISTRICT THE AMOUNT OF SUCH BOND SHALL BE \$10,000 AND IN THE FOURTH JUDICIAL DISTRICT THE AMOUNT OF SUCH BOND SHALL BE \$25,000, WHICH) The bond, with his oath of office, shall be filed for record with the county recorder. Such clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.*

Sec. 15. Minnesota Statutes 1976, Section 485.018, is amended by adding a subdivision to read:

*Subd. 2a. Upon certification by the court administrator of the supreme court that the clerk of district court has failed to perform any of the duties assigned to him by law or by rule of court, the county board shall withhold the salary of the clerk, and shall not pay the salary until receipt of notice from the court administrator that the clerk has performed the duties assigned to him by law or by rule of court.*

*Nothing in this subdivision shall be construed to prohibit the judges of the district court from removing a clerk of district court from office.*

Sec. 16. Minnesota Statutes 1976, Section 487.01, Subdivision 3, is amended to read:

Subd. 3. The following *combined* probate and county court districts are established: Kittson, Roseau and Lake of the Woods; Marshall, Red Lake and Pennington; Norman(, CLEAR-WATER) and Mahnomen; Cass and Hubbard; Wadena and Todd; Mille Lacs and Kanabec; (WILKIN,) Big Stone and Traverse; (SWIFT AND STEVENS; POPE,) Grant and Douglas; (LAC QUI PARLE, YELLOW MEDICINE AND CHIPPEWA;) Lincoln and Lyon; (MURRAY AND PIPESTONE; JACKSON AND COTTONWOOD;) Rock and Nobles; Dodge and Olmsted; Lake and Cook; (AITKIN AND CARLTON; SIBLEY, MEEKER AND MCLEOD, MARTIN, WATONWAN AND FARIBAULT; HOUSTON AND FILLMORE;

NICOLLET AND LE SUEUR; WINONA AND WABASHA;) Pine, Isanti and Chisago; Sherburne, Benton and Stearns. *Notwithstanding the provisions of this paragraph, the separation of combined county court districts by concurrent action of county boards before May 5, 1977 shall continue to be in effect.*

A combined county court district may be separated into single county courts by the (CONCURRENCE OF THE COUNTY BOARDS OF THE RESPECTIVE COUNTIES AFFECTED) *supreme court*. Vacancies in the office of judge created by such a separation shall be filled in the manner herein provided for the selection of other county court judges.

The single county court districts so created by such separation shall each be entitled to one judge, subject to the provisions of subdivision 5, clause (5), provided, however, that if the number of judges of the combined county court district exceeds the number of counties, then, upon separation into single county court districts, the county having the largest population determined by the last United States census shall be entitled to two judges and in the event there are more judges than counties remaining, the county having the next largest population determined by the last United States census shall also be entitled to two judges.

In each other county except Hennepin and Ramsey, the probate court of the single county is also the county court of the county and shall be governed by the provisions of sections 487.01 to 487.39.

Sec. 17. Minnesota Statutes 1976, Section 487.01, Subdivision 5, is amended to read:

Subd. 5. Each county court district shall elect one county court judge except:

(1) The district consisting of St. Louis county shall elect six judges; two of the county court judges shall reside and serve in and be elected at large by the voters of St. Louis county; two of the county court judges shall reside and serve in and be elected by the voters in that part of St. Louis county south of the following described line: South of the south line of township 55; the area to be known as the south district; one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northwest district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and west of the west line of range 18 and excluding that part of Portage township west of the west line of range 18; and one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northeast district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and east of the west line of range 18 and including that part of Portage township west of the west line of range 18.

(2) The district consisting of Dakota county, the district consisting of Anoka county and the district consisting of Stearns, Sherburne and Benton shall each elect five judges;

(3) The (DISTRICT CONSISTING OF OLMSTED AND DODGE COUNTIES, THE DISTRICT CONSISTING OF WINONA AND WABASHA COUNTIES AND THE DISTRICT CONSISTING OF WASHINGTON COUNTY) *following districts* shall each elect three judges: *Olmsted and Dodge counties, Washington county, Blue Earth county, Pine, Isanti and Chisago counties;*

(4) The (DISTRICT CONSISTING OF BLUE EARTH COUNTY, THE DISTRICT CONSISTING OF CLAY COUNTY, THE DISTRICT CONSISTING OF SIBLEY, MEEKER AND MCLEOD COUNTIES, THE DISTRICT CONSISTING OF MARTIN, WATONWAN AND FARIBAULT COUNTIES AND THE DISTRICT CONSISTING OF PINE, CHISAGO AND ISANTI COUNTIES) *following districts* shall each elect two county court judges: *Clay county, Carver county, Cass and Hubbard counties, Crow Wing county, Douglas and Grant counties, Freeborn county, Norman and Mahnomen counties, Marshall, Red Lake and Pennington counties, Mower county, Otter Tail county, Rice county, Scott county, Winona county, Wright county.*

(5) The number of judges to be elected may be increased by the county board of the affected county or by the concurrence of the county boards of those affected counties combined into districts; *provided that no new judge positions authorized pursuant to this section may be created without specific statutory authorization. Notwithstanding the other provisions of this subdivision county judge positions created by county board action prior to May 5, 1977 shall be continued.*

Sec. 18. Minnesota Statutes 1976, Section 487.01, Subdivision 6, is amended to read:

Subd. 6. For the more effective administration of justice, *the supreme court may combine two or more county court districts (MAY COMBINE THEIR RESPECTIVE COUNTY COURT DISTRICTS) into a single county court district (BY CONCURRENCE OF THE COUNTY BOARDS OF THE RESPECTIVE COUNTIES AFFECTED). If districts are combined, the office of a judge may be terminated at the expiration of his term and he shall be eligible for retirement compensation under the provisions of (SECTION 487.06) sections 490.121 to 490.132. If the office of a judge who has not qualified for retirement compensation is terminated he shall upon attaining age 62 or more, be entitled to an annuity or proportionate annuity as computed under the provisions of sections 490.121 to 490.132 based upon his years of service as a judge. A judge whose office*

*is terminated shall continue to receive the insurance coverage provided for a judge of the office but shall pay the premiums himself.*

Sec. 19. Minnesota Statutes 1976, Section 487.02, Subdivision 1, is amended to read:

487.02 [PAYMENT OF EXPENSES.] Subdivision 1. The salary and traveling expenses of a judge of the county, *municipal or probate court*, shall be paid by the (COUNTY IN WHICH THE EXPENSES WERE INCURRED FROM THE GENERAL REVENUE FUND OF THE COUNTY. IF THE DISTRICT CONSISTS OF MORE THAN ONE COUNTY, THE COUNTY OF THE JUDGE'S RESIDENCE SHALL PAY THE JUDGE AND SHALL BE REIMBURSED EACH MONTH BY THE OTHER COUNTIES OF THE DISTRICT BY APPORTIONING THE SALARY AND EXPENSES ACCORDING TO THE RESPECTIVE POPULATION OF THE COUNTIES AS DETERMINED BY THE LAST UNITED STATES CENSUS) *state in the amount prescribed by section 15A.083. Expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.*

Sec. 20. Minnesota Statutes 1976, Section 487.08, is amended to read:

487.08 [JUDICIAL OFFICERS ABOLISHED.] (WHEN THE JUDICIAL BUSINESS OF A COUNTY COURT REQUIRES, THE COUNTY COURT MAY APPOINT ONE OR MORE FULL OR PART TIME JUDICIAL OFFICERS WHO SHALL BE LEARNED IN THE LAW AND WHOSE SALARY SHALL BE FIXED BY THE COUNTY COURT, WITH THE APPROVAL OF THE COUNTY BOARD OR BOARDS OF THE COUNTIES OF THE DISTRICT, AND PAID BY THE COUNTY. THEY SHALL SERVE AT THE PLEASURE OF THE COUNTY COURT. THEY SHALL HEAR AND TRY SUCH MATTERS AS SHALL BE ASSIGNED TO THEM BY THE COUNTY COURT JUDGE. BEFORE ENTERING UPON THE DUTIES OF OFFICE EACH JUDICIAL OFFICER SHALL TAKE AND SUBSCRIBE AN OATH, IN THE FORM PROVIDED BY LAW FOR JUDICIAL OFFICERS, AND A CERTIFIED COPY OF THE OATH SHALL BE FILED IN THE OFFICE OF EACH OF THE COUNTY AUDITORS WITHIN THE COUNTY COURT DISTRICT) *The office of judicial officer is abolished.*

Sec. 21. Minnesota Statutes 1976, Section 487.35, Subdivision 1, is amended to read:

487.35 [JUSTICES OF THE PEACE.] Subdivision 1. [ABOLISHED.] (ON THE DATE LAWS 1971, CHAPTER 951 BECOMES EFFECTIVE IN A COUNTY COURT DISTRICT) *The office of justice of the peace is abolished (WITH-*

IN EVERY MUNICIPALITY IN WHICH THE COUNTY COURT HOLDS REGULAR SESSIONS OR ESTABLISHES AN ORDINANCE AND TRAFFIC VIOLATIONS BUREAU. FOR PURPOSES OF THIS SUBDIVISION, THE TERM MUNICIPALITY INCLUDES ANY TOWNSHIP, PART OF WHICH IS WITHIN THE BOUNDARIES OF AN AFFECTED MUNICIPALITY).

Sec. 22. Minnesota Statutes 1976, Section 488A.01, Subdivision 10, is amended to read:

Subd. 10. [TERMS.] The court shall be *deemed* open (EVERY DAY) *at all times*, except Sundays and legal holidays. (THE COURT SHALL HOLD A GENERAL TERM FOR THE TRIAL OF CIVIL ACTIONS COMMENCING ON THE FIRST MONDAY FOLLOWING LABOR DAY OF EACH YEAR AND CONTINUING UNTIL THE NEXT GENERAL TERM, WITH SUCH ADJOURNMENTS AS THE JUDGES MAY DETERMINE TO BE NECESSARY AND PROPER.) *The term of court shall be continuous.*

Sec. 23. Minnesota Statutes 1976, Section 488A.12, Subdivision 5, is amended to read:

Subd. 5. [TERMS OF COURT.] The judges shall hold terms of court (FROM TIME TO TIME AS NECESSARY) *continuously* to hear and dispose of all claims as promptly as feasible after filing.

Sec. 24. Minnesota Statutes 1976, Section 525.04, is amended to read:

525.04 [JUDGE; ELECTION, QUALIFICATIONS, BOND.] There shall be elected in (EACH COUNTY) *Hennepin county and Ramsey county* a probate (JUDGE) *judges* who shall be learned in the law(, EXCEPT THAT PROBATE JUDGES NOW IN OFFICE SHALL BE CONSIDERED LEARNED IN THE LAW INsofar AS BEING ELIGIBLE TO CONTINUE IN OFFICE AND TO BE RE-ELECTED TO SAME). Before (HE) *a judge* enters upon the duties of his office he shall execute a bond to the state in the amount of \$1,000, approved by the county board and conditioned upon the faithful discharge of his duties. Such bond with his oath shall be recorded in the office of the county recorder. The premiums on such bond and the expenses of such recording and filing shall be paid by the county. An action may be maintained on such bond by any person aggrieved by the violation of the conditions thereof.

Sec. 25. Minnesota Statutes 1976, Section 525.081, Subdivision 7, is amended to read:

Subd. 7. [PRACTICE OF LAW.] No judge of the probate court (IN ANY COUNTY HAVING A POPULATION OF 25,000 OR MORE,) shall practice as an attorney or counselor at law, nor shall he be a partner of any practicing attorney in the business of his profession nor shall he serve as an appraiser in an estate proceeding.

Sec. 26. [CHIEF JUDGE.] *Subdivision 1. The judges of district, county, municipal, and probate court resident in each of the judicial districts shall meet and elect from among their number a district court judge as chief judge and an assistant chief judge who shall hold office for two years beginning the first business day in July and until their successors qualify. After July 1, 1981, the chief judge may be either a district, county, municipal, or probate court judge.*

*A chief judge or assistant chief judge may be removed as chief judge or assistant chief judge by the chief justice, or by the judges of the district, for cause.*

*No judge may serve as chief judge or assistant chief judge for more than two consecutive two-year terms.*

*The seniority of judges shall not be criteria for the election of chief judge or assistant chief judge.*

Subd. 2. [ADMINISTRATIVE AUTHORITY.] *In each judicial district, the chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the courts within the judicial district. The chief judge shall make assignments of judges for the courts within the judicial district, and assignments may be made without the consent of the judges affected. The chief judge may assign a county court judge to hear district court matters and a district court judge to hear county court matters. When a judge of a court is assigned another court he is vested with the powers of a judge of the court to which he is assigned. A judge may not be assigned to hear matters outside his district court judicial district pursuant to this subdivision. The assignment provisions of this subdivision shall apply to the probate judges of Hennepin and Ramsey counties.*

Subd. 3. [SEMI-ANNUAL MEETINGS; JUDICIAL CONFERENCE AGENDA.] *The chief judges shall meet at least semi-annually to consider problems relating to judicial business and administration. After consultation with the judges of their respective courts the chief judges shall prepare in conference and submit to the chief justice a suggested agenda for the judicial conference held pursuant to section 480.18.*

Subd. 4. [JUDGE'S MEETINGS.] *The chief judge shall convene a conference at least semi-annually of all judges of the*

*judicial district to consider administrative matters and rules of court and to provide advice and counsel to the chief judge.*

**Sec. 27. [DISTRICT COURT ADMINISTRATOR.]** *Subdivision 1. For each judicial district unless otherwise ordered by the supreme court in consultation with the affected judges, before January 1, 1979, a single district administrator shall be appointed to serve the courts by the chief judge of the judicial district with the approval of the supreme court and the advice of the judges of the affected courts. The administrator shall serve at the pleasure of a majority of the affected judges and shall be paid by the state. Unless otherwise provided by law the district administrator's compensation shall be set by the appointing authority within the limits provided in section 15A.083. The compensation for the office of district court administrator established by other than this section shall not be affected by the provision of this paragraph.*

**Subd. 2. [STAFF.]** *The district administrator shall have deputies, assistants and staff as the majority of the judges he serves deem necessary to perform the duties of the office.*

**Subd. 3. [DUTIES.]** *The district administrator shall manage the administrative affairs of all the courts of the district, direct the work of the clerks and other support personnel, except for the court reporters, assign the use of courtrooms and other facilities, and serve as secretary for meetings of judges he serves.*

**Sec. 28. [TRIAL COURT ORGANIZATION OPTION.]** *Subdivision 1. One year following certification to the secretary of state of intention to reorganize pursuant to this section by a majority of the district judges and a majority of the county or county municipal and probate judges within a district court judicial district the following court organization provisions shall apply to that district.*

**Subd. 2.** *There shall be one general trial court to be known as the district court. The district court may hold sessions anywhere in its geographical area where adequate facilities exist for the disposition of court business.*

**Subd. 3.** *The district courts shall have original jurisdiction in all civil actions within their respective districts, in all cases of crime committed or triable therein, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases within such jurisdiction is conferred upon them by law. They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court officer or body.*

**Subd. 4.** *Subject to rules of the supreme court, a district court shall establish a probate division, a family court division,*

*a civil division and a criminal division, and shall establish within the civil division a conciliation court and may establish within the criminal division traffic and ordinance violation bureaus at such locations as it determines. The conciliation court shall hear and determine civil claims by a simple and informal procedure without jury trial. The rules of the supreme court shall govern practice and procedure in conciliation court and shall provide for a right of appeal from the decision of the conciliation court to the district court for a trial de novo on the merits.*

*Subd. 5. The probate division shall include all cases and proceedings relating to the administration of estates of deceased persons, of persons under guardianship, and proceedings for the administration of trust estates or actions relating thereto.*

*Subd. 6. The family court division shall include all cases and proceedings arising out of the juvenile court act of this state and all cases arising out of or affecting the family relationship including the civil commitment of persons pursuant to chapter 253A, and all cases and proceedings arising under chapter 518.*

*Subd. 7. The civil division shall consist of all cases and proceedings within the jurisdiction of the court not included in another division, including jurisdiction in actions of forcible entry and unlawful detainer involving land located wholly or partly within the court district.*

*Subd. 8. The criminal division shall consist of all criminal proceedings residing in municipal, county and district court prior to adoption of this act, any petty misdemeanor and any charge of violation of any ordinance, charter provision, or rule of any subdivision of government in the district.*

*Subd. 9. All persons who are licensed to practice law in the district and who are judges of a probate, county or municipal court existing pursuant to a municipal ordinance, charter or legislative act located in the district as of the date of exercise of this option shall thereafter be designated as judges of the district court herein established with the same jurisdiction as those persons currently serving as district court judges. Such judge shall serve as so designated for the balance of the term for which he was elected. Upon completion of such a term, the court to which he was elected shall be abolished excepting those courts having more than one judge wherein such court shall be abolished at the expiration of the term of the judge having the longest term of office therein at the time of the exercise of this option. All judges of said courts upon completion of their term of office therein shall be entitled to run for reelection as incumbent judges of the district court established therein and have the jurisdiction of such a judge.*

*Subd. 10. Each judge serving in a judicial district exercising the court option in this section shall receive 110 percent of the*

*then existing salary of a district judge provided for in section 15A.083, provided that when applicable such judge satisfies all conditions in section 15A.083 regarding executed agreements specified in section 490.106.*

*Subd. 11. An appellate division shall be established within the district court and may hear any appeal from the district court. The supreme court shall promulgate rules governing procedure in such appeals. Appeal from the decision of the district court shall be to the supreme court at its discretion.*

*Subd. 12. All judges of the county, municipal, and probate court who become district court judges through the exercise of this court reorganization option shall have their retirement governed by section 487.06 or chapter 490 until changed by law.*

*Sec. 29. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall remove all references to justices of the peace and judicial officers.*

*Sec. 30. For the biennium beginning January 1, 1977, \$1,350,000 is appropriated from the general fund to the commissioner of finance to make the payments provided by this act.*

*Sec. 31. Minnesota Statutes 1976, Sections 15A.083, Subdivision 2; 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.34; 487.03, Subdivision 4; 487.05; 488A.021, Subdivisions 7 and 8; 488A.19, Subdivisions 8, 9, and 10; and 525.081, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 9; Chapters 488, 530, 531, 532, and 633; and Extra Session Laws 1971, Chapter 42, are repealed.*

*Sec. 32. [EFFECTIVE DATE.] Section 28 shall be effective July 1, 1979. The remaining sections of this act shall be effective on July 1, 1977."*

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

*"A bill for an act relating to courts; providing for the organization, compensation and procedure of the several courts; appropriating money; amending Minnesota Statutes 1976, Sections 2.722; 2.724; 15A.083; 43.43, Subdivision 2; 43.47, Subdivision 6; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.62; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.35, Subdivision 1; 488A.01, Subdivision 10; 488A.12, Subdivision 5; 525.04; 525.081, Subdivision 7; and Chapter 480, by adding sections; repealing Minnesota Statutes 1976, Sections 15A.083, Subdivision 2; 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.34; 487.03, Subdivision 4; 487.05; 488A.021, Subdivisions 7 and 8; 488A.19, Subdivisions 8, 9, and 10; and 525.081, Subdivisions 1, 2, 3, 4, 5, 6, 8, and*

9; Chapters 488, 530, 531, 532, and 633; and Extra Session Laws 1971, Chapter 42.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1337, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. [TEMPORARY PROVISION; WAGE AND ECONOMIC FRINGE BENEFITS; AGREEMENTS APPROVED.] *Within the funds appropriated for the purpose by the 70th legislature and except as may otherwise be provided in this act, the commissioner of personnel is authorized to implement those provisions of agreements negotiated and executed on or before May 15, 1977, with the Minnesota state employees union, American federation of state, county and municipal employees, council No. 6, the Minnesota teamsters public and law enforcement employees union, local No. 320, the international union of operating engineers, locals No. 34, No. 49 and No. 808, the association of institutional dentists, the bureau of criminal apprehension agents association, the professional employee pharmacists of Minnesota, the middle management association, the state residential schools education association, the Minnesota conservation officers association, the independent Minnesota association of government employees, bureau of criminal apprehension association of forensic scientists, and the Minnesota administrative hearing officers association which establish wage and economic fringe benefits.*

Sec. 2. Minnesota Statutes 1976, Section 43.323, is amended by adding a subdivision to read:

*Subd. 3. [RULE SUSPENSION.] The commissioner of personnel shall identify those rules he has promulgated pursuant to chapter 15 which are in conflict with the provisions of a collective bargaining agreement negotiated in accordance with sections 179.61 to 179.77 and notwithstanding the provisions of chapter 15, shall suspend those rules and promulgate emergency rules to be effective for a period not exceeding 180 days during which time the commissioner shall repeal, suspend or modify the temporarily suspended rules in accordance with chapter 15.*

Sec. 3. Minnesota Statutes 1976, Section 43.09, Subdivision 3, is amended to read:

**Subd. 3. [LABOR SERVICE.]** All positions involving unskilled labor shall constitute a labor service. The commissioner shall designate the class or classes of positions which shall comprise the labor service and create rules for that service designed to expedite and make more economical the personnel processes in such service. Any (APPOINTMENTS WHICH SHALL BE FOR A TOTAL PERIOD OF NOT TO EXCEED SEVEN MONTHS IN ANY CALENDAR YEAR) *appointment to the labor service is not subject to the appointment provisions of subdivision 4 and may be made by the appointing authority (NOT SUBJECT TO) without other approval, providing payroll notice of such employment is regularly made to the department of personnel. Employees in the labor service who are employed for a total of six months within a 12 month period shall receive the same civil service status given by chapter 43 to permanent classified employees of the state and shall be known as tenured laborers.*

Sec. 4. Minnesota Statutes 1976, Section 43.12, Subdivision 2, is amended to read:

**Subd. 2. [SALARY RANGES.]** The following procedure will be used in establishing rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the professional salary schedule, which schedule shall be known as salary schedule "A". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed minimum monthly rate of pay and extending upward by a maximum of (30) 33 additional salary increments. Salary range assignments for each class of employment in this schedule shall include no more than ten salary steps. Effective July (9, 1975) 6, 1977, the prescribed minimum monthly rate of pay shall be (\$825) \$932. The maximum monthly rate of pay shall be (\$2,672) \$3,394.

Sec. 5. Minnesota Statutes 1976, Section 43.12, Subdivision 3, is amended to read:

**Subd. 3.** All employees whose rates of pay are established according to salary schedule "A", effective July (9, 1975) 6,

1977, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date to the comparable step in the new salary range for their class or to the new minimum rate of pay for their class, whichever rate is greater.

*Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate established for a classification as of July 6, 1977, is equal to or less than the employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.*

Sec. 6. Minnesota Statutes 1976, Section 43.12, Subdivision 5, is amended to read:

Subd. 5. The following procedure shall be used to establish rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the maintenance and related trades schedule, which schedule shall be known as salary schedule "B". Classes shall be assigned an orientation and base rate, one consecutive wage step apart. The orientation rate shall be paid during the first six calendar months of service and the base rate shall be paid commencing at the beginning of the pay period nearest the completion of six calendar months of service. In assigning rates of pay to classes of work covered by this schedule, the commissioner shall give primary consideration to the median of rates paid by other public and private employers for similar types of work. Supplementary pay practices shall be evaluated and costs considered in comparing the rates being paid by other employers. The commissioner is authorized to establish a percentage differential based upon full annual employment and tenure where such advantages are not common in employment outside of the state service.

Effective July (9, 1975) 6, 1977, the minimum hourly rate of pay in the salary schedule "B" shall be (\$4.59) \$4.71. The schedule shall provide for (14) 19 additional wage steps with a maximum rate of (\$7.23) \$8.21 per hour.

Notwithstanding any provision of chapter 43 to the contrary, the commissioner is authorized to establish (a) hourly equipment rates to provide appropriate compensation to employees intermittently engaged in operating maintenance equipment, (b) an hourly rate to provide appropriate compensation to employees intermittently assigned to first level highway foreman work, (AND) (c) an eight percent differential rate rounded to the nearest cent for journeyman skilled trade classes assigned to salary schedule B and employed at adult institutions of the department of corrections, and (d) a ten cent per hour differential for skilled trade classes assigned to salary schedule B and employed by the department of administration. The commissioner

shall establish regulations and procedures to equitably implement such rates.

Sec. 7. Minnesota Statutes 1976, Section 43.12, Subdivision 6, is amended to read:

Subd. 6. All (PERMANENT) employees *with more than six calendar months of service* whose rates of pay are established according to salary schedule "B", effective July (9, 1975) 6, 1977, shall be advanced in salary to the established base rate for their class.

Employees with less than six calendar months of service *whose rates of pay are established according to salary schedule "B", effective July (9, 1975) 6, 1977, shall be advanced in salary to the established orientation rate for their class. Employees who are classified as highway maintenance worker, senior, and who are employed by the department of transportation and assigned to the central office and districts 5 and 9 shall, in addition, be granted a one-time lump sum payment of \$400.*

(EMPLOYEES COMPENSATED ACCORDING TO SALARY SCHEDULE "B" WHOSE HOURLY RATE OF PAY IMMEDIATELY PRECEDING JULY 9, 1975, EXCEEDS THE MAXIMUM HOURLY RATE OF PAY FOR THEIR CLASS SHALL BE GRANTED A ONE TIME LUMP SUM PAYMENT OF \$300, EXCEPT FOR THOSE EMPLOYEES WHOSE ADJUSTMENT IN THEIR CURRENT MAXIMUM RATE OF PAY WOULD BE \$12.25 OR LESS. THE AMOUNT OF THE LUMP SUM PAYMENT FOR THOSE EMPLOYEES WHOSE ADJUSTMENT WOULD BE \$12.25 OR LESS SHALL BE EQUAL TO THE DIFFERENCE BETWEEN \$300 AND THE PRODUCT OF THE EMPLOYEE'S MONTHLY ADJUSTMENT MULTIPLIED BY 24. THIS PAYMENT SHALL BE MADE IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE COMMISSIONER OF FINANCE.)

*Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 6, 1977, is equal to or less than an employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.*

Sec. 8. Minnesota Statutes 1976, Section 43.12, Subdivision 7, is amended to read:

Subd. 7. The following procedure shall be used to establish rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the (CLERICAL,

TECHNICAL,) *general* service (AND RELATED) salary schedule, which schedule shall be known as salary schedule "C". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed monthly rate of pay and extending upward (28) *34* additional fixed salary increments. Salary range assignments for each class of employment in this schedule shall not include more than (SEVEN) *eight* salary steps. Effective July (9, 1975) *6, 1977*, the prescribed minimum monthly rate of pay shall be (\$450) *\$456*. The maximum monthly rate of pay shall be (\$1,250) *\$1,409*.

Sec. 9. Minnesota Statutes 1976, Section 43.12, Subdivision 8, is amended to read:

Subd. 8. All employees whose rates of pay are established according to salary schedule "C", effective July (9, 1975) *6, 1977*, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date, *to the next step within the salary range for that classification. An employee whose classification is reassigned to a higher salary range shall, in addition, be adjusted to the comparable step in the new salary range for (THEIR) his class. These step increases shall not affect an employee's eligibility for normal step progression increases provided by section 43.122, subdivision 3.*

*Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 6, 1977, is equal to or less than an employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.*

Sec. 10. Minnesota Statutes 1976, Section 43.12, is amended by adding a subdivision to read:

Subd. 8a. [LABOR SERVICE.] *The following procedure shall be used to establish rates of pay for all state employees whose positions are assigned to the labor service. The labor service shall consist of four steps. Effective July 6, 1977, the hourly rate of pay for step A shall be \$4.47, for step B \$4.62, for step C \$5.22, and for step D \$5.37.*

*Tenured laborers who are on the payroll on July 6, 1977, shall be paid at the step D rate.*

*Non-tenured laborers who are on the payroll on July 6, 1977, and who were paid at the base rate on July 5, 1977, shall be paid at the step D rate. Such employees shall continue to be paid at the step D rate in subsequent years provided that their service in the previous calendar year was 800 hours or more.*

*Non-tenured laborers who are on the payroll on July 6, 1977, and who were paid at the orientation rate on July 5, 1977, shall be paid at the step C rate. Such employees shall advance to step D after completion of 800 hours of work in the second of two consecutive calendar years in which at least 800 hours at step C are worked; provided, however, that an employee whose service in calendar year 1976 was 800 hours or more shall advance to step D upon the completion of 800 hours in calendar year 1977.*

*For the purpose of this subdivision, service requirements must be fulfilled with the same appointing authority, at the same principal place of employment and performing similar work. Advancement to the next higher step shall be effective at the beginning of the first payroll period following completion of the service requirements.*

*Non-tenured laborers who are not on the payroll on July 6, 1977 but who have worked 800 hours or more in the 12 months immediately preceding July 6, 1977, and who return to work in the labor service prior to July 1, 1978 with the same appointing authority, at the same principal place of employment and to perform similar work, shall be paid at the rate which they would have received and advanced in pay in the same manner as if they had been on the payroll on July 6, 1977.*

*Tenured laborers whose employment relationship is severed and non-tenured laborers who in any calendar year fail to meet the service and hour requirements of this subdivision shall be subject to the hiring and advancement provisions of section 43.122, subdivision 5 if they are subsequently reappointed to the labor service.*

Sec. 11. Minnesota Statutes 1976, Section 43.12, Subdivision 10, is amended to read:

Subd. 10. [COST OF LIVING ADJUSTMENT.] For each full four-tenths point increase in the consumers price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of January, (1975) 1977, and October, (1975) 1977, new series index (1967=100), (ALL MONTHLY RATES OF PAY IN THE "A" AND SPECIAL TEACHER SALARY SCHEDULES SHALL BE INCREASED BY TWO-TENTHS OF ONE PERCENT, ROUNDED TO THE NEAREST DOLLAR AND) all (HOURLY) rates of pay in the "A", "B", (AND) "C", *special teacher, and labor service salary schedules shall be increased by one cent per hour.*

The increase, if any, in wages and salaries generated by this formula shall be effective January (7, 1976) 4, 1978, and shall continue in effect until July (7, 1976) 5, 1978.

A redetermination of the cost of living allowance shall be made (IN) for April, (1976) 1978. For each full four-tenths point increase in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of January, (1975) 1977, (THROUGH) and April, (1976) 1978, all (MONTHLY) rates of pay in the "A", (AND SPECIAL TEACHER SALARY SCHEDULES SHALL BE INCREASED BY TWO-TENTHS OF ONE PERCENT, ROUNDED TO THE NEAREST DOLLAR AND ALL HOURLY RATES IN THE) "B", (AND) "C", *special teacher, and labor service salary schedules shall be increased by one cent per hour. The increase, if any, in wages and salaries generated by this redetermination shall be effective July (7, 1976,) 5, 1978 (AND SHALL CONTINUE IN EFFECT UNTIL JANUARY 5, 1977).*

(A REDETERMINATION OF THE COST OF LIVING ALLOWANCE SHALL BE MADE IN OCTOBER, 1976. FOR EACH FULL FOUR-TENTHS POINT INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN WAGE EARNER AND CLERICAL WORKERS FOR MINNEAPOLIS-ST. PAUL, AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS FOR THE MONTHS OF JANUARY, 1975, THROUGH OCTOBER, 1976. ALL MONTHLY RATES OF PAY IN THE "A" AND SPECIAL TEACHER SALARY SCHEDULES SHALL BE INCREASED BY TWO-TENTHS OF ONE PERCENT, ROUNDED TO THE NEAREST DOLLAR AND ALL HOURLY RATES IN THE "B" AND "C" SALARY SCHEDULES SHALL BE INCREASED BY ONE CENT PER HOUR. THE INCREASE, IF ANY, IN WAGES AND SALARIES GENERATED BY THIS REDETERMINATION SHALL BE EFFECTIVE JANUARY 5, 1977.)

During periods when such cost of living allowance is in effect, it shall be added to the applicable basic hourly (AND MONTHLY) rates of pay of each employee, including those that are above the maximum step of their range, and treated as a part thereof in all calculations involving employees' pay. *Cost of living adjustments are not cumulative and allowances paid under an earlier determination shall cease when a re-determination takes effect.*

Sec. 12. Minnesota Statutes 1976, Section 43.12, Subdivision 14, is amended to read:

Subd. 14. Except (AS OTHERWISE PROVIDED IN THIS SECTION) *for classification reassignments effective July 6, 1977, no class will be reassigned to a higher salary range by the commissioner during the (1975-1977) 1977-1979 biennium.*

Sec. 13. Minnesota Statutes 1976, Section 43.12, Subdivision 16, is amended to read:

Subd. 16. Effective July 9, 1975, employees whose positions are assigned to classes in the A, B, C, *labor service*, and special teachers salary schedules working an assigned shift that begins before 6:00 a.m. or which ends on or after 7:00 p.m. shall receive a shift differential of 15 cents per hour for all hours worked on that shift in addition to their regular rate of pay. Such differential shall be included in all payroll computations for hours worked but shall not apply during periods of paid leave.

Employees working the regular day schedule who are required to work overtime or who are called back to work for special projects shall not be eligible for the shift differential.

Sec. 14. Minnesota Statutes 1976, Section 43.12, Subdivision 17, is amended to read:

Subd. 17. [SEVERANCE PAY.] Effective July 1, (1975) 1977, any (PERMANENT) employee who is separated from the state classified civil service by reason of death, mandatory retirement, (RETIREMENT UNDER A STATE RETIREMENT PROGRAM AFTER TEN YEARS OF STATE EMPLOYMENT,) or layoff, excluding seasonal layoffs, or who is separated after completing 20 years of state service, or who retires under a state retirement program after completing ten years of state service shall be entitled upon such separation, to pay in an amount equal to (30) 40 percent (, EXCEPT FOR COMMUNITY COLLEGE AND STATE UNIVERSITY SYSTEM FACULTY EMPLOYEES WHO SHALL RECEIVE 25 PERCENT) of the employee's (REGULAR) accumulated but unused sick leave balance at the time of separation. (EFFECTIVE JULY 1, 1976,) Severance pay (SHALL BE COMPUTED UPON 40 PERCENT, EXCEPT) for community college (AND) *system faculty employees and for state university system faculty employees (WHO) whose appointment and salary are based upon a nine month academic year shall (RECEIVE) be (30) 35 percent of the employee's (REGULAR) accumulated but unused sick leave balance. The provisions of this subdivision shall apply to unclassified employees in the same manner as they apply to employees in the classified civil service.*

Should any employee who has received severance pay be subsequently reappointed to state service, eligibility for future severance pay shall be computed upon the difference between the amount of accumulated but unused sick leave to the employee's credit at the time the employee was separated and the amount of accumulated but unused sick leave balance at the time of the employee's subsequent eligibility for severance pay.

The base for computing the severance pay provided for in this clause shall not exceed (800) 900 hours *except for community college and state university system faculty employees whose base shall not exceed 112 days*, nor shall said base include lapsed sick leave hours as defined by departmental rules and regulations.

Such severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits and shall be paid over a period not to exceed five years from termination of employment. In the event that a terminated employee dies before all or a portion of the severance pay has been disbursed, that balance due shall be paid to a named beneficiary or, lacking same, to the deceased's estate.

Sec. 15. Minnesota Statutes 1976, Section 43.12, Subdivision 18, is amended to read:

Subd. 18. The commissioner is hereby empowered to establish by rule an injured on duty compensation plan for certain classes of state employees in hazardous or dangerous classes of employment *and for special teachers employed by the departments of corrections and public welfare and by the department of education at the Minnesota School for the Deaf and the Minnesota Braille and Sight Saving School.* Said plan shall not be subject to the limitations contained in section 176.021, subdivision 5.

Sec. 16. Minnesota Statutes 1976, Section 43.121, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding the provisions of this section, the commissioner may assign the classes of employment which require teaching in an established school program in the department of education and institutions of the state under the jurisdiction of the department of public welfare and the department of corrections to salary ranges, which he is hereby authorized to establish. Whenever the commissioner assigns classes of employment which require teaching in an established school program to any salary range which he is authorized to establish by this subdivision, he shall prepare schedules showing the salary ranges for each class, or group of positions in the class of positions assigned by him and he shall also prepare schedules showing entrance salaries and step increases based upon educational attainments and length of satisfactory service. The salary ranges shall include a minimum rate and not more than 12 additional step increases. In assigning ranges of salaries for positions in this category the commissioner shall give consideration to the salary schedules for teachers which are in effect in other units of government of the state. *The commissioner is authorized to establish a schedule of payment for assignments to extra-curricular activities which are in addition to the normal teaching schedule.*

The basic salary for institution educational administrators and supervisors shall be based upon the employee's qualifications and the appropriate academic level of the special teacher salary schedule. However, the commissioner is authorized to establish a percentage differential to compensate for administrative and supervisory responsibilities. Annual length of satisfactory service salary adjustments shall be awarded beginning with the

payroll period nearest the anniversary date of the special teacher's, institution educational supervisor's or institution educational administrator's original or promotional appointment to his present class, unless he is notified in writing by the appointing authority that his work has been of a less than satisfactory level.

Sec. 17. Minnesota Statutes 1976, Section 43.122, Subdivision 3, is amended to read:

Subd. 3. (a) Employees in classes assigned to the "A" salary schedule may receive a one step salary increase annually, at the beginning of the first full payroll period nearest their anniversary date, to the position rate in their salary range, provided performance is satisfactory as indicated by their appointing authority.

The position rate shall be as follows:

*10 step salary range—6th step*

9 step salary range—5th step

8 step salary range—5th step

7 step salary range—4th step

6 step salary range—4th step

5 step salary range—4th step

4 step salary range—3rd step

3 step salary range—3rd step

Beyond the position rate, employees may receive one step satisfactory performance increases biennially, at the beginning of the first full payroll period nearest their anniversary date, upon the recommendation of their appointing authority, up to and including the maximum rate of the salary range for their class.

No increases authorized by this subdivision shall be granted by the appointing authority until an appropriate employee evaluation program is filed with the commissioner. Authorized increases shall be recommended in the context of performance measured against specific performance standards or objectives.

Appointing authorities shall not recommend increases for those employees in this schedule who have not met, or only marginally attained, performance standards or objectives. Increases withheld may subsequently be granted by the appointing authority.

ty upon certification to the commissioner that the employee is achieving performance standards or objectives.

(b) Employees in classes assigned to the "C" salary schedule shall progress through the salary range for their class according to the following procedure:

Employees compensated at the first step in their salary range shall be advanced to the second step at the beginning of the first full payroll period nearest the completion of six calendar months of satisfactory service at the first step. Employees compensated at the second step in their salary range shall be advanced to the third step at the beginning of the first full payroll period nearest the completion of six calendar months of satisfactory service at the second step.

Employees compensated at or beyond the third step in their salary range shall advance to the next highest rate in their salary range at the beginning of the first full payroll period nearest completion of each subsequent 12 calendar months of satisfactory service until the maximum rate of pay is attained.

Employees compensated at the maximum step in their range or above shall receive no salary adjustments under the provisions of this subdivision.

(c) Appointing authorities may withhold increases authorized in clause (b). Those employees who will be denied an increase because of unsatisfactory service must be notified in writing. Increases withheld may subsequently be granted by the appointing authority upon certification to the commissioner that the employee has achieved a satisfactory level of performance.

Sec. 18. Minnesota Statutes 1976, Section 43.122, is amended by adding a subdivision to read:

*Subd. 5. Employees who are hired after July 5, 1977, for positions assigned to the labor service shall be hired at step A. Such employees shall advance to step B after 800 hours of service within a calendar year; to step C after completion of 800 hours in the second of two consecutive calendar years in which at least 800 hours at step B are worked; and to step D after completion of 800 hours in the second of two consecutive calendar years in which at least 800 hours at step C are worked. Advancement to the next higher step shall be effective at the beginning of the first payroll period following completion of the service requirement. Service requirements must be fulfilled with the same appointing authority, at the same principal place of employment, and performing similar work. Tenured laborers whose employment relationship is severed and non-tenured laborers who fail to meet the service and hour requirements for advancement in any calendar year, shall be considered to be new employees for*

*purposes of this subdivision if they are subsequently reappointed to the labor service and shall be reappointed at step A.*

Sec. 19. Minnesota Statutes 1976, Section 43.126, Subdivision 1, is amended to read:

43.126 [SPECIAL RATES OF PAY.] Subdivision 1. Notwithstanding the provisions of sections 43.12 and 43.121 to 43.123, the following salary ranges are established with annual salaries as shown:

Range A	(\$23,000)	\$29,000	to	(\$32,000)	\$40,500
Range B	(\$28,000)	\$35,500	to	(\$38,000)	\$48,000
Range C	(\$30,000)	\$40,000	to	(\$45,000)	\$57,500

Sec. 20. Minnesota Statutes 1976, Section 43.42, is amended to read:

43.42 [INSURANCE BENEFITS INTENT.] It is the intent of sections 43.42 to 43.49 to provide certain state employees with basic life insurance, *basic dental insurance*, and basic health benefits coverage, including such basic health benefits coverage as the commissioner may make available from prepaid group practice plans, to be paid for by the state and to authorize an eligible state employee to enroll himself, and his dependents in such optional coverages as are made available therefor by the commissioner to be paid for by the employee through payroll deductions. Optional group coverages may include additional life insurance, auto insurance, disability insurance, dental insurance, legal insurance, homeowners insurance, and vision insurance.

Sec. 21. Minnesota Statutes 1976, Section 43.44, Subdivision 1, is amended to read:

43.44 [ENROLLMENT OF ELIGIBLE EMPLOYEES.] Subdivision 1. Every eligible employee meeting the requirements of subdivision 2 shall, at such time, in such manner, and under such conditions of eligibility as the commissioner may by regulation prescribe, be enrolled in the employee life insurance benefits coverage, the hospital benefits coverage, *the dental benefits coverage* and the medical benefits coverage. Such regulations shall be within the framework of intent as set forth in section 43.42.

Sec. 22. Minnesota Statutes 1976, Section 43.46, is amended to read:

43.46 [CONTRIBUTIONS BY STATE.] The total contribution by the state for each state employee under sections 43.42

to 43.49 shall be otherwise prescribed by law and which 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 amounts as may be determined from time to time by the commissioner.

Sec. 23. Minnesota Statutes 1976, 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 benefits coverage authorized for eligible state employees as provided by this chapter. *Effective July 1, 1977, each department of the state government shall contribute up to \$58 per year toward the cost of the approved annual health evaluation and screening program for all eligible employees who elect to participate.* Additionally, and notwithstanding any law to the contrary, *effective the first day of the first payroll period commencing on or after July (9, 1975) 1, 1977, each department of the state government shall contribute (\$20) \$45 per month toward the cost of dependent hospital-medical insurance coverage premiums for their eligible employees who have eligible dependents. Effective the first day of the first payroll period commencing on or after July (7, 1976) 1, 1978, each department shall (CONTRIBUTE \$30 PER MONTH) pay the full cost for such dependent hospital-medical (THE) coverage and, for all eligible employees carrying dependent dental insurance coverage, shall contribute one-half the difference between single and family dental coverage per month except that no department shall pay an amount in excess of the contribution for dependent hospital-medical and dental coverage in effect on June 30, 1979.* To enable employees to receive benefit from this provision, open enrollment periods (DURING THE FULL MONTHS OF AUGUST, 1975) *from August 15 through September 30, 1977 and from August 15 through September 30, (1976) 1978, 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, (1975) 1977, the state contribution of (\$10) \$30 per month shall apply to eligible members of the legislature who have eligible dependents. Effective January 1, (1977) 1979, the increased benefits provided in this section shall apply to eligible members of the legislature (WHO HAVE) and their eligible dependents.* Each of the departments shall pay such 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. Such sums of money as are necessary for such purposes are hereby appropriated to the departments from such account and funds in the state trea-

sury. In order to enable the commissioner of finance to maintain proper records covering the appropriations made by this section, he may require certifications in connection therewith as he may deem necessary from any state department 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. 24. Minnesota Statutes 1976, Chapter 43, is amended by adding a section to read:

[43.51] [DEATH BENEFIT FOR RETIRED EMPLOYEES.] *Employees who retire from state service on or after July 1, 1977, shall be entitled to a \$500 cash death benefit payable to a beneficiary designated by the employee, if, at the time of the employee's death, the employee is receiving an annuity under a state retirement program.*

Sec. 25. Minnesota Statutes 1976, Section 486.05, is amended to read:

486.05 [DISTRICT COURT REPORTERS' SALARIES.] The judge by an order filed with the county auditor on or before the second Monday in June, 1975, shall fix and establish the salary of the court reporter at an amount not exceeding (\$19,100) \$21,500 per year and, in such order, each judge (, EXCEPT THOSE JUDGES IN THE SECOND AND FOURTH JUDICIAL DISTRICTS,) shall apportion the salaries of the reporters in their respective districts among the several counties, and each county shall be required by such order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such county, upon presentation of such approved statement, shall issue his warrant in payment thereof.

All laws now in force relating to the salary of district court reporters inconsistent herewith relating to any and all counties

are hereby repealed and superseded, except the manner of setting salary as hereinbefore set forth shall not apply to the second and fourth judicial districts.

Sec. 26. *The commissioner of public safety shall provide that criminal investigators receive a clothing allowance of \$100 per year in lieu of any other clothing allowance pursuant to section 299C.04.*

Sec. 27. [REVISOR'S INSTRUCTIONS.] *In respect to a collectively bargained contract with the state covering a period beginning on and after July 1, 1979, the revisor of statutes shall provide the chairpersons of the main policy committee in each body of the legislature charged with the responsibility of legislative oversight of state employee contract provisions and the legislative reference library with a copy of the contract showing additions and deletions from contract language in effect for the immediately preceding contract period. Where appropriate, the revisor shall consolidate provisions which are identical from contracts of two or more bargaining units.*

Sec. 28. Minnesota Statutes 1976, Section 16A.16, is amended to read:

16A.16 [DEPARTMENT HEAD EXPENSES.] *Heads of departments in the executive branch who receive a fixed salary of, or whose range midpoint is, (\$23,000) \$36,000 annually or more, and constitutional officers, are authorized to expend annually a sum not to exceed \$2,000; and the heads of all other state departments are authorized to expend a sum not to exceed \$1,000 annually from their supply and expense funds for expenses necessary for the normal performance of their duties for which no other reimbursement is provided. The expenditures are subject to the statutes and rules and regulations of the state governing budgeting, allotment and encumbrance, preaudit, and post audit.*

*The commissioner of finance may promulgate rules and regulations as necessary to assure the proper expenditure of these funds, and to provide for reimbursement.*

Sec. 29. *Notwithstanding any provision of chapter 43 to the contrary, the commissioner is authorized to establish, effective from July 6, 1977, to July 3, 1979, a one percent differential rounded to the nearest dollar for the classes crime laboratory analyst 1, crime laboratory analyst 2, crime laboratory analyst 3, and identification officer and a five percent differential rounded to the nearest dollar for employees assigned to the class chemist and employed in the bureau of criminal apprehension, department of public safety.*

Sec. 30. [REPEALER.] *Minnesota Statutes 1976, Sections 43.09, Subdivision 7, and 43.12, Subdivisions 4 and 9 are repealed.*

Sec. 31. [EFFECTIVE DATE.] *This act is effective the first day of the first payroll period commencing on or after July 1, 1977.*"

Further amend the title as follows:

Line 6, after "ranges;" insert "setting the salaries for court reporters;"

Line 8, after "Sections" insert "16A.16;"

Line 9, delete "11."

Line 14, delete "and".

Line 14, at the end of the line add "and 486.05;"

With the recommendation that when so amended the bill pass.

The report was adopted.

#### SECOND READING OF HOUSE BILLS

H. F. Nos. 68, 757 and 1252 were read for the second time.

#### SECOND READING OF SENATE BILLS

S. F. Nos. 73, 311 and 1337 were read for the second time.

#### CALENDAR

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

#### GENERAL ORDERS

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

#### MOTIONS AND RESOLUTIONS

Moe moved that the name of Patton be added as an author on H. F. No. 1632. The motion prevailed.

Kroening moved that the name of Anderson, I., be stricken and the name of Battaglia be added as an author on H. F. No. 756. The motion prevailed.

Corbid moved that the name of Berg be stricken and the name of Abeln be added as an author on H. F. No. 748. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Wednesday, May 18, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and Norton, as Speaker Pro Tempore, declared the House stands adjourned until 1:00 p.m., Wednesday, May 18, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 18, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jude	Neisen	Sieben, M.
Adams	Cummiskey	Kahn	Nelsen, B.	Simoneau
Albrecht	Dahl	Kaley	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kalis	Nelson	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, I.	Eken	Kempe, R.	Novak	Stoa
Anderson, R.	Ellingson	King	Osthoff	Suss
Arlandson	Enebo	Knickerbocker	Patton	Swanson
Battaglia	Erickson	Kostohryz	Pehler	Tomlinson
Beauchamp	Esau	Kroening	Peterson	Vanasek
Begich	Evans	Kvam	Petrafaso	Voss
Berg	Faricy	Laidig	Pleasant	Waldorf
Berglin	Fjoslien	Langseth	Prahl	Welch
Berkelman	Forsythe	Lehto	Reding	Wenstrom
Biersdorf	Friedrich	Lemke	Rice	Wenzel
Birnstihl	Fudro	Mangan	Rose	White
Brandl	Fugina	Mann	St. Onge	Wieser
Brinkman	Gunter	McCarron	Samuelson	Wigley
Byrne	Haugerud	McCollar	Sarna	Williamson
Carlson, A.	Heinitz	McDonald	Savelkoul	Wynia
Carlson, D.	Hokanson	McEachern	Scheid	Zubay
Carlson, L.	Jacobs	Metzen	Schulz	Speaker Sabo
Casserly	Jaros	Moe	Searle	
Clark	Jensen	Munger	Searles	
Clawson	Johnson	Murphy	Sherwood	

A quorum was present.

Braun and Kempe, A., were excused. George and Sieben, H., were excused until 1:45 p.m. Ewald and Hanson were excused until 2:15 p.m. Corbid was excused until 2:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek 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. 415, 1252, 1630, 68 and 757 and S. F. Nos. 1015, 160, 809, 1179, 1236, 90, 597, 266, 73, 1337 and 311 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 420, A bill for an act relating to education; Montessori schools; excluding Montessori schools from day care regulation; amending Minnesota Statutes 1976, Section 245.791.

Reported the same back with the following amendments:

Page 3, delete lines 12 to 21 and insert:

*"Sec. 2. The commissioner of education shall charge a processing fee for the issuance or renewal of a license or a provisional license to a Montessori school. The fee shall be set by rule by the state board of education after consideration of the cost of promulgating rules and administering this act. All revenue generated shall be deposited with the state treasurer. The fee, as set by the board, shall be nonrefundable for applicants not qualifying for a license.*

*Sec. 3. There is appropriated to the department of education the following amounts for the purposes of this act:*

*Fiscal year 1978 \$33,612*

*Fiscal year 1979 \$29,512*

*This appropriation may be used to increase the existing complement of the department by no more than one professional position and one clerical position.*

*Sec. 4. This act is effective the day after final enactment except that section 1, clause (16), shall be effective on the final adoption of the licensure rules for Montessori schools by the state board of education."*

Further, amend the title as follows:

Line 4, after the semicolon insert "appropriating money;".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 447, A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 898, A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility; appropriating money.

Reported the same back with the following amendments:

Page 1, delete lines 13, 14 and 15.

Further, amend the title as follows:

Line 3, delete the semicolon.

Line 4, delete "appropriating money".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1051, A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 16, reinstate "(1) Real estate used as a home".

Page 1, line 16, after "(1)" insert "*Net equity in*".

Page 1, line 17, reinstate "which" and "exceeds".

Page 1, line 17, after the stricken "\$7,500" insert "\$30,000" and reinstate "provided that real".

Page 1, reinstate lines 18 to 21.

Renumber remaining clauses in sequence.

Page 3, line 28, reinstate the stricken "have equity in" and delete "own" and reinstate the stricken "in excess of".

Page 3, line 28, after "have" insert "net".

Page 3, line 28, after "property" insert "used as a home".

Page 3, line 28, after the stricken "\$15,000" insert "\$30,000".

Page 4, line 25, strike "income" and delete "in excess of 133 percent of the".

Page 4, delete lines 26 and 27.

Page 4, line 28, strike the first "and".

Page 4, line 28, after "needs" insert "*, determined pursuant to a schedule of contributions established by the commissioner of public welfare,*".

Page 4, line 29, strike "are" and insert "is".

Page 4, line 30, delete "shall" and insert "may".

Page 5, line 22, delete "the".

Page 5, line 23, delete "value of" and insert "net equity of \$30,000 in".

Page 6, after line 13, add new sections to read:

"Sec. 5. *Section 1 shall be effective July 1, 1978. The remaining sections shall be effective July 1, 1977.*

Sec. 6. [APPROPRIATION.] *There is appropriated from the general fund \$6,500,000 for the biennium ending June 30, 1979 for the purposes of this act.*"

Further, amend the title as follows:

Line 4, after "criteria;" insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 120, A bill for an act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976; Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

*"Section 1. [CITATION.] Sections 1 to 12 of this act may be cited as the bilingual education act.*

*Sec. 2. [DECLARATION OF POLICY.] Pursuant to the policy and law of the state to provide equal and meaningful educational opportunity to every individual, it is the purpose of sections 1 to 12 to provide for the establishment of not fewer than three pilot transitional bilingual educational programs.*

*Sec. 3. [APPLICABILITY.] The requirements of sections 1 to 12 shall apply only to districts which have bilingual educational programs funded pursuant to the provisions of sections 1 to 12.*

*Sec. 4. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 12 of this act, the words, phrases, and terms defined in this section shall have the meanings given to them.*

*Subd. 2. "Children of limited English speaking ability" means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof, have difficulty reading, writing, speaking, and understanding ordinary classroom instruction and have difficulty in performing ordinary classroom work in the English language.*

*Subd. 3. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.*

*Subd. 4. "Advisory task force" means the state advisory task force on bilingual education programs.*

*Subd. 5. "Parent" or "parents" includes a child's legal guardian.*

Sec. 5. [BILINGUAL EDUCATION PROGRAMS.] *Subdivision 1. [INSTRUCTION DESCRIBED.] Bilingual education programs are programs of instruction enrolling children of limited English speaking ability in elementary and secondary schools in which:*

(a) *There is instruction given in and study of both English and the primary language of the children of limited English speaking ability, in all courses or subjects of study, to the extent necessary to allow the children to progress effectively through the educational system and to attain the basic skills so that they will be able to perform ordinary classwork successfully in English;*

(b) *This instruction is given with sensitivity to and appreciation for the cultural heritage of the children of limited English speaking ability;*

(c) *There is instruction given in the history, culture and heritage of the children of limited English speaking ability and in the history and culture of the United States;*

(d) *Support components are developed for staff, including inservice training and technical assistance in methods of bilingual teaching. This inservice training may include but not be limited to: (i) Development of instructional and personal skills in reading, writing and speaking; (ii) Opportunities to develop general and bilingual teaching skills; (iii) Opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual education programs;*

(e) *Orientation to the purposes and values of the bilingual program may be provided to district staff. Bilingual programs may include: research projects, including experimentation with and evaluation of methods of relating to pupils of limited English speaking ability; provision of personal and vocational counseling to pupils of limited English speaking ability; and modification of curriculum, instructional methods, and administrative procedures to meet the needs of pupils of limited English speaking ability.*

Subd. 2. [ADDITIONAL PROGRAM REQUIREMENTS.] *Bilingual education programs shall be subject to the following additional requirements:*

(a) *To the extent practicable, children with different non-English primary languages should not be combined in the same bilingual education program class;*

(b) *If graded classes are used, children enrolled in the program shall be placed, to the extent practicable, in classes with*

*others of approximately the same age and level of educational attainment. If individuals of significantly varying ages or levels of educational attainment are placed in the same class, the bilingual program shall insure that each child is provided with instruction which is appropriate for his or her level of educational attainment and educational needs;*

*(c) Instruction given in two languages in a bilingual program shall be appropriate to the linguistic abilities of the children enrolled and the program shall be designed to provide intensive instruction to meet the objectives described in sections 1 to 12 of this act, and shall be sufficient to meet the educational needs of children of limited English speaking ability;*

*(d) Nothing in sections 1 to 12 shall be construed to authorize isolation of children of limited English speaking ability for a substantial portion of the school day.*

**Subd. 3. [NOTICE OF ENROLLMENT; CONTENT; RIGHTS OF PARENTS.]** *When a pilot program is established pursuant to sections 1 to 12 of this act, every school age child of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the pilot program and who resides in a school district participating in a pilot program and not enrolled in an existing private school system shall be eligible to enroll and to participate in any program in transitional bilingual education, established under this act for the classification to which he belongs by the school district, for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur. Consistent with the provisions of subdivision 2 nothing herein shall be construed to limit a school district's authority to enroll limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of the instruction in the pilot program, in a program of bilingual education.*

*No later than ten days after the enrollment of any child in a program in transitional bilingual education, the school district in which the child resides shall notify by mail the parents of the child. Such notice shall:*

*(a) Be in writing and be in English and in the primary language of the child's parents;*

*(b) Inform the parents that their child has been enrolled in a program in transitional bilingual education;*

*(c) Contain a simple, nontechnical description of the purposes, method and content of the program;*

(d) *Inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled;*

(e) *Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and*

(f) *Inform the parents of their right to withdraw their child from a program in transitional bilingual education and the time and manner in which to do so.*

*Any parent whose child is enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school in which his child is enrolled or to the superintendent of the school district in which his child resides; provided that no withdrawal shall be allowed until the parent is informed in a conference with school district officials of the nature and purpose of the program. At that conference, parents must also be informed of the nature of the program into which the child will be placed. The conference shall be held in a manner and language understood by the parents. Nothing herein shall preclude a parent from reenrolling a child of limited English speaking ability in the bilingual educational program.*

**Subd. 4. [ENROLLMENT OF OTHER CHILDREN; SHARED TIME ENROLLMENT.]** *To the extent it is economically feasible, a program of bilingual education may make provision for the voluntary enrollment of children whose primary language is English, in order that they may acquire an understanding of the cultural heritage of the children of limited English speaking ability for whom that particular program of bilingual education is designed. In determining eligibility to participate in a program, priority shall be given to the children whose primary language is other than English and this subdivision shall not operate or be construed to limit the obligation of school districts to enroll individuals of limited English speaking ability in a transitional bilingual program operated in accordance with subdivision 3 of this section. In no event shall the program be designed for the purpose of teaching a foreign language to English speaking children. Children of limited English speaking ability and English speaking children enrolled in an existing nonpublic system may be enrolled on a shared time basis in bilingual education programs.*

**Subd. 5. [NEW STUDENTS.]** *All districts providing a bilingual education program under sections 1 to 12 shall take all affirmative steps necessary to immediately identify children of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the*

*pilot program and who enroll in the public schools after the implementation of the program and to assess and classify such children in accordance with the provisions of section 11 of this act. All such children who are identified as limited English speaking shall be eligible to be immediately enrolled in the bilingual education program, consistent with the provisions of subdivision 3 of this section.*

*Subd. 6. [ASSIGNMENT OF STUDENTS.] No school district shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.*

*Subd. 7. [NONVERBAL COURSES AND EXTRACURRICULAR ACTIVITIES.] In predominantly nonverbal subjects, such as art, music, and physical education, children of limited English speaking ability shall participate fully and on an equal basis with their contemporaries in the public school classes provided for these subjects. Every school district shall ensure to children enrolled in bilingual education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the children of limited English speaking ability, or which are otherwise necessary to accomplish the objectives described in sections 1 to 12 of this act.*

*Sec. 6. [TEACHERS; LICENSES; EXEMPTIONS.] Subdivision 1. [BILINGUAL EDUCATION LICENSES.] The board of teaching, hereinafter the board, shall grant teaching licenses in bilingual education to persons who present satisfactory evidence that they:*

*(a) Possess competence and communicative skills in English and in another language;*

*(b) Possess a bachelor's degree or other academic degree approved by the board, or meet such requirements as to course of study and training as the board may prescribe.*

*Subd. 2. [PERSONS HOLDING GENERAL TEACHING LICENSES.] A person holding a general teaching license who presents the board with satisfactory evidence of competence and communicative skills in a language other than English may be licensed under this section.*

*Subd. 3. [EMPLOYMENT OF TEACHERS.] Teachers employed in a bilingual education program established pursuant to sections 1 to 12 of this act shall not be employed to replace any presently employed teacher who otherwise would not be replaced.*

**Subd. 4. [TEACHER PREPARATION PROGRAMS.]** *For the purpose of licensing bilingual teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.*

**Subd. 5. [PERSONS ELIGIBLE FOR EMPLOYMENT EXEMPTIONS.]** *Any person licensed under this section shall be eligible for employment by a school board as a teacher in a bilingual education program in which the language for which he is licensed is taught or used as a medium of instruction. A school board may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board upon request may be exempted from the licensure requirements of this section in the hiring of one or more bilingual education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the district in the securing of the teachers. The commissioner shall notify the board of teaching of any exemptions granted pursuant to this subdivision.*

**Subd. 6. [PERSONS SERVING UNDER EXEMPTIONS; LICENSURE; TENURE.]** *A bilingual education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by a bilingual education teacher under an exemption shall be credited to the teacher for the purposes of Minnesota Statutes, Section 125.12, and not more than two years shall be credited to the teacher for the purpose of Minnesota Statutes, Section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.*

**Subd. 7. [AFFIRMATIVE EFFORTS IN HIRING.]** *In hiring for all positions in bilingual education programs school districts shall give preference to and make affirmative efforts to seek, recruit, and employ persons who are (a) native speakers of the language which is the medium of instruction in the bilingual education program, and (b) who share the culture of the limited English speaking children who are enrolled in the program. The district shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.*

**Sec. 7. [TEACHERS AIDES; COMMUNITY COORDINATORS.]** *In addition to employing bilingual teachers, each district providing bilingual education programs pursuant to sections 1 to 12 of this act may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting bilingual teachers.*

**Sec. 8. [PARENT AND COMMUNITY PARTICIPATION.]**

*Subdivision 1. School boards shall provide for the maximum involvement of parents of children enrolled in bilingual education programs pursuant to sections 1 to 12 of this act. Accordingly, before implementing a program, the school district shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and opportunity to express their views concerning all aspects of the bilingual education program and the educational needs of the children of limited English speaking ability residing within the district's attendance boundaries. The district shall ensure that the program is planned, operated, and evaluated with the effective involvement of and in consultation with parents of children enrolled or eligible to be served by the program.*

*Subd. 2. The committees shall be composed solely of parents of children enrolled or eligible to be enrolled in bilingual programs; secondary students enrolled or eligible to be served; bilingual education teachers, aids, counselors, and other bilingual education program personnel; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and the number of parents of limited English speaking children and parents of children whose primary language is English shall reflect approximately the proportion of children of those groups enrolled in the program.*

*Subd. 3. School principals and other administrators or teachers within the district shall be encouraged to participate and cooperate with the parent advisory committee.*

*Subd. 4. All notices and other information sent to the parent advisory committees shall be in English and in the primary language of the parent members.*

*Subd. 5. Nothing in this section shall be construed as prohibiting the school board from establishing procedures whereby parents whose children are enrolled or eligible to be enrolled in the bilingual education program select, consistent with the provisions of this section, the members of the parent advisory committee. Nothing in this section shall be construed as prohibiting school boards from establishing a parent advisory committee prior to the submission of a proposal under section 11 for a bilingual education program.*

*Subd. 6. School districts which have already established a parent advisory committee pursuant to section 703(a)(4)(e) of Title VII of the Elementary and Secondary Education Act of 1965 may utilize that committee for the purpose of complying with the provisions of this section.*

Sec. 9. [STATE BOARD OF EDUCATION DUTIES.]  
Subdivision 1. [NEEDS ASSESSMENT.] *The state board of education shall conduct a statewide assessment of the need for bilingual education programs, which shall include information on:*

(a) *Numbers, ages, locations by school district, and primary language, race, national origin, and level of family income of children of limited English speaking ability;*

(b) *Concentration of children of limited English speaking ability in attendance areas within school districts by primary language, race, national origin, and level of family income;*

(c) *Placement rates of children of limited English speaking ability in classes for handicapped pupils, in comparison with schoolwide and districtwide placement rates;*

(d) *Achievement test scores, mobility rates and dropout rates of children of limited English speaking ability in comparison with average achievement test scores, mobility rates and dropout rates;*

(e) *Any other data deemed necessary to assessment of the need for bilingual education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating to privacy and student records.*

*Any needs assessment previously conducted by a school district which is determined to be current and which meets the requirements of this subdivision may be used as the basis for a program proposal and funding under section 11 prior to the completion of the statewide assessment and may be used by the state board as a part of its statewide assessment.*

Subd. 2. [RESOURCE EVALUATION.] *The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of children of limited English speaking ability, including information on:*

(a) *Numbers, location, qualifications, and primary language and national origin of teachers, aides, administrators, counselors, and potential post secondary education graduates from non-English speaking backgrounds who have an interest in working in bilingual programs;*

(b) *Programs within the state designed for the preparation of bilingual education teachers;*

(c) *The effectiveness of existing programs for children of limited English speaking ability within the state;*

(d) *Successful and innovative preservice and inservice programs for staffs of bilingual education programs; and*

(e) *Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying children of limited English speaking ability.*

*Subd. 3. [PROGRAM MODELS.] The state board shall gather information about the theory and practice of bilingual education and design program models appropriate for meeting the need for bilingual education in conjunction with the basic educational program in the state.*

*Subd. 4. [EVALUATION OF PROGRAMS.] The state board shall provide for comprehensive evaluation of pilot programs funded under sections 1 to 12 of this act. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonpublic, community, or alternative schools, including assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs, provided that the nonpublic, community, or alternative school consents to the evaluation of its existing program.*

*Subd. 5. [COMMUNITY INVOLVEMENT.] The state board shall provide for the maximum involvement of the state advisory task force on bilingual education, parents of children of limited English speaking ability, secondary students eligible to be served, bilingual education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of bilingual education, in the formulation of policy and procedures relating to the administration of sections 1 to 12 of this act.*

*Subd. 6. [CONSULTATION.] The state board may consult with and make recommendations to other public departments and agencies in connection with the administration of sections 1 to 12 of this act.*

*Subd. 7. [TEACHER LICENSURE.] The state board shall provide to the board of teaching a report on its research and experience in bilingual education insofar as such research may have a bearing on the establishment of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in Minnesota Statutes, Section 125.185, Subdivision 4.*

*Subd. 8. [TECHNICAL ASSISTANCE.] The state board of education shall provide technical assistance to school districts and post secondary institutions for preservice and inservice training for bilingual education teachers and teachers' aides, teaching methods, curriculum development, testing and testing*

*mechanisms, and the development of materials for bilingual programs.*

*Subd. 9. [APPLICATION FOR FUNDS.] The state board may apply for grants or funds which are, or may become, available under federal programs for bilingual education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.*

*Subd. 10. [REPORT.] The state board shall make a report to the legislature, the governor and the public on or before September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, the number of children served in programs for each language group; the cost of the program per pupil for each pilot program language group, and program type; the number of children in each school district, language group and program type who, as a result of the bilingual education program, improved their English language ability to such an extent that the program is no longer necessary for those children; and recommendations for legislation including any need for expansion and accompanying plans and cost estimates in the areas of bilingual education.*

*Subd. 11. [RULES AND REGULATIONS.] The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 1 to 12 of this act.*

**Sec. 10. [ADVISORY TASK FORCE ON BILINGUAL EDUCATION PROGRAMS.]** *Subdivision 1. [ESTABLISHMENT.] The state board of education shall appoint an advisory task force on bilingual education programs. There shall be no more than ten members on the task force. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, bilingual administrators and teachers, persons experienced in the training of teachers for bilingual education programs, persons involved in programs for children of limited English speaking ability in nonpublic, community, or alternative schools, and persons knowledgeable in the field of bilingual education. Members shall be appointed so as to be representative of significant segments of the population of persons of limited English speaking ability.*

*Subd. 2. [DUTIES.] The advisory task force on bilingual education programs shall be charged with the following duties:*

*(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for programs and the amounts of grants to approved programs; and*

*(b) To advise the state board in the administration of its duties under sections 1 to 12 of this act.*

*Subd. 3. The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in Minnesota Statutes, Section 15.059, Subdivision 6.*

**Sec. 11. [PILOT PROGRAMS.] Subdivision 1. [GRANTS, PROCEDURES.]** *For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than three transitional bilingual education programs. At least one pilot bilingual program shall be in a rural area. The board of a local district or a group of boards may submit a proposal for a grant for a transitional bilingual education program. The state board shall prescribe the form and manner of application for grants and no grant shall be made for proposals not complying with the requirements of sections 1 to 12 of this act. Every program proposal shall be submitted to the state board not less than six months before the planned commencement of the program; provided, however that this six month requirement shall not apply to school districts with an existing bilingual education program established and approved pursuant to section 701 et seq., of Title VII of the Elementary and Secondary Education Act of 1965. The state board shall submit all proposals to the state advisory task force on bilingual education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.*

*Subd. 2. [PLANS.] Each school district submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:*

*(a) Identify the measures to be used to meet the requirements of sections 1 to 12 of this act;*

*(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;*

*(c) Describe how district goals and objectives as well as the objectives of sections 1 to 12 are to be achieved;*

*(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 4, subdivision 6;*

*(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and*

*(f) Project expenditures for programs under sections 1 to 12 of this act.*

*Subd. 3. [ADDITIONAL REQUIREMENTS.] Each school district receiving a grant under this section shall each year con-*

duct a count of children of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the bilingual education program funded under this section in the public schools of the district; assess the English and primary language proficiencies of such children; test for achievement; identify the extent of other educational needs of the children to be enrolled in the bilingual education program; and classify the limited English speaking children by grade, level of educational attainment, age, achievement, and English and primary language proficiencies. This count may be part of the school census required pursuant to section 120.095. Nothing herein shall be construed to limit a school district's authority to so count, assess, test, identify and classify limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of instruction in a program funded under this section.

**Subd. 4. [NONDISCRIMINATION; TESTING.]** In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of children of limited English speaking ability shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying children of limited English speaking ability.

**Subd. 5. [RECORDS.]** Participating school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that bilingual education programs are implemented in conformity with sections 1 to 12 of this act. Each school district shall keep an accurate, detailed, and separate account of all money received and paid out by it for bilingual education programs funded under this section.

**Subd. 6. [FUNDS FROM OTHER SOURCES.]** A school district providing bilingual education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

**Subd. 7.** Nothing in sections 1 to 12 shall be construed as prohibiting a district from implementing a bilingual education program which is not in compliance with sections 1 to 12 of this act if the proposal and plan for that program is not funded pursuant to this section.

**Sec. 12. [OTHER STATUTES.]** Nothing in the provisions of sections 1 to 12 shall be construed to violate the provisions of Minnesota Statutes, Section 127.08 or Chapter 363. Programs and activities pursuant to sections 1 to 12 shall be deemed to be positive action programs to combat discrimination.

Sec. 13. Minnesota Statutes 1976, Section 120.095, is amended by adding a subdivision to read:

*Subd. 6. The school census shall include an enumeration of children of limited English speaking ability residing within the district by primary language, race and national origin. In making this census the school board shall seek the assistance and co-operation of agencies, organizations or community groups, public or private, which might have information about students of limited English speaking ability residing in the school district. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act.*

Sec. 14. Minnesota Statutes 1976, Section 120.10, Subdivision 2, is amended to read:

**Subd. 2. [SCHOOL.]** A school, to satisfy the requirements of compulsory attendance, must be one in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects; *provided that in a program of instruction for children of limited English speaking ability, instruction and textbooks may be in the primary language of the children of limited English speaking ability enrolled therein. (A FOREIGN LANGUAGE MAY BE TAUGHT WHEN SUCH LANGUAGE IS AN ELECTIVE OR A PRESCRIBED SUBJECT OF THE CURRICULUM, BUT NOT TO EXCEED ONE HOUR IN EACH DAY) Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act.*

Sec. 15. Minnesota Statutes 1976, Section 126.07, is amended to read:

**126.07 [INSTRUCTION, USE OF ENGLISH LANGUAGE.]** The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; (AND) *provided that in the case of a program for children of limited English speaking ability, instructions and books may be in the primary language of the children of limited English speaking ability. As used in this section, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act.* In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study. (INSTRUCTION MAY BE GIVEN IN SUCH LANGUAGES IN ELEMENTARY

GRADES, NOT TO EXCEED ONE HOUR IN EACH DAY, BY UNANIMOUS VOTE OF THE SCHOOL BOARD.)

Sec. 16. [APPROPRIATION.] *The sum of \$550,000 is appropriated from the general fund to the state board of education for the purposes of this act to be available until June 30, 1979. Of this amount, \$40,000 shall be available for the year ending June 30, 1978 for the employment of two professional employees and one clerical employee beyond the existing complement of the department of education; \$40,000 shall be available for the year ending June 30, 1979 for the employment of two professional employees and one clerical employee beyond the existing complement of the department; and, \$70,000 shall be available until June 30, 1979 for the payment of other necessary expenses and contracted services incurred in connection with the administration of this act. The sum of \$400,000 shall be available until June 30, 1979 to be expended for grants to pilot bilingual education programs pursuant to sections 1 to 12 of this act."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 899, A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; providing depreciation allowances; providing for reimbursable expenses; providing for a study on nursing assistant training; authorizing Chisago county to issue revenue bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of the facilities; amending Minnesota Statutes 1976, Sections 144.652, Subdivision 2; 144A.04, Subdivisions 3 and 5; 144A.05; 144A.10, Subdivisions 2 and 5; 144A.61, Subdivision 6; 256B.27, by adding a subdivision; 256B.43, by adding a subdivision; 256B.44, Subdivisions 2 and 3; 256B.45, Subdivisions 1 and 4; 256B.47, Subdivisions 1 and 2; 256B.48, Subdivision 1; Chapter 144A, by adding a section; and repealing Minnesota Statutes 1976, Section 256B.45, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 144A.04, Subdivision 3, is amended to read:

Subd. 3. The facility must meet the minimum health, sanitation, safety and comfort standards prescribed by the rules of the board of health with respect to the construction, equipment, maintenance and operation of a nursing home. The board of health may temporarily waive compliance with one or more of the standards if it determines that:

(a) Temporary noncompliance with the standard will not create an imminent risk of harm to a nursing home resident; and

(b) A controlling person on behalf of all other controlling persons:

(1) Has entered into a contract to obtain the materials or labor necessary to meet the standard set by the board of health, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to meet the standard is due solely to that failure; or

(2) Is otherwise making a diligent good faith effort to meet the standard.

*The board of health shall allow, by rule, a nursing home to provide fewer hours of nursing care to intermediate care residents of a nursing home than required by the present rules of the board if the board determines that the needs of the residents of the home will be adequately met by a lesser amount of nursing care.*

Sec. 2. Minnesota Statutes 1976, Section 144A.05, is amended to read:

144A.05 [LICENSE RENEWAL.] Unless the license expires in accordance with section 144A.06 or is suspended or revoked in accordance with section 144A.11, a nursing home license shall remain effective for a period of one year from the date of its issuance. The board of health by rule shall establish forms and procedures for the processing of license renewals. The board of health shall approve a license renewal application if the facility continues to satisfy the requirements, standards and conditions prescribed by sections 144A.01 to 144A.17 and the rules promulgated thereunder. Except as provided in section 144A.08, a facility shall not be required to submit with each application for a license renewal additional copies of the architectural and engineering plans and specifications of the facility. Before approving a license renewal, the board of health shall determine that the facility's most recent balance sheet and its most recent statement of revenues and expenses, as audited by the state auditor, by a certified public accountant licensed by this state or by a public accountant as defined in section 412.222, have been received by the department of public welfare. (NEI-

THE STATEMENT MAY BE DATED MORE THAN THREE MONTHS PRIOR TO THE DATE OF EXPIRATION OF THE LICENSE.)

Sec. 3. Minnesota Statutes 1976, Section 144A.10, Subdivision 2, is amended to read:

Subd. 2. [INSPECTIONS.] The board of health shall annually inspect each nursing home to assure compliance with sections 144A.01 to 144A.17 and the rules promulgated thereunder. The annual inspection shall be a full inspection of the nursing home. If upon a reinspection provided for in subdivision 5 the representative of the board of health finds one or more uncorrected violations, a second inspection of the facility shall be conducted (DURING THE REMAINDER OF ITS LICENSE YEAR). The second inspection need not be a full inspection. No prior notice shall be given of an inspection conducted pursuant to this subdivision. Any employee of the board of health who willfully gives or causes to be given any advance notice of an inspection required or authorized by this subdivision shall be subject to suspension or dismissal in accordance with chapter 43. An inspection required by a federal rule or statute may be conducted in conjunction with or subsequent to any other inspection. Any inspection required by this subdivision (SHALL) *may* be in addition to or in conjunction with the reinspections required by subdivision 5. Nothing in this subdivision shall be construed to prohibit the board of health from making more than one unannounced inspection of any nursing home during its license year. The board of health shall coordinate its inspections of nursing homes with inspections by other state and local agencies.

Sec. 4. Minnesota Statutes 1976, Section 144A.10, Subdivision 5, is amended to read:

Subd. 5. [REINSPECTIONS.] A nursing home issued a correction order under this section shall be reinspected at the end of the period allowed for correction. *The reinspection may be made in conjunction with the next annual inspection or any other scheduled inspection.* If upon reinspection the representative of the board of health determines that the facility has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order shall be mailed by certified mail to the nursing home. The notice shall specify the violations not corrected and the fines assessed in accordance with subdivision 6.

Sec. 5. Minnesota Statutes 1976, Section 144A.61, Subdivision 2, is amended to read:

Subd. 2. [NURSING ASSISTANTS.] For the purposes of sections 144A.61 and 144A.611 "nursing assistant" means a

nursing home employee, including a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse. The (BOARD OF NURSING) *commissioner of education* may, by rule, establish categories of nursing assistants who are not required to comply with the educational requirements of sections 144A.61 and 144A.611.

Sec. 6. Minnesota Statutes 1976, Section 144A.61, Subdivision 3, is amended to read:

Subd. 3. [CURRICULA.] The commissioner of education shall develop curricula which may be used for nursing assistant training programs for employees of nursing homes. The curricula, as (APPROVED) *reviewed and evaluated* by the board of nursing, shall be utilized by all facilities, institutions, or programs offering nursing assistant training programs.

Sec. 7. Minnesota Statutes 1976, Section 144A.61, Subdivision 6, is amended to read:

Subd. 6. [TRAINING PROGRAM.] Each nursing assistant hired to work in a nursing home on or after July 1, (1977) 1978, shall have successfully completed an approved nursing assistant training program or shall be enrolled in the first available approved training program which is scheduled to commence within 60 days of the date of the assistant's employment. Approved training programs shall be offered at the location most reasonably accessible to the enrollees in each class.

Sec. 8. Minnesota Statutes 1976, Section 144A.611, Subdivision 1, is amended to read:

144A.611 [REIMBURSABLE EXPENSES PAYABLE TO NURSING ASSISTANTS.] Subdivision 1. [NURSING HOMES.] The actual costs of tuition and reasonable expenses for that approved program deemed by the (BOARD OF NURSING) *commissioner of education* to be minimally necessary to protect the health and welfare of nursing home residents, which are paid to nursing home assistants pursuant to subdivision 2, shall be a reimbursable expense for nursing homes under the provisions of chapter 256B and the rules promulgated thereunder.

Sec. 9. Minnesota Statutes 1976, Section 214.10, is amended by adding a subdivision to read:

Subd. 2a. A board shall initiate proceedings to suspend or revoke a license or shall refuse to renew a license of a person licensed by the board who is convicted in a court of competent jurisdiction of violating sections 609.23, 609.231, 609.465, 609.466, 609.52, or 626.555.

Sec. 10. Minnesota Statutes 1976, Section 256B.27, is amended by adding a subdivision to read:

*Subd. 2a. The commissioner shall audit cost reports of each nursing home qualifying as a vendor of medical assistance at least once every three years.*

Sec. 11. Minnesota Statutes 1976, Section 256B.43, is amended by adding subdivisions to read:

*Subd. 5. Depreciation shall be allowed for all governmentally owned nursing homes regardless of the source of funds used to construct or expand the facility. The provisions of this subdivision shall apply to all cost reports submitted on or after November 1, 1972.*

*Subd. 6. The state agency shall by rule establish a separate depreciation allowance for land improvements, equipment and vehicles.*

Sec. 12. Minnesota Statutes 1976, Section 256B.44, Subdivision 3, is amended to read:

Subd. 3. A proprietary nursing home which pays interest on capital indebtedness at an interest rate in excess of nine percent may be reimbursed for (ONE-HALF OF) its interest expenses in excess of the nine percent up to 12 percent if (1) the proceeds of the indebtedness are used for the purchase or operation of the nursing home and (2) the interest rate is not in excess of what a borrower would have had to pay in an arms-length transaction at the time the loan was made.

Sec. 13. Minnesota Statutes 1976, Section 256B.45, is amended to read:

256B.45 [INVESTMENT ALLOWANCE.] Subdivision 1. The state agency shall by rule establish an investment allowance for nursing homes. For the fiscal year beginning July 1, 1977, the allowance for proprietary homes shall be nine percent of the original value of the facility for depreciation purposes. For the fiscal year beginning July 1, 1977, the allowance for non-proprietary homes shall be two percent of the original value of the facility for depreciation purposes. Beginning in (1977) 1978 the state agency shall, no later than May 1 of each year, conduct a public hearing pursuant to the rule making provisions of chapter 15 to determine the percentages to be used in the following fiscal year. There shall be no other cost of capital or profit allowance for proprietary homes.

Subd. 2. (THE OWNER OF A NURSING HOME OR THE STATE AGENCY MAY REQUEST A NEW APPRAISAL OF THE FACILITY NOT MORE OFTEN THAN EVERY SEVEN

YEARS. IF A NEW APPRAISAL IS MADE, THE NEW APPRAISED VALUE LESS DEPRECIATION, COMPUTED ON THE BASIS OF THE VALUE ESTABLISHED PURSUANT TO THIS SUBDIVISION, SHALL BECOME THE NEW BASIS FOR THAT NURSING HOME'S INVESTMENT ALLOWANCE. THE APPRAISER SHALL BE SELECTED AND THE APPRAISAL UNDERTAKEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 256B.43, SUBDIVISION 3. THE BASIS FOR DEPRECIATION SHALL CONTINUE TO BE THE ORIGINAL VALUE OF THE FACILITY ESTABLISHED PURSUANT TO SECTION 256B.43) *For each year after the year in which the nursing home was originally purchased in which there is no transfer of ownership of a nursing home, the investment allowance shall be increased by one percent of the original investment allowance, but the increases shall be limited to a maximum of 25 percent of the original investment allowance.*

(SUBD. 3. THE SEVEN YEAR PERIOD USED FOR THE PURPOSES OF SUBDIVISION 2 SHALL COMMENCE WITH THE DATE OF PURCHASE. THE STATE AGENCY OR THE OWNER OF ANY NURSING HOME PURCHASED BEFORE JANUARY 1, 1977, MAY REQUEST AN APPRAISAL ON JULY 1, 1977 OR SEVEN YEARS AFTER THE DATE OF PURCHASE, WHICHEVER OCCURS LATER IN TIME.)

Subd. (4) 3. If a nursing home is operated on a lease basis, the state agency shall not recognize as an allowable cost any rental fee in excess of the total amount it would pay to the owner of the facility as interest, investment allowance and depreciation allowance. *A lease entered into before April 13, 1976 is not subject to this subdivision until the date of the next renewal.*

Sec. 14. Minnesota Statutes 1976, Section 256B.47, Subdivision 1, is amended to read:

256B.47 [RATE LIMITS.] Subdivision 1. The state agency shall by rule establish separate overall limitations on the costs for items which directly relate to the provision of patient care to residents of nursing homes and those which do not directly relate to the provision of care. The state agency may also by rule, establish limitations for specific cost categories *which do not directly relate to the provision of patient care. The state agency shall reimburse nursing homes for the costs of nursing care in excess of any state agency limits on hours of nursing care if the board of health issues a correction order pursuant to section 144A.10, subdivision 4, directing the nursing home to provide the additional nursing care.*

All costs determined otherwise allowable shall be subject to these limitations. (THE CATEGORICAL LIMITS ON PATIENT CARE RELATED ITEMS MAY BE HOURLY LIMITS BASED ON THE NEEDS OF THE RESIDENTS OF THE

**NURSING HOME UP TO MAXIMUM LIMITS ESTABLISHED BY THE STATE AGENCY.)**

Sec. 15. Minnesota Statutes 1976, Section 256B.47, Subdivision 2, is amended to read:

Subd. 2. The following costs shall not be recognized as allowable to the extent that these costs cannot be demonstrated by the nursing home to the state agency to be directly related to the provision of patient care: (1) political contributions; (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities; (3) advertising designed to encourage potential residents to select a particular nursing home; (4) assessments levied by the health department for uncorrected violations; (5) legal fees for unsuccessful challenges to decisions by state agencies; and (6) dues paid to a nursing home or hospital association. *The state agency shall promulgate rules establishing standards which shall distinguish between any patient-care related components and nonpatient-care related components of these costs, where applicable. For purposes of these rules, the state agency shall exercise emergency powers and establish emergency rules pursuant to section 15.0412, subdivision 5, before September 1, 1977.* The state agency shall by rule exclude the costs of any other items which it determines are not directly related to the provision of patient care.

Sec. 16. Minnesota Statutes 1976, Section 256B.48, Subdivision 1, is amended to read:

**256B.48 [CONDITIONS FOR PARTICIPATION.]** Subdivision 1. No nursing home shall be eligible to receive medical assistance payments unless it agrees in writing that it will refrain from:

(a) Charging nonmedical assistance residents rates for similar services which exceed by more than ten percent those rates which are approved by the state agency for medical assistance recipients; *For nursing homes charging nonmedical assistance residents rates less than ten percent more than those rates which are approved by the state agency for medical assistance recipients, the maximum differential in rates between nonmedical assistance residents and medical assistance recipients shall not exceed that differential which was in effect on April 13, 1976. If a nursing home has exceeded this differential since April 13, 1976, it shall return the amount collected in excess of the allowable differential stated by this subdivision to the nonmedical assistant resident, or that person's representative, by July 1, 1977.* Effective July 1, 1978, no nursing home shall be eligible for medical assistance if it charges nonmedical assistance recipients rates for similar services which exceed those which are approved by the state agency for medical assistance recipients; provided, however, that the nursing home may (1) charge nonmedical assistance resi-

dents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance patients are charged separately at the same rate for the same services in addition to the daily rate paid by the state agency;

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay an admission fee in excess of \$100, loan any money to the nursing home, or promise to leave all or part of the applicant's estate to the home; and

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home.

The prohibitions set forth in clause (b) shall not apply to a (NONPROPRIETARY) retirement home *with more than 325 beds including at least 150 licensed nursing home beds and which (CONTAINS AN IDENTIFIABLE UNIT OF FEWER THAN 20 PERCENT OF THE TOTAL NUMBER OF FACILITY BEDS TO PROVIDE NURSING CARE TO THE RESIDENTS OF THE HOME)*:

(1) *is owned and operated by an organization tax-exempt under section 290.05, subdivision 1, clause (i); and*

(2) *at the time of admission places all of the applicant's assets which are required to be assigned to the home in a trust account from which only expenses for the cost of care of the applicant may be deducted; and*

(3) *agrees in writing at the time of admission to the home to permit the applicant, or his guardian, or conservator, to examine the records relating to the individual's trust account upon request, and to receive an audited statement of the expenditures from his individual account upon request; and*

(4) *agrees in writing at the time of admission to the home to permit the applicant to withdraw from the home at any time and to receive, upon withdrawal, all of the unexpended funds remaining in his individual trust account; and*

(5) *was in compliance with provisions (1) to (4) as of June 30, 1976.*

Sec. 17. [REPEALER.] *Minnesota Statutes 1976, Section 144A.61, Subdivision 5, is hereby repealed."*

Further amend by striking the title in its entirety and inserting the following:

“A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing certain provisions governing the training of nursing assistants; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; requiring the state agency to establish certain standards; exempting certain homes from certain requirements; amending Minnesota Statutes 1976, Sections 144A.04, Subdivision 3; 144A.05; 144A.10, Subdivisions 2 and 5; 144A.61, Subdivisions 2, 3 and 6; 144A.611, Subdivision 1; 214.10, by adding a subdivision; 256B.27, by adding a subdivision; 256B.43, by adding subdivisions; 256B.44, Subdivision 3; 256B.45; 256B.47, Subdivisions 1 and 2; 256B.48, Subdivision 1; repealing Minnesota Statutes 1976, Section 144A.61, Subdivision 5.”

With the recommendation that when so amended the bill pass.

The report was adopted.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 420, 447, 898 and 1051 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 120 and 899 were read for the second time.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Williamson, Arlandson, Metzen and Hanson introduced:

H. F. No. 1645, A bill for an act relating to commerce; requiring notice to individuals of the establishment or changes in their credit ratings by credit reporting agencies.

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

Esau, McDonald and Den Ouden introduced:

H. F. No. 1646, A bill for an act relating to retirement; exclusions from membership in the public employees retirement association; amending Minnesota Statutes 1976, Section 353.01, Subdivision 2b.

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

Berglin introduced:

H. F. No. 1647, A bill for an act relating to marriage and divorce; enacting the uniform marriage and divorce act; amending Minnesota Statutes 1976, Sections 127.27, Subdivision 6; 144.151, Subdivision 2; 197.971, Subdivision 4; 201.14; 256.875; 256D.02, Subdivision 10; 257.025; 259.24, Subdivision 1; 290.012, Subdivision 3; 290.06, Subdivisions 3a, 3b and 3c; 290.0601, Subdivision 2; 290.08, Subdivisions 3 and 4; 290.09, Subdivisions 14 and 26; 290.133, Subdivision 3; 290.16, Subdivision 12; 290.28, Subdivision 3; 297B.01, Subdivision 7; 332.23, Subdivision 4; 353.15; 393.07, Subdivision 1; 422A.23, Subdivision 3; 423.387; 423.58; 424.24; 484.64, Subdivision 2; 487.19, Subdivision 1; 488.05, Subdivision 1; 488A.01, Subdivision 7; 488A.18, Subdivision 8; 508.06; 518.551; 525.081, Subdivision 3; and 576.13; repealing Minnesota Statutes 1976, Sections 517.01; 517.02; 517.03; 517.04; 517.05; 517.06; 517.07; 517.071; 517.08; 517.09; 517.10; 517.13; 517.14; 517.15; 517.16; 517.17; 517.18; 517.19; 518.002; 518.01; 518.02; 518.03; 518.04; 518.05; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.15; 518.16; 518.165; 518.17; 518.175; 518.18; 518.24; 518.25; 518.27; 518.29; 518.54; 518.55; 518.57; 518.58; 518.59; 518.61; 518.62; 518.63; 518.64; 518.65; 518.66; 518.67; and 519.07.

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

Esau, Sherwood, Den Ouden, McDonald and Nelsen, M., introduced:

H. F. No. 1648, A bill for an act relating to public health and welfare; establishing a state advisory council for home and family; prescribing its membership, powers, and duties; appropriating money.

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

Searles, McDonald, McCollar and Heinitz introduced:

H. F. No. 1649, A bill for an act relating to the Lake Minnetonka Conservation District; amending Laws 1967, Chapter 907, Sections 1; 2, Subdivision 2, as amended; and 5, as amended.

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

Casserly, Petrafeso, Savelkoul, Pehler and Vanasek introduced:

H. F. No. 1650, A bill for an act relating to taxation; providing for valuation of certain buildings; providing for reimbursement of certain property taxes; appropriating money.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Braun, Laidig and Johnson introduced:

H. A. No. 39, A proposal for partition fence study.

The advisory was referred to the Committee on Agriculture.

Lemke and Friedrich introduced:

H. A. No. 40, A proposal to study feedlot pollution control.

The advisory was referred to the Committee on Agriculture.

Fugina introduced:

H. A. No. 41, A proposal to salvage timber on certain condemned lands and weather damaged state lands.

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

Swanson and Brinkman introduced:

H. A. No. 42, A proposal for the study of the insurance industry.

The advisory was referred to the Committee on Financial Institutions and Insurance.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., 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

the Consent Calendar for today, Wednesday, May 18, 1977: S. F. Nos. 1087 and 1165.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. No. 293 and S. F. Nos. 109, 742, 875, 932, 1290 and 1467 was reported to the House.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 176

A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

May 17, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 176 report that we have agreed upon the items in dispute and recommend as follows:

That the house accede to the senate amendments, and H. F. No. 176 be further amended as follows:

Page 1, line 18, strike "nonqualification".

Page 1, line 19, before the period, strike "certificate" and insert "*Minnesota identification card*".

Page 1, line 19, after "The" strike "certificate" and insert "*card*".

Page 2, line 2, strike "nonqualification certificate" and insert "*Minnesota identification card*".

Page 2, line 4, after the period insert "*The fee for a Minnesota identification card issued to any person who is mentally retarded, as defined in section 252A.02, subdivision 2, shall be 50 cents.*".

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 1976, Section 171.07, Subdivision 4, is amended to read:

Subd. 4. The expiration date of (EACH NONQUALIFICATION CERTIFICATE) *Minnesota identification cards* of applicants under the age of 65 shall be the birthday of the applicant in the fourth year following the date of issuance of the (NONQUALIFICATION CERTIFICATE) *card*. (NONQUALIFICATION CERTIFICATES) *Minnesota identification cards* issued to applicants age 65 or over shall be valid for the lifetime of the applicant.

Sec. 3. Minnesota Statutes 1976, Section 171.07, Subdivision 5, is amended to read:

Subd. 5. The department may provide a donor document to each person making application for a driver's license or a (NONQUALIFICATION CERTIFICATE) *Minnesota identification card* whereby any such person, 18 years of age or more, may execute an anatomical gift, pursuant to the provisions of the uniform anatomical gift act, sections 525.921 to 525.93. The commissioner of public safety shall prescribe the form of the donor document. The donor document must be signed by the donor in the presence of two witnesses who must sign the donor document in the donor's presence. If the donor cannot sign, the donor document may be signed for the donor at the donor's direction, in the donor's presence, and in the presence of two witnesses who must sign the donor document in the donor's presence. The department shall identify donors of anatomical gifts by the designation "donor" on the front side of the donor's driver's license or (NONQUALIFICATION CERTIFICATE) *Minnesota identification card*. The designation "donor" shall constitute sufficient legal authority for the removal of all body organs or parts upon death of the donor for the purpose of transplantation and the designation shall be removed only upon written notice to the department. No designation may be noted upon the driver's license or (NONQUALIFICATION CERTIFICATE) *Minnesota identification card* of any person under 18. Delivery of the license or (NONQUALIFICATION CERTIFICATE) *Minnesota identification card* during the donor's lifetime is not necessary to make the gift valid.

Sec. 4. Minnesota Statutes 1976, Section 340.039, is amended to read:

340.039 [DRIVER'S LICENSE OR MINNESOTA IDENTIFICATION CARD.] Proof of age for purposes of consuming, purchasing, or possessing an alcoholic beverage, the consumption, sale, or possession of which is regulated by age, may only be established by a valid driver's license or a current (NONQUALIFICATION CERTIFICATE) *Minnesota identification card* issued pursuant to (MINNESOTA STATUTES 1971,) section 171.07."

Renumber the remaining section.

Further, amend the title as follows:

Page 1, line 3, delete "nonqualification certificates" and insert "Minnesota identification cards and the use thereof".

Page 1, line 5, delete "Section" and insert "Sections".

Page 1, line 6, delete "Subdivision 3" and insert "Subdivisions 3, 4 and 5; and 340.039".

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

House Conferees: WAYNE A. SIMONEAU, THOMAS R. BERKELMAN and KENNETH P. ZUBAY.

Senate Conferees: EUGENE E. STOKOWSKI, MIKE MENNING and HOWARD D. OLSON.

Simoneau moved that the report of the Conference Committee on H. F. No. 176 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 176, A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Fugina	Kvam	Novak
Adams	Casserly	Gunter	Langseth	Osthoff
Albrecht	Clark	Haugerud	Lehto	Patton
Anderson, B.	Clawson	Heinitz	Lemke	Pehler
Anderson, D.	Cohen	Hokanson	Mangan	Peterson
Anderson, G.	Cummiskey	Jacobs	Mann	Petrafeso
Anderson, I.	Dahl	Jaros	McCarron	Pleasant
Anderson, R.	Dean	Jensen	McCollar	Prahl
Arlandson	Den Ouden	Johnson	McDonald	Reding
Battaglia	Eckstein	Jude	McEachern	Rice
Beauchamp	Eken	Kahn	Metzen	Rose
Begich	Ellingson	Kaley	Moe	St. Onge
Berg	Enebo	Kalis	Munger	Sarna
Berglin	Esau	Kelly, R.	Murphy	Savelkoul
Berkelman	Evans	Kelly, W.	Neisen	Scheid
Biersdorf	Faricy	Kempe, R.	Nelsen, B.	Schulz
Birnstihl	Fjoslien	King	Nelsen, M.	Searles
Brandl	Forsythe	Knickerbocker	Nelson	Sherwood
Byrne	Friedrich	Kostohryz	Niehaus	Sieben, M.
Carlson, A.	Fudro	Kroening	Norton	Simoneau

Skoglund	Stoa	Vanasek	Wenstrom	Williamson
Smogard	Suss	Voss	Wenzel	Wynia
Spanish	Swanson	Waldorf	White	Zubay
Stanton	Tomlinson	Welch	Wieser	Speaker Sabo

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 324

A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

May 16, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 324 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 324 be amended as follows:

Page 4, line 16, strike "of", delete "20", and insert "provided pursuant to section 43.327, plus four".

Page 4, line 16, after "mile" insert "notwithstanding any other provisions of law to the contrary".

Page 5, after line 3, insert:

"Sec. 5. Section 357.09 shall not relate to or affect the fees of the sheriff of Ramsey county.

Sec. 6. [SPECIAL LAWS SUPERCEDED.] All special laws relating to sheriffs' fees and mileage allowance which are inconsistent with the provisions of this act are superseded to the extent of the inconsistency."

Amend the title as follows:

Page 1, line 2, after "sheriffs;" insert "increasing certain".

Page 1, line 2, delete "allowance" and insert "allowances".

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

House Conferees: JOHN T. CLAWSON, TED SUSS and ROBERT ANDERSON.

Senate Conferees: ROBERT J. SCHMITZ, WAYNE OLHOFT and ROBERT G. DUNN.

Clawson moved that the report of the Conference Committee on H. F. No. 324 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 324, A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

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 117 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kahn	Nelsen, M.	Skoglund
Adams	Dahl	Kaley	Nelson	Smogard
Albrecht	Dean	Kalis	Niehaus	Spanish
Anderson, B.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, I.	Eckstein	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Suss
Arlandson	Enebo	King	Patton	Swanson
Battaglia	Erickson	Knickerbocker	Pehler	Tomlinson
Beauchamp	Esau	Kostohryz	Peterson	Vanasek
Begich	Evans	Kroening	Petrafaso	Voss
Berg	Faricy	Langseth	Pleasant	Waldorf
Berglin	Fjoslien	Lehto	Prahl	Welch
Berkelman	Forsythe	Lemke	Rice	Wenstrom
Biersdorf	Friedrich	Mangan	Rose	Wenzel
Birnstihl	Fudro	Mann	St. Onge	White
Brandl	Fugina	McCarron	Sarna	Wieser
Byrne	Gunter	McDonald	Savelkoul	Wigley
Carlson, A.	Heinitz	McEachern	Scheid	Williamson
Carlson, D.	Hokanson	Metzen	Schulz	Wynia
Carlson, L.	Jacobs	Moe	Searle	Zubay
Casserly	Jaros	Munger	Searles	Speaker Sabo
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, M.	
Cohen	Jude	Nelsen, B.	Simoneau	

Those who voted in the negative were:

Anderson, D. Anderson, G. Eken Haugerud Kvam

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

## 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. 491, A bill for an act relating to retirement; police pensions in the city of Crookston.

H. F. No. 1155, A bill for an act relating to the revisor of statutes; providing for engrossing and enrolling duties; clarifying disclosure of bill drafting records; amending Minnesota Statutes 1976, Sections 482.09; and 482.12, Subdivision 1.

H. F. No. 106, A bill for an act relating to the city of St. Cloud; firemen's widows benefits; amending Laws 1974, Chapter 382, Section 5, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 817, A bill for an act relating to highway traffic regulations; weight limitations; providing that weight increases for haulers of raw and unfinished forest products shall be state-wide during certain periods; amending Minnesota Statutes 1976, Section 169.83, Subdivision 1.

H. F. No. 257, A bill for an act relating to banks, trust companies and savings banks; rule making authority; fees for special investigations; accounts maintained by banking division employees; fees; banks minimum organizational capital, surplus and undivided profits; providing for certified deposit of capital funds in a custodial bank; providing for banks annual audit systems, approval and reports; state banks minimum capital requirements, establishing investigatory fee for application to acquire trust authority; trust company minimum capital requirements; relating to boards of directors of financial institutions; clarification of certain language; amending Minnesota Statutes 1976, Sections 46.01; 46.04; 46.05; 46.09; 46.131, Subdivision 2, and by adding a subdivision; 48.02; 48.10; 48.36; 48.37; 48.44; 48.67; 48.69; 300.025 and 300.20.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 460, A bill for an act relating to retirement; adjustment in annuities through the adjustable fixed benefit fund; amending Minnesota Statutes 1976, Section 11.25, Subdivisions 3, 12 and 13.

H. F. No. 1259, A bill for an act relating to the city of Savage; firefighter's service pensions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 954, A bill for an act relating to juries; enacting the uniform juror selection and service act; providing for the selection and service of grand and petit jurors; providing penalties; repealing Minnesota Statutes 1976, Sections 3.081; 192.24; 357.26; 488A.07; 546.09; 593.03; 593.04; 593.05; 593.06; 593.07; 593.09; 593.10; 593.11; 593.12; 593.13; 593.14; 593.20; 628.42; 628.43; 628.44; 628.45; 628.46; 628.47; 628.49; 628.50; 628.51; 628.52; 628.53; 631.33; and Laws 1959, Chapter 219; and Extra Session Laws 1959, Chapter 19, Section 2.

H. F. No. 972, A bill for an act relating to fire and casualty loss insurance companies; regulating termination of agency contracts; requiring certain notice before termination; prescribing civil penalties.

H. F. No. 1129, A bill for an act relating to Ramsey county; codifying existing laws relating to the composition, terms, selection and redistricting of the board of commissioners; providing for the time and place of certain board meetings; authorizing rules of procedure and the keeping and publication of a board journal; amending Laws 1974, Chapter 435, Section 2.05, and by adding sections; repealing Laws 1974, Chapters 435, Sections 2.01, 2.02 and 2.06; and 576, Section 2, Subdivisions 1, 2, 3 and 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 921, A bill for an act relating to public employees; designating the number of arbitrators to resolve labor dispute; amending Minnesota Statutes 1976, Section 179.72, Subdivision 6.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 129, A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

The Senate has appointed as such committee Messrs. Penny, Nichols and Sillers.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 16, A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

The Senate has appointed as such committee Messrs. McCutcheon, Davies and Jensen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, con-

sisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 259, A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

The Senate has appointed as such committee Messrs. Solon, Kleinbaum and Engler.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 398, A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; prescribing penalties.

The Senate has appointed as such committee Messrs. Humphrey, Willet and Bernhagen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 856, A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

The Senate has appointed as such committee Messrs. Perpich, Nelson and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 256, A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; amending Minnesota Statutes 1976, Sections 70A.02, Subdivision 2; and 70A.06, Subdivision 3.

The Senate has appointed as such committee Messrs. Humphrey, Sikorski and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 343, A bill for an act relating to obscenity; prohibiting the dissemination of obscene photographs or other similar visual representations which depict minors involved in scenes of patently offensive sexual conduct; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

The Senate has appointed as such committee Messrs. Olhoft, Bernhagen and Davies.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 451, A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes 1976, Sections 47.51; 47.52; 47.53; 47.54; and 47.55.

The Senate has appointed as such committee Messrs. Kleinbaum, Solon, Bang, Borden and Davies.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 544, A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

The Senate has appointed as such committee Messrs. Vega, Keefe, S., and Coleman.

Said House File is herewith returned to the House.

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. 41, A bill for an act relating to public safety; requiring fire detection devices in certain residential housing; directing the commissioner of administration to amend the state building code; amending Minnesota Statutes 1976, Section 16.85, Subdivision 1; and Chapter 299F, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Knickerbocker moved that the House concur in the Senate amendments to H. F. No. 41 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 41, A bill for an act relating to public safety; requiring fire detection devices in certain residential housing; directing the commissioner of administration to amend the state

building code; amending Minnesota Statutes 1976, Section 16.85, Subdivision 1; and Chapter 299F, 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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Simoneau
Adams	Cummiskey	Kahn	Nelsen, B.	Skoglund
Albrecht	Dahl	Kaley	Nelsen, M.	Smogard
Anderson, B.	Dean	Kalis	Nelson	Spanish
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Stanton
Anderson, G.	Eckstein	Kelly, W.	Norton	Stoa
Anderson, I.	Eken	Kempe, R.	Novak	Suss
Anderson, R.	Ellingson	King	Osthoff	Swanson
Arlandson	Enebo	Knickerbocker	Patton	Tomlinson
Battaglia	Erickson	Kostohryz	Pehler	Vanasek
Beauchamp	Esau	Kroening	Peterson	Voss
Begich	Evans	Kvam	Petrafero	Waldorf
Berg	Farcy	Laidig	Pleasant	Welch
Berglin	Fjoslien	Langseth	Prahl	Wenstrom
Berkelman	Forsythe	Lehto	Rice	Wenzel
Biersdorf	Friedrich	Lemke	Rose	White
Birnstihl	Fudro	Mangan	St. Onge	Wieser
Brandl	Fugina	Mann	Sarna	Wigley
Byrne	Gunter	McCarron	Savelkoul	Williamson
Carlson, A.	Heinitz	McDonald	Scheid	Wynia
Carlson, D.	Hokanson	McEachern	Schulz	Zubay
Carlson, L.	Jacobs	Metzen	Searle	Speaker Sabo
Cassery	Jaros	Moe	Searles	
Clark	Jensen	Munger	Sherwood	
Clawson	Johnson	Murphy	Sieben, M.	

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. 1193, A bill for an act relating to the city of Bloomington in Hennepin county, the city of South St. Paul in Dakota county and the city of Mankato in Blue Earth county; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement, rental assistance, and financial assistance; amending Laws 1971, Chapter 616, Sections 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 1193 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1193, A bill for an act relating to the city of Bloomington in Hennepin county and the city of South St. Paul in Dakota county; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement; amending Laws 1971, Chapter 616, Sections 1 and 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Skoglund
Adams	Cummiskey	Kahn	Nelsen, B.	Smogard
Albrecht	Dahl	Kaley	Nelsen, M.	Spanish
Anderson, B.	Dean	Kalis	Nelson	Stanton
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Stoa
Anderson, G.	Eckstein	Kelly, W.	Norton	Suss
Anderson, I.	Eken	Kempe, R.	Novak	Swanson
Anderson, R.	Enebo	King	Osthoff	Tomlinson
Arlandson	Erickson	Knickerbocker	Pehler	Vanasek
Battaglia	Esau	Kostohryz	Peterson	Voss
Beauchamp	Evans	Kroening	Petraleso	Waldorf
Begich	Faricy	Kvam	Pleasant	Welch
Berg	Fjoslien	Langseth	Prahl	Wenstrom
Berglin	Forsythe	Lehto	Rice	Wenzel
Berkelman	Friedrich	Lemke	Rose	White
Biersdorf	Fudro	Mangan	St. Onge	Wieser
Birnstihl	Fugina	Mann	Sarna	Wigley
Brandl	Gunter	McCarron	Savelkoul	Williamson
Byrne	Haugerud	McCollar	Scheid	Wynia
Carlson, A.	Heinitz	McDonald	Schulz	Zubay
Carlson, D.	Hokanson	McEachern	Searle	Speaker Sabo
Carlson, L.	Jacobs	Metzen	Searles	
Casserly	Jaros	Moe	Sherwood	
Clark	Jensen	Munger	Sieben, M.	
Clawson	Johnson	Murphy	Simoneau	

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. 1305, A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitious and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 38.02, Subdivision 2; 38.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2; 192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039; 353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Hokanson moved that the House concur in the Senate amendments to H. F. No. 1305 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1305, A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitious and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2; 192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039;

353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sieben, H.
Adams	Cummiskey	Jude	Neisen	Sieben, M.
Albrecht	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Kalis	Nelson	Smogard
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Spanish
Anderson, I.	Eken	Kelly, W.	Norton	Stanton
Anderson, R.	Ellingson	Kempe, R.	Novak	Stoa
Arlandson	Enebo	King	Osthoff	Suss
Battaglia	Erickson	Knickerbocker	Patton	Swanson
Beauchamp	Esau	Kostohryz	Pehler	Tomlinson
Begich	Evans	Kroening	Peterson	Vanasek
Berg	Faricy	Kvam	Petrafeso	Voss
Berglin	Fjoslien	Langseth	Pleasant	Waldorf
Berkelman	Forsythe	Lehto	Prahl	Welch
Biersdorf	Friedrich	Lemke	Rice	Wenstrom
Birnstihl	Fudro	Mangan	Rose	Wenzel
Brandl	Fugina	Mann	St. Onge	White
Byrne	Gunter	McCarron	Sarna	Wieser
Carlson, A.	Haugerud	McCollar	Savelkoul	Wigley
Carlson, D.	Heinitz	McDonald	Scheid	Williamson
Carlson, L.	Hokanson	McEachern	Schulz	Wynia
Casserly	Jacobs	Metzen	Searle	Zubay
Clark	Jaros	Moe	Searles	Speaker Sabo
Clawson	Jensen	Munger	Sherwood	

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

Mr. Speaker:

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

H. F. No. 676, A bill for an act relating to intoxicating liquor; civil liability for illegal sale, barter or gift thereof; amending Minnesota Statutes 1976, Sections 340.95 and 340.951.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 676 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 676, A bill for an act relating to intoxicating liquor; civil liability for illegal sale, barter or gift thereof; amending Minnesota Statutes 1976, Sections 340.95 and 340.951.

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 105 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jude	Munger	Searle
Adams	Dean	Kahn	Murphy	Searles
Anderson, B.	Den Ouden	Kaley	Neisen	Sherwood
Anderson, G.	Eckstein	Kalis	Nelsen, B.	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelsen, M.	Smogard
Arlandson	Ellingson	Kelly, W.	Nelson	Spanish
Battaglia	Enebo	King	Niehaus	Stanton
Beauchamp	Erickson	Knickerbocker	Norton	Stoa
Begich	Esau	Kostohryz	Novak	Suss
Berkelman	Evans	Kroening	Osthoff	Tomlinson
Biersdorf	Fjoslien	Kvam	Patton	Vanasek
Birnstihl	Forsythe	Langseth	Pehler	Voss
Byrne	Friedrich	Lehto	Peterson	Waldorf
Carlson, A.	Fudro	Lemke	Petrafeso	Welch
Carlson, D.	Fugina	Mangan	Pleasant	Wenstrom
Carlson, L.	Gunter	Mann	Prahl	Wenzel
Casserly	Haugerud	McCarron	Rose	White
Clark	Heinitz	McCollar	St. Onge	Wieser
Clawson	Jacobs	McDonald	Sarna	Wigley
Cohen	Jensen	McEachern	Scheid	Zubay
Cummiskey	Johnson	Metzen	Schulz	Speaker Sabo

Those who voted in the negative were:

Albrecht	Berglin	Kempe, R.	Skoglund	Williamson
Anderson, D.	Faricy	Moe	Swanson	Wynia
Anderson, R.	Hokanson	Sieben, H.		
Berg	Jaros	Sieben, M.		

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. 1004, A bill for an act relating to worker's compensation; limiting expenses and profit includable in workers' compensation insurance premiums; permitting the commissioner of insurance to employ an actuary; including legislators in coverage; requiring owners to elect non-coverage; excluding certain family corporations and certain nonprofit associations from coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for the distribution of physician's reports; providing for adjustments to benefit payments; creating a workers' compensation study commission; appropriating money; amending Minnesota Statutes 1976, Sections 79.07; 79.30; 176.011, Subdivisions 9 and 11a; 176.012; 176.021, Subdivision 3; 176.041, Subdivision 1; 176.051; 176.081, Subdivisions 1, 2, 3, 4, and 6; 176.101; 176.111, Subdivisions 6, 11 and 21; 176.132, Subdivisions 1, 2, and 3; 176.141; 176.155, Subdivision 1; 176.221, by adding a subdivision; 176.511, Subdivision 3; 176.645; and Chapter 79 by adding a section; repealing Minnesota Statutes 1976, Sections 176.111, Subdivision 13; and 176.185, Subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Moe moved that the House concur in the Senate amendments to H. F. No. 1004 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1004, A bill for an act relating to worker's compensation; limiting expenses and profit includable in workers' compensation insurance premiums; permitting the commissioner of insurance to employ an actuary; including legislators in coverage; requiring owners to elect non-coverage; excluding certain family corporations and certain nonprofit associations from coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for the distribution of physician's reports; providing for adjustments to benefit payments; creating a workers' compensation study commission; appropriating money; amending Minnesota Statutes 1976, Sections 79.07; 79.30; 176.011, Subdivisions 9 and 11a; 176.012; 176.021, Subdivision 3; 176.041, Subdivision 1; 176.051; 176.081, Subdivisions 1, 2, 3, 4, and 6; 176.101; 176.111, Subdivisions 6, 11 and 21; 176.132, Subdivisions 1, 2, and 3; 176.141; 176.155, Subdivision 1; 176.221, by adding a subdivision; 176.511, Subdivision 3; 176.645; and Chapter 79 by adding a section; repealing Minnesota Statutes 1976, Sections 176.111, Subdivision 13; and 176.185, Subdivision 8.

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 75 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Jude	Murphy	Sieben, M.
Arlandson	Clawson	Kahn	Nelsen, M.	Simoneau
Battaglia	Cohen	Kelly, R.	Nelson	Skoglund
Beauchamp	Cummiskey	Kelly, W.	Norton	Spanish
Begich	Dahl	Kempe, R.	Novak	Stanton
Berg	Dean	King	Osthoff	Stoa
Berglin	Ellingson	Knickerbocker	Pehler	Swanson
Berkelman	Enebo	Kostohryz	Petrafeso	Tomlinson
Brandl	Ewald	Kroening	Prahl	Waldorf
Brinkman	Fudro	Lehto	Rice	Wenstrom
Byrne	Fugina	Mangan	St. Onge	Wenzel
Carlson, A.	George	McCarron	Sarna	White
Carlson, D.	Hokanson	McEachern	Scheid	Williamson
Carlson, L.	Jacobs	Metzen	Sherwood	Wynia
Cassery	Jaros	Moe	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Abeln	Eckstein	Jensen	Neisen	Suss
Albrecht	Eken	Johnson	Nelsen, B.	Vanasek
Anderson, B.	Erickson	Kaley	Niehaus	Welch
Anderson, D.	Esau	Kalis	Patton	Wieser
Anderson, G.	Evans	Kvam	Peterson	Wigley
Anderson, I.	Fjoslien	Langseth	Pleasant	Zubay
Anderson, R.	Forsythe	Lemke	Savelkoul	
Biersdorf	Friedrich	Mann	Searle	
Birnstihl	Gunter	McCollar	Searles	
Den Ouden	Heinitz	McDonald	Smogard	

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. 415, A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hokanson moved that the House refuse to concur in the Senate amendments to H. F. No. 415, 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.

**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. 1180, A bill for an act relating to financial institutions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the commissioner of banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Suss moved that the House refuse to concur in the Senate amendments to H. F. No. 1180, 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.

**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. 980, A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Scheid moved that the House refuse to concur in the Senate amendments to H. F. No. 980, that the Speaker appoint a Conference Committee of 3 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.

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. 848, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

Patton moved that the House refuse to concur in the Senate amendments to H. F. No. 848, that the Speaker appoint a Conference Committee of 3 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.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 695, A bill for an act relating to the Como Park zoo; requiring the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Stumpf, Lewis and Sieloff have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wynia moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee

of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 695. The motion prevailed.

Mr. Speaker:

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

S. F. No. 49.

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. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 49

A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

May 16, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 49 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendments and that S. F. No. 49, the unofficial engrossment, be further amended as follows:

Page 1, line 18, delete "*four*" and insert "*four and one-half*".

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

Senate Conferees: ROGER LAUFENBERGER, MEL FREDERICK and CLARENCE M. PURFEERST.

House Conferees: TED SUSS, GLEN H. ANDERSON and BRUCE G. NELSEN.

Suss moved that the report of the Conference Committee on S. F. No. 49 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 49, A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

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 112 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kahn	Nelson	Smogard
Adams	Dean	Kaley	Niehaus	Spanish
Anderson, B.	Den Ouden	Kalis	Norton	Stanton
Anderson, D.	Eckstein	Kelly, W.	Novak	Stoa
Anderson, I.	Eken	Kempe, R.	Patton	Suss
Anderson, R.	Ellingson	King	Pehler	Swanson
Arlandson	Enebo	Knickerbocker	Peterson	Tomlinson
Beauchamp	Erickson	Kvam	Petrafaso	Vanasek
Berg	Esau	Langseth	Pleasant	Voss
Berkelman	Evans	Lehto	Prahl	Waldorf
Biersdorf	Fjoslien	Lemke	Rose	Welch
Birnstihl	Friedrich	Mangan	St. Onge	Wenstrom
Brandl	Fudro	Mann	Samuelson	Wenzel
Brinkman	Fugina	McCarron	Sarna	White
Byrne	George	McCollar	Savelkoul	Wieser
Carlson, A.	Gunter	McDonald	Scheid	Wigley
Carlson, D.	Haugerud	McEachern	Schulz	Williamson
Carlson, L.	Heinitz	Metzen	Searle	Wynia
Casserly	Hokanson	Munger	Searles	Zubay
Clark	Jacobs	Murphy	Sherwood	Speaker Sabo
Clawson	Jensen	Neisen	Sieben, H.	
Cohen	Johnson	Nelsen, B.	Sieben, M.	
Cummiskey	Jude	Nelsen, M.	Simoneau	

Those who voted in the negative were:

Battaglia	Faricy	Kostohryz	Rice	Skoglund
Begich	Forsythe	Kroening		
Berglin	Kelly, R.	Osthoff		

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. 826.

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. 826

A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

May 13, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 826 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: JAMES ULLAND, SAM G. SOLON and FLORIAN CHMIELEWSKI.

House Conferees: THOMAS R. BERKELMAN, MIKE JAROS and ARLENE I. LEHTO.

Berkelman moved that the report of the Conference Committee on S. F. No. 826 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 826, A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Murphy	Sherwood
Adams	Cohen	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kalis	Nelson	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, W.	Norton	Spanish
Anderson, R.	Eken	Kempe, R.	Novak	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kroening	Peterson	Tomlinson
Berg	Faricy	Kvam	Petrafeso	Vanasek
Berglin	Fjoslien	Langseth	Pleasant	Voss
Berkelman	Forsythe	Lehto	Prahl	Waldorf
Biersdorf	Friedrich	Lemke	Rice	Welch
Birnstihl	Fudro	Mangan	Rose	Wenstrom
Brandl	George	Mann	St. Onge	Wenzel
Brinkman	Gunter	McCarron	Samuelson	White
Byrne	Haugerud	McCollar	Sarna	Wieser
Carlson, A.	Heinitz	McDonald	Savelkoul	Wigley
Carlson, D.	Hokanson	McEachern	Scheid	Williamson
Carlson, L.	Jacobs	Metzen	Schulz	Wynia
Casserly	Jaros	Moe	Searle	Zubay
Clark	Jensen	Munger	Searles	Speaker Sabo

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

Mr. Speaker:

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

S. F. No. 1489.

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. 1489

A bill for an act relating to the organization and operation of state government; appropriating money for maintenance of vari-

ous semi-state activities and for other purposes; amending Minnesota Statutes 1976, Sections 139.08, Subdivision 5; 139.10, by adding a subdivision; 343.08; 343.12; 346.216; Chapter 139, by adding sections; repealing Minnesota Statutes 1976, Sections 343.02; and 343.03.

May 11, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1489 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1489, be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [SEMI-STATE ACTIVITIES; APPROPRIATIONS.] The sums set forth in the columns designated “APPROPRIATIONS” are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1977”, “1978”, and “1979”, wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS  
Available for the Year  
Ending June 30,

	1978	1979
	\$	\$
<b>Sec. 2. GENERAL GOVERNMENT</b>		
Subdivision 1. Great Lakes		
Commission .....	31,500	

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent ac-

	1978	1979
	\$	\$

count the sum of \$31,500 which may be utilized for the second year of the biennium.

Subd. 2. Minnesota-Wisconsin Boundary Area Commission .....	46,300	
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The amount expended shall not exceed the amount provided for the commission by the state of Wisconsin.

Of this appropriation, \$3,800 is money that was previously appropriated to assess recreational watercraft traffic on the lower St. Croix river, but was not spent.

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$46,000 which may be utilized for the second year of the biennium.

Subd. 3. Uniform Laws Commission .....	11,000	11,000
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**Sec. 3. STATE HORTICULTURAL SOCIETY**

For maintenance .....	40,000	40,000
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**Sec. 4. EDUCATION, LIBRARIES, MUSEUMS AND RECREATION**

**Subdivision 1. Minnesota Historical Society**

(a) General Operations and Management .....	2,618,333	2,579,953
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This appropriation includes money for a seven-day-a-week tour program

	1978	1979
	\$	\$

in the capitol and historical buildings. The historical building shall remain open for public use on Saturdays and, if necessary, adjustments in the remainder of the week day schedule may be effected by the Minnesota historical society. Notwithstanding any other laws to the contrary, the society may purchase fire, wind, hail, and vandalism insurance from this appropriation.

Any unencumbered balance remaining at the end of the first year shall be returned to the state treasury and credited to the general fund.

The Minnesota historical society shall report by January 1 of each year to the governor, the commissioners of finance and administration, and the legislature the amount and purpose for which state money was expended for each fiscal year of the biennium.

\$62,500 each year is for the science museum of Minnesota. This appropriation shall be expended according to the provisions of Minnesota Statutes, Section 138.035.

\$45,000 each year is for the government learning center.

\$50,000 each year is for the center for Minnesota Folklife.

(b) Historic Site Operations . . . .	3,737,934	2,010,804
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(1) \$300,000 the first year is to identify significant historic sites on a statewide basis and formulate a plan for their preservation. The plan shall be presented to the governor and the legislature by January 1, 1979.

(2) \$1,450,000 for first year is for interpretive center development, to be expended in accordance with the historic interpretation program plan prepared by the society. This appropriation

	1978	1979
	\$	\$

may also be used for matching grants to localities to plan and construct interpretive centers, provided they can demonstrate their ability to operate and maintain the centers.

Any unencumbered balance remaining in (1) or (2) the first year shall not cancel but is available for the second year of the biennium.

(3) \$500,000 each year is for historic site grants to encourage local historic preservation projects. To be eligible for a grant, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines.

(c) Sibley House .....	15,900	16,200
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This appropriation is available for maintenance of the Sibley House and related buildings on the Old Mendota state historic site owned by the Sibley House Association.

The historical society should seek an agreement with the Sibley House Association whereby the historical society will make payments to the Association for this purpose, will provide the Association with technical assistance in applying for federal grants, and will provide professional architectural services to prepare a report to be submitted by January 1, 1979 to the governor and the legislature on the condition of the Sibley House, the Fari-bault House, and other buildings on the site.

Notwithstanding any laws to the contrary, the Sibley House Association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

	1978	1979
	\$	\$
Subd. 2. Minnesota Academy of Science .....	16,200	16,200
Subd. 3. Board of the Arts		
(a) General Support .....	293,041	304,310
(b) Subsidies and Grants .....	1,478,704	1,970,399

\$700,000 the first year and \$900,000 the second year is for subsidies to the major arts organizations of the state.

Subsidies may be allocated to arts organizations with consistent state-wide or multi-region impact. Subsidy grants are for the general purposes of the recipient, not for any specific program project. The state arts board shall set guidelines and shall be responsible for the disbursement of subsidy funds.

The board of the arts shall continue to develop regional arts task forces and regional arts councils serving each of the 13 economic development regions of the state. The board shall recognize one task force from each district. The board shall, with the advice of a citizen advisory committee representing each of the 13 regions, establish guidelines for the regional arts task forces and regional arts councils. The regional arts task forces and regional arts councils may establish policy and make decisions on arts programs and grants of local and regional impact under the guidelines established by the board.

The board shall continue to develop a comprehensive statewide information and publicity system and shall include a progress report on its activities in its annual report to the legislature.

The state arts board shall allocate funds for the above purposes provided that no state appropriated funds may be expended for the general administration of any of the regional arts task forces or regional arts councils.

	1978	1979
	\$	\$

State appropriations for grants shall not be expended unless matched by federal money.

Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Subd. 4. Minnesota Safety Council	47,500	47,500
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This appropriation is from the trunk highway fund and shall be disbursed by the commissioner of finance on certification of need therefor by the president of the Minnesota safety council. The commissioner of finance shall disburse upon certification 25 percent of the annual appropriation on the first day of July, October, January, and April of each fiscal year.

Sec. 5. SOCIAL SECURITY

Subdivision 1. Disabled American Veterans .....	10,000	10,000
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For salaries, supplies and expenses to be expended as provided by Laws 1941, Chapter 425.

Subd. 2. Veterans of Foreign Wars

For carrying out the provisions of Laws 1945, Chapter 455 .....	10,500	10,500
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Sec. 6. MINNESOTA SOCIETY FOR THE PREVENTION OF CRUELTY .....

15,000

For 1977 — \$9,222

No state funds shall be expended for the care, feeding, housing, or disposal of animals.

The governor shall review the functions of this agency and shall, using

1978

1979

\$

\$

the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$15,000 which may be utilized for the second year of the biennium.

Sec. 7. COUNTY ATTORNEYS COUNCIL ..... 54,976

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$54,976 which may be utilized for the second year of the biennium.

Sec. 8. SOUTHERN MINNESOTA RIVERS BASIN BOARD ..... 42,453

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$43,688 which may be utilized for the second year of the biennium.

Sec. 9. VOYAGEURS NATIONAL PARK ADVISORY COMMITTEE.... 35,000

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Sec. 10. UNEMPLOYMENT COMPENSATION

For 1977 — \$5,090

	1978	1979
	\$	\$

To the commissioner of finance for transfer to the unemployment compensation fund, in reimbursement for unemployment compensation benefits paid to former employees of the following agencies:

Arts Board	\$1,190
County Attorneys' Council	\$3,900

Sec. 11. Minnesota Statutes 1976, Section 139.08, Subdivision 5, is amended to read:

Subd. 5. [REPORTS.] By November 15 of each year, the board shall prepare and deliver to the legislature and the governor a report which shall include the following:

(a) a financial statement showing receipts and disbursements for the year ending the preceding June 30, including a listing of the donors and amounts of gifts to the board or its advisory committees valued in excess of \$1,000;

(b) a brief description of the activities of the board for the preceding year;

(c) the number of meetings and approximate hours spent by board members in meetings and on other board activities;

(d) the names of board members and their addresses, occupations, and dates of appointment and re-appointment to the board;

(e) the names and job classifications of board employees;

(f) a brief summary of board rules proposed or adopted during the period with appropriate citations to the state register and published rules;

(g) the number of requests for assistance received by the board and the number of written and oral complaints received from residents of the state relating to the activities of the board or the performance of the duties of the board as provided in this chapter;

(h) a summary by category of the substance of the complaints and requests referred to in (g) above and the responses of the board thereto;

(i) a listing of all grants, loans or other forms of assistance given by the board. This listing shall indicate (1) the recipients

of board assistance who are members of the board or its advisory committees, and (2) each recipient sponsoring organization having a member of the board or its advisory committees as a director, officer or employee. The indication required in clause (2) shall also specify the name of the member who is the officer, director or employee. *The listing shall also include the amount of money, number of grants, and the basis for the allocations made to major arts organizations, to individuals, for state-wide distribution, for regional distribution, for sponsor assistance to community organizations, and for sponsor assistance to educational organizations.*

Sec. 12. Minnesota Statutes 1976, Section 139.10, is amended by adding a subdivision to read:

*Subd. 3. The board shall be responsible for the administration of the professional touring program.*

Sec. 13. Minnesota Statutes 1976, Chapter 139, is amended by adding a section to read:

[139.11] [PUBLICATIONS; LEGEND.] *Every publication, program, or other graphic material prepared by the board or prepared for use by any other organization in connection with an activity paid for by the board shall bear the legend: "This activity is made possible in part by a grant provided by the Minnesota state arts board through an appropriation by the Minnesota state legislature."*

Sec. 14. Minnesota Statutes 1976, Section 343.08, is amended to read:

343.08 [BIENNIAL REPORT.] The state bureau of animal protection shall make a biennial report (BEFORE OCTOBER 1,) *by November 15* in each even numbered year, to the secretary of state *and to the legislature,* (EMBRACING) *describing* its (PROCEEDINGS) *budget, expenditures, and activities* for the two preceding (YEAR) *fiscal years,* (AND) *including* statistics showing its work.

Sec. 15. Minnesota Statutes 1976, Section 343.12, is amended to read:

343.12 [DUTIES OF PEACE OFFICERS; FEES.] Upon application of any appointed agent at large or county agent in his county of appointment, it shall be the duty of, any sheriff or his deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver

the same to the proper officers of the (SOCIETY) county for custody and care. (FOR SUCH CARE EXTENDED, THE SOCIETY SHALL BE ALLOWED ITS REASONABLE COSTS WHICH SHALL CONSTITUTE A PART OF THE COSTS TAXED ON CONVICTION.)

Sec. 16. Minnesota Statutes 1976, Section 346.216, is amended to read:

346.216 [EXPENSES OF INVESTIGATION.] The expenses of the investigation authorized by section 346.215 including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to such investigation and all other expenses reasonably incident to such investigation shall be (ASSESSED AGAINST THE PERSON ALLEGED TO HAVE VIOLATED SECTION 346.21, IF THE PERSON IS FOUND GUILTY OF SUCH VIOLATION. IF THE PERSON IS FOUND INNOCENT OF SUCH VIOLATION, THE EXPENSES SHALL BE) paid by the county treasurer from the general fund of the county. *If the person alleged to have violated section 346.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses.*

Sec. 17. [REPEALER.] *Minnesota Statutes 1976, Sections 343.02; and 343.03, are repealed."*

Further, amend the title:

Line 8, delete "sections" and insert "a section".

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

Senate Conferees: JACK I. KLEINBAUM, CLARENCE M. PURFEERST, PETER P. STUMPF, HARMON T. OGDahl and ROBERT O. ASHBACH.

House Conferees: A. J. ECKSTEIN, HAROLD DAHL, WENDELL ERICKSON, JOHN ARLANDSON and WALTER HANSON.

Eckstein moved that the report of the Conference Committee on S. F. No. 1489 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1489, A bill for an act relating to the organization and operation of state government; appropriating money for maintenance of various semi-state activities and for other purposes; amending Minnesota Statutes 1976, Sections 139.08, Subdivision 5; 139.10, by adding a subdivision; 343.08; 343.12; 346.216; Chapter 139, by adding sections; repealing Minnesota Statutes 1976, Sections 343.02; and 343.03.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Sieben, M.
Adams	Cohen	Jude	Nelsen, B.	Simoneau
Albrecht	Dahl	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kaley	Nelson	Smogard
Anderson, D.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Suss
Arlandson	Enebo	Knickerbocker	Patton	Swanson
Battaglia	Erickson	Kostohryz	Pehler	Tomlinson
Beauchamp	Esau	Kroening	Peterson	Voss
Begich	Evans	Kvam	Petrafeso	Waldorf
Berg	Faricy	Laidig	Pleasant	Welch
Berglin	Fjoslien	Langseth	Prahl	Wenstrom
Berkelman	Forsythe	Lehto	Rose	Wenzel
Biersdorf	Friedrich	Lemke	St. Onge	White
Birnstihl	Fudro	Mangan	Samuelson	Wieser
Brandl	Fugina	Mann	Sarna	Wigley
Brinkman	George	McCarron	Savelkoul	Williamson
Byrne	Gunter	McCollar	Scheid	Wynia
Carlson, A.	Heinitz	McDonald	Schulz	Zubay
Carlson, D.	Hokanson	McEachern	Searle	Speaker Sabo
Carlson, L.	Jacobs	Metzen	Searles	
Casserly	Jaros	Munger	Sherwood	
Clark	Jensen	Murphy	Sieben, H.	

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

Mr. Speaker:

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

S. F. No. 160.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 597.

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. 266, 809, 1179 and 1236.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 90.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 743.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 695:

Wynia, Casserly and Pehler.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 980:

Scheid, Carlson, L., and Heinitz.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 848:

Patton, Moe and Reding.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 415:

Hokanson, Beauchamp, Berglin, Sieben, H., and Dean.

### FIRST READING OF SENATE BILLS

S. F. No. 160, A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivision 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16.

The bill was read for the first time.

Suss moved that S. F. No. 160 and H. F. No. 68, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 266, A bill for an act relating to elections; providing for training of all election officials; requiring training prior to service as an election judge; imposing certain duties on the secretary of state and county auditors; providing for assistance to disabled voters; appropriating money; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.18, by adding a subdivision; 204A.20; 204A.34, Subdivision 2, as amended and Chapter 204A, by adding a section.

The bill was read for the first time.

Lehto moved that S. F. No. 266 and H. F. No. 843, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 809, A bill for an act relating to veterans; authorizing commissioner of veterans affairs to assist in proceedings for upgrading other than honorable discharges; appropriating money; amending Minnesota Statutes 1976, Section 196.05.

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

S. F. No. 1179, A bill for an act relating to savings associations; investments in certain obligations; amending Minnesota Statutes 1976, Section 51A.35.

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

S. F. No. 1236, A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility.

The bill was read for the first time.

Wenstrom moved that S. F. No. 1236 and H. F. No. 898, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 90, A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio member of the state soil and water conservation board; authorizing a cost-sharing program; clarifying the powers and duties of the state board and local districts; amending ambiguous or redundant provisions; adding a member to the soil and water conservation board temporarily; appropriating funds; amending Minnesota Statutes 1976, Chapter 40, by adding sections; and Sections 40.01, Subdivision 8, and by adding a subdivision; 40.02; 40.03, Subdivisions 1, 2, 3, and 4; and 40.07, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; repealing Minnesota Statutes 1976, Sections 40.005; and 40.07, Subdivision 13.

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

S. F. No. 743, A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

The bill was read for the first time.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Byrne moved that the rule therein be suspended and an urgency be declared so that S. F. No. 743 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Byrne moved that the rules of the House be so far suspended that S. F. No. 743 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 743 was read for the second time.

Byrne moved to amend S. F. No. 743, as follows:

Strike everything after the enacting clause and insert:

"Section 1. [STATEMENT OF PURPOSE.] The legislature finds that early detection of children's health and developmental problems can reduce their later need for costly care, minimize their physical and educational handicaps, and aid in their rehabilitation. The purpose of this act is to assist parents and communities in improving the health of Minnesota children and in planning educational and health programs.

Sec. 2. [SCHOOL BOARD RESPONSIBILITIES.] Subdivision 1. Every school board shall provide for a voluntary health and developmental screening program for children once before entering kindergarten; provided, this section of this act shall not be construed to require school boards to screen children who enter kindergarten during fiscal year 1978. This screening program shall be established either by one board or by two or more boards acting in cooperation. In fiscal years 1978 and 1979, the screening programs shall include at least the following components to the extent the school board determines are financially feasible: developmental assessments, hearing and vision screening, dental assessments, and the review of health history and immunization status. In fiscal year 1979, the screening programs shall include at least the following additional components to the extent the school board determines are financially feasible: laboratory tests and nutritional and physical assessments. All screening components shall be consistent with the standards of the state board of health for early and periodic screening programs.

Subd. 2. If any child's screening indicates a condition which requires diagnosis or treatment, his parents shall be notified of the condition and the school board shall ensure that an appropriate follow-up and referral process are available, in accordance with procedures established pursuant to section 3, subdivision 1.

Subd. 3. The school board shall actively encourage participation in the screening program.

Subd. 4. Every school board shall integrate and utilize volunteer screening programs in implementing sections 2 to 4.

Subd. 5. A school board may contract with health care providers to operate the screening programs and shall consult with local societies of health care providers.

Sec. 3. [RESPONSIBILITIES OF STATE BOARD OF EDUCATION AND STATE BOARD OF HEALTH.] Subdivision 1. The state board of education shall adopt rules establishing procedures to assist school boards in implementing the health and developmental screening programs. Before August 15, 1977, the state board of education shall establish these procedures in emergency rules pursuant to section 15.0412, subdivision 5. The state board of education shall consider the standards of the

state board of health for early and periodic screening programs in establishing these procedures.

Subd. 2. The state board of education, in cooperation with the state board of health and health service providers, shall provide information and consultation services to school boards.

Subd. 3. The state board of education, in cooperation with the state board of health, shall report to the legislature by February 1, 1979, on the results of the screening programs in accomplishing the purposes specified in section 1.

Sec. 4. [DATA USE.] Data on individuals collected in screening programs established pursuant to section 2 is private, as defined by section 15.162, subdivision 5a. Individual and summary data shall be reported to the school district by the health provider who performs the screening services, for the purposes of developing appropriate educational programs to meet the individual needs of children and designing appropriate health education programs for the district; provided, no data on an individual shall be disclosed to the district without the consent of that individual's parent or guardian.

Sec. 5. [STATE AID.] The state board of education shall reimburse each school district for the cost of screening services provided pursuant to this act. The reimbursement shall not exceed \$13 per child screened in fiscal year 1978 and \$22 per child screened in fiscal year 1979. Any district may request and receive an advance payment equal to 50 percent of its estimated reimbursement for screening eligible children.

Sec. 6. [APPROPRIATION.] Subdivision 1. The sums set forth in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available for the fiscal year ending June 30 in the years indicated. Any unencumbered balance remaining in fiscal year 1978 shall not cancel but is available for fiscal year 1979.

	1978	1979
	\$	\$
<b>Subd. 2. Department of Education</b>		
(a) For consultation with school districts and evaluation of screening programs established pursuant to section 3, subdivision 1 . . .	50,000	50,000
The approved complement of the department of education is increased by 2.5 persons.		
(b) For payments to school districts pursuant to section 5 . . . . .	390,000	660,000

	1978	1979
	\$	\$
Subd. 3. Department of Health . . . . .	50,000	58,000

For training staff to provide screening services, providing technical assistance to screening programs, and monitoring and evaluation of screening programs, all pursuant to this act.

The approved complement of the department of health is increased by 1 clerical position.”

Further amend by striking the title and inserting:

“A bill for an act relating to health; establishing a health program for pre-school children; providing for reimbursement to school districts; appropriating money.”

The motion prevailed and the amendment was adopted.

S. F. No. 743, A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

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 107 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Munger	Simoneau
Adams	Clawson	Jensen	Murphy	Skoglund
Albrecht	Cohen	Johnson	Neisen	Smogard
Anderson, B.	Cummiskey	Jude	Nelsen, B.	Spanish
Anderson, G.	Dahl	Kahn	Nelsen, M.	Stanton
Anderson, I.	Dean	Kaley	Nelson	Stoa
Anderson, R.	Eckstein	Kalis	Norton	Suss
Arlandson	Eken	Kelly, R.	Novak	Tomlinson
Battaglia	Ellingson	Kelly, W.	Osthoff	Vanasek
Beauchamp	Enebo	Kempe, R.	Patton	Waldorf
Begich	Evans	King	Pehler	Welch
Berg	Faricy	Kostohryz	Petrafeso	Wenstrom
Berglin	Fjoslien	Kroening	Pleasant	Wenzel
Berkelman	Friedrich	Langseth	Prahl	White
Biersdorf	Fudro	Lehto	Rice	Wieser
Birnstihl	Fugina	Lemke	St. Onge	Williamson
Brandl	George	Mangan	Sarna	Wynia
Byrne	Gunter	Mann	Scheid	Zubay
Carlson, A.	Haugerud	McCarron	Searles	Speaker Sabo
Carlson, D.	Heinitz	McCollar	Sherwood	
Carlson, L.	Hokanson	Metzen	Sieben, H.	
Casserly	Jacobs	Moe	Sieben, M.	

Those who voted in the negative were:

Anderson, D.	Ewald	Kvam	Niehaus	Schulz
Den Ouden	Forsythe	McDonald	Peterson	Searle
Erickson	Knickerbocker	McEachern	Savelkoul	Wigley

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

#### FIRST READING OF SENATE BILLS, Continued

S. F. No. 597, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

The bill was read for the first time.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieben, H., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 597 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Sieben, H., moved that the rules of the House be so far suspended that S. F. No. 597 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 597 was read for the second time.

Sieben, H., moved to amend S. F. No. 597, as follows:

Strike everything after the enacting clause and insert:

“Section 1. [WATERFOWL HABITAT DEVELOPMENT.] The commissioner of natural resources shall establish a program for projects approved by him for the following purposes:

(a) Development of state wetlands and designated waterfowl management lakes for maximum migratory waterfowl production;

(b) Protection and propagation of migratory waterfowl;

(c) Development, restoration, maintenance or preservation of migratory waterfowl habitat; and

(d) Acquisition of structure sites and access thereto.

Sec. 2. [APPROPRIATIONS.] There is appropriated to the commissioner of natural resources from the game and fish fund the sums of \$210,000 for fiscal year 1978 and \$210,000 for fiscal year 1979 for waterfowl habitat improvement. Of these funds not more than ten percent shall be expended for administrative costs."

Further amend by striking the title and inserting:

"A bill for an act relating to game and fish; providing for a program of waterfowl habitat development; appropriating funds."

The motion prevailed and the amendment was adopted.

Sieben, H., moved to amend S. F. No. 597, as amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 97, is amended by adding a section to read:

[97.4841] [MIGRATORY WATERFOWL STAMPS.] *Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:*

(a) *"Migratory waterfowl" means brant, ducks, geese and swans.*

(b) *"Stamp" means the state migratory waterfowl stamp issued by the commissioner.*

(c) *"Development" includes, but is not limited to, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites necessary to allow for development, and any and all facilities for the management of existing migratory waterfowl habitat and the creation of migratory waterfowl management lakes.*

*Subd. 2. [STAMP REQUIRED.] No person over the age of 18 and under the age of 65 years who is otherwise required to possess a Minnesota small game license shall hunt or take migratory waterfowl within this state without first purchasing a stamp and having the stamp in his possession while hunting or taking migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by nonhunters who are interested in the preservation and development of habitat for migratory waterfowl.*

*Subd. 3. [FEE.] A stamp shall be issued to each small game hunting license applicant or other person interested in waterfowl conservation upon the payment of a fee of \$3. Stamps shall be issued annually and shall be valid from March 1 through the last day of the following February.*

*Subd. 4. [USE OF REVENUE.] The commissioner shall approve projects for the following purposes:*

*(a) Development of state wetlands and designated waterfowl management lakes for maximum migratory waterfowl production;*

*(b) Protection and propagation of migratory waterfowl;*

*(c) Development, restoration, maintenance or preservation of migratory waterfowl habitat;*

*(d) Acquisition of structure sites and access thereto; and*

*(e) Necessary related administrative costs in an amount not to exceed ten percent of the annual deposits into the game and fish fund attributable to the sale of stamps.*

**Sec. 2.** Minnesota Statutes 1976, Chapter 97, is amended by adding a section to read:

**[97.432] [AMENDMENT TO LEECH LAKE SETTLEMENT AGREEMENT.]** *The commissioner may enter into an agreement with the reservation business committee of the Leech Lake Indian Reservation to amend the settlement agreement adopted in section 97.431 by providing that in lieu of collecting any additional fee in connection with the state waterfowl stamp for the privilege of hunting waterfowl on the Leech Lake Indian Reservation five percent of the proceeds from the sale of said stamp shall be credited to the Leech Lake Band special license account established by section 97.431 and shall be remitted to the Leech Lake reservation business committee in the manner and subject to the terms and conditions provided in section 97.431.*

**Sec. 3.** Minnesota Statutes 1976, Section 98.46, Subdivision 2a, is amended to read:

**Subd. 2a.** *The commissioner of natural resources may issue Minnesota sportsman licenses. The licenses shall be issued to residents only. The fee for licenses shall be \$17 if the angling license is for one person and \$19 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482 nor the state waterfowl stamp required by section 1 of this act.*

The license shall authorize the licensee to:

- (1) Take small game;
- (2) Take fish by angling;
- (3) Take deer or bear with firearms during the period in which the licensee may take deer; or take deer or bear with bow and arrow during the period in which the licensee may take deer.

Sec. 4. Minnesota Statutes 1976, Section 98.50, Subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of 75 cents for the license to take deer and 50 cents for all other licenses. *The state migratory waterfowl stamp required by section 1 of this act shall be considered to be a "license" within the meaning of this subdivision except when such stamp and a small game license are issued in the same transaction in which case the stamp shall be considered a part of the small game license and only one issuing fee shall be collected.* In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall

be credited to the game and fish fund.

Sec. 5. [APPROPRIATIONS.] *There is appropriated to the commissioner of natural resources from the game and fish fund the sums of \$400,000 for fiscal year 1978 and \$400,000 for fiscal year 1979 for waterfowl habitat improvement. Of these funds, not more than ten percent shall be expended for administrative costs. This amount of money is intended to approximate the amounts of money raised by the sale of stamps.*

Sec. 6. *This act is effective the day following final enactment."*

Further amend by striking the title and inserting:

"A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5."

A roll call was requested and properly seconded.

George was excused between the hours of 2:30 p.m. and 5:15 p.m.

Carlson, D., moved to amend the second Sieben, H., amendment to S. F. No. 597, as follows:

Page 2, delete Subdivision 2 of Section 1.

Page 2, line 19, after "the" insert "voluntary".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Carlson, D., amendment to the second Sieben, H., amendment and the roll was called. There were 48 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Jude	McCollar	St. Onge
Albrecht	Corbid	Kaley	McDonald	Smogard
Anderson, D.	Dean	Kalis	Murphy	Spanish
Anderson, G.	Eckstein	Kelly, W.	Nelsen, B.	Voss
Anderson, I.	Eken	Kempe, R.	Nelsen, M.	Waldorf
Anderson, R.	Evans	Kroening	Niehaus	Welch
Battaglia	Fjoslien	Kvam	Patton	Wenstrom
Begich	Fugina	Langseth	Pehler	Wigley
Berkelman	Gunter	Lemke	Prahl	
Brinkman	Hanson	McCarron	Rice	

Those who voted in the negative were:

Adams	Cohen	Kahn	Peterson	Swanson
Anderson, B.	Cummiskey	Kelly, R.	Petrafaso	Tomlinson
Arlandson	Dahl	Knickerbocker	Sarna	Vanasek
Berg	Enebo	Laidig	Savelkoul	Wenzel
Berglin	Erickson	Mangan	Scheid	White
Biersdorf	Esau	Mann	Schulz	Wieser
Birnstihl	Faricy	Metzen	Searles	Williamson
Brandl	Forsythe	Moe	Sherwood	Wynia
Byrne	Friedrich	Munger	Sieben, H.	Zubay
Carlson, A.	Fudro	Neisen	Sieben, M.	Speaker Sabo
Carlson, L.	Hokanson	Nelson	Simoneau	
Casserly	Jacobs	Norton	Stanton	
Clark	Jensen	Novak	Stoa	
Clawson	Johnson	Osthoff	Suss	

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

Nelsen, M., offered an amendment to S. F. No. 597.

#### POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.9 that the Nelsen, M., amendment was out of order. Norton, as Speaker Pro Tempore, ruled the point of order well taken and the amendment out of order.

The question recurred on the adoption of the second Sieben, H., amendment and the roll was called. There were 74 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Adams	Cummiskey	Kahn	Neisen	Smogard
Anderson, B.	Dahl	Kaley	Nelsen, M.	Stanton
Anderson, R.	Dean	Kelly, R.	Norton	Stoa
Arlandson	Den Ouden	Kempe, R.	Novak	Suss
Beauchamp	Ellingson	King	Peterson	Swanson
Berg	Enebo	Knickerbocker	Petrafaso	Tomlinson
Berglin	Erickson	Kostohryz	Sarna	Vanasek
Berkelman	Esau	Laidig	Savelkoul	Waldorf
Biersdorf	Evans	Lehto	Scheid	Wenzel
Birnstihl	Fjoslien	Lemke	Schulz	White
Brandl	Forsythe	Mann	Searle	Williamson
Byrne	Friedrich	McEachern	Sherwood	Wynia
Carlson, A.	Heintz	Metzen	Sieben, H.	Zubay
Carlson, L.	Hokanson	Moe	Sieben, M.	Speaker Sabo
Clark	Jensen	Munger	Simoneau	

Those who voted in the negative were:

Abeln	Begich	Fugina	Kelly, W.	Murphy
Albrecht	Brinkman	Gunter	Kroening	Niehaus
Anderson, D.	Carlson, D.	Haugerud	Langseth	Patton
Anderson, G.	Eckstein	Jacobs	McCarron	Pehler
Anderson, I.	Eken	Jude	McCollar	Pleasant
Battaglia	Fudro	Kalis	McDonald	Prahl

Rice	Skoglund	Voss	Wenstrom	Wigley
St. Onge	Spanish	Welch	Wieser	

The motion prevailed and the amendment was adopted.

Fjoslien moved to amend S. F. No. 597, as amended, as follows:

Page 2, line 16, after the period add "*People who are hunting on their own property shall not be required to possess a Minnesota Waterfowl Stamp.*".

The motion prevailed and the amendment was adopted.

S. F. No. 597, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

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 73 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Adams	Cummiskey	Jensen	Munger	Sieben, M.
Anderson, B.	Dahl	Johnson	Neisen	Simoneau
Anderson, R.	Dean	Kahn	Nelsen, M.	Stanton
Arlanson	Den Ouden	Kaley	Norton	Stoa
Berg	Ellingson	Kelly, R.	Novak	Suss
Berglin	Erickson	Kempe, R.	Peterson	Tomlinson
Berkelman	Esau	King	Pleasant	Vanasek
Biersdorf	Farcy	Knickerbocker	Prahl	Waldorf
Birnstihl	Fjoslien	Laidig	Rose	Wenzel
Brandl	Forsythe	Lehto	Sarna	White
Byrne	Friedrich	Mann	Savelkoul	Wynia
Carlson, A.	Gunter	McCollar	Scheid	Zubay
Carlson, L.	Heinitz	McEachern	Searle	Speaker Sabo
Clark	Hokanson	Metzen	Searles	
Clawson	Jaros	Moe	Sieben, H.	

Those who voted in the negative were:

Abeln	Eckstein	Kroening	Pehler	Voss
Albrecht	Eken	Langseth	Rice	Welch
Anderson, D.	Enebo	Lemke	St. Onge	Wenstrom
Anderson, G.	Evans	Mangan	Samuelson	Wieser
Anderson, I.	Fudro	McCarron	Schulz	Wigley
Battaglia	Fugina	McDonald	Sherwood	Williamson
Begich	Jacobs	Murphy	Skoglund	
Brinkman	Jude	Nelsen, B.	Smogard	
Carlson, D.	Kalis	Niehaus	Spanish	
Corbid	Kelly, W.	Patton	Swanson	

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

There being no objection the order of business reverted to Messages from the Senate.

### 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. 1054, A bill for an act relating to welfare; aid to families with dependent children; changing certain eligibility qualifications; amending Minnesota Statutes 1976, Sections 256.-73, Subdivisions 1, 2, 4, and by adding subdivisions; and 256.79.

PATRICK E. FLAHAVEN, Secretary of the Senate

Brandl moved that the House refuse to concur in the Senate amendments to H. F. No. 1054, that the Speaker appoint a Conference Committee of 3 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.

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. 562, A bill for an act relating to motor vehicles; requiring informational labels on new pickup trucks; providing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Prahl moved that the House refuse to concur in the Senate amendments to H. F. No. 562, that the Speaker appoint a Conference Committee of 3 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.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. No. 1252 and S. F. Nos. 73, 1337 and 311.

H. F. No. 1252, A bill for an act relating to the Minnesota state water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Nelsen, B.	Simoneau
Adams	Cummiskey	Kahn	Nelsen, M.	Skoglund
Albrecht	Dahl	Kaley	Nelson	Smogard
Anderson, B.	Dean	Kalis	Niehaus	Spanish
Anderson, D.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, I.	Eckstein	Kempe, R.	Novak	Stoa
Anderson, R.	Eken	King	Osthoff	Suss
Arlandson	Ellingson	Knickerbocker	Patton	Swanson
Battaglia	Enebo	Kostohryz	Pehler	Vanasek
Beauchamp	Erickson	Kroening	Petrafeso	Voss
Begich	Evans	Kvam	Pleasant	Waldorf
Berglin	Ewald	Laidig	Prahl	Welch
Berkelman	Faricy	Langseth	Rice	Wenstrom
Biersdorf	Fjoslien	Lehto	Rose	Wenzel
Birnstihl	Forsythe	Lenke	St. Onge	White
Brandl	Friedrich	Mangan	Samuelson	Wieser
Brinkman	Fudro	McCarron	Sarna	Wigley
Byrne	Fugina	McCollar	Savelkoul	Williamson
Carlson, A.	Gunter	McDonald	Scheid	Wynia
Carlson, D.	Hanson	McEachern	Schulz	Zubay
Carlson, L.	Heinitz	Metzen	Searle	Speaker Sabo
Cassery	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	
Cohen	Jensen	Neisen	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 73, A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, R.	Battaglia
Adams	Anderson, B.	Anderson, I.	Arlandson	Beauchamp

Begich	Erickson	King	Niehaus	Simoneau
Berg	Evans	Knickerbocker	Norton	Skoglund
Berglin	Ewald	Kostohryz	Novak	Smogard
Berkelman	Faricy	Kroening	Osthoff	Spanish
Biersdorf	Fjoslien	Kvam	Patton	Stanton
Birnstihl	Forsythe	Laidig	Pehler	Stoa
Brandl	Friedrich	Langseth	Peterson	Suss
Byrne	Fudro	Lehto	Petrafeso	Swanson
Carlson, A.	Fugina	Lemke	Pleasant	Tomlinson
Carlson, D.	Gunter	Mangan	Prahl	Vanasek
Carlson, L.	Hanson	Mann	Rice	Voss
Cassery	Haugerud	McCarron	Rose	Waldorf
Clawson	Heinitz	McCollar	St. Onge	Welch
Cohen	Hokanson	McDonald	Sarna	Wenstrom
Corbid	Jacobs	McEachern	Savelkoul	Wenzel
Cummiskey	Jaros	Metzen	Scheid	White
Dean	Jude	Moe	Schulz	Wieser
Den Ouden	Kahn	Murphy	Searle	Wigley
Eckstein	Kaley	Neisen	Searles	Williamson
Eken	Kalis	Nelsen, B.	Sherwood	Wynia
Ellingson	Kelly, R.	Nelsen, M.	Sieben, H.	Zubay
Enebo	Kempe, R.	Nelson	Sieben, M.	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 1337 was reported to the House.

Zubay moved to amend S. F. No. 1337, the unofficial engrossment, as follows:

Page 21, line 4, reinstate the stricken "\$19,100".

Page 21, line 4, delete "\$21,500".

Page 21, line 5, reinstate the stricken language.

Page 21, line 6, reinstate the stricken language.

The motion prevailed and the amendment was adopted.

S. F. No. 1337, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

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 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Johnson	Neisen	Sieben, M.
Adams	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kahn	Niehaus	Skoglund
Anderson, D.	Den Ouden	Kaley	Norton	Smogard
Anderson, G.	Eckstein	Kalis	Novak	Spanish
Anderson, I.	Eken	Kelly, R.	Osthoff	Stanton
Anderson, R.	Ellingson	Kelly, W.	Patton	Stoa
Arlandson	Enebo	Kempe, R.	Pehler	Suss
Battaglia	Erickson	King	Peterson	Swanson
Beauchamp	Esau	Knickerbocker	Petrafeso	Tomlinson
Begich	Evans	Kostohryz	Pleasant	Vanasek
Berg	Ewald	Laidig	Prahl	Voss
Berglin	Faricy	Langseth	Reding	Waldorf
Berkelman	Fjoslien	Lehto	Rice	Welch
Birnstihl	Forsythe	Lemke	Rose	Wenstrom
Brandl	Fudro	Mangan	St. Onge	Wenzel
Brinkman	Fugina	Mann	Samuelson	White
Byrne	Gunter	McCarron	Sarna	Wieser
Carlson, A.	Hanson	McCollar	Savelkoul	Wigley
Carlson, D.	Haugerud	McDonald	Scheid	Williamson
Carlson, L.	Heimitz	McEachern	Schulz	Wynia
Cassery	Hokanson	Metzen	Searle	Zubay
Clark	Jacobs	Moe	Searles	Speaker Sabo
Clawson	Jaros	Munger	Sherwood	
Cohen	Jensen	Murphy	Sieben, H.	

Those who voted in the negative were:

Albrecht      Kvam

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

S. F. No. 311, A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; providing for the compensation of certain judges upon compliance with certain provisions of the law; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Sub-

divisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; 487, by adding a section; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; 490.124, Subdivision 7; and Chapters 530; 531; 532; and 633.

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 106 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kelly, R.	Nelsen, B.	Smogard
Adams	Eken	Kelly, W.	Nelson	Spanish
Albrecht	Ellingson	Kempe, R.	Norton	Stoa
Anderson, B.	Enebo	King	Novak	Suss
Anderson, R.	Evans	Knickerbocker	Osthoff	Swanson
Arlandson	Faricy	Kostohryz	Patton	Tomlinson
Battaglia	Fjoslien	Kroening	Pehler	Voss
Beauchamp	Forsythe	Kvam	Peterson	Waldorf
Begich	Friedrich	Laidig	Petrafeso	Welch
Berg	Fudro	Langseth	Pleasant	Wenstrom
Berglin	Fugina	Lehto	Reding	Wenzel
Berkelman	Hanson	Mangan	Rice	White
Birnstihl	Heinitz	Mann	Rose	Wieser
Brandl	Hokanson	McCarron	Sarna	Wigley
Byrne	Jacobs	McCollar	Savelkoul	Williamson
Carlson, D.	Jaros	McDonald	Scheid	Wynia
Carlson, L.	Jensen	McEachern	Schulz	Zubay
Casserly	Johnson	Metzen	Searles	Speaker Sabo
Clark	Jude	Moe	Sieben, H.	
Clawson	Kahn	Munger	Sieben, M.	
Cohen	Kaley	Murphy	Simoneau	
Cummiskey	Kalis	Neisen	Skoglund	

Those who voted in the negative were:

Anderson, D.	Den Ouden	Ewald	Niehaus	Stanton
Anderson, G.	Eckstein	Gunter	Prahl	Vanasek
Anderson, I.	Erickson	Lemke	St. Onge	
Carlson, A.	Esau	Nelsen, M.	Searle	

The bill was passed and its title agreed to.

### SPECIAL ORDERS

S. F. No. 1087, A bill for an act relating to nonprofit health service plan corporations; modifying retained surplus requirements; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.

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:

Abeln	Cohen	Jude	Nelsen, B.	Sieben, M.
Adams	Cummiskey	Kahn	Nelsen, M.	Simoneau
Albrecht	Dahl	Kaley	Nelson	Skoglund
Anderson, B.	Dean	Kalis	Niehaus	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, G.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, I.	Eken	Kempe, R.	Osthoff	Stoa
Anderson, R.	Ellingson	Knickerbocker	Patton	Suss
Arlandson	Enebo	Kostohryz	Pehler	Swanson
Battaglia	Erickson	Kroening	Peterson	Tomlinson
Beauchamp	Esau	Kvam	Petrafeso	Vanasek
Begich	Evans	Laidig	Pleasant	Waldorf
Berg	Ewald	Langseth	Prahl	Welch
Berglin	Faricy	Lehto	Reding	Wenstrom
Berkelman	Fjoslien	Lenke	Rice	Wenzel
Biersdorf	Friedrich	Mangan	Rose	White
Birnstihl	Fudro	Mann	St. Onge	Wieser
Brandl	Fugina	McCarron	Samuelson	Wigley
Brinkman	Gunter	McCollar	Sarna	Williamson
Byrne	Haugerud	McDonald	Savelkoul	Wynia
Carlson, A.	Heinitz	McEachern	Scheid	Zubay
Carlson, D.	Hokanson	Metzen	Schulz	Speaker Sabo
Carlson, L.	Jacobs	Moe	Searle	
Casserly	Jaros	Munger	Searles	
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

Swanson was excused for the remainder of today's session. Wenstrom was excused between the hours of 5:00 p.m. and 6:30 p.m.

S. F. No. 1165 was reported to the House.

Munger moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 4, line 4, after the period insert *"The commissioner shall commence the chapter 117 proceeding within twenty days of the rejection by the landowner of the highest offer authorized by law or upon the written request of the landowner."*

The motion prevailed and the amendment was adopted.

Munger moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 3, line 15, delete *"Any"* and insert *"Except as provided in this subdivision, any"*.

Page 4, line 17, delete “, of the first generation”.

The motion prevailed and the amendment was adopted.

Sherwood moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 3, line 23, after the comma insert “and except for church owned camps compatible with and complying with Chapter 86A.05 which were founded before the state park boundaries were established.”

The motion prevailed and the amendment was adopted.

Gunter moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 2, line 10, delete “; repair, expansion or replacement of” and insert “or a”.

Page 2, line 11, delete “homes” and insert “house or” delete “, and construction, repair or replacement of”.

Page 2, line 12, delete “structures” and after “appurtenant” insert “structures” and delete “to single family homes”.

A roll call was requested and properly seconded.

The question was taken on the adoption of amendment and the roll was called. There were 82 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Metzen	Sieben, M.
Adams	Dean	Jensen	Murphy	Smogard
Albrecht	Den Ouden	Jude	Neisen	Spanish
Anderson, B.	Eckstein	Kaley	Nelsen, B.	Stanton
Anderson, D.	Eken	Kalis	Nelsen, M.	Stoa
Anderson, G.	Ellingson	Kelly, R.	Niehaus	Suss
Anderson, I.	Erickson	Kempe, R.	Peterson	Waldorf
Anderson, R.	Evans	Knickerbocker	Pleasant	Welch
Battaglia	Ewald	Kroening	Prahl	Wenzel
Begich	Fjoslien	Kvam	Rice	White
Berkelman	Forsythe	Laidig	St. Onge	Wieser
Biersdorf	Friedrich	Langseth	Samuelson	Wigley
Birnstihl	Fudro	Lemke	Savelkoul	Williamson
Brinkman	Fugina	Mangan	Scheid	Zubay
Carlson, A.	Gunter	Mann	Schulz	
Carlson, D.	Haugerud	McDonald	Searles	
Carlson, L.	Heinitz	McEachern	Sieben, H.	

Those who voted in the negative were:

Beauchamp	Byrne	Clark	Dahl	Hanson
Berglin	Casserly	Cummiskey	Enebo	Jaros

Johnson	McCarron	Norton	Sarna	Vanasek
Kahn	Moe	Novak	Searle	Wynia
King	Munger	Osthoff	Skoglund	Speaker Sabo
Lehto	Nelson	Pehler	Tomlinson	

The motion prevailed and the amendment was adopted.

Biersdorf moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Page 2, line 19, after "kind" insert ", *except existing working gravel pits*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 102 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Adams	Eckstein	Johnson	Munger	Searles
Albrecht	Eken	Jude	Murphy	Sherwood
Anderson, R.	Ellingson	Kaley	Neisen	Sieben, H.
Battaglia	Enebo	Kalis	Nelsen, B.	Sieben, M.
Beauchamp	Erickson	Kelly, W.	Nelsen, M.	Simoneau
Berg	Esau	Kempe, R.	Nelson	Smogard
Berkelman	Evans	King	Niehaus	Spanish
Biersdorf	Ewald	Knickerbocker	Norton	Stanton
Birnstihl	Fjoslien	Kroening	Novak	Stoa
Brinkman	Forsythe	Kvam	Osthoff	Suss
Byrne	Friedrich	Laidig	Patton	Tomlinson
Carlson, A.	Fudro	Langseth	Peterson	Vanasek
Carlson, D.	Fugina	Lehto	Prahl	Voss
Carlson, L.	George	Lemke	Reding	Wenzel
Clark	Gunter	Mangan	Rose	Wieser
Clawson	Hanson	Mann	St. Onge	Wigley
Cohen	Haugerud	McCarron	Samuelson	Zubay
Cummiskey	Heinitz	McCollar	Sarna	Speaker Sabo
Dahl	Hokanson	McDonald	Savelkoul	
Dean	Jacobs	McEachern	Schulz	
Den Ouden	Jensen	Metzen	Searle	

Those who voted in the negative were:

Anderson, D.	Jaros	Kostohryz	Waldorf	Wynia
Anderson, G.	Kahn	Scheid	White	
Brandl	Kelly, R.	Skoglund	Williamson	

The motion prevailed and the amendment was adopted.

Biersdorf moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Page 4, line 12, strike "1976" insert "1977".

The motion prevailed and the amendment was adopted.

Spanish moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 5, after line 27 insert:

*"Sec. 2. The provisions of this act shall not apply to McCarthy Beach State Park in St. Louis and Itasca counties."*

Further, amend the title:

Page 1, line 2 after "resources;" insert "relating to certain".

Page 1, line 3 after "within" insert "certain".

Page 1, line 7 after "within" insert "certain".

A roll call was requested and properly seconded.

Brinkman moved to amend the Spanish amendment to S. F. No. 1165, the unofficial engrossment, as follows:

After "apply to" insert "Scenic State Park and".

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

The question recurred on the adoption of the Spanish amendment and the roll was called. There were 35 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Albrecht	Carlson, D.	Fugina	Niehaus	Samuelson
Anderson, D.	Den Ouden	Gunter	Novak	Savelkoul
Anderson, I.	Erickson	Heinitz	Patton	Spanish
Anderson, R.	Evans	Kaley	Pleasant	Stoa
Battaglia	Fjoslien	Kvam	Prahl	Wenzel
Begich	Forsythe	McDonald	Rice	Wigley
Brinkman	Friedrich	Nelsen, B.	Rose	Zubay

Those who voted in the negative were:

Abeln	Cummiskey	Jaros	Mangan	Petraleso
Adams	Dahl	Jensen	Mann	Reding
Beauchamp	Dean	Johnson	McCarron	Sarna
Berg	Eckstein	Jude	McEachern	Scheid
Berglin	Eken	Kahn	Metzen	Schulz
Berkelman	Ellingson	Kalis	Moe	Searie
Birnstihl	Enebo	Kempe, R.	Munger	Sherwood
Brandl	Esau	King	Murphy	Sieben, H.
Byrne	Ewald	Knickerbocker	Neisen	Sieben, M.
Carlson, A.	Faricy	Kostohryz	Nelsen, M.	Simoneau
Carlson, L.	Fudro	Kroening	Nelson	Skoglund
Casserly	George	Laidig	Norton	Smogard
Clark	Hanson	Langseth	Osthoff	Stanton
Clawson	Haugerud	Lehto	Pehler	Suss
Cohen	Jacobs	Lemke	Peterson	Tomlinson

Waldorf Welch	White Wieser	Williamson	Wynia	Speaker Sabo
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The motion did not prevail and the amendment was not adopted.

Savelkoul moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Page 4, after line 23, add a new subdivision to read:

*"Subd. 5. Owners of private lands located within state parks on the effective date of this act shall be compensated by the Commissioner of Natural Resources for any lost earnings resulting from regulations imposed by this section if the subject lands are later removed from within state park boundaries."*

Page 4, line 24, strike "5" and insert "6".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 61 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Haugerud	McDonald	Savelkoul
Anderson, D.	Den Ouden	Heinitz	McEachern	Spanish
Anderson, G.	Eckstein	Johnson	Murphy	Stanton
Anderson, I.	Erickson	Jude	Nelsen, B.	Tomlinson
Anderson, R.	Evans	Kaley	Nelsen, M.	Wenstrom
Battaglia	Ewald	Kalis	Niehaus	Wenzel
Begich	Faricy	Kelly, W.	Patton	Wieser
Biersdorf	Fjoslien	Knickerbocker	Peterson	Wigley
Brinkman	Forsythe	Kroening	Pleasant	Zubay
Carlson, A.	Friedrich	Kvam	Prahl	
Carlson, D.	Fugina	Laidig	Rose	
Clawson	Gunter	Lemke	St. Onge	
Corbid	Hanson	Mangan	Samuelson	

Those who voted in the negative were:

Abeln	Cohen	King	Novak	Skoglund
Beauchamp	Cummiskey	Kostohryz	Osthoff	Stoa
Berglin	Dahl	Lehto	Pehler	Suss
Berkelman	George	Mann	Sarna	Voss
Byrne	Jaros	McCollar	Schulz	Waldorf
Carlson, L.	Jensen	Munger	Sieben, H.	Williamson
Cassery	Kahn	Neisen	Sieben, M.	Wynia
Clark	Kempe, R.	Nelson	Simoneau	Speaker Sabo

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Page 4, line 23, after "section" insert " *, unless the contract for deed has been filed with the county recorder within 15 days of execution*".

Cummiskey moved to amend the second Savelkoul amendment to S. F. No. 1165, the unofficial engrossment, as amended, as follows:

After "execution" insert "*or within 60 days of the effective date of this act if executed before the effective date of this act*".

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

The question recurred on the Savelkoul amendment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Carlson, A.; Anderson, G.; Battaglia; Fjoslien; McDonald and Wieser moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 85, is amended by adding a section to read:

[85.23] [LANDS, STATE PARKS.] *Subdivision 1. [COMPATIBLE USES.] The use and occupancy of privately owned lands within the boundaries of state parks as designated by the legislature shall be limited to uses compatible with the purposes of the park. No incompatible uses as provided herein shall be permitted. In general, use of land within parks shall be limited to existing uses and to agricultural, recreational and residential uses. Impermissible, incompatible uses include the following:*

(a) *Construction of any new improvements or structures on the land. Provided that construction, repair or replacement of agricultural buildings and other agricultural improvements, or a single family house and appurtenant structures, or existing recreational camps is expressly permitted;*

(b) *Logging or removal of timber unless approved by the state forester under a qualified forest management plan, except for incidental collection of firewood, removal of diseased or dying timber, or removal of timber creating an unsafe condition;*

(c) *Mineral excavation of any kind except existing working gravel pits;*

(d) *Any change in land use to a use different from that specified in these limitations.*

*Subd. 2. [EXISTING INCOMPATIBLE USES.] Existing incompatible uses, except for logging or mineral excavation, shall be permitted to continue, but no expansion of such use shall be allowed. The commissioner shall provide written notice 30 days after the effective day of this act to any landowner whose logging or mineral excavation uses are determined to be incompatible as specified in subdivision 1.*

*Subd. 3. [SALE.] Upon the written request of a landowner of private lands within the legislatively designated boundaries of state parks, the commissioner may purchase such land, the appurtenant structures thereon or both. Upon sale or transfer to the commissioner, the commissioner shall pay to the landowner the fair market value of the property on the date of acquisition, less the fair market value on such date of any right retained by the landowner. In the event the commissioner and landowner or estate cannot agree as to the fair market value acquisition price, the parties by mutual agreement may enter into a condemnation proceeding pursuant to Minnesota Statutes, Chapter 117.*

*Subd. 4. [DEFINITION.] For purposes of this section, "landowner" means the fee owner, a person purchasing on a contract for deed pursuant to which fee title will be transferred to the purchaser, or the owner of a life estate interest, a leasehold interest, or the owner of a remainder interest in the land, structures thereon or both.*

*Subd. 5. [INJUNCTIVE RELIEF.] If any provision of this section is violated, the commissioner of natural resources shall have the authority to enjoin violation by applying to the district court of the county in which the land is located for injunctive relief.*

*Sec. 2. This act is effective the day following final enactment."*

Further amend by striking the title and inserting:

*"A bill for an act relating to natural resources, state parks; requiring compatible uses of private lands within state parks; providing the commissioner of natural resources with authority to enforce compatible use standards; providing for the sale of private land within parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section."*

A roll call was requested and properly seconded.

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

The question was taken on the adoption of the amendment and the roll was called. There were 61 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Heinitz	Murphy	Simoneau
Anderson, B.	Eckstein	Hokanson	Nelsen, B.	Smogard
Anderson, D.	Eken	Johnson	Nelsen, M.	Spanish
Anderson, G.	Erickson	Kaley	Niehaus	Suss
Anderson, R.	Esau	Kalis	Peterson	Welch
Arlandson	Evans	Kelly, W.	Pleasant	Wenzel
Battaglia	Ewald	Kvam	Prahl	Wieser
Begich	Fjoslien	Langseth	Rose	Wigley
Biersdorf	Forsythe	Lemke	St. Onge	Zubay
Birnsthil	Friedrich	Mangan	Samuelson	
Brinkman	Fudro	McDonald	Savelkoul	
Carlson, A.	Gunter	McEachern	Schulz	
Carlson, D.	Haugerud	Metzen	Searles	

Those who voted in the negative were:

Abeln	Cohen	Kahn	Nelson	Skoglund
Anderson, I.	Cummiskey	Kelly, R.	Norton	Stanton
Beauchamp	Dahl	Kempe, R.	Novak	Stoa
Berg	Dean	King	Osthoff	Tomlinson
Berglin	Ellingson	Knickerbocker	Pehler	Vanasek
Berkelman	Enebo	Kostohryz	Petrafeso	Voss
Brandl	Faricy	Laidig	Reding	Waldorf
Byrne	Fugina	Lehto	Sarna	Williamson
Carlson, L.	George	McCarron	Scheid	Wynia
Casserly	Hanson	Moe	Searle	Speaker Sabo
Clark	Jaros	Munger	Sherwood	
Clawson	Jude	Neisen	Sieben, M.	

The motion prevailed and the amendment was adopted.

There being no objection, S. F. No. 1165, the unofficial engrossment, as amended, was continued on Special Orders for one day.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Thursday, May 19, 1977, immediately following the Consent Calendar. The motion prevailed.

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

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 15, A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. [RECREATION FACILITIES FOR THE HANDICAPPED; APPROPRIATION.] There is appropriated from the general fund in the state treasury to the state planning agency the sum of \$150,000 to be used to develop recreation facilities which demonstrate the feasibility of meeting the special needs of handicapped persons at Islands of Peace park in the city of Fridley. This appropriation is available until the project is completed or abandoned.

The director of the state planning agency shall not allocate any funds to any local unit of government until (1) the commissioner of natural resources has approved a detailed work program proposed by the local unit of government; and (2) the sum of \$50,000 has been raised from other public or private sources for the purposes of this act. Local units of government receiving funds from the state planning agency under this section shall be responsible for the continued operation and maintenance of the land and facilities. If a local unit of government which received funds under this section fails to satisfy this responsibility, the structures and real property within Islands of Peace park purchased with funds under this section and any unexpended funds received pursuant to this section shall revert to the state.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 26, A bill for an act relating to labor; granting public employees paid leaves of absence to engage in world athletic competition.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 917, A bill for an act relating to public welfare; appropriating money for the Vinland National Center.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Subdivision 1. Vinland National Center shall be established in Minnesota to serve as a health resource, educa-

tion and training center. The primary focus of the activities of the center shall be in the areas of health education, health promotion, and health recreation. The center shall serve health service providers, handicapped persons and other health service consumers.

Subd. 2. The plans for the Vinland National Center shall be submitted to the chairman of the house appropriations committee and the chairman of the senate finance committee for review and comment prior to the making of any binding commitment for the construction of any facility and prior to the making of any final decision on the plan of operation of the center.

Subd. 3. No money shall be expended for construction of the Vinland National Center until a certificate of need has been obtained pursuant to Minnesota Statutes, Sections 145.72 to 145.83.

Sec. 2. There is appropriated from the general fund to the commissioner of public welfare up to \$200,000 for the purposes of section 1. These funds shall be available to the commissioner of public welfare until expended.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1547, A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Sections 246.51; and 252.27, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 2, line 21, delete the new comma and reinstate “or”.

Page 2, line 22, delete “*or who has cerebral palsy*”.

Page 3, line 10, reinstate “or other” and insert “*emotional*”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 65, A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 152.15, Subdivision 1, is amended to read:

152.15 [VIOLATIONS; PENALTIES.] Subdivision 1. Any person who violates section 152.09, subdivision 1, clause (1) with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN 15 YEARS OR FINED NOT MORE THAN \$25,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN ONE YEAR NOR MORE THAN 30 YEARS OR FINED NOT MORE THAN \$50,000, OR BOTH) *six years*;

(2) Any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FIVE YEARS, FINED NOT MORE THAN \$15,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN ONE YEAR NOR MORE THAN TEN YEARS OR FINED NOT MORE THAN \$30,000, OR BOTH) *two years*;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$10,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN SIX MONTHS NOR MORE THAN SIX YEARS OR FINED NOT MORE THAN \$20,000, OR BOTH) *one year and one day*;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$1,000, or both;

(5) The distribution of a small amount of marijuana for no remuneration, shall be treated as provided in subdivision 2, clause (5).

Sec. 2. Minnesota Statutes 1976, Section 152.15, Subdivision 2, is amended to read:

Subd. 2. Any person who violates section 152.09, subdivision 1, clause (2), with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FIVE YEARS OR FINED NOT MORE THAN \$5,000, OR BOTH) *two years*;

(2) Any other controlled substance classified in Schedule I, II, or III, except small amounts of marijuana, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$3,000, OR BOTH) *one year and one day*;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$3,000, OR BOTH) *one year and one day*;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more

than one year, fined not more than \$1,000, or both; provided, however, that any person convicted under this section of possessing a substance classified under Schedule V, and placed on probation may be required to take part in a drug education program as specified by the court;

(5) A small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to \$100 and participation in a drug education program unless the court enters a written finding that such a program is inappropriate, said program being approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority. A subsequent violation of this clause within two years is a misdemeanor, and a person so convicted shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation. Upon a first conviction under this section the courts shall forward a report of said conviction to the department of public safety which shall make and maintain a private, nonpublic, record for a period not to exceed two years from the date of conviction. The private, nonpublic record shall be solely for use by the courts in determining the penalties which attach upon conviction under this section.

Additionally a person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers more than .05 ounce of marijuana is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(6) In any case in which a defendant is convicted of a petty misdemeanor under the provisions of clause (5) and willfully and intentionally fails to comply with the sentence imposed, said defendant shall be guilty of a misdemeanor.

(7) Compliance with the terms of any sentence imposed for violation of clause (5) before conviction under clause (6) shall be an absolute defense.

Sec. 3. Minnesota Statutes 1976, Section 152.15, Subdivision 3, is amended to read:

Subd. 3. Any person who violates section 152.09, subdivision 2, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FOUR YEARS, OR FINED NOT MORE THAN \$30,000, OR BOTH) *one year and six months.*

Sec. 4. [DEFINITIONS.] Subdivision 1. For purposes of sections 4 to 12, the following terms shall have the meanings given them.

Subd. 2. "Inmate" means any person convicted of a felony and confined in a state correctional institution or released from a state correctional institution pursuant to sections 9 or 10.

Subd. 3. "Commissioner" means the commissioner of corrections or his designee.

Subd. 4. "Correctional institution" means any state institution under the operational authority of the commissioner of corrections.

Subd. 5. "Board" means the Minnesota corrections board created by section 241.045.

Subd. 6. "Ombudsman" means the ombudsman for the department of corrections or his designee.

Subd. 7. "Good time" means the period of time by which an inmate's sentence is reduced pursuant to section 8.

Sec. 5. [DETERMINATE SENTENCING.] After a person has been convicted of a felony and sentenced to imprisonment, the court shall immediately place that person in the custody of the commissioner. That person shall serve the sentence imposed by the court for the crime of his conviction and he shall not be paroled or otherwise released from the correctional institution wherein he is confined until that sentence expires, except as is provided in sections 9 and 10, and except as his sentence is reduced by any good time earned.

Sec. 6. [MUTUAL AGREEMENT PROGRAMS.] Subdivision 1. Within seven days after the commissioner assumes custody of an inmate, he shall inform the inmate of the availability and scope of mutual agreement programs and of the fact that participation by the inmate is optional and has no effect on the length of his sentence. If on his own motion the inmate expresses a desire to enter into a mutual agreement program, the commissioner shall draft one for the inmate within 90 days after receiving a request to do so from the inmate. The mutual agreement program shall be drafted after a post-conviction investigation of the inmate has been made by the commissioner. In drafting a mutual agreement program, the commissioner shall also refer to any presentence investigation which has been made of the inmate. The agreement shall provide the following:

(a) A program of vocational or educational training with specific chronological and achievement objectives, including completion of specified educational and vocational programs;

(b) *Frequent and regular evaluation of the inmate by the commissioner; and*

(c) *A consideration of any educational qualifications or skills of the inmate when specifying certain types of work expectations.*

*In addition, the agreement may specify participation of the inmate in noninstitutional or extra-institutional programs pursuant to the provisions of section 9. The participation of inmates in the mutual agreement program shall be limited by the appropriations made for that purpose.*

*Subd. 2. The inmate may decline to enter into the agreement drafted by the commissioner. Failure to enter into an agreement shall not affect the earning of good time by an inmate pursuant to section 8, nor shall violation of the terms of the agreement by an inmate constitute a disciplinary offense which may result in the loss of good time. Whether or not an inmate consents to participate in a mutual agreement program, he shall serve the sentence imposed by the sentencing court, reduced by good time earned. Failure of an inmate to enter a mutual agreement program shall not effect the board's determination as to whether an inmate should be placed on conditional release.*

*Subd. 3. The inmate shall have the right to appeal to the ombudsman if he believes the terms of his agreement have been or are being violated. The ombudsman shall promptly investigate any appeal filed under this subdivision and shall recommend that the commissioner take appropriate action if the ombudsman determines the terms of the mutual agreement program have been or are being violated.*

*Subd. 4. The inmate and his counsel shall be informed of the existence of and have the right to inspect all records and evaluations of the inmate's participation in the mutual agreement program.*

**Sec. 7. [VOLUNTARY PROGRAMS.]** *The commissioner shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates who desire to voluntarily participate in such programs. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed on him by the funds appropriated for such programs.*

*No action challenging the level of expenditures for programs authorized under this subdivision, nor any action challenging the selection, design or implementation of those programs, may be maintained by an inmate in any court in this state.*

**Sec. 8. [GOOD TIME.]** *Subdivision 1. Each sentence imposed by a court for a felony offense shall be reduced in duration by one day for each day during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner pursuant to subdivision 2 of this section.*

*If an inmate violates a disciplinary offense rule promulgated pursuant to subdivision 2, good time earned prior to the violation may be taken away or the inmate may be required to serve an appropriate portion of his sentence after the violation without earning good time.*

**Subd. 2.** *By December 31, 1978, the commissioner shall promulgate, pursuant to Minnesota Statutes, Chapter 15, rules specifying disciplinary offenses which may result in the loss of good time and the amount of good time which may be lost as a result of each disciplinary offense. In no case shall an individual disciplinary offense result in the loss of more than 90 days of good time. The loss of good time shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for loss of good time and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.*

**Sec. 9. [CONDITIONAL RELEASE.]** *Subdivision 1. If an inmate's agreement program requires participation in noninstitutional or extra-institutional programs, or the Minnesota corrections board determines that an inmate should participate in noninstitutional or extra-institutional programs with reintegration, educational or vocational objectives, and the inmate consents to participate in these programs, the Minnesota corrections board may conditionally release the participating inmate. An inmate may be conditionally released as follows: if the inmate is sentenced to less than ten years of imprisonment, he may be released during the last two years of the sentence imposed upon him; if the inmate is sentenced to ten or more years of imprisonment, he may be released during the last three years of his sentence.*

**Subd. 2.** *When consistent with the public interest, the Minnesota corrections board may grant one or more furloughs not to exceed ten days in length each to an inmate who has been conditionally released pursuant to subdivision 1 of this section.*

**Subd. 3.** *The commissioner shall promulgate rules for the placement and supervision of inmates who are conditionally released. The rules shall include, but not be limited to, provisions relating to the use of local detention facilities, the distribution of inmate wages or other earnings during the period of conditional release, the payment of room and board by inmates, and procedures for the revocation of conditional releases. Procedures for the revocation of conditional releases shall provide due process of law for the inmate.*

Sec. 10. [FURLOUGHS.] *If consistent with the public interest, the Minnesota corrections board may, under rules prescribed by the commissioner furlough any inmate in his custody to any point within the state for up to five days. A furlough may be granted to assist the inmate with family needs, personal health needs, or his reintegration into society. No inmate may receive more than three furloughs under this section within any 12 month period.*

Sec. 11. [POST-RELEASE PROGRAM.] *Upon the completion of the term to which an inmate has been sentenced, as reduced by any good time earned, the commissioner shall offer to the inmate a voluntary program not to exceed six months in length and designed to facilitate reintegration of the inmate into society. The program may include assistance such as aid in finding employment and housing. The program shall be available only to the extent made feasible by appropriations made for that purpose.*

Sec. 12. [241.046] [LIMITATION OF POWERS AND DUTIES OF MINNESOTA CORRECTIONS BOARD.] *Subdivision 1. Except as provided in this section, the provisions of sections 1 to 102 shall not apply to persons convicted of a felony committed on or before December 31, 1978.*

*Subd. 2. The Minnesota corrections board shall retain all powers and duties vested in and imposed upon it with relation to persons sentenced for crimes committed on or before December 31, 1978. After December 31, 1978, the board shall have only those powers and duties imposed upon it by the act.*

*Subd. 3. The provisions of sections 1 to 102 shall apply to all persons convicted of a felony committed after December 31, 1978.*

*Subd. 4. Nothing in sections 1 to 106 shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections 1 to 106, in which case those powers and duties shall be superseded by the provisions of sections 1 to 106.*

*Subd. 6. The Minnesota corrections board shall take into consideration, but in no way be bound by the sentence terms provided in sections 1 to 106, and the penal philosophy therein embodied in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before December 31, 1978. Inmates convicted of crimes committed on or before December 31, 1978 for which a minimum sentence is prescribed by the law in effect at the time of the commission of the crime shall serve at least that minimum sentence.*

*Subd. 7. The board may give extraordinary release to an inmate for reasons of serious health problems or old age. The commissioner shall promulgate rules specifying the circumstances under which extraordinary release shall be granted and the appropriate procedures for granting the same.*

Sec. 13. Minnesota Statutes 1976, Section 299F.811, is amended to read:

299F.811 [POSSESSION OF EXPLOSIVES OR INCENDIARY DEVICES.] Whoever possesses, manufactures, or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use the explosive or device to commit a crime or knows that another intends to use the explosive or device to commit a crime, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000 OR BOTH) *two years*.

Sec. 14. Minnesota Statutes 1976, Section 299F.815, Subdivision 1, is amended to read:

299F.815 [POSSESSION OF A CHEMICAL IGNITING DEVICE OR MOLOTOV COCKTAIL.] Subdivision 1. Whoever shall possess, manufacture, transport, or store a chemical self-igniting device or a molotov cocktail with intent to use the same for any unlawful purpose (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000 OR BOTH) *two years*.

Sec. 15. Minnesota Statutes 1976, Section 401.13, is amended read:

401.13 [CHARGES MADE TO COUNTIES.] Each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to the commissioner or the (YOUTH CONSERVATION COMMISSION) *corrections board* after August 1, 1973, and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds (FIVE) *two years*, (NOR SHALL) *or for which mandatory terms of imprisonment are required by law*. The amount charged a participating county for the costs of confinement *shall not exceed the amount of subsidy to which (THE) a county is eligible*. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties. All charges shall be a charge upon the county of commitment.

Sec. 16. Minnesota Statutes 1976, Section 609.03, is amended to read:

609.03 [PUNISHMENT WHEN NOT OTHERWISE FIXED.] If a person is convicted of a crime for which no punishment is otherwise provided he may be sentenced as follows:

(1) If the crime is a felony, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both; or

(3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$500, or to imprisonment for a specified term of not more than six months if the fine is not paid.

Sec. 17. Minnesota Statutes 1976, Section 609.095 is amended to read:

609.095 [LIMITS OF SENTENCES.] No other different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law. *All dispositions made and sentences imposed shall be with due consideration to the sentencing guidelines approved by the supreme court. The disposition made or sentence imposed shall not be unjustifiably disparate.*

Sec. 18. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.096] [MINNESOTA GUIDELINE COMMISSION ESTABLISHED.] *Subdivision 1. There is hereby established the Minnesota judicial guideline commission which shall be comprised of 18 members.*

*Subd. 2. [MEMBERSHIP.] The judicial guideline commission shall consist of the following:*

(1) *Ten district judges representing the ten judicial districts appointed by the chief justice;*

(2) *Two members of the supreme court appointed by the chief justice;*

(3) *The chief justice of the supreme court;*

(4) *Two public defenders; appointed by the governor;*

(5) *Two county attorneys appointed by the governor;*

*The commissioner of corrections or his designee.*

*Subd. 3. [TERM OF OFFICE.] Each appointed member shall be appointed for four years. Each member shall continue in office until his successor is duly appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term. The members of the commission shall elect a chairman and such officers as are necessary for the efficient discharge of their duties.*

*Subd. 4. [COMPENSATION; EXPENSES.] Each member of the commission shall be reimbursed for all reasonable expenses actually paid or incurred by him in the performance of his official duties in the same manner as other employees of the state.*

*Subd. 5. [DUTIES.] The judicial commission shall, on or before October 15, 1978, promulgate sentencing guidelines for the district court. Guidelines promulgated herein shall establish for the district court a narrow range within which the imposition of a felony sentence is proper. These guidelines shall be established on the basis of a combination of reasonable offense and offender characteristics which are in consideration of current sentencing practices. The judicial commission shall also study and report to the legislature and the governor on or before December 15, 1978, on the continued need and role of the Minnesota corrections board after implementation of this act.*

*Subd. 6. [RESEARCH.] The commission, in addition to establishing sentencing guidelines, shall serve as a clearing house and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices, and shall conduct ongoing research regarding sentencing guidelines, use of imprisonment and alternatives to imprisonment and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the criminal code, criminal procedure and other aspects of sentencing.*

*Subd. 7. [COOPERATION WITH OTHER AGENCIES.] To accomplish the purposes of this act the commission may utilize with their consent, the services, equipment, personnel, information and resources of other state agencies, accept voluntary and uncompensated services, contract with individuals, public and private agencies, and request information, reports and data from any agency of the state, or any of its political subdivisions to the extent authorized by law.*

*Subd. 8. [GRANTS.] When any person, corporation, the United States government, or any other entity offers funds to the judicial commission by way of gift, grant or loans, for the purpose of assisting the commission to carry out its purpose and duties, the commission may accept the offer by majority vote and upon acceptance the chairman shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.*

*Subd. 9. [RESEARCH DIRECTION; EMPLOYEES.] The commission may select and employ a research director who shall perform such duties as the commission directs including the hiring of such clerical help and other employees as the commission shall approve. The research director and other staff shall be in the unclassified service of the state and their salary shall be established by the commission. They shall be reimbursed the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.*

*Subd. 10. [APPROVAL BY SUPREME COURT.] The guidelines promulgated by the judicial commission and any subsequent amendments thereto shall be the sentencing guidelines for the district courts upon their adoption and approval by the supreme court.*

*Subd. 11. [ROLE OF GUIDELINES.] Guidelines promulgated herein shall be advisory to the district court in the imposition of felony sentences. However, the district court shall set forth particularized written reasons specifying the basis for departure from the sentencing guidelines in each case wherein the court imposes a sentence that is not within the range of the sentencing guidelines applicable to the instant case.*

*Subd. 12. [REVIEW.] The judicial commission shall meet at least three times each year for the purpose of modifying and improving the sentencing guidelines.*

*Subd. 13. [APPELLATE REVIEW OF SENTENCE.] An appeal to the supreme court may be taken by the defendant or by the state from any sentence imposed or stayed by the district court. An appeal from the district court to the supreme court under this subdivision shall be made according to the rules of appellate criminal procedure for the district court of Minnesota. A dismissal of an appeal brought under this section shall not prejudice an appeal brought under any other section or rule.*

*When an appeal taken under this subdivision is filed, the clerk of the district court shall certify to the supreme court the transcript of the proceedings and any files or records relating to the*

*defendant, the offense, and the sentence imposed or stayed, that the supreme court by rule or order may require.*

*On an appeal pursuant to this subdivision, the supreme court may review the sentence imposed to determine whether the sentence is inconsistent with statutory requirements. Unreasonable, inappropriate, excessive, or unjustifiably disparate. This review shall be in addition to all other powers of review presently existing. The supreme court may dismiss or affirm the appeal, vacate or set aside the sentence imposed and direct entry of an appropriate sentence or order further proceedings to be had as the supreme court may direct.*

*Subd. 14. [RELEASE PENDING APPEAL.] This section shall not be construed to confer or enlarge any right of a defendant to be released pending an appeal under this subdivision.*

Sec. 19. Minnesota Statutes 1976, Section 609.10, is amended to read:

609.10 [SENTENCES AVAILABLE; APPEAL OF SENTENCE.] *Subdivision 1. Notwithstanding the sentence provided by statute, upon conviction of a felony and compliance with the other provisions of (THIS) the chapter, the court, if it imposes sentence, may increase or decrease the statutory sentence (THE DEFENDANT TO THE EXTENT AUTHORIZED BY LAW), with due consideration to the sentencing guidelines, as follows:*

**((1) TO LIFE IMPRISONMENT; OR)**

**((2) TO IMPRISONMENT FOR A MAXIMUM TERM OF YEARS FIXED BY THE COURT; OR)**

**((3) TO AN INDETERMINATE TERM OF IMPRISONMENT WHICH SHALL BE DEEMED TO BE FOR THE MAXIMUM TERM AUTHORIZED BY LAW; OR)**

**((4) TO BOTH IMPRISONMENT AND PAYMENT OF A FINE; OR)**

**((5) TO PAYMENT OF A FINE WITHOUT IMPRISONMENT OR TO IMPRISONMENT IF THE FINE IS NOT PAID.)**

*(1) A statutory sentence of 50 years may be increased up to a life sentence or decreased by up to 25 years;*

*(2) A statutory sentence of 40 years may be increased up to a life term or decreased by up to 20 years;*

(3) A statutory sentence of 16 years may be increased by up to 16 years or decreased by up to eight years;

(4) A statutory sentence of ten years may be increased by up to ten years or decreased by up to five years;

(5) A statutory sentence of eight years may be increased by up to eight years or decreased by up to four years;

(6) A statutory sentence of six years may be increased by up to six years or decreased by up to three years;

(7) A statutory sentence of four years may be increased by up to four years or decreased by up to two years;

(8) A statutory sentence of three years may be increased by up to three years or decreased by up to 1.5 years;

(9) A statutory sentence of two years may be increased by up to two years or decreased by up to one year;

(10) A statutory sentence of a year and a day may be increased by up to six months. For the purposes of this subdivision, a life term shall be a sentence to a definite number of years in excess of the statutory sentence; provided however, a defendant who is given a life term may be sentenced to imprisonment for an indefinite period of time and shall not be eligible for release except under the extraordinary release provisions of this act.

Subd. 2. If an individual is convicted of a felony which was committed (a) while he is an inmate of a state correctional institution under the control of the commissioner of corrections, or (b) while he is conditionally released or furloughed under the supervision of the commissioner of corrections pursuant to sections 9 or 10, any sentence imposed for the conviction of the felony shall be imposed to run consecutively to the sentence the individual was serving at the time the felony was committed.

Sec. 20. Minnesota Statutes 1976, Section 609.115, Subdivision 1, is amended to read:

609.115 [PRESENTENCE INVESTIGATION.] Subdivision 1. When a defendant has been convicted of a felony (, AND A SENTENCE OF LIFE IMPRISONMENT IS NOT REQUIRED BY LAW,) the court (MAY) shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community. If the court so directs, the report shall include an estimate of the prospects

of the defendant's rehabilitation and recommendations as to the sentence which should be imposed.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Sec. 21. Minnesota Statutes 1976, Section 609.11, Subdivision 1, is amended to read:

609.11 [MINIMUM TERMS OF IMPRISONMENT.] Subdivision 1. All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law (AND EXCEPT THAT ANY COMMITMENT FOLLOWING). Upon the defendant's first conviction of an offense wherein he had possession of a firearm or used a dangerous weapon at the time of the offense, *he* shall be incarcerated for a term of not less than one year (PLUS ONE DAY) nor more than the maximum sentence (PROVIDED BY LAW) *imposed* for the offense for which convicted, (AND EXCEPT THAT ANY COMMITMENTS FOLLOWING). Upon the defendant's second or subsequent conviction of an offense wherein he had in his possession a firearm or used a dangerous weapon at the time of the offense he shall be *imprisoned* for a term not less than three years, nor more than the maximum sentence (PROVIDED BY LAW) *imposed* for the offense for which convicted, and (SUCH) *that* person shall not be eligible for (PAROLE) *conditional release* until he shall have served the full minimum sentence herein provided, notwithstanding the provisions of sections 242.19, 243.05, and 609.12 (AND 609.135). The offenses for which mandatory minimum sentences shall be served (AS HEREIN) provided *pursuant to this section and section 609.135* are: aggravated assault, burglary, kidnapping, manslaughter *in the first degree*, murder in the (SECOND OR) third degree, (RAPE,) *criminal sexual conduct in the second degree*, aggravated robbery, (SODOMY,) escape while under charge or conviction of a felony or *illegal discharge of an explosive or incendiary device*.

Sec. 22. Minnesota Statutes 1976, Section 609.11, is amended by adding a subdivision to read:

*Subd. 2a. If during the commission of any of the crimes set forth in subdivision 1, the defendant possessed a firearm or used a dangerous weapon, the prosecution shall allege that matter in the complaint or indictment.*

Sec. 23. Minnesota Statutes 1976, Section 609.135, Subdivision 1, is amended to read:

609.135 [STAY OF IMPOSITION OR EXECUTION OF SENTENCE.] Subdivision 1. (EXCEPT WHEN A SENTENCE OF LIFE IMPRISONMENT IS REQUIRED BY LAW) *Except as herein provided*, any court (, INCLUDING A JUSTICE OF THE PEACE TO THE EXTENT OTHERWISE AUTHORIZED BY LAW,) may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe. *If the court stays the imposition or execution of sentence for a felony, it may also impose upon the defendant a fine of up to \$2,000 for each year of the sentence provided by statute for the offense.* The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

*The execution or imposition of sentence may not be stayed upon a conviction for a violation of section 30 or sections 609.185, 609.19, 609.342.*

Sec. 24. Minnesota Statutes 1976, Section 609.135, Subdivision 2, is amended to read:

Subd. 2. [PROBATION.] (1) (IN CASE THE CONVICTION IS FOR A FELONY SUCH STAY SHALL BE FOR NOT MORE THAN THE MAXIMUM PERIOD FOR WHICH THE SENTENCE OF IMPRISONMENT MIGHT HAVE BEEN IMPOSED.) *If the court places on probation a defendant who has been convicted of a felony, the period of probation may not exceed one half of the sentence provided by statute for the offense of which the defendant has been convicted. If the probation is subsequently revoked, and sentence is imposed or executed, the statutory sentence for the felony of which the defendant has been convicted shall be reduced by twice the number of days the defendant was on probation prior to committing the act giving rise to the revocation of probation.*

(2) (IN CASE) *If the conviction is for a misdemeanor the stay shall not be for more than one year.*

(3) (IN CASE) *If the conviction is for a gross misdemeanor the stay shall not be for more than two years.*

(4) *At the expiration of (SUCH) the stay, unless the stay has been revoked or the defendant discharged prior thereto, the defendant shall be discharged.*

Sec. 25. Minnesota Statutes 1976, Section 609.145, Subdivision 1, is amended to read:

609.145 [CREDIT FOR PRIOR IMPRISONMENT.] Subdivision 1. When a person has been imprisoned pursuant to a conviction which is set aside and is thereafter convicted of a crime growing out of the same act or omission, the (MAXIMUM) period of imprisonment to which he (MAY BE) is sentenced is reduced by the period of the prior imprisonment and the time earned thereby in diminution of sentence. (IF SENTENCE IS FOR LESS THAN THIS MAXIMUM, THE PRIOR IMPRISONMENT AND TIME EARNED IN DIMINUTION OF SENTENCE SHALL BE CREDITED TOWARD THE SENTENCE UNLESS THE COURT OTHERWISE DIRECTS.)

Sec. 26. Minnesota Statutes 1976, Section 609.165, Subdivision 2, is amended to read:

Subd. 2. The discharge may be:

(1) By order of the court following stay of sentence or stay of execution of sentence; or

(2) By order of the corrections board prior to expiration of sentence; or

(3) Upon expiration of sentence *as reduced by good time earned, if any.*

Sec. 27. Minnesota Statutes 1976, Section 609.17, Subdivision 4, is amended to read:

Subd. 4. *An attempt to commit a crime is punishable as follows: Whoever attempts to commit a crime (MAY) punishable as a felony shall be sentenced (AS FOLLOWS):*

(1) IF THE MAXIMUM SENTENCE PROVIDED FOR THE CRIME IS LIFE IMPRISONMENT, TO NOT MORE THAN 20 YEARS; OR)

(2) FOR ANY OTHER ATTEMPT,) to (NOT MORE THAN) one-half of the (MAXIMUM) imprisonment or *up to one half the fine* (OR BOTH) provided for the crime attempted (, BUT SUCH MAXIMUM IN ANY CASE SHALL NOT BE LESS THAN IMPRISONMENT FOR 90 DAYS OR A FINE OF \$100); *whoever attempts to commit any other crime may be sentenced to one half of the maximum imprisonment or fine provided for the crime attempted, but the maximum in no case shall be less than imprisonment for 90 days or a fine of \$300.*

Sec. 28. Minnesota Statutes 1976, Section 609.175, Subdivision 2, is amended to read:

Subd. 2. [TO COMMIT CRIME.] Whoever conspires with another to commit a crime and in furtherance of the con-

spiracy one or more of the parties does some overt act in furtherance of such conspiracy (MAY BE SENTENCED AS FOLLOWS):

(1) *May be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if the crime intended is a misdemeanor (, BY A SENTENCE TO IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$300, OR BOTH); or*

(2) *May be sentenced to imprisonment or to payment of a fine of not more than one half the imprisonment or fine provided if the crime intended is (MURDER IN THE FIRST DEGREE OR TREASON, TO IMPRISONMENT FOR NOT MORE THAN 20 YEARS) a gross misdemeanor; or*

(3) (IF THE CRIME INTENDED IS ANY OTHER FELONY OR A GROSS MISDEMEANOR,) *Shall be sentenced to one half of the imprisonment or up to (PAYMENT OF A FINE OF NOT MORE THAN) one-half the (IMPRISONMENT OR) fine provided for that felony (OR GROSS MISDEMEANOR OR BOTH).*

Sec. 29. Minnesota Statutes 1976, Section 609.18, is amended to read:

609.18 [DEFINITION.] For the purposes of section 30 and sections 609.185 and 609.19, "premeditation" means to consider, plan or prepare for, or determine to commit, the act referred to prior to its commission.

Sec. 30. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.181] [MURDER FOR HIRE.] *Whoever does either of the following is guilty of murder for hire and shall be sentenced to a term of 50 years:*

(1) *Hires or otherwise procures another to cause the death of a human being, if the person so hired or otherwise procured does cause the death of a human being with premeditation and with intent to effect the death of that human being or another; or*

(2) *Is hired or otherwise procured by another to cause the death of a human being, and does cause the death of a human being with premeditation and with intent to effect the death of that human being or another.*

*Actual payment or conveyance of, or a promise to pay or convey, money, goods, legal rights or any other consideration in ex-*

*change for the murder shall constitute hiring or procurement within the meaning of this section.*

Sec. 31. Minnesota Statutes 1976, Section 609.185, is amended to read:

**609.185 [MURDER IN THE FIRST DEGREE.]** Whoever does either of the following is guilty of murder in the first degree and shall be sentenced to (IMPRISONMENT FOR LIFE) *a term of 40 years*:

(1) Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; or

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting such person or another.

Sec. 32. Minnesota Statutes 1976, Section 609.19, is amended to read:

**609.19 [MURDER IN THE SECOND DEGREE.]** Whoever causes the death of a human being with intent to effect the death of such person or another, but without premeditation, is guilty of murder in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 40) *16 years*.

Sec. 33. Minnesota Statutes 1976, Section 609.195, is amended to read:

**609.195 [MURDER IN THE THIRD DEGREE.]** Whoever, without intent to effect the death of any person, causes the death of another by either of the following means, is guilty of murder in the third degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 25) *ten years*:

(1) Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or

(2) Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except (RAPE OR SODOMY) *criminal sexual conduct in the first or second degree* with force or violence within the meaning of section 609.185.

Sec. 34. Minnesota Statutes 1976, Section 609.20, is amended to read:

**609.20 [MANSLAUGHTER IN THE FIRST DEGREE.]** Whoever does any of the following is guilty of manslaughter in

the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$15,000, OR BOTH) *six years*:

(1) Intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances; or

(2) Causes the death of another in committing or attempting to commit a crime with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby; or

(3) Intentionally causes the death of another person because the actor is coerced by threats made by someone other than his co-conspirator and which cause him reasonably to believe that his act is the only means of preventing imminent death to himself or another.

Sec. 35. Minnesota Statutes 1976, Section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.] Whoever causes the death of another by any of the following means is guilty of manslaughter in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN SEVEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$7,000, OR BOTH) *three years*:

(1) By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or

(3) By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) By negligently or intentionally permitting any animal, known by him to have vicious propensities, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.

Sec. 36. Minnesota Statutes 1976, Section 609.21, is amended to read:

609.21 [CRIMINAL NEGLIGENCE RESULTING IN DEATH.] Whoever operates a vehicle as defined in section

169.01, subdivision 2, or an aircraft or watercraft, in a grossly negligent manner and thereby causes the death of a human being not constituting murder or manslaughter is guilty of criminal negligence in the operation of a vehicle resulting in death and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 37. Minnesota Statutes 1976, Section 609.215, is amended to read:

609.215 [SUICIDE.] Subdivision 1. [AIDING SUICIDE.] Whoever intentionally advises, encourages, or assists another in taking his own life (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$15,000, OR BOTH) *six years*.

Subd. 2. [AIDING ATTEMPTED SUICIDE.] Whoever intentionally advises, encourages, or assists another who attempts but fails to take his own life (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN SEVEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$7,000, OR BOTH) *three years*.

Sec. 38. Minnesota Statutes 1976, Section 609.225, is amended to read:

609.225 [AGGRAVATED ASSAULT.] Subdivision 1. Whoever assaults another and inflicts great bodily harm (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Subd. 2. Whoever assaults another with a dangerous weapon but without inflicting great bodily harm (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 39. Minnesota Statutes 1976, Section 609.235, is amended to read:

609.235 [USE OF DRUGS TO INJURE OR FACILITATE CRIME.] Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic or anesthetic substance with intent thereby to injure or to facilitate the commission of a crime (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 40. Minnesota Statutes 1976, Section 609.24, is amended to read:

609.24 [SIMPLE ROBBERY.] Whoever, knowing he is not entitled thereto, takes personal property from the person or in the presence of another and uses or threatens the imminent use of force against any person to overcome his resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property is guilty of robbery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Sec. 41. Minnesota Statutes 1976, Section 609.245, is amended to read:

609.245 [AGGRAVATED ROBBERY.] Whoever, while committing a robbery, is armed with a dangerous weapon or inflicts bodily harm upon another is guilty of aggravated robbery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*.

Sec. 42. Minnesota Statutes 1976, Section 609.25, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) If the victim is released in a safe place without great bodily harm, to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*; or

(2) Otherwise to imprisonment for (NOT MORE THAN 40 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$40,000, OR BOTH) *16 years*.

Sec. 43. Minnesota Statutes 1976, Section 609.255, is amended to read:

609.255 [FALSE IMPRISONMENT.] Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 44. Minnesota Statutes 1976, Section 609.26, is amended to read:

609.26 [DETAINING OWN CHILD.] Whoever intentionally detains his own child under the age of 18 years outside the state of Minnesota, with intent to deny another's rights under an existing court order (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TWO YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$2,000, OR BOTH) *one year and one day*.

Sec. 45. Minnesota Statutes 1976, Section 609.27, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if neither the pecuniary gain received by the violator nor the loss suffered by the person threatened or another as a result of the threat exceeds \$100, or the benefits received or harm sustained are not susceptible of pecuniary measurement; or

(2) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if such pecuniary gain or loss is more than \$100 but less than \$2,500; or

(3) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if such pecuniary gain or loss is \$2,500, or more.

Sec. 46. Minnesota Statutes 1976, Section 609.31, is amended to read:

609.31 [LEAVING THE STATE TO EVADE ESTABLISHMENT OF PATERNITY.] Whoever with intent to evade proceedings to establish his paternity leaves the state knowing that a woman with whom he has had sexual intercourse is pregnant or has given birth within the previous 60 days to a living child (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TWO YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$2,000, OR BOTH) *one year and one day*.

Sec. 47. Minnesota Statutes 1976, Section 609.32, is amended to read:

609.32 [PROSTITUTION.] Subdivision 1. [DEFINITIONS.] (1) "Prostitution" means engaging or offering or agreeing to engage for hire in sexual (INTERCOURSE) *penetration*, as defined in section (609.29, OR SODOMY AS DEFINED IN SECTION 609.293, SUBDIVISION 1) *609.341, subdivision 12*.

(2) A "place of prostitution" is a house or other place where prostitution is practiced or from which prostitution is promoted.

Subd. 2. [ACTS PROHIBITED.] Whoever intentionally does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) Solicits or induces another under the age of 18 years to practice prostitution; or

(2) Being a parent, guardian, or other custodian of the person of a child under the age of 18 years consents to his being taken or detained for the purposes of prostitution.

Subd. 3. [OTHER ACTS PROHIBITED.] Whoever intentionally does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Keeps a place of prostitution; or

(2) Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or

(3) Solicits or induces another over the age of 18 years to practice prostitution; or

(4) Solicits another under the age of 18 years to (HAVE) *engage in sexual (INTERCOURSE OR TO COMMIT SODOMY) penetration* with a prostitute or admits him to a place of prostitution; or

(5) Engages as a prostitute in an act of (SEXUAL INTERCOURSE OR SODOMY) *prostitution* with another under the age of 18 years; or

(6) Transports a prostitute from one place of prostitution within the state to another such place within or without the state, or brings a prostitute into the state, for the purpose of prostitution.

Subd. 4. [FURTHER ACTS PROHIBITED.] Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

(1) Engages in prostitution; or

(2) Is supported in whole or in part by the earnings of a prostitute; or

(3) Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual (INTERCOURSE OR SODOMY) *penetration* with a prostitute; or

(4) Hires or offers or agrees to hire another person to engage in sexual (INTERCOURSE OR SODOMY) *penetration*.

Sec. 48. Minnesota Statutes 1976, Section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.] A person is guilty of criminal sexual conduct in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20) *eight* years, if he engages in sexual penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 49. Minnesota Statutes 1976, Section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.] A person is guilty of criminal sexual conduct in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15) *six* years if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish the sexual contact; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 50. Minnesota Statutes 1976, Section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.] A person is guilty of criminal sexual conduct in the third degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four* years, if he engages in sexual penetration with another person and any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant and not in a position of authority over the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two* years. Consent by the complainant is not a defense; or

(c) The actor uses force or coercion to accomplish the penetration; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 51. Minnesota Statutes 1976, Section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.] A person is guilty of criminal sexual conduct in the fourth degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two* years, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to coerce the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older; or

(c) The actor uses force or coercion to accomplish the sexual contact; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 52. Minnesota Statutes 1976, Section 609.346, Subdivision 1, is amended to read:

609.346 [SUBSEQUENT OFFENSES.] Subdivision 1. If a person is convicted of a second or subsequent offense under sections 690.342 to 609.346 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted; provided, however, that the court may invoke the provisions of section 609.135, if a specific condition of the probationary term under section 609.135 includes the successful completion of a treatment program for anti-social sexual behavior(, AND SUCH PERSON SHALL NOT BE ELIGIBLE FOR PAROLE FROM IMPRISONMENT UNTIL HE SHALL EITHER HAVE SERVED THE FULL MINIMUM SENTENCE HEREIN PROVIDED, OR UNTIL HE SHALL HAVE SUCCESSFULLY COMPLETED A TREATMENT PROGRAM FOR ANTI-SOCIAL SEXUAL BEHAVIOR AS HEREIN PROVIDED NOTWITHSTANDING THE PROVISIONS OF SECTIONS 242.19, 243.05, 609.11, 609.12 AND 609.135).

Sec. 53. Minnesota Statutes 1976, Section 609.355, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of bigamy and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Contracts a marriage in this state with knowledge that his prior marriage is not dissolved; or

(2) Contracts a marriage in this state with knowledge that the prior marriage of the person he marries is not dissolved; or

(3) Cohabits in this state with a person whom he married outside this state with knowledge that his own prior marriage has not been dissolved or with knowledge that the prior marriage of the person he married had not been dissolved.

Sec. 54. Minnesota Statutes 1976, Section 609.365, is amended to read:

609.365 [INCEST.] Whoever has sexual intercourse with another nearer of kin to him than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship, is guilty of incest and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four years*.

Sec. 55. Minnesota Statutes 1976, Section 609.375, Subdivision 2, is amended to read:

Subd. 2. If the knowing omission and failure without lawful excuse to provide care and support to a minor child or a pregnant wife continues for a period in excess of 90 days such person is guilty of a felony and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years*.

Sec. 56. Minnesota Statutes 1976, Section 609.39, is amended to read:

609.39 [MISPRISION OF TREASON.] Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose and make known the same to the governor or a judge of the supreme court or of the district court, is guilty of misprision of treason against this state and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 57. Minnesota Statutes 1976, Section 609.395, is amended to read:

609.395 [STATE MILITARY FORCES; INTERFERING WITH, OBSTRUCTING, OR OTHER.] Whoever, when the United States is at war, does either of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*:

(1) Intentionally makes or conveys false reports or statements with intent to interfere with the operation or success of the military (OR NAVAL) forces of this state; or

(2) Intentionally causes or incites insubordination, disloyalty, mutiny, or refusal of duty in the military (OR NAVAL) forces of this state, or obstructs the recruiting or enlistment service of this state.

Sec. 58. Minnesota Statutes 1976, Section 609.405, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Whoever does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Orally or by means of writing advocates or promotes the doctrine of criminal syndicalism; or

(2) Intentionally organizes or becomes a member of any assembly, group, or organization which he knows is advocating or promoting the doctrine of criminal syndicalism; or

(3) For or on behalf of another person, distributes, sells, publishes, or publicly displays any writing, which is intended by that person to be used to, and which does, advocate or promote the doctrine of criminal syndicalism.

Sec. 59. Minnesota Statutes 1976, Section 609.42, Subdivision 1, is amended to read:

609.42 [BRIBERY.] Subdivision 1. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of bribery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) Offers, gives, or promises to give, directly or indirectly, to any public officer or employee any benefit, reward or consideration to which he is not legally entitled with intent thereby to influence such officer or employee with respect to the performance of his powers or duties as such officer or employee; or

(2) Being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that he will be so influenced; or

(3) Offers, gives, or promises to give, directly or indirectly any such benefit, reward, or consideration to a witness or one who is about to become a witness in a proceeding before a judicial or hearing officer, with intent that his testimony be influenced thereby, or that he will absent himself from the proceeding; or

(4) Is, or is about to become such witness and requests, receives, or agrees to receive, directly or indirectly, any such benefit, reward, or consideration upon the understanding that his testimony will be so influenced, or that he will absent himself from the proceeding; or

(5) Accepts directly or indirectly a benefit, reward or consideration upon an agreement or understanding, express or implied, that he will refrain from giving information that may lead to the prosecution of a crime or purported crime or that he will abstain from, discontinue, or delay prosecution therefor, except in a case where a compromise is allowed by law.

Sec. 60. Minnesota Statutes 1976, Section 609.425, is amended to read:

**609.425 [CORRUPTLY INFLUENCING LEGISLATOR.]** Whoever by menace, deception, concealment of facts, or other corrupt means, attempts to influence the vote or other performance of duty of any member of the legislature or person elected thereto (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 61. Minnesota Statutes 1976, Section 609.445, is amended to read:

**609.445 [FAILURE TO PAY OVER STATE FUNDS.]** Whoever receives money on behalf of or for the account of the state or any of its agencies or subdivisions and intentionally refuses or omits to pay the same to the state or its agency or subdivision entitled thereto, or to an officer or agent authorized to receive the same, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 62. Minnesota Statutes 1976, Section 609.455, is amended to read:

**609.455 [PERMITTING FALSE CLAIMS AGAINST GOVERNMENT.]** A public officer or employee who audits, allows,

or pays any claim or demand made upon the state or subdivision thereof or other governmental instrumentality within the state which he knows is false or fraudulent in whole or in part, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 63. Minnesota Statutes 1976, Section 609.465, is amended to read:

609.465 [PRESENTING FALSE CLAIMS TO PUBLIC OFFICER OR BODY.] Whoever, with intent to defraud, presents a claim or demand, which to his knowledge is false in whole or in part, for audit, allowance or payment to a public officer or body authorized to make such audit, allowance or payment is guilty of an attempt to commit theft of public funds and (MAY) *shall* be sentenced accordingly.

Sec. 64. Minnesota Statutes 1976, Section 609.466, is amended to read:

609.466 [MEDICAL ASSISTANCE FRAUD.] Any person who, with the intent to defraud, presents a claim for reimbursement, a cost report or a rate application, relating to the payment of medical assistance funds pursuant to chapter 256B, to the state agency, which is false in whole or in part, is guilty of an attempt to commit theft of public funds and (MAY) *shall* be sentenced accordingly.

Sec. 65. Minnesota Statutes 1976, Section 609.48, Subdivision 1, is amended to read:

609.48 [PERJURY.] Subdivision 1. [ACTS CONSTITUTING.] Whoever makes a false material statement which he does not believe to be true in any of the following cases is guilty of perjury and (MAY) *shall* be sentenced as provided in subdivision 4:

(1) In or for an action, hearing or proceeding of any kind in which the statement is required or authorized by law to be made under oath or affirmation; or

(2) In any writing which is required or authorized by law to be under oath or affirmation; or

(3) In any other case in which the penalties for perjury are imposed by law and no specific sentence is otherwise provided.

Sec. 66. Minnesota Statutes 1976, Section 609.48, Subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section (MAY) *shall* be sentenced as follows:

(1) If the false statement was made upon the trial of a felony charge, or upon an application for an explosives license or use permit, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) In all other cases, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 67. Minnesota Statutes 1976, Section 609.485, Subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section (MAY) *shall* be sentenced as follows:

(1) If the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

(2) If such charge or conviction is for a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

(3) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.

(4) If the escape was effected by violence or threat of violence against a person, *and the person who escaped was under lawful custody on a charge or conviction for a felony or gross misdemeanor, the sentence shall be increased to twice that permitted in clause (1) or (2). If the escape was effected by violence or threat of violence against a person, and the person who escaped was under lawful custody on a charge or conviction for a misdemeanor, the sentence may be increased to not more than twice (THOSE) that permitted in (CLAUSES (1), (2), AND) clause (3).*

(5) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when he escaped.

Sec. 68. Minnesota Statutes 1976, Section 609.495, Subdivision 1, is amended to read:

609.495 [AIDING AN OFFENDER TO AVOID ARREST.]

Subdivision 1. Whoever harbors, conceals or aids another known by him to have committed a felony under the laws of this or another state or of the United States with intent that such offender shall avoid or escape from arrest, trial, conviction, or punishment, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 69. Minnesota Statutes 1976, Section 609.498, Subdivision 1, is amended to read:

609.498 [TAMPERING WITH A WITNESS.] Subdivision 1. [TAMPERING WITH A WITNESS IN THE FIRST DEGREE.] Whoever intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to person, family, or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law, is guilty of tampering with a witness in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE NOT TO EXCEED \$5,000) *two years.*

Sec. 70. Minnesota Statutes 1976, Section 609.52, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and (MAY) *shall* be sentenced as provided in subdivision 3:

(1) Intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) Obtains for himself or another the possession, custody or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing goods on credit; or

(d) The preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(4) By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or

(5) Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) The control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or

(b) He pledges or otherwise attempts to subject the property to an adverse claim; or

(c) He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) Intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known

or available to him from a source other than the owner of the trade secret; or

(9) Leases or rents personal property under a written instrument and who with intent to place such property beyond the control of the lessor conceals or aids or abets the concealment of such property or any part thereof, or any lessee of such property who sells, conveys or encumbers such property or any part thereof without the written consent of the lessor, without informing the person to whom he sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining such property or fails or refuses to return such property to lessor within five days after written demand for such return has been served personally in the manner provided for service of process of a civil action or sent by registered or certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified or registered mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to such person at the address for such person set forth in the lease or rental agreement, or, in the absence of such address, to such person's last known place of residence; or

(10) Alters, removes or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal or obliteration.

(11) With the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property with knowledge that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered.

Sec. 71. Minnesota Statutes 1976, Section 609.52, Subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the value of the property or services is more than \$100 but not more than \$2,500; or

(3) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, notwithstanding the value of the property or services is not more than \$100, if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services is \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, provided, however, in any prosecution under clause (1), clause (2), clause (3) (a) and (c), and clause (4) of subdivision 2 the value of the money or property received by the defendant in violation of any one or more of the above provisions within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 72. Minnesota Statutes 1976, Section 609.521, is amended to read:

609.521 [POSSESSION OF SHOPLIFTING GEAR.] Whoever has in his possession any device, gear, or instrument specially designed to assist in shoplifting with intent to use the same to shoplift and thereby commit theft (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 73. Minnesota Statutes 1976, Section 609.525, Subdivision 1, is amended to read:

609.525 [BRINGING STOLEN GOODS INTO STATE.] Subdivision 1. Whoever brings property into the state which he has stolen outside the state, or received outside of the state knowing it to have been stolen, (MAY) *shall* be sentenced in accordance with the provisions of section 609.52, subdivision 3. He may be charged, indicted, and tried in any county, but not more than one county, into or through which he has brought such property.

Sec. 74. Minnesota Statutes 1976, Section 609.53, Subdivision 1, is amended to read:

609.53 [RECEIVING STOLEN GOODS.] Subdivision 1. Any person who receives, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery, (MAY) *shall* be sentenced as follows:

(1) If the value of the property received, bought or concealed is \$100 or more, to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*;

(2) If the value of the property received, bought or concealed is less than \$100, to punishment as a misdemeanor.

Sec. 75. Minnesota Statutes 1976, Section 609.53, Subdivision 3, is amended to read:

Subd. 3. Any person convicted of a second or subsequent violation under subdivision 2 within a period of one year (MAY) *shall* be sentenced as provided in subdivision 1, clause (1).

Sec. 76. Minnesota Statutes 1976, Section 609.54, is amended to read:

609.54 [EMBEZZLEMENT OF PUBLIC FUNDS.] Whoever does an act which constitutes embezzlement under the provisions of Minnesota Constitution, Article 11, Section 13 (MAY) *shall* be sentenced as follows:

(1) If the value of the funds so embezzled is \$2,500, or less, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) If such value is more than \$2,500, to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Sec. 77. Minnesota Statutes 1976, Section 609.55, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever intentionally takes or drives a motor vehicle without the consent of the owner or his authorized agent (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 78. Minnesota Statutes 1976, Section 609.551, Subdivision 1, is amended to read:

609.551 [RUSTLING AND LIVESTOCK THEFT; PENALTIES.] Subdivision 1. Whoever intentionally and without claim of right shoots, kills, takes, uses, transfers, conceals or retains possession of live cattle, swine or sheep or the carcasses thereof belonging to another without his consent and with the intent to permanently deprive the owner thereof (MAY) *shall* be sentenced as follows:

(a) If the value of the animals which are shot, killed, taken, used, transferred, concealed or retained exceeds \$2,500, the defendant (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four years* (, AND MAY BE FINED UP TO \$10,000);

(b) If the value of the animals which are shot, killed, taken, used, transferred, concealed or retained exceeds \$100 but is less than \$2,500, the defendant (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years* (, AND MAY BE FINED UP TO \$5,000);

(c) If the value of the animals which are shot, killed, taken, used, transferred, concealed, or retained is \$100 or less, the defendant may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300 or both.

Sec. 79. Minnesota Statutes 1976, Section 609.561, is amended to read:

609.561 [ARSON IN THE FIRST DEGREE.] Subdivision 1. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building that is used as a dwelling at the time the act is committed, whether the inhabitant is present therein at the time of the act or not, or any building appurtenant to or connected with a dwelling whether the property of himself or of another, commits arson in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years.*

Subd. 2. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not included in subdivision 1, whether the property of himself or another commits arson in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years* if:

(a) Another person who is not a participant in the crime is present in the building at the time and the defendant knows that; or

(b) The circumstances are such as to render the presence of such a person therein a reasonable possibility.

Sec. 80. Minnesota Statutes 1976, Section 609.562, is amended to read:

609.562 [ARSON IN THE SECOND DEGREE.] Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not covered by section 609.561, whether the property of himself or another, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO A FINE OF NOT MORE THAN \$10,000 OR BOTH) *four years*.

Sec. 81. Minnesota Statutes 1976, Section 609.563, Subdivision 1, is amended to read:

609.563 [ARSON IN THE THIRD DEGREE.] Subdivision 1. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any personal property belonging to another (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO A FINE OF \$5,000 OR BOTH) *two years*, if:

(a) The property intended by the accused to be damaged or destroyed had a value of \$100 or more; or

(b) Property of the value of \$100 or more was unintentionally damaged or destroyed but such damage or destruction could reasonably have been foreseen; or

(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$100 or more.

Sec. 82. Minnesota Statutes 1976, Section 609.576, is amended to read:

609.576 [NEGLIGENT FIRES.] Whoever is culpably negligent in causing a fire to burn or get out of control thereby causing damage or injury to another, and as a result thereof:

(a) A human being is injured and great bodily harm incurred, is guilty of a crime and (MAY) *shall* be sentenced to imprisonment (OF NOT MORE THAN THREE YEARS OR TO A FINE OF NOT MORE THAN \$3,000, OR BOTH) *for one year and one day*; or

(b) Property of another is injured, thereby, is guilty of a crime and, *if the value of the property damaged is under \$10,000*, may be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, if the value of the property damage is under \$100;

(2) To imprisonment for not less than 90 days, nor more than one year, or to a fine of \$1,000 or both, if the value of the property damaged is at least \$100 and under \$2,500;

(3) To imprisonment for not more than one year, or to a fine of \$1,000, or both, if the value of the property damaged is *at least* \$2,500 and under \$10,000;

(4) TO IMPRISONMENT FOR NOT MORE THAN THREE YEARS OR TO A FINE OF \$3,000 OR BOTH, IF VALUE OF PROPERTY DAMAGED IS \$10,000 OR GREATER.)

(c) *Property of another is injured thereby, is guilty of a crime and shall be sentenced to imprisonment for one year and one day if the value of the property damaged is \$10,000 or greater.*

Sec. 83. Minnesota Statutes 1976, Section 609.58, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever enters a building without the consent of the person in lawful possession, with intent to commit a crime therein, or whoever remains within a building without the consent of the person in lawful authority, with intent to commit a crime therein, commits burglary and (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*, if:

(a) When entering or while in the building, he possesses an explosive or tool to gain access to money or property; or

(b) The building entered is a dwelling and he possesses a dangerous weapon when entering or while in the building or he commits an assault upon a person present therein; or

(c) The portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping, the entry is with force or threat of force, the intent is to steal or commit a felony therein.

(2) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the building entered is a dwelling and another person not an accomplice is present therein.

(3) In any other case, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the intent is to steal or commit a felony or gross misdemeanor or to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, if the intent is to commit a misdemeanor.

Sec. 84. Minnesota Statutes 1976, Section 609.59, is amended to read:

609.59 [POSSESSION OF BURGLARY TOOLS.] Whoever has in his possession any device, explosive, or other instrumentality with intent to use or permit the use of the same to commit burglary (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 85. Minnesota Statutes 1976, Section 609.595, Subdivision 1, is amended to read:

609.595 [DAMAGE TO PROPERTY.] Subdivision 1. [AGGRAVATED CRIMINAL DAMAGE TO PROPERTY.] Whoever intentionally causes damage to physical property of another without the latter's consent (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if:

(1) The damage to the property caused a reasonably foreseeable risk of bodily harm; or

(2) The property damaged belongs to a public utility or a common carrier and the damage impairs the service to the public rendered by them; or

(3) The damage reduces the value of the property by more than \$100 measured by the cost of repair or replacement, whichever is less.

Sec. 86. Minnesota Statutes 1976, Section 609.60, is amended to read:

**609.60 [DANGEROUS TRESPASSES AND OTHER ACTS.]** Whoever intentionally does any of the following is guilty of a misdemeanor; except, if to his knowledge a risk of death or bodily harm or serious property damage is thereby created, he (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Smokes in the presence of explosives or inflammable materials; or

(2) Interferes with or obstructs the prevention or extinguishing of any fire, or disobeys the lawful orders of a law enforcement officer or fireman present at the fire; or

(3) Shows a false light or signal or interferes with any light, signal, or sign controlling or guiding traffic upon a highway, railway track, navigable waters, or in the air; or

(4) Places an obstruction upon a railroad track; or

(5) Exposes another or his property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest, or coerce.

Sec. 87. Minnesota Statutes 1976, Section 609.611, is amended to read:

**609.611 [DEFRAUDING INSURER.]** Whoever with intent to injure or defraud an insurer, damages any property real or personal, whether his own or that of another, which is at the time insured by any person, firm or corporation against loss or damage;

(a) (MAY) *Shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day* if the value insured for is less than \$20,000; or

(b) (MAY) *Shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years* if the value insured for is \$20,000 or greater;

(c) Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish his intent to defraud the insurer.

Sec. 88. Minnesota Statutes 1976, Section 609.615, is amended to read:

**609.615 [DEFEATING SECURITY ON REALTY.]** Whoever removes or damages real property which is subject to a mortgage, mechanic's lien, or contract for deed, with intent to impair the value of the security, without the consent of the security holder, (MAY) *shall* be sentenced as follows:

(1) If the value of the property is impaired by \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) If the value of the property is impaired by more than \$100, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 89. Minnesota Statutes 1976, Section 609.62, Subdivision 2, is amended to read:

**Subd. 2. [ACTS CONSTITUTING.]** Whoever, with intent to defraud, does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TWO YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$2,000, OR BOTH) *one year and one day*:

(1) Conceals, removes, or transfers any personal property in which he knows that another has a security interest; or

(2) Being an obligor and knowing the location of the property refuses to disclose the same to an obligee entitled to possession thereof.

Sec. 90. Minnesota Statutes 1976, Section 609.625, is amended to read:

**609.625 [AGGRAVATED FORGERY.]** Subdivision 1. [MAKING OR ALTERING WRITING OR OBJECT.] Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) A writing or object whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred,

or evidenced, or any writing normally relied upon as evidence of debt or property rights; or

(2) An official seal or the seal of a corporation; or

(3) A public record or an official authentication or certification of a copy thereof; or

(4) An official return or certificate entitled to be received as evidence of its contents; or

(5) A court order, judgment, decree, or process; or

(6) The records or accounts of a public body, office, or officer; or

(7) The records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds.

Subd. 2. [MEANS FOR FALSE REPRODUCTION.] Whoever, with intent to defraud, makes, engraves, possesses or transfers a plate or instrument for the false reproduction of a writing or object mentioned in subdivision 1 (MAY) *shall* be sentenced as provided in subdivision 1.

Subd. 3. [UTTERING OR POSSESSING.] Whoever, with intent to defraud, utters or possesses with intent to utter any forged writing or object mentioned in subdivision 1, knowing it to have been so forged, (MAY) *shall* be sentenced as provided in subdivision 1.

Sec. 91. Minnesota Statutes 1976, Section 609.63, is amended to read:

609.63 [FORGERY.] Subdivision 1. Whoever, with intent to injure or defraud, does any of the following is guilty of forgery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*:

(1) Uses a false writing, knowing it to be false, for the purpose of identification or recommendation; or

(2) Without consent, places, or possesses with intent to place, upon any merchandise an identifying label or stamp which is or purports to be that of another craftsman, tradesman, packer, or manufacturer, or disposes or possesses with intent to dispose of any merchandise so labeled or stamped; or

(3) Falsely makes or alters a membership card purporting to be that of a fraternal, business, professional, or other association, or of any labor union, or possesses any such card knowing it to have been thus falsely made or altered; or

(4) Falsely makes or alters a writing, or possesses a falsely made or altered writing, evidencing a right to transportation on a common carrier; or

(5) Destroys, mutilates, or by alteration, false entry or omission, falsifies any record, account, or other document relating to a private business; or

(6) Without authority of law, destroys, mutilates, or by alteration, false entry, or omission, falsifies any record, account, or other document relating to a person, corporation, or business, or filed in the office of, or deposited with, any public office or officer; or

(7) Destroys a writing or object to prevent it from being produced at a trial, hearing, or other proceeding authorized by law.

Subd. 2. Whoever, with knowledge that it is forged, offers in evidence in any trial, hearing or other proceedings authorized by law, as genuine, any forged writing or object (MAY) shall be sentenced as follows:

(1) If the writing or object is offered in evidence in the trial of a felony charge, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) In all other cases, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 92. Minnesota Statutes 1976, Section 609.635, is amended to read:

609.635 [OBTAINING SIGNATURE BY FALSE PRETENSE.] Whoever, by false pretense, obtains the signature of another to a writing which is a subject of forgery under section 609.625, subdivision 1, (MAY) shall be punished as therein provided.

Sec. 93. Minnesota Statutes 1976, Section 609.64, is amended to read:

609.64 [RECORDING, FILING OF FORGED INSTRUMENT.] Whoever intentionally presents for filing, registering, or recording, or files, registers, or records a false or forged

instrument relating to or affecting real or personal property in a public office entitled to file, register, or record such instrument when genuine (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 94. Minnesota Statutes 1976, Section 609.645, is amended to read:

609.645. [FRAUDULENT STATEMENTS.] Whoever, with intent to injure or defraud, does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*:

(1) Circulates or publishes a false statement, oral or written, relating to a corporation, association, or individual, intending thereby to give a false apparent value to securities issued or to be issued by, or to the property of, such corporation, association, or individual; or

(2) Makes a false ship's or airplane's manifest, invoice, register, or protest.

Sec. 95. Minnesota Statutes 1976, Section 609.65, is amended to read:

609.65 [FALSE CERTIFICATION BY NOTARY PUBLIC.] Whoever, when acting or purporting to act as a notary public or other public officer, certifies falsely that an instrument has been acknowledged or that any other act was performed by a party appearing before him or that as such notary public or other public officer he performed any other official act (MAY) *shall* be sentenced as follows:

(1) If he so certifies with intent to injure or defraud, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*; or

(2) In any other case, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.

Sec. 96. Minnesota Statutes 1976, Section 609.67, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 97. Minnesota Statutes 1976, Section 609.71, is amended to read:

609.71 [RIOT.] When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein is guilty of riot and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, or, if the offender, or to his knowledge any other participant, is armed with a dangerous weapon or is disguised, *he shall be sentenced* to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 98. Minnesota Statutes 1976, Section 609.713, is amended to read:

609.713 [TERRORISTIC THREATS.] Subdivision 1. Whoever threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years*.

Subd. 2. Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS) *one year and one day*.

Sec. 99. Minnesota Statutes 1976, Section 609.785, is amended to read:

609.785 [FRAUDULENT LONG DISTANCE TELEPHONE CALLS.] Whoever obtains long distance telephone service by intentionally requesting of the operator that the cost thereof be charged to a false or non-existent telephone or credit card number or to the telephone or credit card number of another without his authority may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, when the value of the telephone service obtained is not more than \$100; and *shall be sentenced* by imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the value of the telephone service obtained in a single transaction, or in separate transactions within any six month period, is more than \$100.

Sec. 100. Minnesota Statutes 1976, Section 609.82, is amended to read:

**609.82 [FRAUD IN OBTAINING CREDIT.]** Whoever, with intent to defraud, obtains credit for himself or another from a bank, trust company, savings or building and loan association, or credit union, by means of a present or past false representation as to his or another's financial ability may be sentenced as follows:

(1) If no money or property is obtained by the defendant by means of such credit, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) If money or property is so obtained, the value thereof shall be determined as provided in section 609.52, subdivision 1, clause (3) and he (MAY) *shall* be sentenced as provided in section 609.52, subdivision 3.

Sec. 101. Minnesota Statutes 1976, Section 609.825, Subdivision 2, is amended to read:

**Subd. 2. [ACTS PROHIBITED.]** Whoever does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Offers, gives, or agrees to give, directly or indirectly, any benefit, reward or consideration to a participant, manager, director, or other official, or to one who intends to become such participant or official, in any sporting event, race or other contest of any kind whatsoever with intent thereby to influence such participant not to use his best effort to win or enable his team to win or to attain a maximum score or margin of victory, or to influence such official in his decisions with respect to such contest; or

(2) Requests, receives, or agrees to receive, directly or indirectly, any benefit, reward or consideration upon the understanding that he will be so influenced as such participant or official.

Sec. 102. Minnesota Statutes 1976, Section 609.83, is amended to read:

**609.83 [FALSELY IMPERSONATING ANOTHER.]** Whoever does either of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Assumes to enter into a marriage relationship with another by falsely impersonating a third person; or

(2) By falsely impersonating another with intent to defraud him or a third person, appears, participates, or executes an instrument to be used in a judicial proceeding.

Sec. 103. *In the next and subsequent editions of the Minnesota Statutes the revisor of statutes shall make such changes in terminology as may be necessary to record the functions, powers and duties of the commissioner of corrections as established by this act.*

Sec. 104. [REPEALER.] *Subdivision 1. Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 243.06; 243.14; 243.18; 246.43 and 609.11, Subdivision 2, are repealed.*

*Subd. 2. Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3 and 4, are repealed.*

Sec. 105. [APPROPRIATION.] *The sums set forth in this section are appropriated from the general fund to the supreme court for increased costs of general operation and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.*

1978	1979
\$37,500	\$37,500

*There is also hereby appropriated from the general fund to the supreme court to pay the expenses incurred by the judicial guideline commission the sum of \$250,000.*

Sec. 106. [EFFECTIVE DATE.] *Subdivision 1. Sections 1 to 98 are effective as to crimes committed on or after December 31, 1978, except as specifically provided in section 12.*

*Subd. 2. Section 104, subdivision 1, is effective December 31, 1978.*

*Subd. 3. Section 104, subdivision 2, is effective the day following final enactment."*

Further amend the title as follows:

Strike the title in its entirety and insert the following:

"A bill for an act relating to crimes and corrections; directing the supreme court to promulgate sentencing guidelines; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money;

amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.095; 609.10; 609.11, Subdivision 1, and by adding a subdivision; 609.115, Subdivision 1; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.346, Subdivision 1; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding sections; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 243.06; 243.14; 243.18; 246.43; 609.11, Subdivision 2; and 609.293, Subdivisions 2, 3, and 4.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 690, A bill for an act appropriating money for educational television facilities in northern Minnesota.

Reported the same back with the following amendment:

Page 1, line 8, delete “\$640,000” and insert “\$440,000”.

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 15, 26, 917 and 1547 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 65 and 690 were read for the second time.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 415, A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

The Senate has appointed as such committee Messrs. Tennesen; Nelson; Keefe, J.; Merriam and Davies.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 980, A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

The Senate has appointed as such committee Messrs. Vega, Perpich and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 848, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, by adding sections.

The Senate has appointed as such committee Messrs. Stokowski, Renneke and Strand.

Said House File is herewith returned to the House.

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. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

PATRICK E. FLAHAVEN, Secretary of the Senate

Munger moved that the House refuse to concur in the Senate amendments to H. F. No. 522, that the Speaker appoint a Con-

ference 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.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 743, A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Milton, Sikorski and Keefe, J., have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVER, Secretary of the Senate

Byrne moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 743. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1337, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Nelson, Moe, Penny, Coleman and Ogdahl have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pehler moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1337. The motion prevailed.

### CALENDAR

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

### GENERAL ORDERS

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

### MOTIONS AND RESOLUTIONS

Lemke moved that the names of Schulz and White be added as authors on House Advisory No. 40. The motion prevailed.

Sieben, H., moved that the name of Munger be added as an author on H. F. No. 1028. The motion prevailed.

Anderson, I., introduced:

House Concurrent Resolution No. 5, A house concurrent resolution relating to adjournment until 1978.

The resolution was referred to the Committee on Rules and Legislative Administration.

Neisen moved that the action on May 18, 1977, whereby the House refused to concur in the Senate amendments to H. F. No. 1180 and requested a conference committee of 5 members be now reconsidered. The motion prevailed.

### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced that H. F. No. 1180 would be sent for enrolling inasmuch as the second Senate amendment struck the first Senate amendment and the bill, therefore, contained no amendment by the Senate.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 562:

Prahl, Biersdorf and Stanton.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 743:

Byrne, Faricy and Carlson, A.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1054:

Brandl, Rice and Forsythe.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Thursday, May 19, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Thursday, May 19, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 19, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jaros	Moe	Searles
Adams	Corbid	Jensen	Munger	Sherwood
Albrecht	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, B.	Dahl	Jude	Neisen	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, A.	Novak	Stoa
Beauchamp	Erickson	Kempe, R.	Osthoff	Suss
Begich	Esau	King	Patton	Swanson
Berg	Evans	Knickerbocker	Pehler	Tomlinson
Berglin	Ewald	Kostohryz	Peterson	Vanasek
Berkelman	Faricy	Kroening	Petrafeso	Voss
Biersdorf	Fjoslien	Kvam	Pleasant	Waldorf
Birnstihl	Forsythe	Laidig	Prahl	Welch
Brandl	Friedrich	Langseth	Reding	Wenstrom
Braun	Fudro	Lehto	Rice	Wenzel
Brinkman	Fugina	Lenke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCarron	Sarna	Williamson
Carlson, L.	Hangerud	McCollar	Savelkoul	Wynia
Casserly	Heinitz	McDonald	Scheid	Zubay
Clark	Hokanson	McEachern	Schulz	Speaker Sabo
Clawson	Jacobs	Metzen	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek 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. 447, 26, 420, 898, 15, 917, 1547 and 1051 and S. F. Nos. 743, 120, 899, 690, 1165 and 65 have been placed in the members' files.

S. F. No. 160 and H. F. No. 68, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Suss moved that the rules be so far suspended that S. F. No. 160 be substituted for H. F. No. 68 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 266 and H. F. No. 843, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Lehto moved that the rules be so far suspended that S. F. No. 266 be substituted for H. F. No. 843 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1236 and H. F. No. 898, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Wenstrom moved that the rules be so far suspended that S. F. No. 1236 be substituted for H. F. No. 898 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 18, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 308, An act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain tradesmen of the metropolitan waste control commission.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 19, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 139, An act relating to natural resources; revising certain provisions relating to St. Croix Wild River state park.

H. F. No. 188, An act relating to game and fish; defining conviction; increasing the penalty for a conviction related to big game.

H. F. No. 229, An act providing for withholding of pay to residents for active service as members of the armed forces.

H. F. No. 326, An act relating to taxation; Kittson and Marshall counties; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing and collecting the same and prescribing penalties for violations thereof.

H. F. No. 334, An act relating to highway traffic regulations; lengths of certain vehicles and combinations of vehicles.

H. F. No. 439, An act relating to agriculture; regulating the use of the name "Minnesota Farmstead Cheese".

H. F. No. 525, An act relating to drainage; providing for transfer by county boards of certain surplus ditch funds to another governing body taking over the drainage system.

H. F. No. 563, An act relating to Independent School District No. 721 (New Prague) and Independent School District No. 194 (Lakeville) ; providing for certain land to be detached from Independent School District No. 721 and annexed to Independent School District No. 194.

H. F. No. 598, An act relating to Becker county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing the same and prescribing penalties for violations thereof.

H. F. No. 707, An act relating to taxation; changing certain procedures for objecting to real or personal property taxes; providing for city and town attorneys to handle prosecutions.

H. F. No. 805, An act relating to public employees; excluding supervisory employees from certain bargaining units.

H. F. No. 1005, An act relating to agriculture; dairy products; grade A pasteurized milk; increasing certification fees.

H. F. No. 1006, An act relating to agriculture; transferring certain functions relating to county agricultural societies from the state auditor and the commissioner of finance to the commissioner of agriculture; providing for the reimbursement of expenses of the commissioner of agriculture incurred in examining the records and accounts of county agricultural societies and certain other agricultural related societies or associations.

H. F. No. 1130, An act relating to motor vehicle carriers; requiring insurance or bond before the issuance of a certificate or permit to a motor carrier; providing for suspension and revocation of certificate or permit for failure to maintain insurance or other security; permitting lesser registration fees for certain interstate motor carriers.

H. F. No. 1248, An act relating to the city of Springfield; providing for city buildings and equipment and their use; providing for a bond issue.

H. F. No. 1469, An act relating to transportation; extending the time for submission by the commissioner of certain proposals relating to certain modes of transportation.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 18, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 42, An act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms.

H. F. No. 54, An act relating to state procurement; extending the program for procurement from sheltered workshops and work activity programs; permitting purchase price to exceed fair market price.

H. F. No. 75, An act relating to public safety; requiring railroad companies to reimburse local governments and nonprofit fire fighting corporations for expenses incurred to extinguish locomotive caused fires.

H. F. No. 300, An act relating to elections; removing a provision for special hours during which registration locations must be open.

H. F. No. 307, An act relating to retirement; correcting outdated references in the teachers retirement law.

H. F. No. 337, An act relating to public utilities; customers service option on electric service in certain instances.

H. F. No. 414, An act relating to the city of Fairmont; membership of new police in the public employees retirement association.

H. F. No. 502, An act relating to Hennepin county; authorizing compensation for Hennepin county park reserve district commissioners and Hennepin county library board members.

H. F. No. 521, An act relating to Independent School District No. 196 (Rosemount) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 196 and annexed to Independent School District No. 194.

H. F. No. 531, An act relating to banks; permitting banks to take second mortgages in federal disaster areas.

H. F. No. 787, An act relating to savings banks; allowing savings banks to establish negotiable order of withdrawal accounts; imposing reserve requirements.

H. F. No. 882, An act relating to commerce; providing for disclosure of mileage traveled by motor vehicles.

H. F. No. 888, An act relating to education; authorizing school boards to appoint a student advisory member.

H. F. No. 903, An act relating to public transportation; making state commuter vans available for use by blind vending operators working on state property.

H. F. No. 1003, An act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on certain trailers; dimensional specifications for trailer number plates.

Sincerely,

RUDY PERPICH  
Governor

#### MOTION FOR RECONSIDERATION

Munger moved that the action on Wednesday, May 18, 1977, whereby the House refused to concur in the Senate amendments to H. F. No. 522 and requested a Conference Committee of 5 members be now reconsidered. The motion prevailed.

Munger moved that the House refuse to concur in the Senate amendments to H. F. No. 522, that the Speaker appoint a Conference Committee of 3 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.

#### REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 210, A bill for an act relating to education; higher education coordinating board; authorizing the board to contract for spaces for Minnesota residents in out of state schools of optometry; authorizing the board to explore the feasibility of a regional school of optometry; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [POLICY.] Subdivision 1. The legislature finds that it is in the public interest that opportunity be provided for Minnesota students to become osteopaths and optometrists.

Subd. 2. The higher education coordinating board shall seek to contract with schools of optometry and osteopathy located in other states for placement for Minnesota residents. The number of placements in colleges of osteopathy shall not exceed ten and in colleges of optometry shall not exceed 13.

Subd. 3. Selection of students for spaces obtained through contract between the higher education coordinating board and the out of state schools shall be the responsibility of the individual school, provided that any student for whom space is contracted shall be required to enter into an agreement with the higher education coordinating board to practice osteopathy or optometry in the state of Minnesota for a period of not less than three years.

Subd. 4. The agreement with the student shall provide that practice in Minnesota by the student shall begin within 18 months following completion of the academic program unless the board approves a later time for beginning practice. The board may approve a delay in the time for the student to begin practice in Minnesota for a period of not to exceed seven years in the case of osteopaths and not to exceed four years in the case of optometrists. The delay may be approved to allow for additional education or clinical experience or for extenuating circumstances which in the judgment of the board constitute sufficient justification for delay.

Subd. 5. A student who fails to fulfill the obligation to practice in accordance with subdivision 4 or who for any reason except death or disability discontinues full time study under the agreement shall pay a penalty in an amount equal to the amount paid to the school by the higher education coordinating board for the space which the student occupied. The penalty shall be payable on demand in accordance with terms and conditions prescribed by the board.

Subd. 6. The higher education coordinating board is authorized to establish terms and conditions of contracts with schools of osteopathy and optometry including the amount of payment to be made to each school.

Sec. 2. The higher education coordinating board shall explore the feasibility of cooperating with neighboring states in the development of a regional system for the delivery of optometric

education. The board shall report on the results of the feasibility study no later than January, 1979.

Sec. 3. [APPROPRIATION.] The sum of \$217,000 is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1979. Of this amount, not to exceed \$15,000 shall be available in each year of the biennium for administrative expenses of the board. Also of this amount, the sum of \$52,000 shall be available for payments under contract to schools of optometry and the sum of \$135,000 shall be available for payments under contract to schools of osteopathy for the year ending June 30, 1979."

Further, amend the title as follows:

Line 5, after the second "of" insert "osteopathy and".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 739, A bill for an act relating to education; public television; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 1, line 23, after "in" delete "that" and insert "the previous".

Page 2, line 7, after "generated" insert "dollars, including".

Page 2, after line 16, add a new section as follows:

"Sec. 3. [LEGISLATIVE COMMISSION.] *Subdivision 1. A legislative commission is hereby created to study public broadcasting in the state. The commission shall conduct studies including, but not limited to the following issues:*

(a) *Statewide expansion of public broadcasting to serve unmet educational, cultural and informational needs by utilizing existing facilities at post-secondary institutions and other public broadcasters, and adding of facilities to approximate statewide coverage and achieve live interconnection among the stations;*

(b) *Structure and governance of future development including the fixing of responsibility for decisions as to programming,*

*planning and development with a balancing of insulation from governmental control and accountability to the citizens of the state;*

*(c) Financing of capital expenditures, operating costs, and future development with available legislative funding and non-state support;*

*(d) Programming to serve unmet or partially met educational and informational audience needs; use of the programming to strengthen instructional and continuing education activities of the post-secondary systems; and integration of local, regional and statewide broadcasting into the total programming effort.*

*Subd. 2. [MEMBERS, REIMBURSEMENT.] The bipartisan commission shall consist of five members of the house of representatives appointed by the speaker and five members of the senate appointed by the senate committee on committees. Any vacancy shall be filled by the appointing power.*

*Members of the commission shall be reimbursed in the same manner and amount as for attendance at legislative meetings. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.*

*Subd. 3. [RECOMMENDATIONS.] The commission shall act from the time its members are appointed until January 15, 1978. It shall report its findings and recommendations to the legislature not later than January 15, 1978.*

*Subd. 4. [MEETINGS, STAFF.] The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in subdivisions 1 to 6. It shall select a chairman and other officers from its membership and employ staff as necessary.*

*Subd. 5. [GIFTS AND GRANTS.] The commission may solicit and accept gifts and grants available for use to accomplish the purposes of subdivisions 1 to 6.*

*Subd. 6. [APPROPRIATION.] The sum of \$30,000 is appropriated from the general fund to the commission to pay its expenses.*

*Subd. 7. [EFFECTIVE DATE.] This section is effective the day following final enactment."*

Renumber subsequent section.

Page 2, line 19, delete "\$250,000" and insert "\$275,000".

Page 2, line 20, after the period insert "*Notwithstanding the provisions of section 139.18, subdivision 2, this amount includes the sum of \$25,000 to be paid the licensed public television station in the seven county metropolitan area for the purpose of improving service to that area and statewide service via the midwestern education television network.*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1236, A bill for an act relating to water; requiring that new domestic wells be registered with the local soil and water conservation district; requiring that the commissioner of natural resources be notified of the appropriation of water for domestic use; requiring pumping tests and monitoring on large wells, and providing for exceptions; changing criteria for issuance of groundwater appropriation permits; creating a water planning board in the executive branch; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1 and 1a; 105.44, Subdivision 8, and by adding subdivisions; and 105.45.

Reported the same back with the following amendments:

Page 4, line 23, after "*application*" insert "*by the commissioner*".

Pages 8, lines 25 to 32, delete the new language.

Page 9, delete lines 1 to 4.

Page 12, line 8, delete "\$500,000" and insert "\$400,000".

Page 12, line 17, delete "*increase the authorized*".

Page 12, line 18, delete "*personnel complement of the department of health by*" and insert "*hire*".

Page 12, line 20, delete "*increase the*".

Page 12, delete line 21.

Page 12, line 22, delete "*resources by*" and insert "*hire*".

Page 13, line 2, delete "*the purposes of*" and insert "*distribution to the soil and water conservation districts to reimburse costs incurred in*".

Page 13, line 4, delete "*The soil and water conservation board*".

Page 13, delete lines 5 and 6.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 90, A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio member of the state soil and water conservation board; authorizing a cost-sharing program; clarifying the powers and duties of the state board and local districts; amending ambiguous or redundant provisions; adding a member to the soil and water conservation board temporarily; appropriating funds; amending Minnesota Statutes 1976, Chapter 40, by adding sections; and Sections 40.01, Subdivision 8, and by adding a subdivision; 40.02; 40.03, Subdivisions 1, 2, 3, and 4; and 40.07, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; repealing Minnesota Statutes 1976, Sections 40.005; and 40.07, Subdivision 13.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 40.01, Subdivision 8, is amended to read:

Subd. 8. [AGENCY OF THIS STATE OR STATE AGENCY.] "Agency of this state" or "state agency" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

Sec. 2. Minnesota Statutes 1976, Section 40.01, is amended by adding a subdivision to read:

*Subd. 15. [APPROPRIATE AGENCIES.] "Appropriate agencies" include any local, state or federal agency which possesses expertise, involvement or authority concerning the use and development of land and water resources, but does not include any district or the state board.*

Sec. 3. Minnesota Statutes 1976, Section 40.02, is amended to read:

**40.02 [PUBLIC POLICY; PURPOSE.] (AS A GUIDE TO THE INTERPRETATION AND APPLICATION OF THIS**

CHAPTER, THE PUBLIC POLICY OF THE STATE IS DECLARED TO BE AS FOLLOWS.) Improper land-use practices have caused (AND CONTRIBUTED TO) serious *wind and water* erosion of (FARM AND GRAZING) *the* lands of this state (BY WIND AND WATER AND THAT THEREBY TOPSOIL IS BEING WASHED OUT OF FIELDS AND PASTURES AND HAS SPEEDED UP THE REMOVAL OF THE ABSORPTIVE TOPSOIL CAUSING EXPOSURE OF LESS ABSORPTIVE AND LESS PROTECTIVE, BUT MORE EROSION, SUBSOIL; AND THAT), *the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage.* Land occupiers have (FAILED) *the responsibility to* (CAUSE THE DISCONTINUANCE OF SUCH PRACTICE AS CREATES THIS CONDITION, AND THE CONSEQUENCES THEREOF HAVE CAUSED THE DETERIORATION OF SOIL AND ITS FERTILITY AND THE DETERIORATION OF CROPS GROWN THEREON, AND DECLINING YIELDS THEREFROM, AND DIMINISHING OF THE UNDERGROUND WATER RESERVE, ALL OF WHICH HAVE CAUSED WATER SHORTAGES, INTENSIFIED PERIODS OF DROUGHT, AND CROP FAILURE, AND THUS BROUGHT ABOUT SUFFERING, DISEASE, AND IMPOVERISHMENT OF FAMILIES AND THE DAMAGE OF PROPERTY FROM FLOODS AND DUST STORMS; AND THAT ALL OF THESE EFFECTS MAY BE PREVENTED BY LAND USE PRACTICES CONTRIBUTING TO THE CONSERVATION OF TOP SOIL BY CARRYING ON OF ENGINEERING OPERATIONS SUCH AS THE CONSTRUCTION OF TERRACES, CHECK DAMS, DIKES, PONDS, DITCHES, AND THE UTILIZATION OF STRIP CROPPING, LISTER FALLOWING, CONTOUR CULTIVATING, LAND IRRIGATION, SEEDING AND PLANTING OF WASTE, SLOPING, ABANDONED, OR ERODED LANDS TO WATER-CONSERVING AND EROSION-PREVENTING PLANTS, TREES, AND GRASSES) *implement the practices which correct these conditions and to conserve the soil and water resources of the state.*

It is (HEREBY DECLARED THAT IT IS FOR THE PUBLIC WELFARE, HEALTH, AND SAFETY OF THE PEOPLE OF MINNESOTA TO PROVIDE FOR THE CONSERVATION OF) *the policy of the state to encourage land occupiers to conserve the soil and (SOIL) water resources (OF THIS STATE, AND FOR THE CONTROL AND PREVENTION OF SOIL EROSION, FOR LAND RESOURCE PLANNING AND DEVELOPMENT, FOR) through the implementation of (LAND RESOURCE USE) practices that effectively reduce or prevent erosion, sedimentation, siltation (AND LOSS OF THE LAND BASE THROUGH ACTIVITIES ASSOCIATED WITH FARMING, MINING, CONSTRUCTION, FORESTRY, AND OTHER ACTIVITIES OF MAN, AND FOR FLOOD PREVENTION OR THE CONSERVATION DEVELOPMENT, UTILIZATION, AND DISPOSAL OF WATER, INCLUDING BUT NOT LIMITED TO, MEASURES FOR FISH AND WILDLIFE*

AND RECREATIONAL DEVELOPMENT, AND THEREBY) *and agriculturally related pollution in order to preserve natural resources, insure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands (BY LAND USE PRACTICES, AS HEREIN PROVIDED FOR).*

Sec. 4. Minnesota Statutes 1976, Section 40.03, Subdivision 1, is amended to read:

40.03 [STATE SOIL AND WATER CONSERVATION BOARD.] Subdivision 1. [MEMBERS.] There is hereby established, to serve as an agency within the department of natural resources and to perform the functions conferred upon it in this chapter, the state soil and water conservation board to be composed of (11) *12* members, seven of whom shall be elected supervisors (OF SOIL AND WATER CONSERVATION DISTRICTS SELECTED AS HEREIN PROVIDED. FOUR MEMBERS THEREOF SHALL BE) *and the following five ex-officio members (COMPOSED OF THE FOLLOWING):* The director of the agricultural extension service of the University of Minnesota; the dean of the Institute of Agriculture of the University of Minnesota; the director of the pollution control agency; the commissioner of agriculture; *and the commissioner of natural resources.* Each ex-officio member may designate a person within his organization to act in his stead as a member of the state board, with all his rights and privileges. The designation shall be filed with the secretary of state. The state board shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The state board may also invite a representative of the state association of soil and water conservation districts, the association of Minnesota counties, the league of (MUNICIPALITIES) *Minnesota cities* and (SUCH) *any* other organizations and (GOVERNMENTAL) *appropriate* agencies (AS MAY BE) deemed necessary to serve as advisory members. The (OTHER) seven members of (SAID) *the state board who are elected supervisors* shall be appointed by the governor with the advice and consent of the senate (FROM NOMINEES WHO ARE ELECTED REPRESENTATIVES OF THE STATE SOIL AND WATER CONSERVATION DISTRICTS). In making these appointments the governor may consider persons recommended by the state association of soil and water conservation (DISTRICT SUPERVISORS) *districts*. One member shall be appointed from each department of natural resources region except that two members shall be appointed from region number one. (THE STATE BOARD SHALL KEEP A RECORD OF ITS OFFICIAL ACTIONS, AND MAY PERFORM SUCH ACTS, HOLD SUCH PUBLIC HEARINGS, AND PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE EXECUTION OF ITS FUNCTIONS UNDER THIS CHAPTER.

**THE STATE BOARD SHALL EXERCISE ALL POWERS AND DUTIES AS CONFERRED UPON IT BY LAW.)**

Sec. 5. Minnesota Statutes 1976, Section 40.03, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEES.] The department of natural resources shall provide administrative functions of this section. The commissioner of natural resources shall make available by separate budget to the state soil and water conservation board (SUCH) *the* staff services, funds for operation, and office space (AS ARE) necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner for reporting purposes in regard to staff functions and (THOSE) operations (AS THEY) *which* relate to department activities.

The commissioner of natural resources shall, subject to approval of the state (SOIL AND WATER CONSERVATION) board, provide an administrative officer and (SUCH TECHNICAL EXPERTS AND SUCH) other *necessary permanent and temporary technical experts*, agents and employees(, PERMANENT AND TEMPORARY, AS IT MAY REQUIRE IN CARRYING OUT THIS SECTION, AND). *The state board shall determine (THEIR) the personnel's qualifications and duties, and recommend compensation to the commissioner of personnel. The state board may call upon the attorney general for (SUCH) necessary legal services (AS IT MAY REQUIRE). It shall have authority to (PRESCRIBE THE POWERS AND DUTIES OF ITS OFFICERS AND EMPLOYEES, AND TO) delegate to its chairman or to one or more of its other officers or members or administrative officer (SUCH) any of its own powers and duties (AS) it may deem proper. The administrative officer is responsible to the state board and may be dismissed by the commissioner of natural resources only upon the advice and recommendation of the state board. All permanent personnel of the state board are employees of the department of natural resources and are in the classified service of the state except as otherwise required by statute. All rights, duties and responsibilities of the existing staff of the state board on November 12, 1971 shall remain unchanged except as may be agreed upon by the state board and the commissioner. (UPON REQUEST OF) In order to perform its duties, the state board(, FOR THE PURPOSE OF CARRYING OUT ANY OF ITS FUNCTIONS,) may request information from the supervising officer of any state agency(, or (OF ANY) state institution of (LEARNING) higher education, including the state universities, the community colleges, and the post-secondary vocational technical schools. The supervising officer shall(, INsofar AS MAY BE) comply with the state board's request to the extent possible (UNDER) considering available appropriations(, and (HAVING DUE REGARD TO THE NEEDS OF THE AGENCY TO WHICH THE REQUEST IS DIRECTED, ASSIGN OR DETAIL TO THE STATE*

BOARD MEMBERS OF THE STAFF OR PERSONNEL OF THE AGENCY OR INSTITUTION OF LEARNING, AND MAKE SUCH) *may assign agency or institution employees to compile existing information and to complete special reports, surveys, or studies (AS THE STATE BOARD MAY REQUEST) concerning the problems specified in section 40.02.*

Sec. 6. Minnesota Statutes 1976, Section 40.03, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS; QUORUM.] The state board shall designate its chairman, and may annually (, FROM TIME TO TIME,) change (SUCH) *its* designation. A member of the state board shall hold office so long as he shall retain the office by virtue of which he shall be serving on the state board. A majority of the state board shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The state board shall (PROVIDE FOR THE KEEPING OF) *keep* a full and accurate record of (ALL PROCEEDINGS AND OF ALL RESOLUTIONS, REGULATIONS, AND ORDERS ISSUED OR ADOPTED) *its official actions. The state board may hold any public hearings and promulgate rules necessary to execute its duties specified in this chapter.* The legislative auditor shall annually audit the books of the state board.

Sec. 7. Minnesota Statutes 1976, Section 40.03, Subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] In addition to the powers and duties hereinafter conferred upon the state soil and water conservation board, it shall have the following powers and duties:

(1) Prepare and present to the commissioner of (THE DEPARTMENT OF) natural resources a budget to finance the activities of the state board and the districts and to administer any law appropriating funds to districts;

(2) (TO) Offer (SUCH) *any appropriate* assistance (AS MAY BE APPROPRIATE) to the supervisors of (SOIL AND WATER CONSERVATION) *the* districts (, ORGANIZED AS PROVIDED HEREINAFTER,) in (CARRYING OUT) *implementing* any of their powers and programs. Any funds made available to a (SOIL AND WATER CONSERVATION) district for expenditures necessary (TO) *for* the operations of the district shall be a grant to the district to be used only for purposes authorized by the state board pursuant to law. The soil and water conservation district may designate the board of county commissioners to act as the agent of the district to receive and expend these funds at the direction and with the approval of the board of supervisors of the district. At least annually the state

board shall audit, in a manner it prescribes, the expenditures of funds so granted;

(3) (TO) Keep the supervisors of each (OF THE SEVERAL DISTRICTS ORGANIZED UNDER THE PROVISIONS OF THIS CHAPTER) *district* informed of the activities and experience of all other districts (ORGANIZED HEREUNDER,) and (TO) facilitate *cooperation and an interchange of advice and experience (BETWEEN SUCH) among the districts (AND COOPERATION BETWEEN THEM)*;

(4) (TO) Coordinate the programs *and activities* of the (SEVERAL SOIL AND WATER CONSERVATION) districts (ORGANIZED HEREUNDER, SO FAR AS THIS MAY BE DONE) *with appropriate agencies* by advice and consultation;

(5) Approve or disapprove the plans or programs of districts (AS THEY RELATE) *relating* to the use of state funds (AS) administered by the state board;

(6) (TO) Secure the cooperation and assistance of the (UNITED STATES AND ANY OF ITS AGENCIES, AND OF) *appropriate agencies (OF THIS STATE,)* in the work of (SUCH) *the districts and to develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding and agriculturally related pollution control programs*;

(7) (TO DISSEMINATE) *Develop and implement a comprehensive public information (THROUGHOUT THE STATE) program concerning the districts' activities and programs (OF THE SOIL AND WATER CONSERVATION DISTRICTS ORGANIZED HEREUNDER), the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and (TO ENCOURAGE) the advantages of formation of (SUCH) districts in areas where their organization is desirable; (AND)*

(8) (TO) Subdivide and consolidate districts without a hearing or a referendum so as to confine districts within county limits, provided (, FURTHER,) that no district, when feasible and practicable, shall contain less than four full or fractional congressional townships;

(9) *Assist in the implementation of a statewide program for inventorying and classification of the types of soils throughout the state as determined by the Minnesota cooperative soil survey;*

(10) *Conduct research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state;*

(11) *Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices;*

(12) *Develop a system of priorities within the state to identify the erosion, flooding, sediment and agriculturally related pollution problem areas that are most severely in need of control systems; and*

(13) *Ensure compliance with statewide programs established by the state board pursuant to this section by advice, consultation, and approval of cost-sharing contracts with the district.*

Sec. 8. Minnesota Statutes 1976, Chapter 40, is amended by adding a section to read:

[40.035] [PROGRAM PLAN.] *Subdivision 1. The state board shall prepare, in consultation with the districts and appropriate agencies, a program plan for the accomplishment of its duties specified in section 40.03, subdivision 4. The state board shall use this program plan in decisions to allocate funds to the districts. The state board shall give immediate emphasis to the determination of priority areas within the state where erosion, sedimentation and related water quality problems appear most in need of control methods and to the development of the comprehensive public information program.*

*Subd 2. For the purpose of developing the program plan, the state board may request any existing pertinent information from any state agency pursuant to section 40.03, subdivision 2, and may conduct any hearing it deems necessary.*

*Subd. 3. The plan shall be coordinated as closely as possible with other statewide resource plans, such as the statewide framework water resources plan and the statewide water quality management plan.*

*Subd. 4. The state board shall review and revise the plan at intervals it deems appropriate.*

Sec. 9. Minnesota Statutes 1976, Chapter 40, is amended by adding a section to read:

[40.036] [COST SHARING CONTRACTS FOR EROSION CONTROL AND WATER MANAGEMENT.] *Subdivision 1. Within the limits of available funds, the state board may allocate funds to districts to be used to share the cost of implementing any system or practices for erosion control and water quality improvement which are designed to protect and improve the state's soil and water resources. Any district board requesting funds of the state board shall submit a comprehensive plan com-*

pleted pursuant to section 40.07, subdivision 9, and an application on the form prescribed by the state board. After review of the district's comprehensive plan, the state board shall approve it with any necessary amendments or reject it. If the state board approves the district's comprehensive plan, it shall also determine the specific amount of funds to allocate to the district for the purpose of cost-sharing contracts. Neither the state board nor the district board shall furnish any financial aid for practices designed only for an increase in land productivity.

*Subd. 2. Within the limits of funds available, a district board may contract on a cost share basis to furnish financial aid to a land occupier or to a state agency for the implementation of permanent systems for erosion control and water quality improvement which are consistent with the district's comprehensive plan developed pursuant to section 40.07, subdivision 9. The duration of the contract may be the time required to complete the planned systems. A contract may provide for cooperation or funding with United States agencies. Every contract shall specify that the land occupier is liable for monetary damages, not to exceed the amount of financial assistance he received from the district, if he fails to timely complete or maintain the systems or practices as specified in the contract. A land occupier or any state agency may provide the cost-sharing portion of the contract through in-kind services.*

*Subd. 3. The state board shall promulgate rules specifying the procedures and criteria for allocating funds to districts for cost-sharing contracts. The rules shall also include standards and guidelines which the districts shall include in all cost-sharing contracts. The state board may for the purpose of implementing this section exercise emergency power and adopt emergency rules pursuant to section 15.0412, subdivision 5. No emergency rules may be adopted by the state board pursuant to this subdivision after July 1, 1978.*

*Subd. 4. Before November 15, 1978, the state board shall submit a report to the legislature, as provided in section 3.195, concerning the status of cost-sharing contract programs authorized by this section.*

Sec. 10. Minnesota Statutes 1976, Section 40.07, Subdivision 1, is amended to read:

**40.07 [POWERS OF DISTRICT BOARDS.] Subdivision 1. A soil and water conservation district (ORGANIZED UNDER THE PROVISIONS OF THIS CHAPTER) shall constitute a governmental and political subdivision of this state, and a public body, corporate and politic, (EXERCISING PUBLIC POWERS, AND THE DISTRICT, AND THE SUPERVISORS THERE-OF,) shall have the following powers (PRESCRIBED IN THIS SECTION,) in addition to those otherwise prescribed by law.**

Sec. 11. Minnesota Statutes 1976, Section 40.07, Subdivision 2, is amended to read:

Subd. 2. A district may conduct surveys, investigations, and research (RELATING TO THE CHARACTER OF SOIL EROSION AND THE PREVENTIVE AND CONTROL MEASURES NEEDED, PUBLISH THE RESULTS OF SUCH SURVEYS, INVESTIGATIONS, OR RESEARCH, AND DISSEMINATE INFORMATION CONCERNING SUCH PREVENTIVE AND CONTROL MEASURES; PROVIDED, HOWEVER, THAT) *to identify the problems and preventive practices specified in section 40.02.* In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with (THE GOVERNMENT OF THE) a state (OR ANY OF ITS AGENCIES,) *agency* or (WITH) *an agency* of the United States (OR ANY OF ITS AGENCIES). *A district may publish its comprehensive plan and the results of its surveys, investigations, and research and may disseminate information to the public concerning any of its activities.*

Sec. 12. Minnesota Statutes 1976, Section 40.07, Subdivision 3, is amended to read:

Subd. 3. A district may conduct demonstration projects within the district on lands owned or (CONTROLLED) *administered* by (THIS) a state (OR ANY OF ITS AGENCIES) *agency*, with the cooperation of the *administering* agency (IN CONTROL THEREOF), and on any other lands (WITHIN THE DISTRICT) with the consent of the (OWNER OR) *land* occupier (IN CONTROL THEREOF), in order to demonstrate by example the (MEANS, METHODS, AND MEASURES FOR CONSERVATION OF SOIL AND WATER RESOURCES, FOR PROPER DRAINAGE, FOR THE PREVENTION AND CONTROL OF FLOODS AND POLLUTION AND FOR THE PREVENTION AND CONTROL OF SOIL EROSION) *practices which implement the state policy specified in section 40.02.*

Sec. 13. Minnesota Statutes 1976, Section 40.07, Subdivision 4, is amended to read:

Subd. 4. A district may (CARRY OUT CONSTRUCTIVE, PREVENTIVE, AND CONTROL MEASURES) *implement any necessary practices* within the district, including but not limited to (ENGINEERING OPERATIONS,) *structural measures and* works of improvement for any purpose specified (IN THIS SECTION OR) in section 40.02, methods of cultivation, the (GROWING) *use* of vegetation, *and* changes in use of land, (AND THE MEASURES REFERRED TO IN SECTION 40.02,) on lands acquired by the district, and on other lands owned or (CONTROLLED) *administered* by (THIS) a state (OR ANY OF ITS AGENCIES) *agency*, with the cooperation of the *administering* agency (IN CONTROL THEREOF), and on any other lands (WITHIN THE DISTRICT), with the consent

of the (OWNER OR) *land occupier* (IN CONTROL THERE-OF).

Sec. 14. Minnesota Statutes 1976, Section 40.07, Subdivision 5, is amended to read:

Subd. 5. A district may cooperate or enter into agreements with and, within the limits of available appropriations furnish financial or other aid to any *land occupier or appropriate agency*, (GOVERNMENTAL OR OTHERWISE, OR ANY OCCUPIER OF LANDS IN THE CARRYING ON OF EROSION CONTROL AND PREVENTION OPERATIONS AND OTHER MEASURES FOR THE PURPOSES) *to implement the policy specified (OR REFERRED TO) in (THIS SECTION OR) section 40.02 within the district, subject to (SUCH) conditions (AS) the supervisors (MAY) deem necessary (TO ADVANCE THE PURPOSES OF THIS CHAPTER).*

Sec. 15. Minnesota Statutes 1976, Section 40.07, Subdivision 6, is amended to read:

Subd. 6. A district may (OBTAIN OPTIONS UPON AND) acquire *any rights or interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest, devise, or otherwise (ANY PROPERTY, REAL OR PERSONAL, OR RIGHTS OR INTEREST THEREIN).* *It may maintain, operate, administer, and improve any properties acquired, may receive income from (SUCH) the properties and (TO) expend (SUCH) the income in (CARRYING OUT THE PURPOSES AND) implementing the provisions of this chapter, and may sell, lease, or otherwise dispose of any of its property or interests (THEREIN IN FURTHERANCE OF THE PURPOSES AND PROVISIONS OF THIS CHAPTER).*

Sec. 16. Minnesota Statutes 1976, Section 40.07, Subdivision 7, is amended to read:

Subd. 7. A district may make available, on (SUCH) terms (AS) it shall prescribe, to land occupiers within the district, *any agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and (SUCH) other material or equipment (AS) which will assist (SUCH) land occupiers to (CARRY ON OPERATIONS) implement upon their lands (FOR THE CONSERVATION OF SOIL AND WATER RESOURCES, FOR THE PREVENTION AND CONTROL OF SOIL EROSION OR FOR ANY OTHER PURPOSE SPECIFIED IN THIS CHAPTER, AND ACTS AMENDATORY THEREOF) the practices specified in section 40.02.*

Sec. 17. Minnesota Statutes 1976, Section 40.07, Subdivision 8, is amended to read:

Subd. 8. A district may construct, install, improve, maintain, and operate (SUCH) *any* structures and works (AS MAY BE) necessary or convenient for the performance of any of the operations authorized in this chapter.

Sec. 18. Minnesota Statutes 1976, Section 40.07, Subdivision 9, is amended to read:

Subd. 9. A district may develop *and revise a* comprehensive (PLANS FOR THE CONSERVATION OF SOIL AND WATER RESOURCES AND FOR THE CONTROL AND PREVENTION OF SOIL EROSION WITHIN THE DISTRICT) *plan*, specifying the (MEASURES AND) practices (DEEMED NECESSARY OR DESIRABLE FOR THE EFFECTUATION THEREOF) *to implement the state policy specified in section 40.02, including, without limitation, (ENGINEERING OPERATIONS,) the construction, maintenance, and operation of (WORKS) structural measures, methods of cultivation, the (GROWING) use of vegetation, cropping programs, (TILLAGE) mechanical practices, and changes in use of land (, AND MAY PUBLISH SUCH PLANS AND INFORMATION AND BRING THEM TO THE ATTENTION OF OCCUPIERS OF LANDS WITHIN THE DISTRICT, AND OTHERS CONCERNED. SUCH PLANS SHALL BE CONSISTENT WITH THE STATE PLAN FOR WATER AND RELATED LAND RESOURCES) and technical standards and specifications related thereto. The plan shall include a classification of the soil types within the district as determined by the Minnesota cooperative soil survey and the areas within the district where erosion, sedimentation and related water quality problems appear most in need of control methods. The plan shall be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's cost-sharing program plan.*

Sec. 19. Minnesota Statutes 1976, Section 40.07, Subdivision 10, is amended to read:

Subd. 10. A district may take over by purchase, lease, or otherwise, and may improve, maintain, operate and administer any soil or water conservation, erosion-control, erosion-prevention, watershed protection, flood prevention or flood control project located within its boundaries undertaken by the United States or by (THIS) *a state (OR ANY OF THEIR AGENCIES, FOR OR IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, OPERATION, MANAGEMENT OR ADMINISTRATION OF ANY SUCH PROJECT) agency, may accept donations, gifts, grants, or contributions in money, services, materials, or otherwise from the United States (OR FROM THIS), any state (OR ANY OF THEIR AGENCIES) agency or (FROM) any other source, in order to accomplish the authorization in this section. A board may enter into any contract or agreement (WHICH MAY BE) necessary or appropriate (FOR*

THE PURPOSES THEREOF, MAY COMPLY WITH ANY APPLICABLE PROVISIONS OF FEDERAL OR STATE LAW) *to accomplish the transfer*, and may use or expend (SUCH) *any* moneys, services, materials, or other things (IN ACCORDANCE WITH THE APPLICABLE TERMS AND CONDITIONS FOR) *to accomplish* any authorized purpose (OF THE DISTRICT).

Sec. 20. Minnesota Statutes 1976, Section 40.07, Subdivision 11, is amended to read:

Subd. 11. A district may sue and be sued in the name of the district, have perpetual succession unless terminated as herein-after provided, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend, or repeal rules and regulations not inconsistent with this chapter (TO CARRY INTO EFFECT ITS PURPOSES AND POWERS).

Sec. 21. Minnesota Statutes 1976, Section 40.07, Subdivision 12, is amended to read:

Subd. 12. As a condition to the extending of any benefits (UNDER THIS CHAPTER TO OR) *for* the performance of work upon any lands not owned or (CONTROLLED) *adminis-tered* by (THIS) *a* state (OR ANY OF ITS AGENCIES) *agency* or (BY) the district, the supervisors may require compensation or contributions in money, services, materials, or otherwise commensurate with the cost or reasonable value of the operations or work conferring (SUCH) *the* benefits.

Sec. 22. Minnesota Statutes 1976, Section 40.07, Subdivision 14, is amended to read:

Subd. 14. A district may *submit any application and* enter into any agreement or contract with the secretary of agriculture or other designated authority (WHICH MAY BE NECESSARY OR APPROPRIATE) for the purpose of obtaining or using federal assistance under the provisions of (SAID) Public Law 566 (,) or (ANY ACT AMENDATORY THEREOF OR SUPPLEMENTARY THERETO, OR UNDER) any other law providing for federal assistance for any authorized purpose of the district (, OR FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF WORKS OF IMPROVEMENT AS DEFINED IN SAID ACT OR AMENDATORY ACT OR OTHER APPLICABLE FEDERAL LAW). *A district* may acquire without cost to the federal government (SUCH) *any* land, easements, or rights-of-way (AS WILL BE) needed in connection with works of improvement installed with federal assistance; may assume (SUCH) *the* proportionate share of the cost of installing any works of improvement involving federal assistance (AS MAY BE) determined by the secretary or other designated authority

to be equitable in consideration of anticipated benefits from (SUCH) *the* improvements; may make arrangements satisfactory to the secretary or other authority for defraying costs of operating and maintaining (SUCH) *the* works of improvement in accordance with *prescribed* regulations (PRESCRIBED BY SECRETARY OF AGRICULTURE, OR OTHER DESIGNATED AUTHORITY); may acquire or provide assurance that land (OWNERS) *occupiers* have acquired (SUCH) *the* water rights and other rights, pursuant to state law, (AS MAY BE) needed in the installation, maintenance, and operation of (SUCH) *the* works of (IMPROVEMENTS) *improvement*; may obtain agreements to carry out recommended soil and water conservation measures and (PROPER) *prepare* farm plants (FROM) *for* owners of not less than 50 percent or other required percentage of the lands situated in any drainage area above any retention reservoir which may be installed with federal assistance, all as prescribed in said Public Law 566 or (AMENDATORY ACT OR OTHER) applicable federal law, and may do any (AND ALL) other acts necessary to secure and use federal aid (THEREUNDER).

Sec. 23. *The governor shall appoint to the soil and water conservation board one member from region six to serve as 13th member of the board until a member is appointed from region six pursuant to section 40.03, subdivision 1, at which time the appointment authorized by this section shall expire.*

Sec. 24. [APPROPRIATION.] *The sum of \$3,000,000 is appropriated from the general fund to the state soil and water conservation board to be available until June 30, 1979 for the purpose of initiating a cost-sharing program for erosion control and water quality improvement. Not more than ten percent of the total amount appropriated shall be utilized for administrative expenses of the state board and the district boards. In addition, not more than ten percent of the total amount appropriated may be used for technical services to plan erosion control and water quality systems. Notwithstanding any other provision to the contrary, the state board can allocate funds not to exceed one half of the appropriation in this section to districts prior to the completion of a program plan pursuant to section 8 and a comprehensive plan pursuant to section 9.*

Sec. 25. Minnesota Statutes 1976, Section 106.673, is amended to read:

106.673 [DITCHES, PLANTING WITH PERMANENT GRASS.] *In any proceeding for the establishment or construction of a public drainage system or ditch or for the improvement, extension, or other work affecting such system or ditch under chapters 106, 111, 112, or any other law now in force or hereafter enacted, where viewers are appointed to assess benefits and damages, the authority having jurisdiction of the proceeding, shall order the spreading of spoil banks consistent with the plan*

and function of the ditch and (MAY) *shall* order the planting of a permanent grass, other than a noxious weed, on the banks and on a strip one rod in width or to the crown of the leveled spoil bank whichever is the greater on each side of the top edge of the channel of the ditch. The acreage which will be required is that needed for the foregoing and the authority having jurisdiction shall acquire the additional interests in land needed for this purpose. No agricultural practices, other than those required for the maintenance of a permanent growth of grass, shall be permitted on any portion of the land acquired for this purpose and it shall be the duty of the authority having jurisdiction over the repair and maintenance of the ditch system to supervise all necessary reseeding and funds (MAY) *shall* be expended for the perpetration of the growth of grass in the same manner as for the other ditch repairs. Harvest of grass from the grass strip in any manner not harmful to the grass or ditch shall be the privilege of the fee owner or his assigns, subject to such regulations as the county ditch inspector shall establish for the harvesting of grass.

*Sec. 26. Minnesota Statutes 1976, Sections 40.005 and 40.07, Subdivision 13, are repealed.*

*Sec. 27. This act shall be effective the day following final enactment."*

Further amend the title as follows:

Line 14, after the semicolon delete "and".

Line 16, after the semicolon, insert "and 106.673;".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 655, A bill for an act relating to appropriations; providing funding for the continued operation of detached worker programs for assistance to young people.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. [APPROPRIATION TO DETACHED WORKER PROGRAMS.] Subdivision 1. There is appropriated to the governor's committee on crime prevention and control from the general fund the sum of \$59,600 for the purpose of providing

grants-in-aid to each of the following detached worker programs for the continuation of their activities to assist young people in their communities. Of the sum appropriated, \$15,100 shall be distributed to the program operating in the city of Austin, \$6,500 to the program operating in the city of Brainerd, and \$38,000 to the program operating in the northeastern suburban area of Hennepin county.

Subd. 2. The grants-in-aid to each program is contingent upon the program having obtained local matching funds for its operation in the amount of \$10,000.

Subd. 3. Notwithstanding Minnesota Statutes, Section 16A.28, or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until fully expended.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 783, A bill for an act relating to libraries; requiring distribution of certain state publications to county libraries; appropriating money; amending Minnesota Statutes 1976, Sections 15.051, Subdivision 4; 15.047, Subdivision 2; and 648.39, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, line 18, delete “\$14,616” and insert “\$16,000”.

Page 3, line 19, delete “\$16,000” and insert “\$14,616”.

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 210, 739 and 1236 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 160 was read for the second time.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Suss moved that the rule therein be suspended and an urgency be declared so that S. F. No. 160 be given its third reading and be placed upon its final passage. The motion prevailed.

Suss moved that the rules of the House be so far suspended that S. F. No. 160 be given its third reading and be placed upon its final passage. The motion prevailed.

Suss moved to amend S. F. No. 160, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 15A.083, Subdivision 4, is amended to read:

Subd. 4. [TAX COURT OF APPEALS.] Salaries of judges of the tax court of appeals (. . . . \$10,500) *shall be the same as the base salary for district judges as provided in subdivision 1.*

Sec. 2. Minnesota Statutes 1976, Section 271.01, Subdivision 1, is amended to read:

271.01 [CREATION.] Subdivision 1. [MEMBERSHIP, APPOINTMENT, QUALIFICATIONS.] There is hereby created a tax court of appeals (, HEREIN CALLED THE TAX COURT OF APPEALS,) as an independent agency of the executive branch of the government (, IN THE DEPARTMENT OF REVENUE, BUT NOT IN ANY WAY SUBJECT TO THE SUPERVISION OR CONTROL OF THE COMMISSIONER OF REVENUE). The tax court of appeals shall consist of three judges, each of whom shall be a citizen of the state, appointed by the governor, by and with the advice and consent of the senate, for a term of six years commencing at the expiration of the preceding term. Any vacancy shall be filled by the governor for the unexpired term, subject to confirmation by the senate. The terms of the judges shall end on the first Monday in January. The terms of the judges shall be staggered. The initial three terms to be filled pursuant to this act will expire on the first Monday in January in the following years: 1979, 1981, and 1983. Judges may serve until their successors are appointed and qualify. They shall be selected on the basis of their experience with and knowledge of taxation and tax laws. So far as practicable, they shall be nonpartisan in their political affiliations, and not more than two of them shall be members of or affiliated with the same political party or organization. (NO JUDGE OF THE TAX COURT OF APPEALS SHALL HOLD ANY OTHER OFFICE UNDER THIS STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, NOR ANY OTHER OFFICE OR POSITION THE SALARY FOR WHICH IS PAID, IN WHOLE OR IN PART, FROM APPROPRIATIONS FROM THE TAX REVENUES OF THE STATE OF MINNESOTA, NOR ANY OFFICE UNDER THE GOVERNMENT OF THE UNITED STATES OR ANY OTHER STATE, NOR BE A CANDIDATE FOR AN ELECTIVE OFFICE UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES OR OF ANY OTHER STATE. NO JUDGE OF THE TAX COURT OF APPEALS SHALL

HOLD ANY POSITION OF TRUST OR PROFIT OR ENGAGE IN ANY OCCUPATION OR BUSINESS WHICH WOULD CONFLICT WITH OR BE INCONSISTENT WITH HIS DUTIES AS A JUDGE OF THE TAX COURT OF APPEALS, NOR SERVE ON OR UNDER ANY POLITICAL COMMITTEE OR OTHER ORGANIZATION INTERESTED IN ANY ELECTION, NOR TAKE PART, DIRECTLY OR INDIRECTLY, IN ANY ELECTION CAMPAIGN IN THE INTEREST OF ANY POLITICAL PARTY OR OTHER ORGANIZATION OR ANY CANDIDATE OR MEASURE TO BE VOTED UPON BY THE PEOPLE. NO JUDGE OF THE TAX COURT OF APPEALS SHALL ACT AS ATTORNEY, COUNSELOR, OR ACCOUNTANT IN THE MATTER OF ANY TAX, FEE, OR ASSESSMENT IMPOSED OR LEVIED UNDER AUTHORITY OF THIS STATE OR ANY POLITICAL SUBDIVISION THEREOF) *The judges of the tax court shall be subject to the provisions of the Minnesota Constitution, Article VI, Section 6, the jurisdiction of the commission on judicial standards, as provided in Minnesota Statutes, Sections 490.15 and 490.16, and the provisions of the code of judicial conduct.*

Sec. 3. Minnesota Statutes 1976, Section 271.01, Subdivision 4a, is amended to read:

Subd. 4a. [COMPENSATION AND EXPENSES.] Each judge of the tax court of appeals shall (RECEIVE COMPENSATION FOR TIME SPENT IN THE PERFORMANCE OF HIS DUTIES. HE SHALL ALSO) receive his actual and necessary expenses paid or incurred in the performance of his duties as provided in section (15A.211) 43.329.

Sec. 4. Minnesota Statutes 1976, Section 271.01, is amended by adding a subdivision to read:

Subd. 5. *The tax court shall have statewide jurisdiction. Except for an appeal to the supreme court or any other appeal allowed under this subdivision, the tax court shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the tax laws of the state, as defined in this subdivision, in those cases that have been appealed to the tax court and in any case that has been transferred by the district court to the tax court. The tax court shall have no jurisdiction in any case that does not arise under the tax laws of the state or in any criminal case or in any case determining or granting title to real property or in any case that is under the jurisdiction of the probate court. The small claims division of the tax court shall have no jurisdiction in any case dealing with property valuation or assessment for property tax purposes until the taxpayer has appealed the valuation or assessment to the town or city board of equalization and to the county board of equalization, except for those taxpayers whose original assessments are determined by the commissioner of revenue. The tax court shall have no jurisdiction in any case*

*involving an order of the state board of equalization unless a taxpayer contests the valuation of his property. Only the taxes, aids and related matters contained in Minnesota Statutes, Chapters 60A, 124, 270, 272, 273, 274, 275, 276, 277, 278, 279, 285, 287, 288, 290, 290A, 291, 292, 293, 294, 295, 296, 297, 297A, 297B, 298, 299, 340, 473, 473F, and 477A shall be considered tax laws of this state subject to the jurisdiction of the tax court. This subdivision shall not be construed to prevent an appeal, as provided by law, to an administrative agency, board of equalization, or to the commissioner of revenue. Wherever used in chapter 271, the term commissioner shall mean the commissioner of revenue, unless otherwise specified.*

Sec. 5. Minnesota Statutes 1976, Section 271.02, is amended to read:

271.02 [OFFICERS.] The (JUDGE) *judges* of the tax court of appeals (HAVING FOR THE TIME BEING THE LONGEST RECORD OF THEN CONTINUOUS SERVICE AS SUCH) shall (BE CHAIRMAN) *choose a chief judge* of the tax court of appeals (, AND THE JUDGE HAVING THE NEXT LONGEST RECORD SHALL BE VICE CHAIRMAN. IN CASE THE PERIODS OF SERVICE OF TWO JUDGES BE EQUAL, THE TAX COURT OF APPEALS SHALL CHOOSE BETWEEN THEM). *The chief judge of the tax court of appeals shall appoint (A CLERK) one of the judges to serve as the administrator, who shall be custodian of (ITS) the court's files and records, and (IT) the administrator may appoint (A DEPUTY CLERK AND OTHER NECESSARY) up to two employees. The judge who is appointed the administrator may delegate his duties as administrator to the employees whom he has appointed and may select one employee to act in his place as the administrator. The clerk of district court in each county shall be the clerk of the tax court in that county. The tax court clerk in each county shall be subject to the supervision of the administrator in tax court matters.*

Sec. 6. Minnesota Statutes 1976, Section 271.04, is amended to read:

271.04 [HEARINGS.] The tax court shall hold hearings and meetings (AT THE CALL OF THE CHAIRMAN OR ANY TWO MEMBERS, AND OTHERWISE) as may be prescribed by the rules of the tax court. The principal office of the tax court shall be at the capitol, but it (MAY SIT OR) *shall hold hearings at any other place within the state, so that taxpayers may appear before the court with as little inconvenience and expense to the taxpayer as is practicable.* (A MAJORITY OF THE TAX COURT SHALL CONSTITUTE A QUORUM FOR MAKING ORDERS OR DECISIONS OR TRANSACTING OTHER OFFICIAL BUSINESS, AND MAY ACT THROUGH ONE MEMBERSHIP BE VACANT. ONE OR MORE MEMBERS MAY

**HOLD HEARINGS AND TAKE TESTIMONY, TO BE REPORTED FOR ACTION BY THE TAX COURT, WHEN AUTHORIZED BY RULE OR ORDER OF THE TAX COURT)** *The tax court shall be allowed to use the district court and county court chambers in all of the counties. The administrator of the tax court shall consult with the district and county court judges involved before a schedule of court chambers to be used by the tax court is established. Each tax court judge may hear and decide cases. Upon petition by a party to a case, or upon a motion by a tax court judge, and approval by a majority of the tax court, a case may be tried before the entire tax court. When an appeal is taken by resident taxpayer from an order of the commissioner, venue for the case shall be, at the election of the taxpayer, in Ramsey county or in the county in which the taxpayer resides. Venue shall be in Ramsey county for an appeal taken by a non-resident taxpayer from an order of the commissioner. Venue for all other cases arising under the tax laws of the state shall be the same as if the case was being tried in district court.*

Sec. 7. Minnesota Statutes 1976, Section 271.06, Subdivision 1, is amended to read:

**271.06 [APPEALS FROM ORDERS.]** Subdivision 1. **[MANNER.]** Except as otherwise provided by law, an appeal to the tax court of appeals may be taken, in the manner herein provided, from any official order of the commissioner of revenue respecting any tax, fee, or assessment, or any matter pertaining thereto, *or any matter concerning the tax laws listed in section 271.01, subdivision 5*, by any person directly interested therein or affected thereby, or by any political subdivision of the state, directly or indirectly, interested therein or affected thereby, or by the attorney general in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the attorney general, upon request, shall refuse to appeal. *Notwithstanding subdivision 2 of this section, when an appeal is taken to the tax court in any case dealing with property valuation, assessment, or taxation for property tax purposes, the provisions of section 274.19, subdivisions 4 and 5, section 277.011, and chapter 278 shall apply as if the appeal had been taken to the district court.*

Sec. 8. Minnesota Statutes 1976, Section 271.06, Subdivision 2, is amended to read:

**Subd. 2. [TIME; NOTICE; INTERVENTION.]** Except as otherwise provided by law, within (30) 60 days after notice of the making and filing of such order of the commissioner, **(AND IN ANY CASE WITHIN 60 DAYS AFTER THE MAKING AND FILING OF SUCH ORDER,)** *or upon the final determination of any matter concerning the tax laws listed in section 271.01, subdivision 5*, the appellant, or his attorney, shall serve a notice of appeal upon the commissioner *or the appropriate*

*unit of government* and file the original, with proof of such service, with the tax court of appeals *clerk*; provided, that (ANY JUDGE OF THE) *a tax court of appeals judge*, for cause shown, may by written order extend the time for appealing for an additional period, not exceeding 30 days. *In Ramsey county, notice of appeal may be filed with the tax court clerk or with the administrator. The tax court shall prescribe a filing system so that the notice of appeal filed with the tax court clerk is forwarded to the administrator. In any appeal concerning property valuation, for which the state board of equalization or commissioner of revenue has issued an order, the officer issuing the order shall be notified of the filing of an appeal.* The notice of appeal shall (REFER TO THE ORDER APPEALED FROM, STATE SPECIFICALLY THE POINTS OF BOTH LAW AND FACT WHICH ARE QUESTIONED BY THE APPELLANT, AND STATE AN ADDRESS WITHIN THE STATE AT WHICH SERVICE OF NOTICE AND OTHER PAPERS IN THE MATTER MAY BE MADE UPON THE APPELLANT; PROVIDED, THAT THE TAX COURT OF APPEALS MAY, UPON A SHOWING OF PROPER CAUSE, PERMIT AN AMENDMENT OF THE NOTICE OF APPEAL. EVERY APPELLANT SHALL BE DEEMED TO HAVE WAIVED ALL DEFENSES AND OBJECTIONS NOT SPECIFIED IN THE NOTICE OF APPEAL) *be in the form prescribed by the tax court.* Within five days after receipt, the commissioner shall transmit a copy of the notice of appeal to the attorney general in all cases where the amount at issue exceeds \$100. The attorney general shall represent the commissioner, if requested, upon all such appeals except in cases where the attorney general has appealed in behalf of the state, or in other cases where he deems it against the interests of the state to represent the commissioner, in which event the attorney general may intervene or be substituted as an appellant in behalf of the state at any stage of the proceedings.

Sec. 9. Minnesota Statutes 1976, Section 271.06, Subdivision 3, is amended to read:

Subd. 3. [PLEADINGS.] Within 20 days after the service and filing of the notice of appeal, unless the appeal be theretofore dismissed, the commissioner or *the appropriate unit of government* shall make, certify, and file with the tax court of appeals a return comprising a copy of any application or petition by which the proceeding was instituted and of any other material paper preceding the order of the commissioner or *the appropriate unit of government*, a copy of the order appealed from, a statement of each finding of fact and ruling of law made by the commissioner or *the appropriate unit of government* in the matter, and a denial, admission, or explanation with respect to each allegation of fact in the notice so far as not covered by the order or findings; provided, that any judge of the tax court of appeals, for cause shown, may extend the time for filing such return for an additional period not exceeding 30 days. Where the commis-

sioner is required to transmit a copy of the notice of appeal to the attorney general, he shall, within ten days after service of the notice of appeal upon the commissioner, transmit to the attorney general a complete copy of all papers required for the return. Allegations of new matter in the return shall be deemed to be denied by the appellant.

Sec. 10. Minnesota Statutes 1976, Section 271.06, Subdivision 4, is amended to read:

Subd. 4. [APPEAL FEE.] At the time of filing the notice of appeal the appellant shall pay to the clerk of the tax court of appeals an appeal fee (EQUAL TO TEN CENTS FOR EACH \$100 OR FRACTION THEREOF OF THE AMOUNT AT ISSUE IN THE PROCEEDINGS) of \$10; provided, that (THE MINIMUM FEE SHALL BE \$5 AND THE MAXIMUM FEE \$15 AND THAT) no appeal fee shall be required of the commissioner of revenue, the attorney general, the state or any of its political subdivisions. (IN ANY CASE WHERE THE FOREGOING PROVISIONS FOR DETERMINATION OF THE APPEAL FEE ARE INAPPLICABLE THE AMOUNT OF THE FEE SHALL BE \$10.) *In small claims division, the appeal fee shall be \$2. The provisions of Minnesota Statutes, Chapter 563, providing for proceedings in forma pauperis, shall also apply for appeals to the tax court.*

Sec. 11. Minnesota Statutes 1976, Section 271.06, Subdivision 6, is amended to read:

Subd. 6. [HEARINGS; DETERMINATION OF ISSUES; DEFAULT.] The tax court of appeals shall hear, consider, and determine *without a jury* every appeal de novo upon the issues made by the notice and the return. *A tax court judge may empanel an advisory jury upon his own motion.* The tax court of appeals shall hold a public hearing in every case (, OF WHICH TEN DAYS' NOTICE SHALL BE GIVEN BY MAIL TO ALL PARTIES TO THE PROCEEDING). All such parties shall have an opportunity to offer evidence and arguments at the hearing; provided, that the order of the commissioner *or the appropriate unit of government* in every case shall be prima facie valid. *When an appeal to the tax court has been taken from an order or determination of the commissioner or from the appropriate unit of government, the proceeding shall be an original proceeding in the nature of a suit to set aside or modify the order or determination.* In case no appellant shall appear the tax court of appeals shall enter its order affirming the order of the commissioner of revenue *or the appropriate unit of government* from which the appeal was taken.

Sec. 12. Minnesota Statutes 1976, Section 271.06, is amended by adding a subdivision to read:

*Subd. 7. The rules of civil procedure for the district court of Minnesota shall govern the procedures in the tax court, where practicable. The tax court may make additional rules when the law or special circumstances so require, provided that before any additional rule is adopted, the tax court first holds a public hearing thereon, affording all affected interests an opportunity to participate, and gives notice of its intention to hold such a hearing at least 30 days prior to the date set for the hearing by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the secretary of state for that purpose and in the state register. The notice in the state register shall include the full text of the rule proposed for adoption. The tax court shall make available at least one free copy of the proposed rule to any person requesting it. At the public hearing the tax court shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the tax court by law. After the hearing ends, 20 days shall be allowed for written material to be submitted and recorded in the hearing record. If the tax court approves the rule, the tax court shall promptly file it in the office of the secretary of state. A rule shall become effective 20 days after its publication in the state register unless a later date is specified in the rule. Any rule adopted after July 1, 1977, which is not published in the state register, shall be of no effect. The tax court shall be exempt from the provisions of Minnesota Statutes, Chapter 15.*

Sec. 13. Minnesota Statutes 1976, Section 271.07, is amended to read:

271.07 [STENOGRAPHIC REPORT; TRANSCRIPT.] *Except in the small claims division, the tax court of appeals shall provide for a verbatim stenographic report of all proceedings had before it upon appeals, (IN LIKE MANNER) as required by the laws relating to proceedings in district court (SO FAR AS APPLICABLE). In case of a review by the supreme court of an order of the tax court of appeals, transcripts of the proceedings before the tax court of appeals shall be furnished to the tax court of appeals, the commissioner, and the attorney general upon request, and the cost thereof shall be paid out of funds appropriated therefor upon such terms as the tax court of appeals may prescribe. Transcripts shall be furnished to other parties by the reporter at the same legal rates applicable at the time to the district court reporters of (RAMSEY) the county in which the case was tried, but no transcript shall be made for or delivered to such other party unless he shall deposit the estimated cost thereof, in advance, with the clerk, subject to payment of the actual cost therefrom as soon as determined.*

Sec. 14. Minnesota Statutes 1976, Section 271.08, is amended to read:

271.08 [FINDINGS OF FACT; DECISION, ENTRY OF JUDGMENT.] Subdivision 1. The tax court of appeals, *except in small claims division*, shall determine every appeal by written order containing findings of fact and the decision of the tax court of appeals. A memorandum of the grounds of the decision shall be appended. A certified copy of the order shall be transmitted to the commissioner of revenue *or the appropriate unit of government* and filed in (HIS) *that* office. Notice of the entry of the order and of the substance of the decision shall be given by mail to all other parties who have appeared, and also, in all cases where the amount at issue exceeds \$100, to the attorney general.

Subd. 2. Upon the filing of the order of the tax court of appeals, described in subdivision 1, with the clerk of the (DISTRICT COURT OF RAMSEY COUNTY,) *tax court*, (WITHIN SIX MONTHS AFTER SUCH ORDER HAS BECOME FINAL,) judgment shall be entered thereon in the same manner as in the case of an order of the district court (, AS PROVIDED IN SECTION 546.27).

Sec. 15. Minnesota Statutes 1976, Section 271.09, Subdivision 1, is amended to read:

271.09 [APPEALS AND REVIEWS.] Subdivision 1. [EXCLUSIVE REMEDY.] Except as otherwise provided (HEREIN) *in section 270.07, subdivision 1, and section 4 of this act, unless an appeal is taken to the district court*, the right of appeal herein provided shall be the exclusive remedy for reviewing the action of the commissioner of revenue *or the appropriate unit of government* respecting any tax, assessment, or other obligation *as defined in section 271.01, subdivision 5*. Upon any appeal taken by a taxpayer, (AND UPON ANY OTHER APPEAL WHEN THE TAXPAYER SHALL SO AGREE IN WRITING FILED WITH THE CLERK OF THE TAX COURT OF APPEALS) the decision of the tax court of appeals, or the decision of the supreme court upon review thereof, as the case may be, shall be final and conclusive upon all parties to the proceedings as to all matters at issue determined by such decision. In all cases the decision of the tax court of appeals upon appeal, or of the supreme court upon review, as the case may be, shall stand in lieu of the order of the commissioner *or the appropriate unit of government* from which the appeal was taken (, AND SHALL HAVE LIKE FORCE AND EFFECT, SUBJECT TO THE PROVISIONS HEREOF).

Sec. 16. Minnesota Statutes 1976, Section 271.09, Subdivision 2, is amended to read:

Subd. 2. [REVIEW BY TAX COURT OF APPEALS CONCLUSIVE.] Except as (OTHERWISE HEREINAFTER) provided *in section 4 of this act*, in all cases other than those wherein the taxpayer has appealed to the tax court of appeals or has

agreed in writing(, AS HEREIN PROVIDED) that the decision upon appeal or review shall be conclusive, all rights of action or defenses in the courts of the state respecting any tax, fee, or assessment, now afforded the taxpayer by law shall be preserved(; PROVIDED, THAT NO ACTION BY A TAXPAYER FOR A REFUND SHALL BE INSTITUTED, PROCEEDED WITH, OR DETERMINED PENDING THE DETERMINATION OF ANY APPEAL OR REVIEW BY THE SUPREME COURT HEREUNDER, EXCEPT AS HEREINAFTER EXPRESSLY AUTHORIZED. EXCEPT AS OTHERWISE HEREINAFTER PROVIDED, IN ANY CASE WHEREIN AN APPEAL HAS BEEN TAKEN BY A PERSON OTHER THAN THE TAXPAYER AND THE TAXPAYER HAS NOT AGREED THAT THE DECISION UPON APPEAL OR REVIEW SHALL BE CONCLUSIVE, THE RUNNING OF THE TIME LIMITED BY LAW FOR THE BRINGING OF AN ACTION BY THE TAXPAYER SHALL BE SUSPENDED FROM THE FILING OF THE NOTICE OF APPEAL TO THE TAX COURT OF APPEALS UNTIL THE FINAL DETERMINATION OF THE MATTER BY THE TAX COURT OF APPEALS OR THE SUPREME COURT, AS THE CASE MAY BE, AND FOR 60 DAYS THEREAFTER).

Sec. 17. Minnesota Statutes 1976, Section 271.09, Subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS; EXCEPTIONS.] (IN ANY CASE WHERE,) At the time of the taking of an appeal to the tax court (BY ANY PERSON OR AGENCY OTHER THAN THE TAXPAYER), the taxpayer (HAS AN EXISTING RIGHT OF ACTION IN THE DISTRICT COURT FOR THE DETERMINATION OF ANY ISSUE OR ISSUES DETERMINABLE UPON THE APPEAL, SUCH RIGHT OF ACTION SHALL BE BARRED, AND THE DETERMINATION OF SUCH ISSUE OR ISSUES UPON THE APPEAL, OR UPON REVIEW BY THE SUPREME COURT, SHALL BE CONCLUSIVE UPON THE TAXPAYER, UNLESS WITHIN TEN DAYS AFTER THE SERVICE OF THE NOTICE OF APPEAL UPON HIM THE TAXPAYER SHALL COMMENCE AN ACTION FOR THE DETERMINATION OF SUCH ISSUE OR ISSUES IN THE PROPER DISTRICT COURT, UPON A VERIFIED COMPLAINT,) shall pay at least the amount of the tax or other obligation conceded by the (COMPLAINT) taxpayer to be due, if any, when it becomes due (SHALL FILE WITH THE CLERK OF SUCH COURT A BOND, APPROVED BY THE COURT, IN AT LEAST SUCH ADDITIONAL AMOUNT AS MIGHT BE ADJUDGED AGAINST HIM, INCLUDING INTEREST, PENALTY, AND COSTS, CONDITIONED TO PROSECUTE THE ACTION WITH DILIGENCE AND EFFECT AND TO PAY ANY AMOUNT REQUIRED BY OR PURSUANT TO ANY JUDGMENT THAT MAY BE AWARDED AGAINST HIM THEREIN, AND SHALL SERVE UPON THE APPELLANT AND FILE WITH THE CLERK OF THE TAX COURT A NOTICE OF THE COMMENCEMENT OF SUCH ACTION,

WITH A COPY OF THE SUMMONS AND COMPLAINT THEREIN, AND OF THE BOND REQUIRED, AS HEREIN-BEFORE PROVIDED;) provided(,) that this shall not relieve the taxpayer from complying with any other requirements of law. *The provisions of section 274.19, subdivision 5, section 277.011, subdivision 3, and section 278.03 shall govern the filing with the tax court of an appeal dealing with property valuation, assessment, or taxation for property tax purposes, as if the appeal had been taken to the district court.* (THEREUPON FURTHER PROCEEDINGS UPON THE APPEAL SHALL BE STAYED WITH RESPECT TO THE ISSUE OR ISSUES INVOLVED IN THE ACTION UNTIL FINAL DETERMINATION OF THE ACTION; PROVIDED, THAT THIS SHALL NOT STAY THE APPEAL AS TO ANY OTHER ISSUES. UPON FINAL DETERMINATION OF THE ACTION THE APPEAL SHALL BE DISMISSED AS TO ANY ISSUE OR ISSUES THEREBY DETERMINED. IF THE ACTION BE DISMISSED OR FINALLY DISPOSED OF IN ANY WAY WITHOUT FINAL DETERMINATION OF ANY ISSUE OR ISSUES INVOLVED IN THE APPEAL, THE APPEAL SHALL BE REINSTATED AND MAY BE PROCEEDED WITH AS TO SUCH ISSUE OR ISSUES WITH LIKE EFFECT AS IF THE ACTION HAD NOT BEEN COMMENCED, AND THE DETERMINATION UPON THE APPEAL, OR UPON REVIEW BY THE SUPREME COURT, SHALL BE FINAL AND CONCLUSIVE UPON THE TAXPAYER. THE RUNNING OF ANY PERIOD OF TIME LIMITED BY LAW FOR ENFORCEMENT OF ANY OBLIGATION AGAINST THE TAXPAYER SHALL BE SUSPENDED FOR SUCH TIME AS THE APPEAL IS STAYED UNDER THE PROVISIONS OF THIS SUBDIVISION AND FOR 60 DAYS THEREAFTER.)

Sec. 18. Minnesota Statutes 1976, Section 271.10, Subdivision 2, is amended to read:

Subd. 2. [SERVICE OF WRIT.] Within (20) 60 days after notice of the making and filing of the order of the tax court of appeals, *or the making and filing of an order on a petition for rehearing,* (AND IN ANY CASE WITHIN 60 DAYS AFTER THE MAKING AND FILING OF SUCH ORDER,) the petitioner for review shall obtain from the supreme court a writ of certiorari, and shall serve the same upon the commissioner of revenue and upon all other parties appearing in the proceedings before the tax court of appeals, also upon the attorney general, unless he is the petitioner, and shall file the original, with proof of such service, with the clerk of the tax court of appeals. Every petitioner, except the attorney general, the commissioner of revenue, the state and its political subdivisions, shall also pay to the clerk the fee prescribed by rule 103.01 of the rules of civil appellate procedure which shall be disposed of in the manner provided by that rule, and file a bond or make a deposit in like manner and amount as in case of an appeal from the district court.

The fee shall be disposed of as in such case. Return upon the writ shall be made to the supreme court and the matter shall be heard and determined by the court as in other certiorari cases, subject to the provisions hereof and to such rules as the court may prescribe for cases arising hereunder.

Sec. 19. Minnesota Statutes 1976, Section 271.12, is amended to read:

271.12 [WHEN ORDER EFFECTIVE.] No order for refundment by the commissioner of revenue, *the appropriate unit of government*, or the tax court of appeals shall take effect until the time for appeal therefrom or review thereof by all parties entitled thereto has expired. Otherwise every order of the commissioner, *the appropriate unit of government*, or the tax court of appeals shall take effect immediately upon the filing thereof, and no appeal therefrom or review thereof shall stay the execution thereof or extend the time for payment of any tax or other obligation unless otherwise expressly provided by law; provided, that in case an order which has been acted upon, in whole or in part, shall thereafter be set aside or modified upon appeal, the determination upon appeal or review shall supersede the order appealed from and be binding upon all parties affected thereby, and such adjustments as may be necessary to give effect thereto shall be made accordingly (, SUBJECT TO ANY RIGHTS OF ACTION OR DEFENSE OF THE TAXPAYER, AS HEREIN PROVIDED). If it be finally determined upon such appeal or review that any person is entitled to refundment of any amount which has been paid for a tax or other obligation, such amount, unless otherwise provided by law, shall be paid to him by the state treasurer, or other proper officer, out of funds derived from taxes of the same kind, if available for the purpose, or out of other available funds, if any, with interest at six percent *from the date of payment of the tax*, unless a different rate of interest is otherwise provided by law, in which case such other rate shall apply, upon certification by the commissioner of revenue, *the appropriate unit of government, the tax court or the supreme court*. If any tax, assessment, or other obligation be increased upon such appeal or review, the increase shall be added to the original amount, and may be enforced and collected therewith (OR IN SEPARATE PROCEEDINGS IN LIKE MANNER AS THE ORIGINAL AMOUNT).

Sec. 20. Minnesota Statutes 1976, Section 271.13, is amended to read:

271.13 [MAY COMPEL ATTENDANCE OF WITNESSES.] The commissioner of revenue, the tax court of appeals, and (THE SEVERAL JUDGES) *each judge* of the tax court of appeals shall, respectively, have power to subpoena and compel the attendance of witnesses and the production of books, records, papers, and documents at any hearing or investigation at any place within the state in any matter within the scope of their au-

thority, and shall also have power to administer oaths to witnesses and to take testimony under oath. Disobedience of *an order of the tax court or any (SUCH) subpoena or refusal by any witness to be sworn or to testify upon any material matter at any such hearing or investigation shall be punishable in like manner as a contempt of the district court, in proceedings instituted upon complaint of the authority issuing the order or subpoena in the district court of the county where the order was made or the subpoena was made returnable. Subpoenas for witnesses or the production of documentary evidence shall be issued at the request of any party to the proceeding. Subpoenas may be signed by the commissioner or by (ANY) a judge of the tax court of appeals or (BY THE SECRETARY OF THE DEPARTMENT IN BEHALF OF THE COMMISSIONER OR) by the administrator or clerk of the tax court of appeals in behalf of the tax court of appeals, as the case may be. The commissioner of revenue shall no longer exercise this power in any matter that has been appealed to the tax court.*

Sec. 21. Minnesota Statutes 1976, Section 271.15, is amended to read:

271.15 [WHO MAY ADMINISTER OATHS.] The commissioner of revenue, (THE JUDGES) *each judge* of the tax court of appeals, the (SECRETARY OF THE DEPARTMENT, THE CLERK) *administrator and clerks* of the tax court of appeals, and all other officers and employees of the department *and of the tax court* shall, respectively, have power to administer oaths and to take and certify acknowledgments so far as they may deem necessary to the proper discharge of their respective duties, and may authenticate the same with the seal of the department or the tax court of appeals, as the case may be. *The commissioner of revenue and any officer and employee of the department shall no longer exercise this power in any matter that has been appealed to the tax court.*

Sec. 22. Minnesota Statutes 1976, Section 271.17, is amended to read:

271.17 [SECRETARY OF DEPARTMENT AND CLERK OF TAX COURT OF APPEALS SHALL BE FILING OFFICERS.] The (SECRETARY) *commissioner* of the department of revenue and the (CLERK) *administrator and clerks* of the tax court of appeals shall be the filing officers and custodians of the books, files, and records of their respective agencies. The (SECRETARY) *commissioner, administrator, and (CLERK) clerks* and their deputies shall, respectively, have power to certify and authenticate copies of the books, files, and records in their custody for all purposes in like manner and with like effect as other custodians of public records. (THE COMMISSIONER OF REVENUE, HIS DEPUTY, AND) Any other officer or employee of the department thereto authorized by the commissioner by written order filed with the secretary of state shall have like

power to certify and authenticate copies of any books, files, and records of the department specified in the order, other than those of the tax court of appeals. (THE CHAIRMAN AND VICE CHAIRMAN) A *judge* of the tax court of appeals and any other officer or employee of the tax court of appeals thereto authorized by the tax court of appeals by written order filed with the (SECRETARY OF STATE) *administrator of the tax court* shall also have like power to certify and authenticate copies of any books, files, and records of the tax court of appeals specified in the order.

Sec. 23. Minnesota Statutes 1976, Section 271.18, is amended to read:

271.18 [EX-OFFICERS AND EX-EMPLOYEES NOT TO REPRESENT CLIENTS; EXCEPTION; VIOLATION.] (EXCEPT THOSE HOLDING OFFICE OR EMPLOYMENT PRIOR TO THE PASSAGE OF LAWS 1939, CHAPTER 431,) No officer, (MEMBER) *judge*, or employee of the department of revenue, (INCLUDING) *or* the tax court of appeals, *except referees appointed for the small claims division*, shall, within one year after his office or employment has terminated, act as counsel, attorney, or agent for a taxpayer (OR BE ASSOCIATED WITH ANY OTHER PERSON SO ACTING) in connection with any claim or proceeding pending in the department (, AND). No officer, *judge, referee, or employee* (, WHETHER APPOINTED OR EMPLOYED BEFORE OR AFTER THE PASSAGE OF LAWS 1939, CHAPTER 431,) shall, at any time after the termination of his office or employment, act as counsel, attorney, or agent (, OR BE ASSOCIATED WITH ANY PERSON SO ACTING,) in connection with any claim or proceeding of which he has knowledge which was acquired in the course of his term of office or employment in the department *or in the tax court*. Any violation of the provisions of this section shall be a gross misdemeanor.

Sec. 24. Minnesota Statutes 1976, Section 271.20, is amended to read:

271.20 [DECISIONS FILED WITHIN THREE MONTHS.] All questions of fact and law and all matters submitted to the judges of the tax court of appeals shall be disposed of and their decision filed with the clerk of the tax court of appeals within three months after such submission, unless sickness or casualty shall prevent, or the time be extended by written consent of the parties. No part of the salary of any judge of the tax court of appeals shall be paid unless the voucher therefor be accompanied by certificate of the judge that he has fully complied with the requirements of this section. *A tax court judge shall devote his full time to the duties of his office and shall not engage in the practice of law.*

Sec. 25. Minnesota Statutes 1976, Chapter 271, is amended by adding a section to read:

[271.21] [SMALL CLAIMS DIVISION.] *Subdivision 1. There shall be a division of the tax court known as the small claims division. The judges of the tax court shall sit as judges of the small claims division. Each judge shall have authority to hear and decide the cases that he hears as small claims judge.*

*Subd. 2. At the election of the taxpayer, the small claims division shall have jurisdiction only in the following matters:*

*(a) any case concerning the valuation, assessment, or taxation of residential property homesteaded by the taxpayer; or*

*(b) any other case concerning the tax laws as defined in section 271.01, subdivision 5 in which the amount in controversy does not exceed \$2,500, including penalty and interest.*

*Subd. 3. A taxpayer may elect to appeal in the small claims division instead of appealing to the regular division of the tax court. If the taxpayer elects to appeal to the small claims division, and 30 days have elapsed since the filing of the appeal, or briefs have been filed or a hearing held on the matter, whichever occurs first, he shall not appeal to the regular division in the same matter. If he elects to appeal to the regular division, he shall not appeal to the small claims division in the same matter.*

*Subd. 4. At the same time that notice of the assessment, determination, or order of the commissioner or the appropriate unit of government is given to a taxpayer, the taxpayer shall be notified in writing of his right to appeal to the tax court, and if applicable, to the small claims division. In any notice of assessment, determination or order dealing with property valuation or assessment for property tax purposes, the taxpayer shall be notified in writing that he must appeal to the town or city board of equalization and to the county board of equalization before he may appeal to the small claims division of the tax court, except for those taxpayers whose original assessments are determined by the commissioner of revenue.*

*Subd. 5. A taxpayer shall commence a proceeding in the small claims division by filing with the clerk of the tax court a petition in the form prescribed by the rules of the tax court, which shall state the nature of the taxpayer's claim. Upon the filing of a petition by the taxpayer to the small claims division, the clerk of the tax court shall give notice thereof to the commissioner or to the appropriate unit of government, who shall thereafter be deemed a party to the proceeding. In the event a petition is filed, the small claims division shall thereafter have exclusive jurisdiction over the case if it meets the requirements of subdivision 2.*

*Subd. 6. The hearing in the small claims division shall be informal and without a jury. The judge may hear any testimony and receive any evidence he deems necessary or desirable for a just determination of the case. Sales ratio studies published by the department of revenue may be admissible as a public record without foundation. All testimony shall be given under oath. A party may appear on his own behalf or may be represented or accompanied by an attorney. No transcript of the proceedings shall be kept.*

*Subd. 7. At any time prior to entry of judgment, a taxpayer may dismiss a case in the small claims division by notifying the clerk of the tax court in writing. The dismissal shall be with prejudice and shall not revoke the election specified in subdivision 3.*

*Subd. 8. The judgment in the small claims division shall be conclusive upon all parties and may not be appealed. The court may order the commissioner or the appropriate unit of government to modify or cancel an assessment, pay or allow a refund, or take other action necessary to effectuate the judgment. Notice that no appeal may be had from a small claims judgment shall appear prominently on the petition form. The judgment shall not be considered as judicial precedent and shall have no force or effect in any other case, hearing, or proceeding. No judgment shall be rendered in a case dealing with property valuation or assessment for property tax purposes until after the state board of equalization has issued its order, if any, for that area or property.*

*Subd. 9. Subpoenas in a proceeding in the small claims division will be issued only at the discretion of the court.*

*Subd. 10. Whenever the small claims division trial docket becomes congested with appeals involving valuation, classification, and assessment of property for tax purposes, the judges of the tax court may appoint referees to hear the property tax cases appealed to the small claims division. Each referee shall have authority to hear and decide the cases that he hears as small claims referee. Each referee shall be a citizen of Minnesota and shall have experience with and knowledge of property taxation and property values. A referee shall be paid at a rate of 80 percent of the salary of the judges of the county court in that county, prorated by the length of time that he serves as a referee. Each referee shall receive his actual and necessary expenses paid or incurred in the performance of his duties.*

*Subd. 11. The provisions of Minnesota Statutes, Sections 271.01 to 271.20, shall apply to proceedings in the small claims division unless this section expressly provides otherwise.*

**Sec. 26. Minnesota Statutes 1976, Chapter 271, is amended by adding a section to read:**

[271.22] *The governor may appoint the judges of the tax court serving on the effective date of this act to serve on the tax court created by this act, or he may appoint new judges who meet the qualifications provided in Minnesota Statutes, Section 271.01, Subdivision 1. Cases tried before the current tax court shall be decided within three months after the effective date of this act by the judges of the tax court who heard the case, and they shall be paid the salary specified before the effective date of this act, unless they are appointed to the tax court created by this act. The provisions of this act will not bar or change any right provided prior to its enactment to the parties in matters that have been decided by the current tax court. Any matter not tried by the current tax court prior to the date this act becomes effective shall be automatically transferred to the tax court created by this act. The taxpayer shall be given an opportunity to make his election to appeal to the small claims division or to appeal to the regular division of the tax court.*

Sec. 27. Minnesota Statutes 1976, Section 124.212, Subdivision 11, is amended to read:

Subd. 11. (a) The committee shall not increase the adjusted assessed valuation, exclusive of property valuation added, improved, reclassified, or reassessed since the prior assessment, of taxable property for 1962 or any subsequent year in any school district by more than eight percent over the certified valuation established for the year immediately preceding.

(b) **THE SALES RATIO STUDIES (, OR ANY PART THEREOF, OR ANY COPY OF THE SAME, OR RECORDS ACCUMULATED IN PREPARATION THEREOF, WHICH ARE PREPARED BY THE COMMISSIONER OF REVENUE FOR THE EQUALIZATION AID REVIEW COMMITTEE FOR USE IN DETERMINING SCHOOL AIDS PURSUANT TO THIS SECTION)** *published by the department of revenue shall not be admissible in evidence in any proceeding, except that the sales ratio studies shall be admissible as a public record without the laying of a foundation in actions for review of the determination of the school aids payable under this section or in actions brought in the small claims division of the tax court.*

Sec. 28. Minnesota Statutes 1976, Section 490.121, Subdivision 2, is amended to read:

Subd. 2. "Court" means any court of this state established by the Minnesota Constitution, *the tax court*, and any municipal, county or probate court of record.

Sec. 29. *The name of the tax court of appeals is changed to the tax court. The revisor of statutes in the next and subsequent editions of Minnesota Statutes shall make the necessary changes in the statutes to reflect this name change.*

Sec. 30. [APPROPRIATION.] *Subdivision 1. The sums set forth in this section are appropriated from the general fund to the agencies indicated for increased costs of general operations and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.*

1978                      1979

*Subd. 2. Tax Court .....\$208,000    \$203,500*

*The approved complement of the tax court is increased by the following number of persons. 1978 — 4.*

Sec. 31. [REPEALER.] *Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16 are repealed.*

Sec. 32. [EFFECTIVE DATE.] *This act shall be effective on July 1, 1977."*

The motion prevailed and the amendment was adopted.

Suss moved to amend S. F. No. 160, as amended, as follows:

Page 6, line 11, after "*the*" delete "*county*" and insert "*district court judicial district*".

Page 6, line 15, after "*be*" insert "*in*".

Page 6, line 15, after "*same*" insert "*judicial district*".

The motion prevailed and the amendment was adopted.

Suss moved to amend S. F. No. 160, as amended, as follows:

Page 6, line 1, delete "*chambers*" and insert "*court room*".

Page 6, line 4, delete "*court chambers*" and insert "*court room*".

Page 9, line 30, strike "*upon the issues made by*".

Page 9, line 31, strike "*the notice and the return*".

Page 10, line 20, after the period insert "*The rules of the tax court in effect on the effective date of this act shall govern until superseded.*".

The motion prevailed and the amendment was adopted.

S. F. No. 160, A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivision 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

- |              |           |               |            |              |
|--------------|-----------|---------------|------------|--------------|
| Abeln        | Cohen     | Johnson       | Murphy     | Sherwood     |
| Adams        | Cummiskey | Jude          | Neisen     | Sieben, H.   |
| Albrecht     | Dahl      | Kahn          | Nelsen, B. | Sieben, M.   |
| Anderson, D. | Dean      | Kaley         | Nelsen, M. | Simoneau     |
| Anderson, G. | Den Ouden | Kalis         | Nelson     | Skoglund     |
| Anderson, I. | Eckstein  | Kelly, R.     | Niehaus    | Smogard      |
| Anderson, R. | Eken      | Kempe, R.     | Norton     | Spanish      |
| Arlandson    | Enebo     | King          | Novak      | Stanton      |
| Battaglia    | Erickson  | Knickerbocker | Osthoff    | Stoa         |
| Beauchamp    | Esau      | Kostohryz     | Patton     | Suss         |
| Begich       | Evans     | Kroening      | Pehler     | Swanson      |
| Berg         | Ewald     | Kvam          | Peterson   | Tomlinson    |
| Berglin      | Fjoslien  | Laidig        | Petrafeo   | Vanasek      |
| Berkelman    | Forsythe  | Langseth      | Pleasant   | Voss         |
| Biersdorf    | Friedrich | Lehto         | Reding     | Waldorf      |
| Birnstihl    | Fudro     | Lemke         | Rice       | Wenstrom     |
| Brandl       | Fugina    | Mangan        | Rose       | Wenzel       |
| Braun        | George    | Mann          | St. Onge   | White        |
| Brinkman     | Gunter    | McCarron      | Samuelson  | Wieser       |
| Byrne        | Haugerud  | McCollar      | Sarna      | Wigley       |
| Carlson, D.  | Heinitz   | McDonald      | Savelkoul  | Williamson   |
| Carlson, L.  | Hokanson  | McEachern     | Scheid     | Wynia        |
| Casserly     | Jacobs    | Metzen        | Schulz     | Zubay        |
| Clark        | Jaros     | Moe           | Searle     | Speaker Sabo |
| Clawson      | Jensen    | Munger        | Searles    |              |

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

SECOND READING OF SENATE BILLS, Continued

S. F. Nos. 266, 1236, 90, 655 and 783 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced :

Tomlinson introduced :

H. F. No. 1651, A bill for an act relating to mobile homes; prohibiting visitors fees; amending Minnesota Statutes 1976, Section 327.43, by adding a subdivision.

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

Neisen introduced :

H. F. No. 1652, A bill for an act relating to Independent School District No. 624 and Independent School District No. 12; providing for the exchange of territory between the districts.

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

Mangan introduced :

H. F. No. 1653, A bill for an act relating to Independent School District No. 11 (Anoka-Hennepin); authorizing the state demographer to certify an estimate of the population of Independent School District No. 11 for purposes of computing the district's community education aid and levy limitation.

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

Kelly, R.; George; Abeln; Suss and Ellingson introduced :

H. F. No. 1654, A bill for an act relating to commerce; state banks; state savings and loan associations; removing certain powers; repealing Minnesota Statutes 1976, Sections 48.15, Subdivision 2, and 51A.53.

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

Jaros, Wynia, Brandl, Cohen and Kelly, R., introduced:

H. F. No. 1655, A bill for an act relating to the legislature; setting its size after the 1980 federal census; amending Minnesota Statutes 1976, Section 2.021.

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

Williamson introduced:

H. F. No. 1656, A bill for an act relating to privacy; regulating use of social security numbers not authorized by federal law; prohibiting use of social security numbers in contests; requiring registration of personal data record keeping systems; providing individual access to personal data record keeping systems; providing for measures to assure data reliability; and providing penalties; amending Minnesota Statutes 1976, Section 16.90, Subdivisions 1 and 2, and by adding a subdivision.

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

Kvam, Mangan, McCollar, Waldorf and Berkelman introduced:

H. F. No. 1657, A bill for an act relating to the mentally ill; permitting the lease of Hastings state hospital facilities; providing for the leasing of metropolitan excess hospital bed space; amending Minnesota Statutes 1976, Section 253.015.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Neisen, Pleasant, Kelly, R., and Simoneau introduced:

H. A. No. 43, A proposal to study the taxation of condominiums.

The advisory was referred to the Committee on Taxes.

Skoglund, Jaros, Brandl, Kelly, W., and Sabo introduced:

H. A. No. 44, A proposal to study tax-exempt property.

The advisory was referred to the Committee on Taxes.

## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 522:

Munger, Beauchamp and Dean.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1337:

Pehler, Sabo, Patton, Enebo, and Arlandson.

## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 82, 320, and 1610 and S. F. No. 583 was reported to the House.

The following conference committee reports were received:

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 259

A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

May 18, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 259 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendment and that H. F. No. 259 be amended as follows:

Page 3, line 10, strike "No".

Page 3, line 11, after "*insurance*" insert "*pursuant to sections 65B.15 and 65B.16*".

Page 3, line 11, after "*shall*" insert "*not*".

Page 3, line 14, delete "*certified*".

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

House Conferees: **RANDY C. KELLY, TED SUSS and MICHAEL GEORGE.**

Senate Conferees: **SAM G. SOLON, JACK I. KLEINBAUM and STEVE ENGLER.**

Kelly, R., moved that the report of the Conference Committee on H. F. No. 259 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 259, A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abel	Cohen	Johnson	Neisen	Sieben, H.
Adams	Cummiskey	Jude	Nelsen, B.	Sieben, M.
Albrecht	Dean	Kahn	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, G.	Eckstein	Kalis	Niehaus	Smogard
Anderson, I.	Eken	Kelly, R.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, R.	Novak	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kroening	Peterson	Tomlinson
Berg	Ewald	Kvam	Petrafeso	Vanasek
Berglin	Fjoslien	Laidig	Pleasant	Voss
Berkelman	Forsythe	Langseth	Reding	Waldorf
Biersdorf	Friedrich	Lehto	Rice	Wenstrom
Birnstihl	Fudro	Lemke	Rose	Wenzel
Brandl	Fugina	Mangan	St. Onge	White
Braun	George	Mann	Samuelson	Wieser
Brinkman	Gunter	McCarron	Sarna	Wigley
Byrne	Haugerud	McDonald	Savelkoul	Williamson
Carlson, D.	Heinitz	McEachern	Scheid	Wynia
Carlson, L.	Hokanson	Metzen	Schulz	Zubay
Cassery	Jacobs	Moe	Searle	Speaker Sabo
Clark	Jaros	Munger	Searles	
Clawson	Jensen	Murphy	Sherwood	

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

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 801

A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2; and Chapter 609, by adding a section.

May 17, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

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

That the Senate recede from its amendments and that the bill be further amended as follows:

Page 5, delete lines 4 to 28 and insert:

*“(12) Intentionally deprives another of a lawful charge for cable television service by*

*(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive or other connection, or by*

*(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video re-recording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law 94-553, Section 107.*

Sec. 2. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to to read:

[609.80] [INTERFERING WITH CABLE COMMUNICATIONS SYSTEMS.] *Whoever does any of the following is guilty of a misdemeanor:*

*(1) intentionally and with the purpose of making or aiding in an unauthorized connection as defined in Minnesota Statutes, Section 609.52, Subdivision 2, Clause (12) to a licensed cable communications system as defined in chapter 238 sells, rents, lends, offers or advertises for sale, rental or use, any instru-*

*ment, apparatus, equipment, device or plan, specification or instruction for making an unauthorized connection; or*

*(2) intentionally tampers with, removes or injures any cable, wire, or other component of a licensed cable communications system as defined in chapter 238; or*

*(3) intentionally and without claim of right interrupts a service of a licensed cable communications system as defined in chapter 238.*

Sec. 3. Minnesota Statutes 1976, Section 238.09, Subdivision 1, is amended to read:

238.09 [CERTIFICATE OF CONFIRMATION.] Subdivision 1. Except as provided in subdivisions 4 (AND), 5 and 10, after May 24, 1973, no person shall exercise a franchise, and no such franchise shall be effective, until the board has confirmed such franchise.

Sec. 4. Minnesota Statutes 1976, Section 238.09, is amended by adding a subdivision to read:

*Subd. 10. Any cable communications company which, pursuant to an existing franchise was lawfully engaged in actual operations and which was providing extension of service to an area or areas outside of its franchise boundaries on May 1, 1977 may, notwithstanding any other law to the contrary, continue to provide such extension of service until May 1, 1978 or such time as the commission adopts line extension rules, whichever date is earlier."*

Further, amend the title as follows:

Page 1, line 5, delete "Section" and insert "Sections 238.09, Subdivision 1, and by adding a subdivision;".

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

House Conferees: RICHARD COHEN, WILLIAM DEAN and JAMES PEHLER.

Senate Conferees: EUGENE E. STOKOWSKI, JACK I. KLEINBAUM and WILLIAM G. KIRCHNER.

Cohen moved that the report of the Conference Committee on H. F. No. 801 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 801, A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television

services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2; and Chapter 609, by adding a section.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Murphy	Sieben, H.
Adams	Cummiskey	Kahn	Neisen	Sieben, M.
Albrecht	Dahl	Kaley	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kalis	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Nelson	Smogard
Anderson, I.	Eckstein	Kelly, W.	Niehaus	Spanish
Anderson, R.	Eken	Kempe, A.	Norton	Stanton
Arlandson	Enebo	Kempe, R.	Novak	Stoa
Battaglia	Erickson	King	Osthoff	Suss
Beauchamp	Esau	Knickerbocker	Patton	Swanson
Begich	Evans	Kostohryz	Pehler	Tomlinson
Berg	Ewald	Kroening	Peterson	Vanasek
Berglin	Fjoslien	Kvam	Petrafeso	Voss
Berkelman	Forsythe	Laidig	Pleasant	Waldorf
Biersdorf	Friedrich	Langseth	Reding	Wenstrom
Birnstihl	Fudro	Lehto	Rice	Wenzel
Brandl	Fugina	Lemke	Rose	White
Braun	George	Mangan	St. Onge	Wieser
Brinkman	Gunter	Mann	Samuelson	Wigley
Byrne	Haugerud	McCarron	Sarna	Williamson
Carlson, D.	Heintz	McCollar	Savelkoul	Wynia
Carlson, L.	Hokanson	McDonald	Scheid	Zubay
Casserly	Jacobs	McEachern	Schulz	Speaker Sabo
Clark	Jaros	Metzen	Searle	
Clawson	Jensen	Moe	Searles	
Cohen	Johnson	Munger	Sherwood	

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 586

A bill for an act relating to taxation; information contained in income tax returns; amending Minnesota Statutes 1976, Sections 290.081; and 290.61.

May 17, 1977

The Honorable Martin O. Sabo  
 Speaker of the House of Representatives  
 The Honorable Edward J. Gearty  
 President of the Senate

We, the undersigned conferees for H. F. No. 586 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 586 be amended as follows:

Page 4, line 12, delete "*The commissioner shall first*" and insert "*Prior to the release of any information under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.*".

Page 4, delete lines 13, 14 and 15.

Page 5, line 2, after "therein" insert a new period and strike "and if the".

Page 5, line 5, delete the underlined language and insert "*Prior to the release of any information to any official of the United States or any other state under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.*".

Page 5, delete line 6.

Page 5, line 7, delete the new language and strike "provided by our laws."

Page 5, line 18, delete "*Upon request of a state official,*" and insert "*Upon the request of a majority of the members of the house tax committee or the senate tax committee, or the request of a majority of the members of the tax study commission,*".

Page 5, line 19, delete "may" and insert "shall".

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

House Conferees: WILLIAM KELLY, WESLEY SKOGLUND and HENRY SAVELKOUL.

Senate Conferees: BILL MCCUTCHEON and JOHN BERNHAGEN.

Kelly, W., moved that the report of the Conference Committee on H. F. No. 586 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 586, A bill for an act relating to taxation; information contained in income tax returns; amending Minnesota Statutes 1976, Sections 290.081; and 290.61.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Johnson	Munger	Searles
Adams	Dahl	Jude	Murphy	Sherwood
Albrecht	Dean	Kahn	Neisen	Sieben, H.
Anderson, D.	Den Ouden	Kaley	Nelsen, B.	Sieben, M.
Anderson, G.	Eken	Kalis	Nelson, M.	Simoneau
Anderson, I.	Ellingson	Kelly, R.	Nelson	Skoglund
Anderson, R.	Enebo	Kelly, W.	Niehaus	Smogard
Battaglia	Erickson	Kempe, A.	Norton	Spanish
Beauchamp	Esau	Kempe, R.	Novak	Stanton
Begich	Evans	King	Osthoff	Stoa
Berg	Ewald	Knickerbocker	Patton	Suss
Berglin	Faricy	Kostohryz	Pehler	Swanson
Berkelman	Fjoslien	Kroening	Peterson	Tomlinson
Biersdorf	Forsythe	Kvam	Petrafeso	Vanasek
Birnstihl	Friedrich	Laidig	Pleasant	Voss
Brandl	Fudro	Langseth	Prahl	Waldorf
Braun	Fugina	Lehto	Reding	Wenstrom
Brinkman	George	Lemke	Rice	Wenzel
Byrne	Gunter	Mangan	Rose	White
Carlson, D.	Hanson	Mann	St. Onge	Wieser
Carlson, L.	Haugerud	McCarron	Samuelson	Wigley
Casserly	Heintz	McCollar	Sarna	Williamson
Clark	Hokanson	McDonald	Savelkoul	Wynia
Clawson	Jacobs	McEachern	Scheid	Zubay
Cohen	Jaros	Metzen	Schulz	Speaker Sabo
Corbid	Jensen	Moe	Searle	

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 176, A bill for an act relating to drivers licenses; providing for the issuance of nonqualification certificates; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee.

Said House File is herewith returned to the Senate.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 324, A bill for an act relating to sheriffs; increasing certain fees and mileage allowances; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

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

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. 297, A bill for an act relating to group health care plans; requiring written notice to employees before certain employee health care plans may be terminated; amending Minnesota Statutes 1976, Section 62E.16.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kaley moved that the House concur in the Senate amendments to H. F. No. 297 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 297, A bill for an act relating to group health care plans; providing right to convert to individual coverage upon termination of certain employee health care plans; amending Minnesota Statutes 1976, Section 62E.16.

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

The question was taken on the repassage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

Beauchamp	Ellingson	Kalis	Nelsen, B.	Sieben, H.
Begich	Enebo	Kelly, R.	Nelsen, M.	Sieben, M.
Berg	Erickson	Kelly, W.	Nelson	Simoneau
Berglin	Esau	Kempe, A.	Niehaus	Skoglund
Berkelman	Evans	Kempe, R.	Norton	Smogard
Biersdorf	Ewald	King	Novak	Spanish
Birnstihl	Faricy	Knickerbocker	Osthoff	Stanton
Brandl	Fjoslien	Kostohryz	Patton	Stoa
Braun	Forsythe	Kroening	Pehler	Suss
Brinkman	Friedrich	Kvam	Peterson	Swanson
Byrne	Fudro	Laidig	Petraleso	Tomlinson
Carlson, A.	Fugina	Langseth	Pleasant	Vanasek
Carlson, D.	George	Lehto	Prahl	Voss
Carlson, L.	Gunter	Lemke	Reding	Waldrorf
Casserly	Hanson	Mangan	Rice	Welch
Clark	Haugerud	Mann	Rose	Wenstrom
Clawson	Heinitz	McCarron	St. Onge	Wenzel
Cohen	Hokanson	McCollar	Samuelson	White
Corbid	Jacobs	McDonald	Sarna	Wieser
Cummiskey	Jaros	McEachern	Savelkoul	Wigley
Dahl	Jensen	Metzen	Scheid	Williamson
Dean	Johnson	Moe	Schulz	Wynia
Den Ouden	Jude	Munger	Searle	Zubay
Eckstein	Kahn	Murphy	Searles	Speaker Sabo
Eken	Kaley	Neisen	Sherwood	

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

Mr. Speaker:

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

H. F. No. 314, A bill for an act relating to Olmsted county; authorizing electronic recording of trial proceedings; providing for costs and payment.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Zubay moved that the House concur in the Senate amendments to H. F. No. 314 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 314, A bill for an act relating to Olmsted county; authorizing electronic recording of trial proceedings; providing for costs and payment; requiring a report to the legislature.

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

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Murphy	Sherwood
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, H.
Anderson, B.	Dahl	Kaley	Nelsen, M.	Sieben, M.
Anderson, D.	Dean	Kalis	Nelson	Simoneau
Anderson, I.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, R.	Eken	Kelly, W.	Norton	Smogard
Arlandson	Ellingson	Kempe, A.	Novak	Spanish
Beauchamp	Enebo	Kempe, R.	Osthoff	Stanton
Begich	Erickson	King	Patton	Stoa
Berg	Esau	Knickerbocker	Pehler	Suss
Berglin	Evans	Kostohryz	Peterson	Swanson
Berkelman	Ewald	Kvam	Petraleso	Tomlinson
Biersdorf	Faricy	Laidig	Pleasant	Vanasek
Birnstihl	Fjoslien	Langseth	Prahl	Voss
Brandl	Forsythe	Lehto	Reding	Waldorf
Braun	Friedrich	Lemke	Rice	Welch
Brinkman	Fugina	Mangan	Rose	Wenstrom
Byrne	George	Mann	St. Onge	Wenzel
Carlson, A.	Gunter	McCarron	Samuelson	White
Carlson, D.	Hanson	McCollar	Sarna	Wieser
Carlson, L.	Haugerud	McDonald	Savelkoul	Wigley
Casserly	Heinitz	McEachern	Scheid	Williamson
Clark	Jacobs	Metzen	Schulz	Wynia
Clawson	Jaros	Moe	Searle	Zubay
Cohen	Jensen	Munger	Searles	Speaker Sabo

Those who voted in the negative were:

Adams	Battaglia	Fudro	Jude	Neisen
Anderson, G.	Eckstein	Hokanson	Kroening	

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. 319, A bill for an act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1976, Sections 123.39, Subdivision 13; 252.21; 252.22; 252.23; 252.24; 252.25; and 252.26.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 319 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 319, A bill for an act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1976, Sections 123.39, Subdivision 13; 252.21; 252.22; 252.23; 252.24; 252.25; and 252.26.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Metzen	Searle
Adams	Cummiskey	Jensen	Moe	Searles
Albrecht	Dahl	Johnson	Munger	Sherwood
Anderson, B.	Dean	Jude	Murphy	Sieben, H.
Anderson, D.	Den Ouden	Kahn	Neisen	Sieben, M.
Anderson, G.	Eckstein	Kaley	Nelsen, B.	Simoneau
Anderson, I.	Eken	Kalis	Nelsen, M.	Skoglund
Anderson, R.	Ellingson	Kelly, R.	Nelson	Smogard
Arlandson	Enebo	Kelly, W.	Niehaus	Spanish
Battaglia	Erickson	Kempe, A.	Norton	Stanton
Beauchamp	Esau	Kempe, R.	Novak	Stoa
Begich	Evans	King	Osthoff	Suss
Berg	Ewald	Knickerbocker	Patton	Swanson
Berglin	Faricy	Kostohryz	Pehler	Tomlinson
Berkelman	Fjoslien	Kroening	Peterson	Voss
Biersdorf	Forsythe	Kvam	Petrafeso	Waldorf
Birnstihl	Friedrich	Laidig	Pleasant	Welch
Brandl	Fudro	Langseth	Prahl	Wenstrom
Braun	Fugina	Lehto	Reding	Wenzel
Byrne	George	Lemke	Rice	White
Carlson, A.	Gunter	Mangan	Rose	Wieser
Carlson, L.	Hanson	Mann	St. Onge	Wigley
Casserly	Haugerud	McCarron	Sarna	Williamson
Clark	Heinitz	McCollar	Savelkoul	Wynia
Clawson	Hokanson	McDonald	Scheid	Zubay
Cohen	Jacobs	McEachern	Schulz	

Those who voted in the negative were:

Brinkman	Carlson, D.	Samuelson	Vanasek	Speaker Sabo
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

H. F. No. 902, A bill for an act relating to state finance; authorizing payments pursuant to grievance resolutions; amending Minnesota Statutes 1976, Section 16A.17, Subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 902 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 902, A bill for an act relating to state finance; authorizing payments pursuant to grievance resolutions; amending Minnesota Statutes 1976, Section 16A.17, Subdivision 7.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Searles
Adams	Corbid	Jensen	Munger	Sherwood
Albrecht	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, B.	Dahl	Jude	Neisen	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, A.	Novak	Stoa
Beauchamp	Erickson	Kempe, R.	Osthoff	Suss
Begich	Esau	King	Patton	Swanson
Berg	Evans	Knickerbocker	Pehler	Tomlinson
Berglin	Ewald	Kostohryz	Peterson	Vanasek
Berkelman	Faricy	Kroening	Petraleso	Voss
Biersdorf	Fjoslien	Kvam	Pleasant	Waldorf
Birnstihl	Forsythe	Laidig	Prahl	Welch
Brandl	Friedrich	Langseth	Reding	Wenstrom
Braun	Fudro	Lehto	Rice	Wenzel
Brinkman	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCarron	Sarna	Williamson
Carlson, L.	Haugerud	McCollar	Savelkoul	Wynia
Casserly	Heintz	McDonald	Scheid	Zubay
Clark	Hokanson	McEachern	Schulz	Speaker Sabo
Clawson	Jacobs	Metzen	Searle	

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

Mr. Speaker:

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

H. F. No. 1015, A bill for an act relating to human rights; clarifying the scope of sex discrimination; providing for an ap-

peal by the commissioner; providing for a civil action without filing with the department; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1; 363.05, Subdivision 1; 363.072, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wynia moved that the House concur in the Senate amendments to H. F. No. 1015 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1015, A bill for an act relating to human rights; clarifying the scope of sex discrimination; providing for an appeal by the commissioner; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1; 363.03, Subdivision 1; 363.05, Subdivision 1; 363.072, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eken	Kalis	Niehaus	Spanish
Anderson, R.	Ellingson	Kelly, R.	Norton	Stanton
Arlandson	Enebo	Kelly, W.	Novak	Suss
Battaglia	Erickson	Kempe, A.	Osthoff	Swanson
Beauchamp	Esau	Kempe, R.	Patton	Tomlinson
Begich	Evans	King	Pehler	Vanasek
Berg	Ewald	Knickerbocker	Peterson	Voss
Berglin	Faricy	Kostohryz	Petrafeso	Welch
Berkelman	Fjoslien	Kroening	Pleasant	Wenstrom
Biersdorf	Forsythe	Laidig	Prahl	Wenzel
Birnstihl	Friedrich	Langseth	Reding	White
Brandl	Fudro	Lehto	Rice	Wieser
Braun	Fugina	Lemke	Rose	Wigley
Brinkman	George	Mangan	St. Onge	Williamson
Byrne	Gunter	Mann	Samuelson	Wynia
Carlson, A.	Hanson	McCarron	Sarna	Zubay
Carlson, D.	Haugerud	McCollar	Savelkoul	Speaker Sabo
Carlson, L.	Heinitz	McDonald	Schulz	
Clark	Hokanson	McEachern	Searle	
Clawson	Jacobs	Metzen	Searles	

Those who voted in the negative were:

Stoa

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. 1094, A bill for an act relating to insurance; providing for competitive bids on group contracts for certain public bodies; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 1094 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1094, A bill for an act relating to insurance; providing for competitive bids on group contracts for certain public bodies; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

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

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

Those who voted in the affirmative were:

Abeln	Brinkman	Esau	Jude	McCarron
Adams	Byrne	Evans	Kahn	McCollar
Albrecht	Carlson, A.	Ewald	Kaley	McDonald
Anderson, B.	Carlson, D.	Faricy	Kalis	McEachern
Anderson, D.	Carlson, L.	Fjoslien	Kelly, R.	Metzen
Anderson, G.	Casserly	Forsythe	Kelly, W.	Moe
Anderson, I.	Clark	Friedrich	Kempe, A.	Munger
Anderson, R.	Clawson	Fudro	Kempe, R.	Murphy
Arlandson	Cohen	Fugina	King	Neisen
Battaglia	Corbid	George	Knickerbocker	Nelsen, B.
Beauchamp	Cummiskey	Gunter	Kostohryz	Nelsen, M.
Begich	Dahl	Hanson	Kroening	Nelson
Berg	Dean	Haugerud	Kvam	Niehaus
Berglin	Den Ouden	Heinitz	Laidig	Norton
Berkelman	Eckstein	Hokanson	Langseth	Novak
Biersdorf	Eken	Jacobs	Lehto	Osthoff
Birstihl	Ellingson	Jaros	Lemke	Patton
Brandl	Enebo	Jensen	Mangan	Pehler
Braun	Erickson	Johnson	Mann	Peterson

Petraseso	Sarna	Simoneau	Tomlinson	Wieser
Pleasant	Savelkoul	Skoglund	Vanasek	Wigley
Prahl	Schulz	Smogard	Voss	Williamson
Reding	Searle	Spanish	Waldorf	Wynia
Rice	Searles	Stanton	Welch	Zubay
Rose	Sherwood	Stoa	Wenstrom	Speaker Sabo
St. Onge	Sieben, H.	Suss	Wenzel	
Samuelson	Sieben, M.	Swanson	White	

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. 1201, A bill for an act relating to insurance; requiring insurers to supply cover sheets for insurance policies; requiring insurers to issue readable insurance policies; establishing testing procedures for readability.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

George moved that the House concur in the Senate amendments to H. F. No. 1201 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1201, A bill for an act relating to insurance; requiring insurers to supply cover sheets for insurance policies; requiring insurers to issue readable insurance policies; establishing testing procedures for readability.

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

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

Those who voted in the affirmative were:

Abeln	Berg	Casserly	Erickson	Hanson
Adams	Berglin	Clark	Esau	Haugerud
Albrecht	Berkelman	Clawson	Evans	Heinitz
Anderson, B.	Biersdorf	Corbid	Ewald	Hokanson
Anderson, D.	Birnstihl	Cumiskey	Faricy	Jacobs
Anderson, G.	Brandl	Dahl	Fjoslien	Jaros
Anderson, I.	Braun	Dean	Forsythe	Jensen
Anderson, R.	Brinkman	Den Ouden	Friedrich	Johnson
Arlandson	Byrne	Eckstein	Fudro	Jude
Battaglia	Carlson, A.	Eken	Fugina	Kahn
Beauchamp	Carlson, D.	Ellingson	George	Kaley
Begich	Carlson, L.	Enebo	Gunter	Kalis

Kelly, R.	McCarron	Osthoff	Schulz	Vanasek
Kelly, W.	McCollar	Patton	Searle	Voss
Kempe, A.	McDonald	Pehler	Searles	Waldorf
Kempe, R.	McEachern	Peterson	Sherwood	Welch
King	Metzen	Petrafeso	Sieben, H.	Wenstrom
Knickerbocker	Moe	Pleasant	Sieben, M.	Wenzel
Kostohryz	Munger	Prahl	Simoneau	White
Kroening	Murphy	Reding	Skoglund	Wieser
Kvam	Neisen	Rice	Smogard	Wigley
Laidig	Nelsen, B.	Rose	Spanish	Williamson
Langseth	Nelsen, M.	St. Onge	Stanton	Wynia
Lehto	Nelson	Samuelson	Stoa	Zubay
Lemke	Niehaus	Sarna	Suss	Speaker Sabo
Mangan	Norton	Savelkoul	Swanson	
Mann	Novak	Scheid	Tomlinson	

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. 1223, A bill for an act relating to administrative procedures; providing for notice and hearing in various administrative decisions; amending Minnesota Statutes 1976, Sections 10A.-20, Subdivision 10; 17A.06, Subdivisions 2 and 3; 27.06; 53.03, Subdivisions 1, 2 and 3; 144.802; 155.11, Subdivisions 1 and 2; 216A.05, Subdivision 5; 218.041, Subdivision 3; and 219.741; repealing Minnesota Statutes 1976, Section 53.03, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 1223 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1223, A bill for an act relating to administrative procedures; providing for notice in various administrative decisions; removing hearing requirements in certain application proceedings when no objections to the application are received; amending Minnesota Statutes 1976, Sections 10A.20, Subdivision 10; 17A.06, Subdivisions 2 and 3; 27.06; 53.03, Subdivisions 1, 2 and 3; 144.802; 155.11, Subdivisions 1 and 2; 216A.05, Subdivision 5; 218.041, Subdivision 3; and 219.741; repealing Minnesota Statutes 1976, Section 53.03, Subdivision 3.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Neisen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eckstein	Kalis	Niehaus	Spanish
Anderson, R.	Eken	Kelly, R.	Norton	Stanton
Arlandson	Ellingson	Kelly, W.	Novak	Stoa
Battaglia	Enebo	Kempe, A.	Osthoff	Suss
Beauchamp	Erickson	Kempe, R.	Patton	Swanson
Begich	Esau	King	Pehler	Tomlinson
Berg	Evans	Knickerbocker	Peterson	Vanasek
Berglin	Ewald	Kostohryz	Petrafose	Voss
Berkelman	Faricy	Kroening	Pleasant	Waldorf
Biersdorf	Fjoslien	Kvam	Prahl	Wenstrom
Birnstihl	Forsythe	Laidig	Reding	Wenzel
Brandl	Friedrich	Langseth	Rice	White
Braun	Fudro	Lehto	Rose	Wieser
Brinkman	Fugina	Lemke	St. Onge	Wigley
Byrne	George	Mangan	Samuelson	Williamson
Carlson, A.	Gunter	Mann	Sarna	Wynia
Carlson, D.	Hanson	McCarron	Savelkoul	Zubay
Carlson, L.	Haugerud	McCollar	Scheid	Speaker Sabo
Casserly	Heinitz	McDonald	Schulz	
Clark	Hokanson	McEachern	Searle	
Clawson	Jacobs	Moe	Searles	

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

Mr. Speaker:

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

H. F. No. 315, A bill for an act relating to state government; state zoological board; providing for a member designated by the Dakota county board; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

PATRICK E. FLHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kempe R., moved that the House concur in the Senate amendments to H. F. No. 315 and that the bill be repassed as amended by the Senate.

Voss moved that the House refuse to concur in the Senate amendments to H. F. No. 315, that the Speaker appoint a Con-

ference Committee of 3 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.

A roll call was requested and properly seconded.

The question was taken on the motion by Voss and the roll was called. There were 75 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Haugerud	Munger	Scheid
Anderson, B.	Cummiskey	Hokanson	Nelsen, B.	Schulz
Anderson, D.	Dean	Jacobs	Nelsen, M.	Searle
Anderson, G.	Den Ouden	Johnson	Neison	Simoneau
Arlandson	Eckstein	Jude	Norton	Skoglund
Beauchamp	Eken	Kahn	Osthoff	Smogard
Berg	Ellingson	Kalis	Patton	Stoa
Berglin	Enebo	Kelly, W.	Pehler	Suss
Berkelman	Ewald	Kostohryz	Peterson	Swanson
Birnstihl	Faricy	Lehto	Petrafeso	Tomlinson
Brandl	Forsythe	Lemke	Prahl	Voss
Byrne	Fudro	Mangan	Rose	Welch
Carlson, L.	Fugina	Mann	St. Onge	Wynia
Casserly	George	McCarron	Samuelson	Zubay
Clark	Hanson	Moe	Savelkoul	Speaker Sabo

Those who voted in the negative were:

Abeln	Dahl	Kelly, R.	Neisen	Vanasek
Albrecht	Erickson	Kempe, A.	Niehaus	Waldorf
Anderson, I.	Esau	Kempe, R.	Novak	Wenstrom
Anderson, R.	Evans	King	Pleasant	Wenzel
Battaglia	Fjoslien	Knickerbocker	Reding	White
Begich	Friedrich	Kroening	Rice	Wieser
Braun	Gunter	Kvam	Sarna	Wigley
Carlson, A.	Heinitz	Laidig	Searles	Williamson
Carlson, D.	Jaros	McDonald	Sherwood	
Cohen	Jensen	McEachern	Sieben, H.	
Corbid	Kaley	Metzen	Sieben, M.	

The motion prevailed.

Mr. Speaker:

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

H. F. No. 411, A bill for an act relating to the city of Columbia Heights police department relief association; membership therein; benefits and contributions; membership of certain police personnel in the public employees' police and fire fund.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Simoneau moved that the House concur in the Senate amendments to H. F. No. 411 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 411, A bill for an act relating to the city of Columbia Heights; providing for police department relief association; membership therein; benefits and contributions; membership of certain police personnel in the public employees' police and fire fund; providing for administration and benefits of the Columbia Heights firemen's relief association; amending Laws 1975, Chapter 424, Section 9; repealing Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Neisen	Siebin, M.
Adams	Corbid	Jensen	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Johnson	Nelsen, M.	Skoglund
Anderson, B.	Dahl	Jude	Nelson	Smogard
Anderson, D.	Dean	Kahn	Niehaus	Spanish
Anderson, G.	Den Ouden	Kaley	Norton	Stanton
Anderson, I.	Eckstein	Kalis	Novak	Stoa
Anderson, R.	Eken	Kelly, R.	Osthoff	Suss
Arlandson	Ellingson	Kelly, W.	Patton	Swanson
Battaglia	Enebo	Kempe, A.	Pehler	Tomlinson
Beauchamp	Erickson	Kempe, R.	Peterson	Vanasek
Begich	Esau	King	Petrafeso	Voss
Berg	Evans	Knickerbocker	Pleasant	Waldorf
Berglin	Ewald	Kostohryz	Prahl	Welch
Berkelman	Faricy	Kroening	Reding	Wenstrom
Biersdorf	Fjoslien	Kvam	Rice	Wenzel
Birnstihl	Forsythe	Laidig	Rose	White
Brandl	Friedrich	Langseth	St. Onge	Wieser
Braun	Fudro	Lehto	Samuelson	Wigley
Brinkman	Fugina	Lemke	Sarna	Williamson
Byrne	George	Mangan	Savelkoul	Wynia
Carlson, A.	Gunter	Mann	Scheid	Zubay
Carlson, D.	Hanson	McDonald	Schulz	Speaker Sabo
Carlson, L.	Haugerud	McEachern	Searle	
Casserly	Heinitz	Metzen	Searles	
Clark	Hokanson	Munger	Sherwood	
C'awson	Jacobs	Murphy	Sieben, H.	

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

Mr. Speaker:

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

which amendment the concurrence of the House is respectfully requested:

H. F. No. 536, A bill for an act relating to civil service; providing that promotion and place of service are separate considerations; amending Minnesota Statutes 1976, Section 43.19, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 536 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 536, A bill for an act relating to civil service; providing that promotion and place of service are separate considerations; amending Minnesota Statutes 1976, Section 43.19, by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eckstein	Kalis	Niehaus	Spanish
Anderson, R.	Eken	Kelly, R.	Norton	Stanton
Arlandson	Ellingson	Kelly, W.	Novak	Stoa
Battaglia	Enebo	Kempe, A.	Osthoff	Suss
Beauchamp	Erickson	Kempe, R.	Patton	Swanson
Begich	Esau	King	Pehler	Tomlinson
Berg	Evans	Knickerbocker	Peterson	Vanasek
Berglin	Ewald	Kostohryz	Petrafaso	Voss
Berkelman	Faricy	Kroening	Pleasant	Waldorf
Biersdorf	Fjoslien	Kvam	Prahl	Welch
Birnstihl	Forsythe	Laidig	Reding	Wenstrom
Brandl	Friedrich	Langseth	Rice	Wenzel
Braun	Fudro	Lehto	Rose	White
Brinkman	Fugina	Lemke	St. Onge	Wieser
Byrne	George	Mangan	Samuelson	Wigley
Carlson, A.	Gunter	Mann	Sarna	Williamson
Carlson, D.	Hanson	McCarron	Savelkoul	Wynia
Carlson, L.	Haugerud	McDonald	Scheid	Zubay
Casserly	Heintz	McEachern	Schulz	Speaker Sabo
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	

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

**Mr. Speaker:**

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

H. F. No. 993, A bill for an act relating to taxation; providing an alternative tax on liquor in metric containers; authorizing commissioner of revenue to order metric conversion; increasing bonding requirements; defining certain responsibilities of commissioners of public safety and revenue; amending Minnesota Statutes 1976, Sections 299A.02, Subdivision 1; 340.44; 340.47, by adding subdivisions; 340.485, Subdivisions 1 and 2; 340.51; 340.54, Subdivision 1; and 340.55.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 993 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 993, A bill for an act relating to taxation; providing an alternative tax on liquor in metric containers; authorizing commissioner of revenue to order metric conversion; increasing bonding requirements; defining certain responsibilities of commissioners of public safety and revenue; amending Minnesota Statutes 1976, Sections 299A.02, Subdivision 1; 340.44; 340.47, by adding subdivisions; 340.485, Subdivisions 1 and 2; 340.51; 340.54, Subdivision 1; and 340.55.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Braun	Corbid	Erickson
Adams	Beauchamp	Brinkman	Cummiskey	Esau
Albrecht	Begich	Byrne	Dahl	Evans
Anderson, B.	Berg	Carlson, A.	Dean	Ewald
Anderson, D.	Berglin	Carlson, D.	Den Ouden	Faricy
Anderson, G.	Berkelman	Carlson, L.	Eckstein	Fjoslien
Anderson, I.	Biersdorf	Casserly	Eken	Forsythe
Anderson, R.	Birnstihl	Clark	Ellingson	Friedrich
Arlandson	Brandl	Clawson	Enebo	Fudro

Fugina	Kempe, A.	Moe	Reding	Stoa
George	Kempe, R.	Munger	Rice	Suss
Gunter	King	Murphy	Rose	Swanson
Hanson	Knickerbocker	Neisen	St. Onge	Tomlinson
Haugerud	Kostohryz	Nelsen, B.	Samuelson	Vanasek
Heinitz	Kroening	Nelsen, M.	Sarna	Voss
Hokanson	Kvam	Nelson	Saveikoul	Waldorf
Jacobs	Laidig	Niehaus	Scheid	Welch
Jaros	Langseth	Norton	Schulz	Wenstrom
Jensen	Lehto	Novak	Searle	Wenzel
Johnson	Lemke	Osthoff	Sherwood	White
Jude	Mangan	Patton	Sieben, H.	Wieser
Kahn	Mann	Pehler	Sieben, M.	Wigley
Kaley	McCarron	Peterson	Simoneau	Williamson
Kalis	McDonald	Petrafeso	Skoglund	Wynia
Kelly, R.	McEachern	Pleasant	Spanish	Zubay
Kelly, W.	Metzen	Prahl	Stanton	Speaker Sabo

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. 1113, A bill for an act relating to welfare; clarifying the powers of guardianship by the commissioner; amending Minnesota Statutes 1976, Sections 252A.02, Subdivision 2; 252A.03, Subdivision 3; 252A.04, Subdivision 3; 252A.07, Subdivision 1; and 252A.18; repealing Minnesota Statutes 1976, Section 252.03.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 1113 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1113, A bill for an act relating to welfare; clarifying the powers of guardianship by the commissioner; amending Minnesota Statutes 1976, Sections 252A.03, Subdivision 3; 252A.04, Subdivision 3; 252A.07, Subdivision 1; and 252A.18; repealing Minnesota Statutes 1976, Section 252.03.

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

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

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sieben, H.
Adams	Corbid	Jensen	Murphy	Sieben, M.
Albrecht	Cummiskey	Johnson	Neisen	Simoneau
Anderson, B.	Dahl	Jude	Nelsen, B.	Skoglund
Anderson, D.	Dean	Kahn	Nelsen, M.	Smogard
Anderson, G.	Den Ouden	Kaley	Nelson	Spanish
Anderson, I.	Eckstein	Kalis	Niehaus	Stanton
Anderson, R.	Eken	Kelly, R.	Norton	Stoa
Arlandson	Ellingson	Kelly, W.	Novak	Suss
Battaglia	Enebo	Kempe, A.	Osthoff	Swanson
Beauchamp	Erickson	Kempe, R.	Patton	Tomlinson
Begich	Esau	King	Pehler	Vanasek
Berg	Evans	Knickerbocker	Peterson	Voss
Berglin	Ewald	Kostohryz	Petrafeso	Waldorf
Berkelman	Faricy	Kroening	Pleasant	Welch
Biersdorf	Fjoslien	Kvam	Prahl	Wenstrom
Birnstihl	Forsythe	Laidig	Reding	Wenzel
Brandl	Friedrich	Langseth	Rice	White
Braun	Fudro	Lehto	Rose	Wieser
Brinkman	Fugina	Lemke	St. Onge	Wigley
Byrne	George	Mangan	Samuelson	Williamson
Carlson, A.	Gunter	Mann	Sarna	Wynia
Carlson, D.	Hanson	McCarron	Savelkoul	Zubay
Carlson, L.	Haugerud	McDonald	Scheid	Speaker Sabo
Casserly	Heinitz	McEachern	Schulz	
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Sherwood	

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

Mr. Speaker:

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

H. F. No. 223, A bill for an act relating to telephones; providing that sales tax on telephone service charges be payable by person paying for the service; requiring telephone number publication; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3; and Chapter 237, by adding a section.

PATRICK E. FLAHAVERN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Anderson, G., moved that the House concur in the Senate amendments to H. F. No. 223 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 223, A bill for an act relating to taxation; providing that sales tax on telephone service charges be payable by person paying for the service; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Murphy	Sieben, M.
Adams	Corbid	Jensen	Neisen	Simoneau
Albrecht	Cummiskey	Johnson	Nelsen, B.	Skoglund
Anderson, B.	Dahl	Jude	Nelsen, M.	Smogard
Anderson, D.	Dean	Kahn	Nelson	Spanish
Anderson, G.	Den Ouden	Kaley	Niehaus	Stanton
Anderson, I.	Eckstein	Kalis	Norton	Stoa
Anderson, R.	Eken	Kelly, R.	Novak	Suss
Arlandson	Ellingson	Kelly, W.	Osthoff	Swanson
Battaglia	Enebo	Kempe, A.	Patton	Tomlinson
Beauchamp	Erickson	Kempe, R.	Pehler	Vanasek
Begich	Esau	King	Peterson	Voss
Berg	Evans	Knickerbocker	Petrafaso	Waldorf
Berglin	Ewald	Kroening	Pleasant	Welch
Berkelman	Faricy	Kvam	Prahl	Wenstrom
Biersdorf	Fjoslien	Laidig	Reding	Wenzel
Birstihl	Forsythe	Langseth	Rice	White
Brandl	Friedrich	Lehto	Rose	Wieser
Braun	Fudro	Lemke	St. Onge	Wigley
Brinkman	Fugina	Mangan	Samuelson	Williamson
Byrne	George	Mann	Sarna	Wynia
Carlson, A.	Gunter	McCarron	Savelkoul	Zubay
Carlson, D.	Hanson	McDonald	Scheid	Speaker Sabo
Carlson, L.	Haugerud	McEachern	Schulz	
Casserly	Heinitz	Metzen	Searle	
Clark	Hokanson	Moe	Sherwood	
Clawson	Jacobs	Munger	Sieben, H.	

Those who voted in the negative were:

Kostohryz

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. 728, A bill for an act relating to corrections; prescribing powers of probation officers; providing for reimbursement to counties for probation services; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; authorizing the sealing of criminal records; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying powers of counties under and procedures for withdrawal from community corrections pro-

grams; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.14; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 260.311, Subdivision 5; 401.02, by adding subdivisions; 401.04; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Clark moved that the House concur in the Senate amendments to H. F. No. 728 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 728, A bill for an act relating to corrections; prescribing powers of probation officers; providing for reimbursement to counties for probation services; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; authorizing the sealing of criminal records; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying powers of counties under and procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.14; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 260.311, Subdivision 5; 401.02, by adding subdivisions; 401.04; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berkelman	Dahl	Friedrich	Kaley
Adams	Biersdorf	Dean	Fudro	Kalis
Albrecht	Birnstihl	Den Ouden	Fugina	Kelly, R.
Anderson, B.	Brandl	Eckstein	George	Kelly, W.
Anderson, D.	Braun	Eken	Gunter	Kempe, R.
Anderson, G.	Brinkman	Ellingson	Hanson	King
Anderson, I.	Byrne	Enebo	Haugerud	Knickerbocker
Anderson, R.	Carlson, A.	Erickson	Heinitz	Kostohryz
Arlandson	Carlson, D.	Esau	Hokanson	Kroening
Battaglia	Carlson, L.	Evans	Jacobs	Kvam
Beauchamp	Cassery	Ewald	Jaros	Laidig
Begich	Clark	Faricy	Jensen	Langseth
Berg	Clawson	Fjoslien	Johnson	Lehto
Berglin	Cohen	Forsythe	Kahn	Lemke

Mangan	Nelsen, M.	Reding	Sieben, H.	Voss
Mann	Nelson	Rice	Sieben, M.	Waldorf
McCarron	Niehaus	Rose	Simoneau	Welch
McCollar	Norton	St. Onge	Skoglund	Wenstrom
McDonald	Novak	Samuelson	Smogard	Wenzel
McEachern	Osthoff	Sarna	Spanish	White
Metzen	Patton	Savelkoul	Stanton	Wieser
Moe	Pehler	Scheid	Stoa	Wigley
Munger	Peterson	Schulz	Suss	Williamson
Murphy	Petrafeso	Searle	Swanson	Wynia
Neisen	Pleasant	Searles	Tomlinson	Zubay
Nelsen, B.	Prahl	Sherwood	Vanasek	Speaker Sabo

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. 875.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 875

A bill for an act relating to the county of Hennepin; changing duties of personnel board; providing for referral of additional eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

May 17, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 875 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 875 be amended as follows:

Page 3, line 4, delete "five" and insert "seven".

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

Senate Conferees: EMILY ANNE STAPLES, MYRTON O. WEGENER and HUBERT H. HUMPHREY III.

House Conferees: ARNE H. CARLSON, JOHN E. BRANDL and JANET H. CLARK.

Carlson, A., moved that the report of the Conference Committee on S. F. No. 875 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 875, A bill for an act relating to the county of Hennepin; changing duties of personnel board; providing for referral of additional eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, 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 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Neisen	Sieben, M.
Adams	Corbid	Johnson	Nelsen, B.	Simoneau
Albrecht	Dahl	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kahn	Nelson	Smogard
Anderson, D.	Den Ouden	Kaley	Niehaus	Spanish
Anderson, G.	Eckstein	Kalis	Norton	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, A.	Osthoff	Suss
Arlandson	Enebo	Kempe, R.	Patton	Swanson
Battaglia	Erickson	King	Pehler	Tomlinson
Beauchamp	Esau	Knickerbocker	Peterson	Vanasek
Begich	Evans	Kostohryz	Petraleso	Voss
Berg	Ewald	Kvam	Pleasant	Waldorf
Berglin	Faricy	Laidig	Prahl	Welch
Berkelman	Fjoslien	Langseth	Reding	Wenstrom
Biersdorf	Forsythe	Lehto	Rice	Wenzel
Birnstihl	Friedrich	Lemke	Rose	White
Brandl	Fudro	Mangan	St. Onge	Wieser
Braun	Fugina	Mann	Samuelson	Wigley
Brinkman	George	McCarron	Sarna	Williamson
Byrne	Gunter	McCollar	Savelkoul	Wynia
Carlson, A.	Hanson	McDonald	Scheid	Zubay
Carlson, D.	Haugerud	McEachern	Schulz	Speaker Sabo
Carlson, L.	Heinitz	Metzen	Searle	
Casserly	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	

Those who voted in the negative were:

Kelly, R.      Kroening

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. 932.

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. 932

A bill for an act relating to motor vehicles; registration and taxation; increasing fees for filing applications; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

May 16, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 932 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 932 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 168.29, is amended to read:

168.29 [DUPLICATE PLATES.] In the event of the defacement, loss or destruction of any number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates, together with any defaced plates and the payment of the fee of \$3 shall issue a new set of plates, *provided that if the \$3 fee exceeds the annual tax, the fee shall be the same as the annual tax.* The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle. Duplicate registra-

tion certificates plainly marked as duplicates may be issued in like cases upon the payment of a 50 cent fee.

Sec. 2. Minnesota Statutes 1976, Section 168.33, Subdivision 2, is amended to read:

Subd. 2. [POWERS.] The registrar shall have the power to appoint, hire and discharge and fix the compensation of the necessary employees, in the manner provided by law, as may be required to enable him to properly carry out the duties imposed upon him by the provisions of this chapter. As of April 14, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which issues motor vehicle licenses as provided in section 373.32.

Effective August 1, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau which issues motor vehicle license as provided in section 373.32. Any person appointed as a deputy registrar for any city shall be a resident of the county in which the city is situated.

The registrar may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar. The auditor, with the approval of the director of motor vehicles, may appoint, and for cause discontinue, the clerk or equivalent officer of each city or any other person as a deputy registrar as public interest and convenience may require. Notwithstanding any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar. The county auditor shall be responsible for the acts of deputy registrars appointed by him. Each such deputy, before entering upon the discharge of his duties, shall take and subscribe an oath to faithfully discharge his duties and to uphold the laws of the state. If a deputy registrar appointed hereunder is not an officer or employee of a county or city, such deputy shall in addition give bond to the state in the sum of \$10,000, or such larger sum as may be required by the registrar, conditioned upon the faithful discharge of his duties as deputy registrar. Each deputy registrar appointed hereunder shall keep and maintain, in a convenient

public place within the place for which he is appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of motor vehicle taxes thereon. He shall keep such records and make such reports to the registrar as that officer, from time to time, may require. Such records shall be maintained at the facility of the deputy registrar. The records and facilities of the deputy registrar shall at all times be open to the inspection of the registrar or his agents. He shall (CHARGE AND RECEIVE FOR EACH APPLICATION PRESENTED A FILING FEE OF \$1, AND SHALL) report daily to the registrar all registrations made and taxes and fees collected by him. The filing fee (OF \$1) imposed pursuant to subdivision 7 shall be deposited in the treasury of the place for which he is appointed, or if such deputy is not a public official, he shall retain the filing fee, but the registration tax and any additional fees for delayed registration he has collected he shall deposit each day in an approved state depository to the credit of the state through the state treasurer. The place for which the deputy registrar is appointed through its governing body shall provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if such deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public.

Sec. 3. Minnesota Statutes 1976, Section 168.33, Subdivision 7, is amended to read:

Subd. 7. [FILING FEES.] (THE REGISTRAR SHALL CHARGE AND RECEIVE FOR EACH APPLICATION PRESENTED THROUGH THE UNITED STATES MAIL A FILING FEE OF 50 CENTS AND FOR EACH APPLICATION AT THE STATE OFFICE A FILING FEE OF \$1. SUCH FEE SHALL BE) In addition to all other statutory fees and taxes, a filing fee is imposed on every application. The filing fee shall be \$1.50 effective August 1, 1977, and \$1.75 effective January 1, 1979. The filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety.

Sec. 4. [EFFECTIVE DATES.] Section 1 is effective the day following its final enactment. The remaining provisions of this act are effective August 1, 1977.”.

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

“A bill for an act relating to motor vehicles; registration and taxation; increasing filing fees for certain applications; reducing fees for duplicate plates under certain circumstances; amending Minnesota Statutes 1976, Sections 168.29; and 168.33, Subdivisions 2 and 7.”.

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

Senate Conferees: MIKE MENNING, HOWARD A. KNUTSON and HOWARD D. OLSON.

House Conferees: C. THOMAS OSTHOFF, RUSSELL P. STANTON and HENRY J. KALIS.

Osthoff moved that the report of the Conference Committee on S. F. No. 932 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 932, A bill for an act relating to motor vehicles; registration and taxation; increasing fees for filing applications; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

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 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Kalis	Nelsen, B.	Smogard
Anderson, B.	Corbid	King	Nelson	Stanton
Anderson, I.	Cummiskey	Kostohryz	Norton	Stoa
Arlandson	Dahl	Langseth	Novak	Suss
Beauchamp	Dean	Lehto	Osthoff	Swanson
Berg	Fudro	Lemke	Petrafeso	Waldorf
Berglin	Fugina	Mangan	Reding	Welch
Berkelman	Hanson	Mann	St. Onge	Wenstrom
Biersdorf	Haugerud	McCarron	Samuelson	Wenzel
Birnstihl	Hokanson	McCollar	Sarna	White
Brandl	Jacobs	McEachern	Schulz	Wieser
Byrne	Jaros	Metzen	Sherwood	Wynia
Carlson, L.	Jensen	Moe	Sieben, H.	Speaker Sabo
Casserly	Johnson	Munger	Sieben, M.	
Clark	Kahn	Murphy	Simoneau	

Those who voted in the negative were:

Abeln	Den Ouden	George	Laidig	Scheid
Albrecht	Eckstein	Gunter	McDonald	Searle
Anderson, D.	Eken	Heinitz	Neisen	Searles
Anderson, G.	Ellingson	Jude	Nelsen, M.	Skoglund
Anderson, R.	Enebo	Kaley	Niehau	Spanish
Battaglia	Erickson	Kelly, R.	Patton	Tomlinson
Begich	Esau	Kelly, W.	Pehler	Vanasek
Braun	Evans	Kempe, A.	Peterson	Voss
Brinkman	Ewald	Kempe, R.	Pleasant	Wigley
Carlson, A.	Farcy	Knickerbocker	Prahl	Williamson
Carlson, D.	Fjoslien	Kroening	Rose	Zubay
Clawson	Friedrich	Kvam	Savelkoul	

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. 1290.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1290

A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

May 16, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1290 report that we have agreed upon the items in dispute and recommend as follows :

That the House recede from its amendments and that S. F. No. 1290, be amended as follows :

Page 1, after line 19, insert :

“Sec. 2. Minnesota Statutes 1976, Section 260.015, Subdivision 17, is amended to read :

Subd. 17. “Shelter care facility” means a physically unrestricting (DETENTION) facility, such as a group home or a licensed facility for foster care, excluding a detention home.

Sec. 3. Minnesota Statutes 1976, Section 260.171, Subdivision 1, is amended to read :

260.171 [RELEASE OR DETENTION.] Subdivision 1. If a child is taken into custody as provided in section 260.165, the parent, guardian, or custodian of the child shall be notified as soon as possible. Unless there is reason to believe that the child would (PHYSICALLY) endanger himself or others, not return for a court hearing, not remain in the care or control of the per-

son to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be *released to the* custody of his parent, guardian, custodian, or other suitable person. That person shall promise to bring the child to the court, if necessary, at the time the court may direct. If the person taking the child into custody believes it desirable he may request the parent, guardian, custodian, or other person designated by the court to sign a written promise to bring the child to court as provided above. The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.

The court may require the parent, guardian, custodian or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the child on his own promise to appear in juvenile court.

Sec. 4. Minnesota Statutes 1976, Section 260.171, Subdivision 2, is amended to read:

Subd. 2. If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention. No child may be detained in a detention facility longer than 24 hours, excluding *Saturdays*, Sundays and holidays, after the taking into custody unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be held longer than 36 hours, excluding *Saturdays*, Sundays or holidays, after the taking into custody unless a petition has been filed and the judge or referee determines pursuant to section 260.172 that the child shall remain in detention. If a child described in section 260.173, subdivision 4, is to be detained in a jail up to 48 hours, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of the detention and the reasons therefor. The commissioner shall thereupon assist the court in the relocation of the child in an appropriate detention facility within the county or elsewhere in the state, or in determining suitable alternatives. If approved regional juvenile detention facilities exist, the commissioner may direct that the child be detained in the nearest approved regional juvenile detention facility. If the court refers the matter to the prosecuting authority pursuant to section 260.125, notice to the commissioner shall not be required.

Sec. 5. Minnesota Statutes 1976, Section 260.171, Subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a detention facility, he shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why he is being placed in a detention facility; and

(b) of the location of the detention facility; and

(c) that the child's parent, guardian, or custodian and attorney may make an initial visit to the detention facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney at reasonable hours; and

(d) that the child may telephone his parents and an attorney from the detention facility immediately after being admitted to the detention facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be held at the detention facility longer than 36 hours, excluding *Saturdays*, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention.

Sec. 6. Minnesota Statutes 1976, Section 260.172, Subdivision 1, is amended to read:

260.172 [DETENTION HEARING.] Subdivision 1. Within 36 hours of a child's being taken into custody, excluding *Saturdays*, Sundays and holidays, a hearing shall be held to determine whether the child should continue in detention. Unless there is reason to believe that the child would (BE DANGEROUS TO) *endanger* himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian or other suitable person.

Sec. 7. Minnesota Statutes 1976, Section 260.172, Subdivision 2, is amended to read:

Subd. 2. If the court determines that the child should continue in detention, it may order detention continued for eight days, excluding *Saturdays*, Sundays and holidays, from and including the date of the order. The court shall include in its order the reasons for continued detention and the findings of fact which support these reasons.

Sec. 8. Minnesota Statutes 1976, Section 260.172, Subdivision 3, is amended to read:

Subd. 3. Copies of the court's order shall be served upon the parties, including the supervisor of the detention facility, who shall release the child or continue to hold him as the court orders.

*When the court's order is served upon these parties, notice shall also be given to the parties of the subsequent reviews provided by subdivision 4. The notice shall also inform each party that he may submit to the court for informal review any new evidence regarding whether the child should be continued in detention and that he may request a hearing to present the evidence to the court.*

Sec. 9. Minnesota Statutes 1976, Section 260.172, Subdivision 4, is amended to read:

Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, (AN ADDITIONAL HEARING) *the court or referee shall informally review the child's case file to determine, under the standards provided by subdivision 1, (SHALL BE HELD TO DETERMINE) whether detention should be continued. If detention is continued thereafter, (HEARINGS) informal reviews such as these shall be held within every eight days, excluding Saturdays, Sundays and holidays, of the child's detention.*

*A hearing, rather than an informal review of the child's case file, shall be held at the request of any one of the parties notified pursuant to subdivision 3, if that party notifies the court that he wishes to present to the court new evidence concerning whether the child should be continued in detention."*

Further, amend the title as follows:

Page 1, line 3, after the semicolon insert "providing limitations on procedures for juvenile detention;"

Page 1, line 4, delete "Section" and insert "Sections 260.015, Subdivision 17;" and after "1" insert "; 260.171, Subdivisions 1, 2, and 4; and 260.172".

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

Senate Conferees: EMILY ANNE STAPLES, ALLAN H. SPEAR and JOHN B. KEEFE.

House Conferees: KEN G. NELSON, SHIRLEY A. HOKANSON and MARY M. FORSYTHE.

Nelson moved that the report of the Conference Committee on S. F. No. 1290 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1290, A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Hokanson	McEachern	Schulz
Adams	Cohen	Jacobs	Metzen	Searles
Albrecht	Cobid	Jaros	Moe	Sherwood
Anderson, B.	Cummiskey	Jensen	Munger	Sieben, H.
Anderson, D.	Dahl	Johnson	Murphy	Sieben, M.
Anderson, G.	Dean	Jude	Neisen	Simoneau
Anderson, I.	Den Ouden	Kahn	Nelsen, B.	Skoglund
Anderson, R.	Eckstein	Kaley	Nelsen, M.	Smogard
Arlandson	Eken	Kalis	Nelson	Spanish
Battaglia	Ellingson	Kelly, R.	Niehaus	Stanton
Beauchamp	Enebo	Kelly, W.	Norton	Stoa
Begich	Erickson	Kempe, A.	Osthoff	Suss
Berg	Esau	Kempe, R.	Patton	Swanson
Berglin	Evans	Knickerbocker	Pehler	Tomlinson
Berkelman	Ewald	Kostohryz	Peterson	Vanasek
Biersdorf	Faricy	Kroening	Petrafaso	Voss
Birnstihl	Fjoslien	Kvam	Pleasant	Waldorf
Brandl	Forsythe	Laidig	Prahl	Welch
Braun	Friedrich	Langseth	Reding	Wenstrom
Brinkman	Fudro	Lehto	Rice	Wenzel
Byrne	Fugina	Lemke	Rose	White
Carlson, A.	George	Mangan	St. Onge	Wieser
Carlson, D.	Gunter	Mann	Samuelson	Wigley
Carlson, L.	Hanson	McCarron	Sarna	Williamson
Casserly	Haugerud	McCollar	Savelkoul	Wynia
Clark	Heinitz	McDonald	Scheid	Zubay

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 649, A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' bonds; eliminating certification of local treasurers' bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2; 273.04; 273.05, Subdivisions 1 and 2; 273.06; 273.061, Subdivision 3; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, by adding a section.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Chmielewski, Hanson and Ueland, A. have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly, W., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 649. The motion prevailed.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 293

A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

May 17, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 293 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that H. F. No. 293, be amended as follows:

Page 1, line 14, after "county" delete the comma.

Page 1, line 20, delete "378.34, and 378.35".

Page 1, line 22, after the period insert "The electors of the town of Hines may levy taxes for the maintenance and operation of any dam conveyed pursuant to section 1 subject to the limitations specified in section 275.10."

Further amend the title.

Page 1, line 4, after "maintain" insert a comma.

Page 1, delete line 5, and insert "operate and levy taxes for such purposes."

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

House Conferees: IRVIN N. ANDERSON and HENRY J. SAVELKOU.

Senate Conferees: BOB LESSARD, ROBERT G. DUNN and MYRTON O. WEGENER.

Anderson, I., moved that the report of the Conference Committee on H. F. No. 293 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 293, A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Moe	Searles
Adams	Cohen	Jensen	Munger	Sherwood
Albrecht	Corbid	Johnson	Murphy	Sieben, H.
Anderson, B.	Cummiskey	Jude	Neisen	Sieben, M.
Anderson, D.	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Den Ouden	Kalis	Nelson	Smogard
Anderson, R.	Eckstein	Kelly, R.	Niehaus	Spanish
Arlandson	Eken	Kelly, W.	Norton	Stanton
Battaglia	Ellingson	Kempe, A.	Osthoff	Stoa
Beauchamp	Enebo	Kempe, R.	Patton	Suss
Begich	Erickson	King	Pehler	Swanson
Berg	Evans	Knickerbocker	Peterson	Tomlinson
Berglin	Ewald	Kostohryz	Petrafeso	Vanasek
Berkelman	Faricy	Kroening	Pleasant	Voss
Biersdorf	Fjoslien	Kvam	Prahl	Waldorf
Birnstihl	Forsythe	Laidig	Reding	Welch
Brandl	Fudro	Langseth	Rice	Wenstrom
Braun	Fugina	Lehto	Rose	Wenzel
Brinkman	George	Lemke	St. Onge	White
Byrne	Gunter	Mangan	Samuelson	Wieser
Carlson, A.	Hanson	Mann	Sarna	Wigley
Carlson, D.	Haugerud	McCarron	Savelkoul	Williamson
Carlson, L.	Heinitz	McDonald	Scheid	Wynia
Casserly	Hokanson	McEachern	Schulz	Zubay
Clark	Jacobs	Metzen	Searle	Speaker Sabo

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

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 1510

A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

May 17, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1510 report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

“Section 1. [EDUCATION; APPROPRIATIONS.] The sums set forth in the columns designated “APPROPRIATIONS” are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal year indicated for each purpose. The figures “1977”, “1978”, and “1979”, wherever used in this act, mean that the appropriation or appropriations listed thereunder or therefor shall be available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS  
Available for the Year  
Ending June 30,

	1978	1979
	\$	\$

Sec. 2. DEPARTMENT OF  
EDUCATION

Approved Complement —

	1978	1979
State —	509.87	508.87
Federal —	218.7	218.7

	1978	1979
	\$	\$
Subdivision 1. General Academic and Related Services .....	1,590,268	1,607,747

(a) Salaries, Supplies, and  
Expenses

1978	1979
\$1,490,268	\$1,507,747

(b) Microfilming of teacher license  
files

\$100,000	\$100,000
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The department shall not reduce instructional services consultant positions in those subject areas where there is only one consultant position.

Any unexpended balance remaining in (b) in the first year shall not cancel, but shall be available for the second year of the biennium.

Of the amount provided by this subdivision, \$15,676 in 1978 and \$15,739 in 1979 is appropriated from the trunk highway fund.

Subd. 2. Vocational Technical Instruction and Related Services .....	1,741,839	1,727,449
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(a) Salaries, Supplies, and Ex-  
penses

\$1,721,839	\$1,727,449
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(b) Revolving fund for on-the-job  
training program

\$20,000

Provided that the funds in (a) shall not be used to pay for more than 75 percent of the Independent Telephone Communications Training Program and the Minnesota Electric Cooperative Line-

	1978	1979
	\$	\$
<p>persons Training Program, and further provided that the appropriate industry or association is required to pay at least 25 percent of the cost of each program.</p>		

Funds in (b) are for the purpose of acting as the state approving agency, as authorized by 38 U.S.C. Chapter 36. All funds received from the federal government for this purpose shall be deposited in the general fund and are reappropriated for that purpose.

Notwithstanding any provisions to the contrary, the commissioner of finance shall not increase the number of positions in vocational education supported by federal funds above the approved federal complement of 42.7, until he has consulted with the chairmen of the senate finance committee and the house appropriations committee.

Subd. 3. Special and Compensatory Instruction and Related Services . . . .	4,814,842	4,760,816
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(a) Salaries, Supplies and Expenses

\$4,314,842	\$4,260,816	
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(b) Claims, Grants, and Shared Revenue Indian Scholarships

\$500,000	\$500,000	
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The department of education shall make a study of program space needs at the Minnesota Braille and Sight-Saving school and submit the results of the study to the legislature by January 1, 1978. The study shall include consideration of the use of existing state buildings.

Of the amount in (a) for the first year, \$97,140 is for repair and purchase of equipment at the Minnesota School for the Deaf, the Minnesota Braille and

	1978	1979
	\$	\$

Sight-Saving School, and the Regional Library for the Blind. Any unexpended balance from this \$97,140 at the end of the first year shall not cancel but shall be available for the second year of the biennium.

The department of education may use the funds appropriated in (a) to hire additional human services technicians at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School provided, however, that the department shall not increase the complement by more than two human services technicians at each school.

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 4. Education Planning, and Development .....	1,126,855	1,178,527
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(a) Salaries, Supplies, and Expenses

\$526,855	\$528,527
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(b) Claims, Grants and Shared Revenue

\$600,000	\$650,000
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Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 5. School Management and Services .....	9,218,488	8,019,667
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(a) Salaries, Supplies, and Expenses

\$1,368,488	\$1,016,750
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\$331,926 in 1978 and \$9,125 in 1979 is for redesign of the Department's

	1978	1979
	\$	\$
Management Information System. Any unexpended balance remaining for this purpose in the first year shall not cancel but shall be available for the second year of the biennium.		

(b) Claims, Grants, and Shared Revenue

\$4,550,000	\$3,639,929
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Of the amount in (b) \$175,000 in 1978 is for Uniform Financial Accounting Reporting System (UFARS) regional staff. \$1,683,000 in 1978 and \$879,000 in 1979 is for support of regional management information centers. \$2,692,000 in 1978 and \$2,760,929 in 1979 is for salaries and expenses of the Minnesota education computing consortium.

The department shall charge MECC users for on-line computer time actually used, such receipts shall be deposited in the Minnesota educational computing consortium account, and are reappropriated to the Minnesota educational computing consortium.

The department of education in consultation with MECC shall submit to the chairman of house appropriations and the chairman of senate finance no later than July 15 and December 31 of each year a progress report, proposed plans, and expenditures.

(c) School Lunch Program claims, grants, and shared revenue

\$3,300,000	\$3,362,988
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Of the amount in (c) \$300,000 in 1978 and \$325,000 in 1979 is for food storage costs of USDA donated commodities.

Of the amount provided in (c), so much thereof as is necessary shall be used for the type "A" lunch program.

	1978	1979
	\$	\$

Any unexpended balance remaining in (b) or (c) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 6. Auxiliary and General Support Services .....	1,740,413	1,716,907
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Salaries, Supplies, and Expenses

\$1,740,413 \$1,716,907

The board of teaching shall evaluate its staffing needs and submit a report to the legislature by January 1, 1978.

Subd. 7. Public Library Services and Inter-Library Cooperation .....	2,507,775	2,907,152
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(a) Salaries, Supplies, and Expenses

\$357,775 \$357,152

(b) Claims, Grants, and Shared Revenue

\$2,150,000 \$2,150,000

(c) Claims, Grants, and Shared Revenue Contingency

-0- \$400,000

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

The amount appropriated in (c) shall become available upon enactment of legislation establishing a new distribution formula and implementation of the formula by the department.

To qualify for the state library grant herein authorized, local levies for libraries shall not be less than the library levies payable in 1977.

	1978	1979
	\$	\$
<p>The appropriations in (b) and (c) are limited to libraries' operating purposes only.</p>		
Subd. 8. Civil Service Salary and Fringe Adjustments .....	975,435	1,103,031

Of the amount provided by this subdivision, \$1,494 in 1978 and \$1,738 in 1979 is appropriated from the trunk highway fund.

Subd. 9. Except as provided in Minnesota Statutes, Section 3.925, none of the amounts appropriated in subdivisions 3, 4, 5, and 7 listed as claims, grants and shared revenues on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance, shall be transferred to any other expenditure category other than that for which it was appropriated.

The department of education shall not use any federal or other funds for the purpose of continuing any positions which have been deleted from the department's complement as shown on official conference committee work papers.

### Sec. 3. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. Salaries and Expenses .....	904,450	926,237
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This appropriation includes money for the administration of the state scholarship, state grant-in-aid, student loan, budget review program review, and private college contracts.

Subd. 2. MOIS Revolving Fund.....	50,000
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There is established in the state treasury a Minnesota occupational information system revolving fund. The board

	1978	1979
	\$	\$
shall charge MOIS users for services provided them. Receipts shall be deposited in the MOIS revolving fund, and are appropriated to the board for the purposes of the Minnesota occupational information system. The general fund shall be reimbursed \$50,000 by June 30, 1981.		
Subd. 3. State Scholarship Program .....	7,589,033	9,163,951
Subd. 4. State Grant-In-Aid Program .....	13,650,000	16,650,000
Subd. 5. Work Study Program .....	1,600,000	1,600,000
Subd. 6. Foreign Student Loans .....	80,000	80,000
Subd. 7. Minitex Library Program .....	400,000	425,000
Subd. 8. Private College Contracts .....	4,400,000	4,800,000
Subd. 9. Regional Coordination and Service .....	239,071	247,148
Subd. 10. Any unexpended balance remaining the first year in subdivisions 1, 3, 4, 6, 7, and 8 shall not cancel but shall be available for the second year of the biennium.		
Subd. 11. Medical Student Loan Reserve .....	30,000	30,000
Subd. 12. Education of Dependents .....	10,000	10,000
<b>Sec. 4. STATE UNIVERSITY BOARD</b>		
Subdivision 1. Maintenance and Equipment .....	65,131,643	68,221,450
Within the funds appropriated for the purpose by the 70th legislature, the commissioner of personnel and the state university board are authorized to implement those provisions of the collective bargaining agreements negotiated with the Inter-Faculty Organization—		

	1978	1979
	\$	\$

Minnesota Education Association and the Minnesota State University Association of Administrative and Service Faculty, which establish wages and economic fringe benefits.

The amounts appropriated in subdivisions 1 and 2 include a sum in each year for recruitment of unclassified staff.

Notwithstanding any other law to the contrary, the state university board may purchase public liability insurance to protect those nonemployees involved in activities ancillary to the programs of the agency. These activities shall include, but not be limited to: (a) fine art exhibitions, where the intent is to insure the artist's works; (b) personal property of nonemployees which is used by the agency for its auxiliary enterprises; (c) personal professional liability insurance for students when required by clinical training institutions, as a condition for use of the clinical facilities; (d) students while involved in educational program related field trips, tours and other off-campus activities; (e) medical and hospitalization insurance for students participating in intercollegiate, intramural and extramural programs; (f) property insurance for Auxiliary Enterprises assets, including inventory to be paid from Auxiliary Enterprises proceeds; (g) otherwise uncompensated contractors who allow state agencies to use contractor facilities and equipment.

Subd. 2. State University Board Contingent .....	750,000
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Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative ad-

	1978	1979
	\$	\$
visory commission as provided by Minnesota Statutes, Section 3.30.		
Subd. 3. Student Loans—State Matching .....	175,000	175,000

This appropriation shall be used as the state's matching share for any federal student aid or loan program.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium. No portion of the appropriation shall be used to defray obligations incurred prior to July 1, 1977.

Subd. 4. Repairs and Betterments ..	808,868	864,666
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Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 5. A report shall be submitted to the 71st session of the legislature as to the use of all money exempt from budgetary control by the commissioner of finance pursuant to Minnesota Statutes, Sections 136.11, Subdivision 5; 136.144; and 136.37.

Subd. 6. Notwithstanding the provisions of any law to the contrary, the state university board may provide for the orderly replacement of aircraft. An equipment suspense account shall be established by the commissioner of finance within the general fund. All receipts that are attributable to the operation or use of aircraft are reappropriated to the state university board. These receipts, or a portion thereof as may be designated by the board, shall be credited to the equipment suspense account. Any balance in this account shall not cancel at the end of a fiscal year but shall remain available for transfer at the request of the board to its maintenance and equipment account.

	1978	1979
	\$	\$
<b>Sec. 5. STATE COMMUNITY COLLEGE BOARD</b>		
Subdivision 1. . . . .	29,358,615	30,962,847

Section 4 of Article X of the Professional Staff Agreements, as negotiated between the state board for community colleges and the Minnesota Community College Faculty Association shall not be implemented during the 1977-79 biennium and the agreement is approved as modified. The board and the association are directed to agree upon a salary schedule for fiscal year 1978 and for fiscal year 1979, that shall not exceed a salary adjustment of 7 percent for fiscal year 1978 and a salary adjustment of 7 percent for fiscal year 1979.

This appropriation is for maintenance and equipment of the state community college board and the state community colleges. The state community colleges are encouraged to use off-campus courses to extend the benefits of this appropriation to as many Minnesota residents as possible.

Notwithstanding any other law to the contrary, the board for community colleges may purchase insurance coverage as follows:

Personal professional liability insurance for students when required by clinical training institutions, as a condition for use of the clinical facilities.

Medical and hospitalization insurance for students participating in intercollegiate, intramural and extramural programs.

Blanket personal property insurance for fine art displays, including but not limited to, paintings, photographs, sculptures, exhibited on a community college campus.

	1978	1979
	\$	\$
<p>Property insurance for Auxiliary Enterprise assets, including inventory to be paid from Auxiliary Enterprises proceeds.</p>		
Subd. 2. Occupational Program Development .....	300,000	
<p>Prior to use of this appropriation the chancellor of the community college system shall submit the proposed program and expenditures for review by the chairmen of the house appropriations and senate finance committees.</p> <p>Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.</p>		
Subd. 3. St. Paul Learning Center .....	40,000	50,000
<p>Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.</p> <p>The board shall report to the committee on finance of the senate and the committee on appropriations of the house of representatives by March 1, 1978 for the first year and January 1, 1979 for the second year on the use of the money in this appropriation.</p>		
Subd. 4. Student Loan Program— State Matching .....	85,000	90,000
<p>This appropriation shall be used as the state's matching share for any federal student aid or loan programs.</p> <p>Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.</p>		
Subd. 5. State Community College Board Contingent .....	300,000	

	1978	1979
	\$	\$

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission, as provided by Minnesota Statutes, Section 3.30.

Subd. 6. Repairs and Betterments . . .	405,431	374,760
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Any unexpended balances remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 7. Special Assessments . . . . .	235,215	
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**Sec. 6. UNIVERSITY OF MINNESOTA**

Subdivision 1. Operations and Maintenance . . . . .	150,521,248	156,979,440
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These appropriations are made from:

(a) Income derived from investment of the permanent university fund, which is appropriated to the university as provided in Minnesota Statutes, Section 137.022. It is estimated that this income will not exceed \$2,500,000 for the first year and \$2,500,000 for the second year; and

(b) The general fund. It is estimated that the amount required from the general fund will be at least \$148,021,248 for the first year and \$154,479,440 for the second year.

On October 1, 1978 and 1979 the president of the university of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance the following information:

	1978	1979
	\$	\$

(1) The total amount of receipts during the fiscal year 1978 from all sources in excess of \$68,889,000 and during the fiscal year 1979 from all sources in excess of \$72,929,000;

(2) The sources of these receipts; and

(3) The purposes for which any excess receipts were expended and accounts to which transferred.

The board of regents shall certify to the commissioner of finance at the end of each quarter the amount of earnings derived from the investment of the permanent university fund.

If this income during any fiscal year exceeds the amounts stated in (a) above, the amount payable from the general fund shall be reduced accordingly.

The university is requested to review the staffing patterns at the two technical campuses. Recommendations leading toward equalization shall be included in the 1979 budget request.

In preparing the university's legislative budget request for the 1979-1981 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.

The university shall explore the possibility of developing and implementing a self insurance program. A report of the findings and recommendations shall be submitted to the legislature no later than January 15, 1978.

Any excess funds in the above appropriation resulting from delayed completion or occupancy of new space as projected in the budget document shall cancel to the general fund.

	1978	1979
	\$	\$

In the event that federal funds continue to be available for CETA positions at the Duluth and Morris campus, the appropriated state funds shall cancel.

The university is directed to take the necessary steps to insure faculty salary equalization among the twin cities and coordinate campuses and submit a progress report to the legislature by January 15, 1979.

Subd. 2. Equipment Replacement	500,000	500,000
Subd. 3. Student Loans — State Matching	250,000	250,000

This appropriation shall be used as the state's matching share for any federal student aid or loan program. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 4. Library Supplement	1,186,300	1,186,300
Subd. 5. Intercollegiate Athletics	594,400	660,200

This appropriation shall be used only for the support of a women's intercollegiate athletic program.

Subd. 6. Summer School Tuition and Continuing Education Supplement	772,521	772,521
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The board of regents shall expend this money to equalize tuition rates among undergraduate students for regular session, summer session and extension programs in order to facilitate to the maximum the use of campus units, buildings and staff.

Subd. 7. Graduate Residency Program	2,967,128	2,967,128
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	1978	1979
	\$	\$

All hospitals receiving any portion of this appropriation shall furnish the house appropriations and senate finance committees with a full report no later than March 1, 1978, of all actual and reasonable costs resulting from graduate family practice residency education, and all fees and income to the hospital generated by the graduate residents in family practice and the purposes for which this money was expended. Expenditures from this appropriation shall be made only for activities directly related to the training of doctors in family practice.

Subd. 8. Medical Services and Instruction .....	1,086,802	1,086,802
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This appropriation includes money for the rural health physicians' associate program, drug abuse information and education, and public health and nurse clinician generalist program. The university shall submit a progress report on the drug abuse program by January 15, 1979.

Subd. 9. Health Sciences Contingent .....	3,563,126	
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Portions or all of the above appropriation shall become available upon submission of required documentation that federal health sciences capitation funds have been reduced or phased out. Replacement of any capitation grant losses or reductions shall be computed by using the fiscal year 1976 level as the base year. All requests shall be reviewed by the chairmen of the house appropriations and senate finance committees whose recommendations shall be advisory only. Failure to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 10. Duluth Campus

(a) Basic Sciences Program for Medical Training .....	1,681,166	1,895,433
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	1978	1979
	\$	\$
(b) Dental Hygiene Program . . .	199,156	199,156
(c) Graduate School of Social Work . . . . .	378,594	378,594
Subd. 11. Special—Civil Service Salary and Fringe adjustments . . . . .	2,365,964	3,527,891

**Sec. 7. UNIVERSITY OF MINNESOTA; RESEARCH**

Subdivision 1. General Research . . .	1,390,340	1,390,340
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This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, training for careers in fire prevention and protection, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.

Subd. 2. General Agricultural Research . . . . .	6,027,964	6,027,964
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This appropriation includes money for research on aquatic plants (including wild rice), soybeans, avian disease, corn improvement and irrigation.

Subd. 3. Hormel Institute—Austin	105,000	105,000
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To support the operation of the institute and to promote research by the institute.

Subd. 4. Medical Research . . . . .	1,203,524	1,233,524
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Subd. 5. Veterinary Diagnostic Laboratory and Teaching Hospital . . . . .	636,203	636,203
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Subd. 6. Geological Survey . . . . .	427,514	427,514
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Subd. 7. Lake Superior Basin Studies . . . . .	56,136	56,136
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The university shall submit a progress report to the 1979 legislature.

	1978	1979
	\$	\$
Subd. 8. Freshwater Biological Research Institute .....	154,209	154,209

Sec. 8. UNIVERSITY OF MINNESOTA; COMMUNITY SERVICES

Subdivision 1. Agricultural Extension Service .....	5,728,879	5,750,000
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This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted by the university to personnel paid from this appropriation shall not result in a reduction of the county portion of the salary payments.

This appropriation includes money each year for the potato and sugar beet extension program in the Red River Valley, contingent on an equal amount being provided by the state of North Dakota.

Subd. 2. For State's Share of Expenses of County Indigent Patients .	2,000,000	2,000,000
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Subd. 3. Special Hospitals, Community Service, and Educational Offset. . .	5,205,846	5,205,846
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Fees for service furnished to counties and individuals under this program shall be sought to augment the money appropriated; the fees are appropriated to the university hospitals.

Subd. 4. Industrial Relations Education Program .....	374,898	374,898
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This appropriation includes money for short courses, programs, and seminars for labor and management.

Sec. 9. MAYO MEDICAL SCHOOL	1,184,000	1,208,000
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The state of Minnesota shall pay a capitation of \$8,000 for each student who is a resident of Minnesota for a

	\$	1978	\$	1979
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maximum of 40 such students in each class.

**Sec. 10. WORKERS' COMPENSATION**

For 1977 — \$108,971

To be transferred by the commissioner of finance to the department of labor and industry compensation revolving fund, in payment of obligations incurred by the following agencies in the amounts as indicated:

Community College Board .....	10,716
State University Board .....	98,255

**Sec. 11. UNEMPLOYMENT COMPENSATION**

For 1977 — \$350,306

To the commissioner of finance for transfer to the unemployment compensation fund in reimbursement for unemployment compensation benefits paid to former employees of the following agencies in the amounts as indicated:

Community College System .....	63,007
State University Board .....	285,955
Higher Education Coordinating Board .....	1,344

Sec. 12. Minnesota Statutes 1976, Section 120.17, Subdivision 7a, is amended to read:

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

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

(b) When it is determined pursuant to section 128A.05, subdivisions 1 or 2 that the child is entitled to attend either school, the state board shall provide the appropriate educational program for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that the amount of tuition charged shall not exceed \$2,000 for any school year. The district of the child's residence shall pay the tuition and may claim foundation aid for the child. All tuition so received shall be deposited in the state treasury (, SUBJECT TO THE ORDER OF THE STATE BOARD;).

(c) When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law.

Sec. 13. Minnesota Statutes 1976, Section 128A.02, Subdivision 3, is amended to read:

Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each school. *The residential school administrator shall serve in the unclassified service at the pleasure of the commissioner of education.* These schools shall be deemed to be public schools for the purposes of sections 125.03 and 125.04, and all teachers as defined in those sections who are employed at these schools shall be subject to the standards of the board of teaching and the state board of education; provided that any teacher who does not meet these standards as of July 1, 1977 shall be required to meet these standards by September 15, (1978) 1980 in order to continue in employment.

Sec. 14. Minnesota Statutes 1976, Section 128A.06, Subdivision 1, is amended to read:

128A.06 [ADMITTANCE AND DISCHARGE.] Subdivision 1. The admissions and discharge committee of each school

shall include (THE FIELD CONSULTANT OF THE APPLICABLE SCHOOL AND FOUR) *five* members who are knowledgeable in the fields of hearing impairment or visual disability, as applicable, to be appointed by the state board.

Sec. 15. Minnesota Statutes 1976, Section 128A.07, is amended to read:

128A.07 [EXPENSE OF PUPILS.] Any individual attending the school for the deaf or the braille and sight-saving school shall be provided, by the person legally liable for his support, with sufficient funds to furnish him with proper clothing, postage, and necessary incidental expenses. If the person legally liable for his support is unable to make these provisions for him, the county welfare board of the county of which he is a resident shall pay to the superintendent of the school in which he is a pupil a sum to be fixed by the commissioner of education pursuant to rules promulgated by the state board. In addition, the school district of residence shall be liable for the actual transportation of the pupil to and from the school in which he is a pupil.

Applicants from other states who can benefit by being enrolled may be accepted so long as acceptance does not preclude acceptance of an eligible Minnesota resident. The commissioner of education shall obtain reimbursement from other states for the costs incurred in connection with nonresidents accepted and may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasurer and placed in the general fund (SUBJECT TO THE ORDER OF THE STATE BOARD).

Sec. 16. Minnesota Statutes 1976, Section 136A.121, Subdivision 3, is amended to read:

Subd. 3. [ALLOCATION AND AMOUNT.] (1) Scholarships and grants-in-aid shall be awarded annually on a funds available basis to those first year (STUDENTS) and transfer (STUDENTS) *applicants for initial awards and applicants for renewal awards* who meet the board's requirements;

(2) A financial stipend shall accompany scholarship awards if the scholarship winner demonstrates financial need and will attend an eligible institution. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100 but in no event shall exceed one-half of the applicant's financial need *or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants' need, whichever is lesser*. Scholarship winners who do not demonstrate financial need under criteria prescribed by the board shall be awarded honorary scholarships;

(3) A financial stipend based on financial need shall accompany grants-in-aid. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100, but in no event shall exceed one-half of the applicant's financial need *or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants' need, whichever is lesser;*

(4) In dispensing available funds in a given year, priority shall be given on the following basis:

Renewal scholarships and grants-in-aid.

Thereafter, until the funds are exhausted, to first year and transfer applicants, on the basis of their rank in the case of scholarships, and on the basis of need with first year and transfer applicants treated as a single pool of applicants in the case of grants-in-aid, as determined by standards prescribed by the board.

(5) Each scholarship or grant-in-aid shall be awarded for one academic year but shall be renewable until a total of eight semesters or twelve quarters or their equivalent have been covered, or a baccalaureate degree obtained, whichever occurs first;

(6) Each scholarship or grant-in-aid shall be renewable, contingent on continued residency in Minnesota, United States citizenship, satisfactory academic standing and recommendation of the college or vocational school and, in the case of financial assistance, evidence of continued need;

(7) The student must apply for renewal of his scholarship or grant-in-aid each year;

(8) The student must continue to attend an eligible institution;

(9) All scholarship winners shall be notified of their award by the board and shall be given appropriate evidence of the award;

(10) All grant-in-aid recipients shall be duly notified thereof by the board;

(11) Financial scholarships and grants-in-aid awarded under the terms of sections 136A.09 to 136A.131 shall be applied to educational costs in the following order: tuition, fees, books, supplies and other expenses. Unpaid portions of such awards shall revert to the board scholarship or grant-in-aid account.

Sec. 17. Minnesota Statutes 1976, Section 141.24, is amended to read:

141.24 [ADVISORY COUNCIL.] The Minnesota advisory council on private trade, business and correspondence schools is hereby created consisting of 16 members to be appointed by the state board of education as follows: two members, each from trade, business, correspondence, and paramedical schools; one member each representing the secondary school principals and guidance counselors; one member representing agriculture, business or management, organized labor, and health occupations, and two members representing the general public. The state board of education shall appoint such members to the advisory council within 30 days of November 15, 1969. Each member shall be appointed for a four year term except that in making appointments for the first term, the state board of education shall, so far as practicable appoint eight members representative of each category, for a two year term. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059. The state board of education shall appoint the council chairman from the council membership and the secretary from the professional staff of the department of education who will serve ex officio. The attorney general shall appoint an attorney to serve as legal counsel for the council. The council shall advise the commissioner and the state board of education (IN PROMOTING THE GROWTH, ETHICAL, ECONOMIC, AND SUCCESSFUL OPERATION OF THE SCHOOLS SUBJECT TO THE ACT) *in informing the public by the dissemination of public information regarding private business, trade, and correspondence schools licensed pursuant to this chapter, provided that data obtained pursuant to section 141.30 shall not be divulged except as therein provided*; protecting the interests of the prospective and enrolled students of such schools; and advising the commissioner and the state board of education in formulating rules and regulations contemplated in section 141.23.

Sec. 18. Minnesota Statutes 1976, Section 141.36, is amended to read:

141.36 [PUBLIC POLICY (CURRENT).] It shall be the public policy of the state to protect all persons and schools covered by sections 141.21 to 141.36 from unfounded charges, complaints or harassment, (AND TO PROMOTE THE GROWTH, ETHICAL, ECONOMIC AND SUCCESSFUL OPERATION OF THE SCHOOLS SUBJECT TO SECTIONS 141.21 TO 141.36,) and to protect the interests of prospective and enrolled students *and to inform the public by the dissemination of public information regarding private business, trade, and correspondence schools licensed pursuant to this chapter, provided that data obtained pursuant to section 141.30 shall not be divulged except as therein provided.*

Sec. 19. Minnesota Statutes 1976, Section 197.78, is amended to read:

197.78 [STATE EDUCATIONAL PROGRAMS UNAVAILABLE THROUGH FEDERAL PROGRAMS.] *Subdivision 1.* The state board of education shall foster and support educational programs for the benefit of veterans to assure that no Minnesotan shall be deprived of his earned veterans benefits by virtue of the unavailability of programs for which the veteran is entitled to enroll and receive subsistence, tuition, and other benefits under federal programs. It shall be the responsibility of the state board to measure the demand for veterans service educational programs based on the criteria mandated by federal veterans benefits laws and to authorize, promote, and make grants within appropriated amounts to assure such program availability.

*Subd. 2.* The state board of education is authorized to maintain a contractual relationship with the United States as authorized by 38 U.S.C., Chapter 36, and subsequent amendments thereto, in which the state board shall agree to act as the state approving agency for purposes of federal veterans' educational benefits. The state board of education shall also have authority to adopt rules and regulations to fulfill its obligations as the state approving agency.

Sec. 20. *Subdivision 1.* Effective October 1, 1977, no funds appropriated by the state shall be transferred to or expended with or by the Minnesota educational computing consortium unless the consortium adheres to the provisions of Minnesota Statutes, Chapters 15, 16, excepting sections 16.90 and 16.94 thereof, 16A and 43.

*Subd. 2.* Notwithstanding the provisions of subdivision 1, the consortium is authorized to maintain a revolving fund for all receipts derived from computer services provided by the consortium and further provided that the consortium board may establish one management position in the unclassified service.

Sec. 21. [MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM, CONTRACTS.] *The Minnesota educational computing consortium, created and now existing pursuant to Minnesota Statutes, Section 471.59, its members and elementary-secondary and vocational school regional computing centers, are authorized to provide computer services to private educational institutions and to other individuals or groups in the event that MECC has computer service capabilities in excess of need and to establish and collect fees therefor. Provided, however, that the fees shall in no event be less than the cost of providing the services.*

Sec. 22. *There is hereby created a post-secondary education consortium for southwestern and west central Minnesota which*

*shall have its principal office at southwest state university at Marshall. The purpose of the consortium shall be to improve the efficiency and effectiveness of post-secondary education, through increased interinstitutional cooperation and planning, in the area served by southwest state university and the university of Minnesota at Morris.*

*The consortium shall be coordinated by a southwestern and west central Minnesota post-secondary education consortium board consisting of: the provost of the university of Minnesota, or his designee; the chancellor of the state university system, or his designee; the chancellor of the community college system, or his designee; the assistant commissioner for vocational-technical education within the state department of education, or his designee; the executive director of the higher education coordinating board, or his designee; and three persons representing the public at large who shall be appointed by the governor.*

*The board shall appoint an advisory committee consisting of: the provost at the university of Minnesota at Morris; the presidents of southwest state university and the community colleges at Willmar and Worthington; the directors of the vocational-technical institutes located in the area served; and seven citizen members who shall be residents of the area served by southwest state university. The citizen members shall be appointed for terms of two years, except that three of the initial appointments shall be for terms of one year. No more than one citizen member shall be appointed from a county.*

*The board is authorized to hire staff and incur other expenses as necessary for the purposes of this act.*

Sec. 23. [REPEALER.] *Minnesota Statutes 1976, Section 128A.08, is repealed."*

Further amend the title.

Line 8 after the semicolon insert "creating a higher education consortium for southwestern Minnesota;"

Line 12, delete "179.69, Subdivisions 4 and 5;"

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

House Conferees: RAY FARICY, ROD SEARLE, STAN ENEBO, MIKE SIEBEN and BILL DEAN.

Senate Conferees: ROGER MOE, ROBERT TENNESSEN, HARMON OGDahl and PETER STUMPF.

Faricy moved that the report of the Conference Committee on H. F. No. 1510 be adopted and that the bill be re-passed as amended by the Conference Committee.

Jude moved that the House refuse to adopt the Conference Committee report on H. F. No. 1510, that the bill be returned to the Conference Committee, that the present House Conference Committee be discharged and that the Speaker appoint a new Conference Committee consisting of 5 members on the part of the House.

A roll call was requested and properly seconded.

The question was taken on the motion by Jude and the roll was called. There were 48 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	McEachern	Prahl
Adams	Ewald	Kelly, R.	Metzen	Sarna
Anderson, I.	Fjoslien	Kempe, A.	Murphy	Scheid
Battaglia	Forsythe	Kempe, R.	Neisen	Tomlinson
Begich	Friedrich	Knickerbocker	Nelsen, B.	Wenstrom
Berkelman	Fugina	Kroening	Nelsen, M.	White
Biersdorf	George	Kvam	Novak	Williamson
Carlson, A.	Gunter	Lemke	Osthoff	Zubay
Carlson, D.	Jensen	McCollar	Peterson	
Carlson, L.	Jude	McDonald	Pleasant	

Those who voted in the negative were:

Albrecht	Clark	Faricy	McCarron	Sieben, M.
Anderson, B.	Clawson	Fudro	Munger	Simoneau
Anderson, D.	Cohen	Hanson	Nelson	Skoglund
Anderson, G.	Cummiskey	Hokanson	Niehaus	Smogard
Anderson, R.	Dahl	Jacobs	Norton	Stanton
Arlandson	Dean	Johnson	Patton	Stoa
Beauchamp	Den Ouden	Kahn	Pehler	Suss
Berg	Eckstein	Kalis	Petrafeso	Swanson
Berglin	Eken	Kelly, W.	Rice	Vanasek
Birnstihl	Ellingson	King	Schulz	Waldorf
Brandl	Enebo	Kostohryz	Searle	Wenzel
Brinkman	Erickson	Lehto	Searles	Wieser
Byrne	Esau	Mangan	Sherwood	Wigley
Casserly	Evans	Mann	Sieben, H.	Speaker Sabo

The motion did not prevail.

The question recurred on the motion by Faricy to adopt the Conference Committee report on H. F. No. 1510. The motion prevailed.

H. F. No. 1510, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and

the university of Minnesota and its hospitals; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

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 2 nays as follows:

Those who voted in the affirmative were:

Adams	Cummiskey	Johnson	Murphy	Sieben, M.
Albrecht	Dahl	Jude	Neisen	Simoneau
Anderson, B.	Dean	Kahn	Nelsen, B.	Skoglund
Anderson, D.	Den Ouden	Kaley	Nelsen, M.	Smogard
Anderson, G.	Eckstein	Kalis	Nelson	Spanish
Anderson, R.	Eken	Kelly, R.	Niehaus	Stanton
Arlandson	Ellingson	Kelly, W.	Norton	Stoa
Battaglia	Enebo	Kempe, A.	Novak	Suss
Beauchamp	Erickson	Kempe, R.	Osthoff	Swanson
Begich	Esau	King	Patton	Tomlinson
Berg	Evans	Knickerbocker	Pehler	Vanasek
Berglin	Ewald	Kostohryz	Peterson	Voss
Berkelman	Faricy	Kroening	Petrafeso	Waldorf
Biersdorf	Fjoslien	Kvam	Pleasant	Welch
Birnstihl	Forsythe	Laidig	Prahl	Wenstrom
Brandl	Friedrich	Langseth	Rice	Wenzel
Braun	Fudro	Lehto	Rose	White
Brinkman	Fugina	Lemke	St. Onge	Wieser
Byrne	George	Mangan	Samuelson	Wigley
Carlson, A.	Gunter	Mann	Sarna	Williamson
Carlson, D.	Hanson	McCarron	Savelkoul	Wynia
Carlson, L.	Haugerud	McCollar	Scheid	Zubay
Casserly	Heinitz	McDonald	Schulz	Speaker Sabo
Clark	Hokanson	McEachern	Searle	
Clawson	Jacobs	Metzen	Searles	
Cohen	Jaros	Moe	Sherwood	
Corbid	Jensen	Munger	Sieben, H.	

Those who voted in the negative were:

Abeln                      Anderson, I.

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

Beauchamp and Dean were excused for the remainder of today's session.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 447 and 1051 and S. F. Nos. 899 and 120.

H. F. No. 447, A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Moe	Searle
Adams	Corbid	Johnson	Munger	Searles
Albrecht	Cummiskey	Jude	Murphy	Sherwood
Anderson, D.	Dahl	Kaley	Neisen	Sieben, H.
Anderson, G.	Den Ouden	Kalis	Nelsen, B.	Sieben, M.
Anderson, I.	Eckstein	Kelly, R.	Nelsen, M.	Simoneau
Anderson, R.	Eken	Kelly, W.	Nelson	Skoglund
Arlandson	Ellingson	Kempe, A.	Niehaus	Smogard
Battaglia	Enebo	Kempe, R.	Norton	Stanton
Begich	Erickson	King	Novak	Stoa
Berg	Esau	Knickerbocker	Osthoff	Suss
Berglin	Evans	Kostohryz	Patton	Swanson
Berkelman	Ewald	Kroening	Pehler	Tomlinson
Biersdorf	Faricy	Kvam	Peterson	Vanasek
Birnstihl	Fjoslien	Laidig	Petrafaso	Waldorf
Brandl	Forsythe	Langseth	Pleasant	Wenstrom
Braun	Friedrich	Lehto	Prahl	Wenzel
Brinkman	Fudro	Lemke	Reding	Wieser
Byrne	Fugina	Mangan	Rice	Wigley
Carlson, A.	George	Mann	Rose	Williamson
Carlson, D.	Gunter	McCarron	St. Onge	Wynia
Carlson, L.	Hanson	McCollar	Samuelson	Zubay
Casserly	Heinitz	McDonald	Sarna	Speaker Sabo
Clark	Jacobs	McEachern	Savelkoul	
Clawson	Jaros	Metzen	Schulz	

The bill was passed and its title agreed to.

H. F. No. 1051, A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; appropriating money; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, 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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Adams	Anderson, B.	Anderson, D.	Anderson, G.
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Anderson, I.	Eckstein	Kahn	Munger	Sherwood
Anderson, R.	Eken	Kaley	Murphy	Sieben, H.
Arlandson	Ellingson	Kalis	Neisen	Sieben, M.
Battaglia	Enebo	Kelly, R.	Neisen, B.	Simoneau
Begich	Erickson	Kelly, W.	Neisen, M.	Skoglund
Berg	Esau	Kempe, A.	Nelson	Smogard
Berglin	Evans	Kempe, R.	Niehaus	Stanton
Berkelman	Ewald	King	Norton	Stoa
Biersdorf	Faricy	Knickerbocker	Novak	Suss
Birnstihl	Fjoslien	Kostohryz	Osthoff	Swanson
Brandl	Forsythe	Kroening	Patton	Tomlinson
Braun	Friedrich	Kvam	Pehler	Waldorf
Brinkman	Fudro	Laidig	Peterson	Wenstrom
Byrne	Fugina	Langseth	Petrafesio	Wenzel
Carlson, A.	George	Lehto	Pleasant	White
Carlson, D.	Gunter	Lemke	Prahl	Wigley
Carlson, L.	Hanson	Mangan	Rose	Williamson
Casserly	Haugerud	Mann	Samuelson	Wynia
Clark	Heinitz	McCarron	Sarna	Zubay
Clawson	Hokanson	McCollar	Savelkoul	Speaker Sabo
Cohen	Jacobs	McDonald	Scheid	
Corbid	Jaros	McEachern	Schulz	
Cummiskey	Jensen	Metzen	Searle	
Den Ouden	Jude	Moe	Searles	

The bill was passed and its title agreed to.

S. F. No. 899 was reported to the House.

Swanson moved to amend S. F. No. 899, the unofficial engrossment, as follows:

Page 1, after line 21, insert a new section to read:

"Section 1. Minnesota Statutes 1976, Section 144.652, Subdivision 2, is amended to read:

Subd. 2. A substantial violation of the rights of any resident as defined in section 144.651, shall be grounds for issuance of a correction order pursuant to section 144.653 *or 144A.10*. The issuance of a correction order shall not preclude private action by or on behalf of a resident to enforce his rights."

Renumber the subsequent sections.

Further amend the title:

Page 1, line 12, after "Sections" insert "144.652, Subdivision 2;".

The motion prevailed and the amendment was adopted.

Clawson and Carlson, D., offered an amendment to S. F. No. 899.

## POINT OF ORDER

Searle raised a point of order pursuant to rule 3.9 that the Clawson amendment was out of order. Norton, as Speaker Pro Tempore, ruled the point of order well taken and the amendment out of order.

S. F. No. 899, A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; providing depreciation allowances; providing for reimburseable expenses; providing for a study on nursing assistant training; authorizing Chisago county to issue revenue bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of the facilities; amending Minnesota Statutes 1976, Sections 144.652, Subdivision 2; 144A.04, Subdivisions 3 and 5; 144A.05; 144A.10, Subdivisions 2 and 5; 144A.61, Subdivision 6; 256B.27, by adding a subdivision; 256B.43, by adding a subdivision; 256B.44, Subdivisions 2 and 3; 256B.45, Subdivisions 1 and 4; 256B.47, Subdivisions 1 and 2; 256B.48, Subdivision 1; Chapter 144A, by adding a section; and repealing Minnesota Statutes 1976, Section 256B.45, Subdivisions 2 and 3.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jude	Munger	Searles
Adams	Den Ouden	Kahn	Murphy	Sherwood
Albrecht	Eckstein	Kaley	Neisen	Sieben, H.
Anderson, D.	Ellingson	Kalis	Nelsen, B.	Sieben, M.
Anderson, G.	Enebo	Kelly, R.	Nelsen, M.	Simoneau
Anderson, I.	Erickson	Kelly, W.	Nelson	Skoglund
Anderson, R.	Esau	Kempe, A.	Niehaus	Smogard
Arlandson	Evans	Kempe, R.	Norton	Spanish
Battaglia	Ewald	King	Novak	Stanton
Begich	Faricy	Knickerbocker	Osthoff	Stoa
Berkelman	Fjoslien	Kostohryz	Patton	Suss
Biersdorf	Forsythe	Kroening	Peterson	Swanson
Birnstihl	Friedrich	Kvam	Pleasant	Tomlinson
Brandl	Fudro	Laidig	Prahl	Vanasek
Braun	Fugina	Langseth	Reding	Waldorf
Brinkman	George	Lehto	Rice	Wenstrom
Byrne	Gunter	Lemke	Rose	Wenzel
Carlson, A.	Hanson	Mangan	St. Onge	White
Carlson, L.	Haugerud	Mann	Samuelson	Wieser
Cassery	Heinitz	McCollar	Sarna	Wigley
Clark	Hokanson	McDonald	Savelkoul	Williamson
Clawson	Jacobs	McEachern	Scheid	Zubay
Cohen	Jaros	Metzen	Schulz	Speaker Sabo
Corbid	Jensen	Moe	Searle	

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

S. F. No. 120, A bill for an act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976; Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

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 82 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kempe, A.	Osthoff	Smogard
Anderson, B.	Enebo	King	Pehler	Spanish
Anderson, I.	Ewald	Kostohryz	Petrafeso	Stanton
Arlandson	Faricy	Kroening	Pleasant	Suss
Battaglia	Forsythe	Kvam	Prahl	Swanson
Berglin	Fugina	Lehto	Reding	Tomlinson
Berkelman	George	Mangan	Rice	Vanasek
Brandl	Gunter	McCarron	Rose	Welch
Byrne	Hanson	McCollar	St. Onge	Wenstrom
Carlson, A.	Hokanson	Metzen	Samuelson	Wenzel
Carlson, L.	Jacobs	Moe	Savelkoul	White
Casserly	Jaros	Munger	Scheid	Williamson
Clark	Jensen	Murphy	Searles	Wynia
Clawson	Johnson	Neisen	Sieben, H.	Speaker Sabo
Cohen	Jude	Nelson	Sieben, M.	
Corbid	Kahn	Norton	Simoneau	
Cummiskey	Kelly, R.	Novak	Skoglund	

Those who voted in the negative were:

Albrecht	Brinkman	Friedrich	Lemke	Schulz
Anderson, D.	Carlson, D.	Fudro	Mann	Searle
Anderson, G.	Eckstein	Heinitz	McDonald	Sherwood
Anderson, R.	Eken	Kaley	McEachern	Stoa
Begich	Erickson	Kalis	Nelsen, B.	Waldorf
Biersdorf	Esau	Kelly, W.	Niehaus	Wieser
Birnstill	Evans	Kempe, R.	Peterson	Wigley
Braun	Fjoslien	Knickerbocker	Sarna	Zubay

The bill was passed and its title agreed to.

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

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 59, A bill for an act relating to ambulance services; reimbursing certain operators of licensed ambulance services for expenses of training volunteer ambulance attendants; defining "volunteer ambulance attendants"; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Reported the same back with the following amendments:

Page 2, line 20, after "\$" insert "\$225,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 85, A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the commissioner of administration; providing for publication of agency vacancies.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 516, A bill for an act relating to victims of crime; directing the commissioner of corrections to establish victim crisis centers; appropriating money.

Reported the same back with the following amendments:

Page 2, line 28, delete "\$400,000" and insert "\$250,000".

Page 2, line 31, delete "This appropriation".

Page 2, delete line 32.

Page 3, delete line 1.

Page 3, delete section 7.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 784, A bill for an act relating to education; establishing pilot bilingual and native American language and culture education programs; granting certain powers and duties to the state board of education; establishing a state bilingual and native American language and culture education advisory council; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision.

Reported the same back with the following amendments:

Pages 15 and 16, delete all of section 13 and insert:

"Sec. 13. [APPROPRIATION.] *There is appropriated to the state board of education from the general fund the sum of \$600,000 for the biennium ending June 30, 1979, to be expended by grants to pilot American Indian language and culture education programs pursuant to sections 1 to 11 of this act.*"

Further amend by striking the title in its entirety and inserting:

"A bill for an act relating to education; establishing pilot American Indian language and culture education programs, and prescribing the powers and duties of the state board of education, school districts and the board of teaching in relation thereto; establishing an advisory task force on American Indian language and culture education programs and prescribing its duties; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 124, A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for battered women; appropriating money; amending Minnesota Statutes 1976, Section 256D.05, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 3, delete "*or his designee*".

Page 2, line 5, delete "four" and insert "three".

Page 2, line 8, delete "two" and insert "At least one".

Page 2, line 8, delete the second "programs" and insert "program".

Page 2, line 10, after the period insert "At least".

Page 2, line 12, delete ", and one pilot program shall be designated".

Page 4, line 23, after "community" add "or governmental".

Page 4, line 28, after "of" insert "five".

Page 5, line 7, delete "from" and insert ". In appointing the project coordinator the commissioner shall give due consideration to".

Page 6, line 14, delete "\$500,000" and insert "\$385,000".

Page 6, line 15, delete "\$50,000" and insert "\$35,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 448, A bill for an act relating to public safety; requiring implementation of 911 emergency telephone systems; providing for standards and waivers; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [911 EMERGENCY TELEPHONE SYSTEM.]  
Subdivision 1. Each county in the metropolitan area shall establish a 911 emergency telephone system on or before December 15, 1982 and each remaining county shall establish a 911 emergency telephone system on or before December 15, 1986.

Subd. 2. The 911 systems may be multijurisdictional and regional in character provided that design and implementation are preceded by cooperative planning on a county by county basis with local public safety agencies.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 12, the terms defined in this section have the meanings given them.

Subd. 2. "Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 3. "Public agency" means any unit of local government or special purpose district located in whole or in part within this state which provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.

Subd. 4. "Public safety agency" means a functional division of a public agency which provides fire fighting, police, medical, or other emergency services, or a private entity which provides emergency medical or ambulance services.

Subd. 5. "Public safety answering point" means a communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

Subd. 6. "Minimum 911 service" means a telephone service meeting the design standards established pursuant to section 7, which automatically connects a person dialing the digits 911 to an established public safety answering point. Minimum 911 service includes equipment for connecting and outswitching 911 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, for automatically selectively routing 911 calls in situations where one telephone central office serves more than one public safety answering point.

Sec. 3. [SERVICES TO BE PROVIDED.] Services available through a 911 system shall include police, firefighting and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point.

Sec. 4. [911 EMERGENCY TELEPHONE NUMBER; PAY TELEPHONES.] Subdivision 1. The digits 911 shall be the primary emergency telephone number within the system, but a public safety agency whose services are available on the 911 system may maintain a separate secondary backup number for emergency calls and shall maintain a separate number for non-emergency telephone calls.

Subd. 2. By December 15, 1986, each public utility providing telephone service within a 911 service area shall convert every

pay station telephone to permit dialing of the 911 number without coin or other charge to the caller.

Sec. 5. [DESIGN OF SYSTEM.] Each county shall design its 911 system to meet the requirements of agencies whose services are available through the 911 system and to permit future expansion of the system.

Sec. 6. [SYSTEM PLANNING AND COORDINATION.] The department of administration shall coordinate the implementation of 911 systems on or before the deadlines established in section 1. The department shall aid counties in the formulation of concepts, methods and procedures which will improve the operation of 911 systems.

Sec. 7. [STANDARDS ESTABLISHED.] Subdivision 1. The department of administration shall establish and adopt in accordance with Minnesota Statutes, Chapter 15, rules for the administration of sections 1 to 12 and for the development of 911 systems in the state including:

(a) Design standards for 911 systems incorporating the standards adopted pursuant to subdivision 2 for the seven county metropolitan area; and

(b) A procedure for determining and evaluating requests for variations from the established design standards.

Subd. 2. The metropolitan council shall establish and adopt design standards for the metropolitan area 911 system and transmit them to the department of administration for incorporation into the rules adopted pursuant to this section.

Sec. 8. [PLANS TO BE SUBMITTED.] Subdivision 1. (a) Before December 15, 1978, each county shall submit tentative plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the department of administration and to the public service commission.

(b) The department of administration shall review the plan for consistency with the standards adopted pursuant to section 7 and report its findings to the county within six months of receipt of the plan.

(c) The public service commission shall review the plan and comment to the county within six months of the receipt of the plan.

(d) Each public utility providing telephone service within the county shall review the plan and transmit to the county good

faith estimates of local system implementation expenses within six months of the receipt of the plan.

Subd. 2. (a) Before December 15, 1979, each county shall submit final plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the department of administration and to the public service commission. The final plan shall include a description of all capital and recurring costs for the proposed 911 system.

(b) The department of administration shall review the final plan for consistency with the standards adopted pursuant to section 7 and approve or disapprove the plan within six months of receipt.

(c) The public service commission shall review the final plan and determine that portion of plan implementation capital costs which may be applied to the utility company rate base and report findings to the county within six months of receipt of the plan.

Subd. 3. After department of administration approval of design and public service commission report of findings, each county, together with the department of administration and the local governmental units or public agencies operating public safety answering points, shall contract with the appropriate public utility or utilities for the implementation of the approved 911 system plan.

Subd. 4. Each county implementing a 911 system before December 15, 1978, shall submit to the department of administration and the public service commission in lieu of the required plan a report describing the system and stating its operational date.

Subd. 5. Any subsequent changes to 911 systems described in subdivision 4 shall conform to standards established by the department of administration pursuant to section 7.

Subd. 6. After adoption of final 911 system plans, any county or utility may petition the department of administration for a waiver of all or portions of the requirements or time limits of sections 1 to 8. Waivers shall be granted upon a demonstration by petitioner that the requirement is economically infeasible in the sense that federal or state funding for the initial capital investment required of the county to implement a 911 system is not available.

Sec. 9. [ENFORCEMENT.] At the request of the department of administration, the attorney general may commence proceedings in the district court against any person or public or private body to enforce the provisions of sections 1 to 12.

At the request of the public service commission, the attorney general may commence proceedings before the district court pursuant to Minnesota Statutes, Section 237.27, against any public utility providing telephone service which refuses to comply with the provisions of sections 1 to 12.

Sec. 10. [COOPERATIVE AGREEMENTS.] Subdivision 1. In counties implementing 911 systems pursuant to sections 1 to 8, all public agencies and counties which are part of different 911 systems but share common boundary lines may enter into cooperative agreements which shall provide that once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to jurisdictional boundaries.

Subd. 2. Public safety agencies with jurisdictional responsibilities shall in all cases be notified by the public safety answering point of a request for service in their jurisdiction.

Subd. 3. Counties, public agencies, operating public safety answering points, and other local governmental units may enter into cooperative agreements under section 471.59 for the allocation of operational and capital costs attributable to the 911 system.

Sec. 11. [LOCAL RECURRING COSTS.] Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 10, subdivision 3. Costs attributable to local government electives for services beyond minimum 911 service shall be borne by the governmental unit requesting the elective service.

Sec. 12. [REPORT TO LEGISLATURE.] By January 1 of each year, the department of administration shall report to the legislature the progress that has been made in the implementation of sections 1 to 12.

Sec. 13. [APPROPRIATION.] Subdivision 1. There is appropriated from the general fund to the department of administration the following amounts to be used to implement the provisions of sections 1 to 12 in the fiscal years ending June 30 in the years indicated:

\$34,450 1978,

\$37,583 1979.

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.

Subd. 2. There is appropriated from the general fund to the department of administration the following amounts to be used to pay the recurring annual costs attributable to minimum 911 service:

\$20,000 1978,

\$180,000 1979.

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.”.

Further amend by striking the title in its entirety and inserting:

“A bill for an act relating to public safety; telephone companies; providing for local emergency telephone service; appropriating money.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 472, A bill for an act relating to retirement; additional employer contributions to amortize the deficit in the teachers' retirement fund; amending Minnesota Statutes 1976, Section 354.42, Subdivision 5.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 59, 85, 516 and 784 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 124, 448 and 472 were read for the second time.

## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 420, 15, 26 and 917 and S. F. No. 690.

H. F. No. 420 was reported to the House.

Kelly, R., moved to amend H. F. No. 420, as follows:

Page 2, line 32, before "Facilities" insert "all".

Page 2, line 32, strike "in the judgment of" and insert "*pursuant to rules promulgated by*".

Page 3, line 1 strike "Commissioner" and insert "*state board*".

Page 3, line 1, after "education" insert a comma.

Page 3, line 3, strike "except insofar as the regulations" and insert a period.

Page 3, strike lines 4 to 8.

Page 3, line 9, delete "*not receive federal funds for day care services.*".

Page 3, line 11, delete "*programs*" and insert "*facilities*".

Further, amend the title as follows:

Line 2, strike "Montessori" insert "nursery".

Line 3, strike "Montessori" and insert "nursery".

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

Eken moved to amend H. F. No. 420, as follows:

Page 3, line 9 after "*services*" insert "*shall be exempt from staff-to-child ratios required in the rules of the commissioner of Public Welfare for licensed day care programs*".

Page 3, line 9, strike "*The board*".

Page 3, strike lines 10 and 11.

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

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

H. F. No. 420, A bill for an act relating to education; Montessori schools; excluding Montessori schools from day care regu-

lation; appropriating money; amending Minnesota Statutes 1976, Section 245.791.

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

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Murphy	Sherwood
Adams	Cohen	Jaros	Neisen	Sieben, H.
Albrecht	Cummiskey	Jensen	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kahn	Nelson	Skoglund
Anderson, I.	Ellingson	Kaley	Niehaus	Smogard
Anderson, R.	Enebo	Kempe, A.	Norton	Spanish
Arlandson	Erickson	Kempe, R.	Novak	Stanton
Battaglia	Esau	Knickerbocker	Osthoff	Stoa
Begich	Ewald	Kroening	Pehler	Swanson
Berglin	Farcy	Kvam	Peterson	Tomlinson
Berkelman	Fjoslien	Laidig	Pleasant	Vanasek
Biersdorf	Forsythe	Langseth	Prahl	Waldorf
Birnstihl	Friedrich	Lehto	Rice	Wenstrom
Brandl	Fudro	Lemke	Rose	Wenzel
Braun	Fugina	Mangan	Samuelson	White
Brinkman	George	McCollar	Sarna	Williamson
Byrne	Gunter	McDonald	Savelkoul	Zubay
Carlson, A.	Hanson	Metzen	Scheid	Speaker Sabo
Carlson, D.	Heinitz	Moe	Searle	
Clark	Hokanson	Munger	Searles	

Those who voted in the negative were:

Anderson, G.	Eckstein	Kalis	McCarron	Welch
Berg	Eken	Kelly, R.	McEachern	Wieser
Carlson, L.	Evans	Kelly, W.	Reding	Wigley
Casserly	Haugerud	Kostohryz	St. Onge	Wynia
Corbid	Johnson	Mann	Suss	

The bill was passed and its title agreed to.

H. F. No. 15, A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

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 115 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, G.	Battaglia	Berkelman	Brandl
Anderson, B.	Anderson, R.	Begich	Biersdorf	Braun
Anderson, D.	Arlandson	Berg	Birnstihl	Brinkman

Byrne	Forsythe	Kempe, A.	Nelson	Simoneau
Carlson, A.	Friedrich	Kempe, R.	Norton	Skoglund
Carlson, L.	Fudro	King	Novak	Smogard
Casserly	Fugina	Knickerbocker	Osthoff	Spanish
Clark	George	Kostohryz	Patton	Stanton
Clawson	Gunter	Laidig	Pehler	Stoa
Cohen	Hanson	Langseth	Peterson	Suss
Corbid	Haugerud	Lehto	Petrafeso	Swanson
Cummiskey	Heinitz	Lemke	Prahl	Tomlinson
Dahl	Hokanson	Mangan	Reding	Vanasek
Den Ouden	Jacobs	Mann	Rice	Waldorf
Eckstein	Jaros	McCarron	Rose	Welch
Eken	Jensen	McCollar	St. Onge	Wenstrom
Ellingson	Johnson	McDonald	Samuelson	Wenzel
Enebo	Jude	Metzen	Savelkoul	White
Erickson	Kahn	Moe	Scheid	Wieser
Evans	Kaley	Munger	Searles	Wigley
Ewald	Kalis	Murphy	Sherwood	Wynia
Faricy	Kelly, R.	Neisen	Sieben, H.	Zubay
Fjoslien	Kelly, W.	Nelsen, B.	Sieben, M.	Speaker Sabo

Those who voted in the negative were:

Abeln	Esau	Niehaus	Searle	Williamson
Albrecht	Kvam	Pleasant		

The bill was passed and its title agreed to.

H. F. No. 26 was reported to the House.

Simoneau moved to amend H. F. No. 26, as follows:

Page 2, line 7, after the period, insert "There is appropriated the sum of \$17,596 to the Department of Finance for the purpose of this act, and shall be available during the biennium ending June 30, 1979."

The motion prevailed and the amendment was adopted.

H. F. No. 26, A bill for an act relating to labor ; granting public employees paid leaves of absence to engage in world athletic competition.

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 77 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Adams	Braun	Corbid	Faricy	Jaros
Anderson, B.	Byrne	Cummiskey	Fudro	Johnson
Anderson, G.	Carlson, A.	Dahl	Fugina	Jude
Arlandson	Carlson, L.	Eckstein	George	Kahn
Battaglia	Casserly	Eken	Hanson	Kelly, R.
Begich	Clark	Ellingson	Hokanson	Kelly, W.
Berg	Cohen	Enebo	Jacobs	Kempe, A.

King	Moe	Prahl	Skoglund	Wenstrom
Kostohryz	Murphy	Rice	Smogard	White
Laidig	Neisen	St. Onge	Spanish	Williamson
Langseth	Nelson	Sarna	Stanton	Wynia
Mangan	Norton	Scheid	Stoa	Zubay
Mann	Novak	Searles	Suss	Speaker Sabo
McCarron	Osthoff	Sieben, H.	Swanson	
McEachern	Pehler	Sieben, M.	Vanasek	
Metzen	Petrafaso	Simoneau	Welch	

Those who voted in the negative were:

Abeln	Erickson	Jensen	Patton	Tomlinson
Albrecht	Esau	Kaley	Peterson	Waldorf
Anderson, D.	Evans	Kalis	Pleasant	Wenzel
Anderson, R.	Ewald	Kempe, R.	Reding	Wieser
Biersdorf	Fjoslien	Knickerbocker	Rose	Wigley
Birnstihl	Forsythe	Kvam	Samuelson	
Brinkman	Friedrich	McDonald	Schulz	
Carlson, D.	Gunter	Nelsen, B.	Searle	
Den Ouden	Heinitz	Niehaus	Sherwood	

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

H. F. No. 917, A bill for an act relating to public welfare; appropriating money for the Vinland National 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 117 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jensen	Neisen	Sieben, M.
Adams	Dahl	Johnson	Nelsen, B.	Simoneau
Albrecht	Den Ouden	Jude	Nelson	Skoglund
Anderson, B.	Eckstein	Kahn	Norton	Smogard
Anderson, G.	Eken	Kaley	Novak	Spanish
Anderson, I.	Ellingson	Kalis	Osthoff	Stanton
Anderson, R.	Enebo	Kelly, R.	Patton	Stoa
Arlandson	Erickson	Kelly, W.	Pehler	Suss
Battaglia	Esau	Kempe, A.	Peterson	Swanson
Begich	Evans	Kempe, R.	Petrafaso	Tomlinson
Berkelman	Ewald	Knickerbocker	Pleasant	Vanasek
Biersdorf	Faricy	Kostohryz	Prahl	Welch
Birnstihl	Fjoslien	Kvam	Reding	Wenstrom
Brandl	Forsythe	Laidig	Rice	Wenzel
Braun	Friedrich	Langseth	St. Onge	White
Brinkman	Fudro	Lehto	Samuelson	Wieser
Byrne	Fugina	Lemke	Sarna	Wigley
Carlson, A.	George	Mangan	Savelkoul	Williamson
Carlson, D.	Gunter	Mann	Scheid	Wynia
Carlson, L.	Hanson	McCollar	Schulz	Zubay
Casserly	Haugerud	McEachern	Searle	Speaker Sabo
Clark	Hokanson	Metzen	Searles	
Cohen	Jacobs	Munger	Sherwood	
Corbid	Jaros	Murphy	Sieben, H.	

Those who voted in the negative were:

Anderson, D. Heinitz Niehaus Rose Waldorf

The bill was passed and its title agreed to.

S. F. No. 690, A bill for an act appropriating money for educational television facilities in northern Minnesota.

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 112 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jude	Nelsen, B.	Sieben, M.
Adams	Den Ouden	Kahn	Nelson	Simoneau
Anderson, B.	Eckstein	Kaley	Niehaus	Skoglund
Anderson, G.	Ellingson	Kalis	Norton	Smogard
Anderson, R.	Enebo	Kelly, R.	Novak	Spanish
Arlandson	Erickson	Kelly, W.	Patton	Stoa
Battaglia	Esau	Kempe, A.	Pehler	Suss
Begich	Evans	Kempe, R.	Peterson	Swanson
Berkelman	Ewald	King	Petraleso	Tomlinson
Biersdorf	Fjoslien	Knickerbocker	Prahl	Vanasek
Birnstihl	Forsythe	Kostohryz	Reding	Welch
Brandl	Friedrich	Laidig	Rice	Wenstrom
Braun	Fudro	Langseth	Rose	Wenzel
Brinkman	Fugina	Lehto	St. Onge	White
Byrne	George	Lemke	Samuelson	Wieser
Carlson, A.	Gunter	Mangan	Sarna	Wigley
Carlson, D.	Hanson	Mann	Savelkoul	Williamson
Carlson, L.	Haugerud	McCollar	Scheid	Wynia
Casserly	Heinitz	McDonald	Schulz	Zubay
Clark	Hokanson	McEachern	Searle	Speaker Sabo
Cohen	Jacobs	Munger	Searles	
Corbid	Jaros	Murphy	Sherwood	
Cummiskey	Jensen	Neisen	Sieben, H.	

Those who voted in the negative were:

Albrecht Faricy Kvam Pleasant Waldorf  
Anderson, D.

The bill was passed and its title agreed to.

### SPECIAL ORDERS

S. F. No. 1165 was reported to the House.

There being no objection, S. F. No. 1165 was continued on Special Orders for one day.

## CALENDAR

H. F. No. 267, A bill for an act relating to negligence; proscribing certain liability of good samaritans; amending Minnesota Statutes 1976, Section 604.05.

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 106 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Heinitz	Murphy	Schulz
Adams	Corbid	Hokanson	Neisen	Searles
Albrecht	Cummiskey	Jacobs	Nelsen, B.	Simoneau
Anderson, B.	Dahl	Jaros	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Jensen	Nelson	Smogard
Anderson, G.	Eckstein	Johnson	Niehaus	Spanish
Anderson, I.	Eken	Jude	Novak	Stoa
Anderson, R.	Ellingson	Kahn	Osthoff	Suss
Arlandson	Enebo	Kaley	Patton	Tomlinson
Battaglia	Erickson	Kalis	Pehler	Vanasek
Begich	Esau	King	Peterson	Welch
Berg	Evans	Knickerbocker	Petrafeso	Wenstrom
Berkelman	Ewald	Kostohryz	Pleasant	Wenzel
Birnstihl	Fjoslien	Kroening	Prahl	White
Brandl	Forsythe	Langseth	Reding	Wieser
Braun	Friedrich	Lehto	Rice	Wigley
Brinkman	Fudro	Lemke	Rose	Williamson
Byrne	Fugina	Mann	St. Onge	Zubay
Carlson, A.	George	McDonald	Samuelson	
Carlson, D.	Gunter	McEachern	Sarna	
Casserly	Hanson	Metzen	Savelkoul	
Clark	Haugerud	Munger	Scheid	

Those who voted in the negative were:

Carlson, L.	Kempe, A.	Searle	Sieben, M.	Wynia
Faricy	Kempe, R.	Sherwood	Swanson	
Kelly, R.	Norton	Sieben, H.		

The bill was passed and its title agreed to.

H. F. No. 356, A bill for an act relating to insurance; examination fees; abstract or summary of the annual statement; amending Minnesota Statutes 1976, Sections 60A.03, Subdivision 5; 60A.13, Subdivision 3; and 60A.14, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jude	Neisen	Sieben, H.
Adams	Den Ouden	Kahn	Nelsen, B.	Sieben, M.
Albrecht	Eckstein	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Eken	Kalis	Nelson	Skoglund
Anderson, D.	Enebo	Kelly, R.	Niehaus	Smogard
Anderson, G.	Erickson	Kelly, W.	Norton	Stoa
Anderson, R.	Esau	Kempe, A.	Novak	Suss
Arlandson	Evans	Kempe, R.	Osthoff	Swanson
Battaglia	Ewald	King	Patton	Tomlinson
Begich	Faricy	Knickerbocker	Pehler	Vanasek
Berg	Fjoslien	Kostohryz	Peterson	Waldorf
Berkelman	Forsythe	Kroening	Petrafeso	Welch
Bjersdorf	Friedrich	Kvam	Pleasant	Wenstrom
Birnstihl	Fudro	Laidig	Prahl	Wenzel
Brandl	Fugina	Langseth	Reding	White
Braun	George	Lehto	Rice	Wieser
Byrne	Gunter	Lemke	Rose	Wigley
Carlson, A.	Hanson	Mangan	St. Onge	Williamson
Carlson, D.	Hangerud	Mann	Sarna	Wynia
Carlson, L.	Heinitz	McCollar	Savelkoul	Zubay
Casserly	Hokanson	McDonald	Scheid	Speaker Sabo
Clark	Jacobs	McEachern	Schulz	
Cohen	Jaros	Metzen	Searle	
Corbid	Jensen	Munger	Searles	
Cummiskey	Johnson	Murphy	Sherwood	

The bill was passed and its title agreed to.

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

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1, A bill for an act relating to public health and welfare; establishing a formula for allocating state funds to counties for community health and social service programs; prescribing county duties; providing for community health and social service tax levies; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 144.065; 145.55, Subdivision 1; 245.70; 252.22; 252.23; 252.26; 252.27, Subdivision 1; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2; 254A.08, Subdivision 1; 256.12, Subdivision 9; 256.871, Subdivision 5; 256.95; 260.251, Subdivision 1a; 275.50, Subdivision 5; 393.07, Subdivisions 2 and 3; 477A.01, Subdivision 2; 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Sections 145.08, Subdivision 2; 145.11; 145.12; 145.123; 145.125, Subdivisions 1 and 2; 145.47; 145.48; 145.49; 145.50; 145.51; 145.52; 145.53; 145.54; 145.911; 145.912; 145.913; 145.914; 145.915; 145.916; 145.917; 145.918; 145.919; 145.92; 145.921; 245.61; 245.62; 245.63; 245.64; 245.65; 245.66; 245.67;

245.68; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.12; 254A.14; 254A.-15; 254A.16; 254A.17; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11.

Reported the same back with the following amendments:

Page 3, line 30, delete "*foster care*".

Page 3, line 31, delete "*for children under state guardianship*";".

Page 4, line 14, delete "*3,500*" and insert "*2,600*".

Page 5, line 5, delete "*mill*" and insert "*and one half mills*".

Page 5, line 10, delete "*levy*" and insert "*levies*".

Page 5, delete lines 11 to 17.

Page 5, line 18, delete "*county special levies*" and insert "*authorized by section 1, subdivisions 4 and 5, for community health and social services in any year is less than 106 percent of the sum of state aids and community health and social services levies received by a county and municipal levies for local match pursuant to Laws 1976, Chapter 9, Section 11, Subdivision 3, in the immediately preceding year, that county may levy an additional amount sufficient to equal 106 percent of the sum of state aid and local levies authorized by section 1, subdivisions 4 and 5, for the immediately preceding year including municipal levies for local match pursuant to Laws 1976, Chapter 9, Section 11, Subdivision 3*".

Page 16, delete lines 10 to 14.

Renumber subdivisions in sequence.

Page 16, line 27, delete "*committee*" and insert "*committees*".

Page 16, line 28, delete "*it*" and insert "*them*".

Page 16, line 28, delete "*its*" and insert "*their*".

Page 17, line 1, after "*proposed*" insert "*, including health services to be provided by cities within the county*".

Page 18, line 13, delete "*community health and*".

Page 18, after line 24, insert a new subdivision to read:

*"Subd. 10. [COUNTY OF FINANCIAL RESPONSIBILITY.] The county responsible for payment for community health and social services shall be the county in which the person receiving services resides at the time of application. The county of financial responsibility shall not change as a result of referral for services to another county. Minors shall be considered residing in the county of parents or guardians. When a minor reaches the age of 18, the county of financial responsibility shall become the county in which he resides."*

Page 19, line 15, delete "shall" and insert "may".

Page 20, line 2, after "of" delete "public welfare" and insert "finance for transmission to the commissioner of public welfare, the state board of health and the legislature".

Page 20, line 3, after "fund." insert "The commissioner of finance shall, after review and comment by the legislative auditor, prescribe standard financial statement forms to be used by counties."

Page 20, line 13, delete the comma after "provided" and insert a period.

Page 20, delete line 14.

Page 20, line 23, after "1977" insert "pursuant to Laws 1976, Chapter 9, and from municipal levies".

Page 20, line 24, delete "not".

Page 20, line 25, delete "reduced" and insert "provided".

Page 20, line 25, after "county" insert "to such cities".

Page 22, after line 7, insert:

"Sec. 8. Minnesota Statutes 1976, Section 145.912, is amended to read:

145.912 [DEFINITIONS.] Subdivision 1. For the purposes of sections 145.911 to 145.922, the following terms shall have the meanings here given them.

Subd. 2. "Human services" means correctional, educational, employment, health, mental health, and social services.

Subd. 3. "Health services" means those personal health services provided to individuals by licensed health professionals engaged in private practice, institutional health services and community health services.

Subd. 4. "Institutional health services" means the services provided in hospitals, nursing homes and other licensed health facilities.

Subd. 5. "Community health services" means those services designated to protect and improve the people's health within a geographically defined community by emphasizing services to prevent illness, disease, and disability, by promoting effective coordination and use of community resources, and by extending health services into the community. These services include community nursing services, home health services, disease prevention and control services, family planning services, nutritional services, dental public health services, emergency medical services, health education, and environmental health services.

Subd. 6. "Community nursing services" means public health nursing services that emphasize prevention by providing family centered nursing, including prenatal, well child, crippled child, school health, family planning, and nutritional services as well as individual and family health appraisal, screening, follow up, and referral for personal health services.

Subd. 7. "Home health services" means home nursing, physical therapy, nutrition, occupational therapy, homemakers, and home health aide services, which are provided under medical supervision.

Subd. 8. "Disease prevention and control services" means epidemiology, immunization, case finding and follow up, continuing surveillance, detection, and prevention of communicable diseases and chronic diseases including referrals for personal health services.

Subd. 9. "Family planning services" means counseling by trained personnel regarding family planning; distribution of information relating to family planning, referral to licensed physicians or local health agencies for consultation, examination, medical treatment, genetic counseling, and prescriptions for the purpose of family planning; and the distribution of family planning products, such as charts, thermometers, drugs, medical preparations, and contraceptive devices. For purposes of sections 145.911 to 145.922, family planning shall mean voluntary action by individuals to prevent or aid conception but shall not include the performance, or make referrals for encouragement of voluntary termination of pregnancy.

Subd. 10. "Nutritional services" means those activities designed to provide information about food substances which will alleviate dietary deficiencies and resulting health complications.

Subd. 11. "Dental public health services" means those organized community activities that are intended to prevent dental disease and promote dental health, including information, edu-

cation and demonstration of actions that individuals and families can take to prevent dental disease and maintain dental health.

Subd. 12. "Emergency medical services" means those services which provide rapid and effective medical treatment to persons beset by a life threatening situation, at the scene of the emergency, enroute to a treatment center, and in the emergency department of that treatment center.

Subd. 13. "Health education" means those activities which develop each individual's awareness and sense of responsibility for his own health, the health of the family, and the health of the community, including basic information concerning the availability of health services in the community.

Subd. 14. "Environmental health services" means those services designed to achieve an environment conducive to man's health, comfort, safety, and well being. These services include food protection, hazardous substances and product safety, water supply sanitation, septic tank and soil absorption type sewage disposal, water pollution control, occupational health and safety, radiation control, air pollution control, noise pollution control, vector control, institutional sanitation, recreational sanitation including swimming pool sanitation and safety, housing code enforcement for health and safety purposes unless the enforcement is performed by another city or county agency designated by the county board or city council, and general nuisance control.

(SUBD. 15. "POPULATION" MEANS THE TOTAL RESIDENT POPULATION AS ENUMERATED DURING THE MOST RECENT FEDERAL CENSUS OR, THE ANNUAL POPULATION ESTIMATE PREPARED BY THE STATE PLANNING AGENCY IN COOPERATION WITH THE BUREAU OF THE CENSUS SHALL BE USED IN ORDER TO HAVE THE MOST CURRENT DATA AVAILABLE.)

(SUBD. 16. "TAXABLE VALUE" MEANS THE ADJUSTED ASSESSED VALUATION OF A COUNTY WHICH SHALL BE CERTIFIED ANNUALLY TO THE STATE BOARD OF HEALTH BY THE EQUALIZED ASSESSMENT REVIEW COMMITTEE.)

Subd. (17) 15. "Local expenditure" means the total annual expenditures financed from all sources by counties and other local units of government within a county for community health services. The county auditor shall annually certify to the state board of health the total amount of such community health services expenditures on forms and in such detail as may be prescribed by the state board of health. *The state board of health shall transmit reports of county auditors on local expenditures for community health services to the commissioner of finance.*

(SUBD. 18. "PER CAPITA INCOME" MEANS THE AVERAGE INCOME OF THE RESIDENTS OF A PARTICULAR JURISDICTION AS CALCULATED BY THE MOST RECENT FEDERAL CENSUS.)

Subd. (19) 16. "County board" means a county board of commissioners.

Subd. (20) 17. "Board of health" means a local board of health organized under the provisions of section 145.913.

Sec. 9. Minnesota Statutes 1976, Section 145.913, Subdivision 1, is amended to read:

145.913 [COUNTY BOARD OF HEALTH; ORGANIZATION.] Subdivision 1. [COUNTIES.] A county may by resolution organize a board of health under the provisions of this section exercising one of the following options, and assign the responsibilities of sections 145.911 to 145.922 accordingly:

(a) The county board of a county that has or hereafter establishes an operational human services board pursuant to chapter 402, or Laws 1974, Chapter 293, shall assign the responsibilities of sections 145.911 to 145.922 to the human services board.

(b) The county board may assume the responsibilities of the board of health pursuant to sections 145.911 to 145.922.

(c) The county board may assign the responsibilities of a board of health under sections 145.911 to 145.922 to the board of health of said county organized under sections 145.47 to 145.55, or Laws 1969, Chapter 235.

(d) The county board may organize a board of health and assign the responsibilities of sections 145.911 to 145.922 to such board of health. (THE BOARD OF HEALTH FOR A SINGLE COUNTY SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE COUNTY BOARD. WHEN TWO OR MORE COUNTIES COMBINE TO FORM A BOARD OF HEALTH, EACH COUNTY BOARD SHALL APPOINT TWO MEMBERS TO THE BOARD OF HEALTH, EXCEPT THAT THE COUNTY BOARD HAVING THE LARGEST POPULATION SHALL APPOINT THREE SUCH MEMBERS. AT LEAST TWO MEMBERS OF THE BOARD OF HEALTH SHALL BE PROVIDERS OF HEALTH SERVICES. THE REMAINING MEMBERS SHALL BE LAYMEN REPRESENTATIVE OF THE PEOPLE IN THE COMMUNITY AND SHALL INCLUDE AT LEAST ONE PERSON WHO IS NOT A MEMBER OF THE COUNTY BOARD. CONTINUITY OF MEMBERSHIP SHALL BE ASSURED BY HAVING APPROXIMATELY ONE-THIRD OF THE MEMBERS TERMS EXPIRE EACH YEAR. FIRST APPOINTMENTS MAY BE FOR LESS

THAN THREE YEARS, THEREAFTER ALL TERMS SHALL BE THREE YEARS. NO MEMBER SHALL SERVE MORE THAN THREE CONSECUTIVE TERMS. THE BOARD SHALL ELECT A CHAIRMAN AND VICE CHAIRMAN WITH TERMS OF ONE YEAR.)

Sec. 10. Minnesota Statutes 1976, Section 145.914, is amended to read:

145.914 [COUNTY BOARD OF HEALTH; AUTHORITY.] Subdivision 1. [GENERAL DUTIES.] The *county* board (OF HEALTH) shall have general authority and responsibility for the development and maintenance of an integrated system of community health services.

Subd. 2. [POWERS.] In addition to any other powers assigned to a *county* board (OF HEALTH BY SECTIONS 145.911 TO 145.921), the *county* board (OF HEALTH FOR A COUNTY) shall possess all the powers and duties now assigned by law to local boards of health pursuant to section 145.01, and to public health nursing and home health services agencies pursuant to sections 145.08 to 145.125(, PROVIDED HOWEVER THAT THIS SUBDIVISION SHALL NOT SUPERSEDE OR OTHERWISE CHANGE THE POWERS AND DUTIES OF ANY CITY OR TOWNSHIP ELIGIBLE FOR THE SUBSIDY UNDER THE PROVISIONS OF SECTION 145.917, OR OF ANY CITY OF THE FIRST OR SECOND CLASS WITH AN EXISTING PROGRAM OF COMMUNITY HEALTH SERVICES LOCATED WITHIN A COUNTY WITH A POPULATION OF 300,000 OR MORE PERSONS UNTIL THE CITY COUNCIL OF SAID CITY SHALL TAKE ACTION TO ALLOW THE COUNTY TO PREEMPT THE POWERS AND DUTIES OF SAID CITY). Not later than 365 days after the approval of the community health services plan by the (STATE) *county* board (OF HEALTH), any county or city board, committee or commission having authorities or duties in any area designated in sections 145.911 to 145.921 other than the board of health designated and acting pursuant to sections 145.911 to 145.921, shall cease its operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee, or commission.

Subd. 3. [EMPLOYEES.] The *county* board (OF HEALTH) may employ administrators, officers, employees, and agents as necessary to carry out the provisions of sections 145.911 to 145.922. Employees of the board (OF HEALTH) shall be subject to any personnel administration rules adopted by the county board or boards (OR THE CITY COUNCIL OR COUNCILS UNLESS BY LAW THE EMPLOYEES OR A CLASS OF EMPLOYEES SHALL BE WITHIN THE SCOPE OF A STATE WIDE PERSONNEL ADMINISTRATION SYSTEM). All persons employed by a county, city or the state, whose functions and duties are assumed by the board of health shall become

employees of the board of health without loss in benefits, salaries or rights.

(SUBD. 4. [ACQUISITION OF PROPERTY, ACCEPTANCE OF FUNDS; COLLECTION OF FEES.] THE BOARD OF HEALTH BY ANY LAWFUL MEANS, INCLUDING GIFTS, PURCHASE, LEASE, OR TRANSFER OF CUSTODIAL CONTROL, MAY ACQUIRE AND HOLD IN THE NAME OF THE COUNTY OR CITY THE LANDS, BUILDINGS, AND EQUIPMENT NECESSARY AND INCIDENT TO THE ACCOMPLISHMENT OF THE PURPOSES OF SECTIONS 145.911 TO 145.922 AND ACCEPT GIFTS, GRANTS, AND SUBSIDIES FROM ANY LAWFUL SOURCE, APPLY FOR AND ACCEPT STATE AND FEDERAL FUNDS, REQUEST AND ACCEPT LOCAL TAX FUNDS, ESTABLISH AND COLLECT REASONABLE FEES FOR COMMUNITY HEALTH SERVICES PROVIDED.)

Subd. (5) 4. [CONTRACTS FOR SERVICES.] The *county* board (OF HEALTH) may contract for services from private firms, nonprofit corporations, primary and secondary schools, state and local governmental agencies, or other community agencies to avoid unnecessary duplication of services and realize cost advantages. The board (OF HEALTH) may offer to contract to provide public health nursing and other school health services to the schools within its jurisdiction. The contracts shall be employed to improve efficiency and the quality and effectiveness of services and shall give preferential consideration to existing municipal programs. Contracts shall be awarded on the basis of cost benefit comparisons and considerations.

Subd. (6) 5. [COORDINATION OF SERVICES.] The *county* board (OF HEALTH) shall coordinate community health services with the delivery of personal health services, institutional health services, and related human services in the community; ensure responsible medical consultation and direction by employing or contracting with a practicing licensed physician; and coordinate community health services with health related environmental control services in the community. The *county* board (OF HEALTH) shall coordinate local, state, and federal services and funding for community health services.

Subd. (7) 6. [EVALUATION OF HEALTH SERVICES.] The *county* board (OF HEALTH) shall evaluate the effectiveness and efficiency of community health services systems and programs (AND AS A CONDITION OF QUALIFYING FOR THE COMMUNITY HEALTH SERVICES SUBSIDY, PREPARE THE ANNUAL COMMUNITY HEALTH SERVICES PLAN AND BUDGET, AS PROVIDED IN SECTION 145.92).

Subd. (8) 7. [IDENTIFICATION OF NEEDS; PRIORITIES.] The *county* board (OF HEALTH) shall identify com-

munity health needs and set priorities among the needs for the broad range of community health services including the health needs of minorities and nonresidents, including tourists and migrants, and ensure that services are accessible to all persons on the basis of need and that no one is denied services because of race, color, sex, age, language, religion, nationality, economic status, political persuasion or place of residence.

Subd. (9) 8. [RECOMMENDED LOCAL LEGISLATION.] The (BOARD OF) *community health advisory committee* shall recommend appropriate local legislation pertaining to community health services to the county board (OR CITY COUNCIL) and shall advise the state board of health on matters relating to public health that require assistance from the state, or that may be of more than local interest.

Subd. (10) 9. [ANNUAL REPORT.] The *county board (OF HEALTH)* shall publish for distribution an annual report of the activities of the board of health.

Subd. (11) 10. [MANPOWER SHORTAGES AND OTHER HEALTH CARE PROBLEMS.] When the *county board (OF HEALTH)* determines that there is an acute shortage of medical or other health manpower, or that there is a significant problem in providing access to health care in the area, the board (OF HEALTH) shall address itself to the resolution of those problems. The solution may involve providing assistance to recruit medical or other health personnel to the area, or the development of suitable linkages between area medical and allied health personnel that will make more effective use of existing private, non-profit and community resources and extend health care into the community.

Sec. 11. Minnesota Statutes 1976, Section 145.915, is amended to read:

145.915 [DUTIES OF COUNTY BOARD.] Subdivision 1. A county board of any county having a board of health organized under sections 145.911 to 145.922 shall review and approve the community health services plan prior to the submission of the plan to the state board of health. (THE PLAN SUBMITTED BY THE COUNTY BOARD SHALL INCORPORATE THE PLANS DEVELOPED BY ANY CITY ORGANIZED UNDER THE PROVISIONS OF SECTION 145.913 THAT HAS ESTABLISHED ELIGIBILITY UNDER THE PROVISIONS OF SECTION 145.917. UPON RECEIPT OF THE COMMUNITY HEALTH SERVICES PLAN, OR ANY PROPOSED REVISION, FROM A CITY, THE COUNTY BOARD SHALL REVIEW AND ACT ON THE PLAN OR THE PROPOSED REVISION WITHIN 30 DAYS. THE COUNTY BOARD MAY APPROVE THE PLAN AS WRITTEN OR REFER THE PLAN BACK TO THE CITY WITH COMMENTS AND INSTRUC-

**TIONS FOR FURTHER CONSIDERATION. THE CITY OR THE COUNTY MAY APPEAL TO THE STATE BOARD OF HEALTH FOR RESOLUTION OF DIFFERENCES REGARDING THE COMMUNITY HEALTH SERVICES PLAN. A FAILURE TO ACT WITHIN THE SPECIFIED TIME SHALL CONSTITUTE APPROVAL OF THE PLAN.)**

Subd. 2. A county board of any county having a board of health organized under sections 145.911 to 145.922 may by ordinance adopt and enforce minimum standards and regulations for the services comprehended under sections 145.911 to 145.922; provided, however, that no county regulations shall conflict with state legislation or with higher standards established either by regulation of an agency of state government or by the provisions of the charter or ordinances of any city organized under the provisions of sections 145.911 to 145.922.

Section 12. Minnesota Statutes 1976, Section 145.916, is amended to read:

**145.916 [BUDGET; FUNDS.] On or before July 1 of each year the board of health, if other than the county board, or the joint board of two or more county boards, (OR THE CITY COUNCIL OR COUNCILS,) shall submit to the county board or boards (OR THE CITY COUNCIL OR COUNCILS) an estimate of the amount needed by the board of health to perform its duties including costs of administration for the ensuing year. The proposed plan and budget shall set forth the expected source and amounts of funds which are expected to be available to the board of health and its proposed plan of expenditures to perform its duties and responsibilities. (THE COUNTY BOARD OR BOARDS OR THE CITY COUNCIL OR COUNCILS SHALL CONSIDER THE ESTIMATES OF INCOME AND THE PLAN FOR EXPENDITURES AND AS THE ESTIMATES AND PLAN ARE APPROVED OR APPROVED AS MODIFIED, SHALL LEVY A TAX WITHIN THE LEVY LIMITS PROVIDED BY LAW.)**

If two or more counties (OR CITIES) have agreed as provided in section 471.59, to a joint or multi-county (OR MULTI-CITY OR MULTI-CITY COUNTY) activity, the county boards (OR CITY COUNCILS) party to the agreement shall determine the proportional financial responsibility of each county (OR CITY) to support the programs and services of the board of health if the agreement had not provided for the division of costs or other arrangements pursuant to the agreement.”.

Page 35, line 12, delete “*community health and*”.

Page 35, line 32, after “2.” delete “*Each county shall enumerate the numbers*”.

Page 36, delete lines 1 to 9.

Page 36, line 10, delete "counties and to the legislature for review."

Page 36, after line 15, insert a new subdivision to read:

"Subd. 4. [PROGRAM EVALUATION.] *Beginning in calendar year 1979 each county shall submit to the commissioner of finance for transmission to the legislature a report on the effectiveness of the community health and social service programs in the county. The commissioner of finance shall, after review and comment by the legislative auditor, prescribe standard forms and procedures to be used by counties in the report. The report shall be submitted no later than January 15 of each year and shall include:*

(a) *Number and type of recipients of each service;*

(b) *An evaluation on the basis of measurable program objectives and performance criteria for each community health and social service program.*

*The commissioner of finance with the cooperation of the commissioner of public welfare and the state board of health shall establish a program evaluation system which shall encompass all major community health and social service programs. Beginning in calendar year 1979 the commissioner of finance shall conduct a minimum of two evaluations per year of the efficiency and effectiveness of county community health and social service programs and shall submit these evaluations to the respective counties and to the legislature for review. The evaluations performed by the commissioner of finance may include either all programs in a given county or multi-county unit or a given program as provided on a statewide basis. The first evaluations shall be submitted to the legislature no later than January 15, 1980.*

*The commissioner of public welfare and the state board of health shall assist the commissioner of finance in the exercise of his duties under the provisions of this subdivision. This assistance shall include the provision of temporary staff services if requested by the commissioner of finance."*

Page 37, delete lines 1 to 15.

Page 37, line 23, after "of" insert "health planning".

Page 37, line 24, after "year", delete the period and insert "and shall be available only where there is an aggregate population of 30,000 or more persons in the county or multi-county area located within a region designated pursuant to Minnesota Statutes, Sections 462.381 to 462.396, or Chapter 473B. However, when three or more counties combine for the purposes of this

*act, the 30,000 minimum population shall not be required. When two or more counties combine for the purposes of this act, the regional development commission directly involved may waive the requirements that all counties be within a single development region."*

Page 37, delete lines 25 to 32.

Page 38, delete line 1.

Renumber the remaining subdivisions in sequence.

Page 39, after line 12, insert:

"Sec. 4. Minnesota Statutes 1976, Section 145.918, Subdivision 1, is amended to read:

145.918 [DUTIES OF THE STATE BOARD OF HEALTH.]  
Subdivision 1. The state board of health shall:

(a) Provide consultation and technical training to communities to assist them in the development and provision of services, encouraging multi-county configurations to ensure that a county will not be isolated geographically (AND THEREBY INELIGIBLE FOR THE SUBSIDY).

(b) Develop guidelines and recommended administrative procedures through a planning process with representation from (LOCAL HEALTH) county boards. Adoption of these guidelines and administrative procedures by the board of health shall not be a prerequisite for (PLAN APPROVAL) receipt of funds allocated pursuant to article 1, sections 1 and 2.

(c) Promulgate regulations in accordance with chapter 15, for the purposes of establishing standards for:

(1) Training, credentialing, and experience requirements for key administrative personnel to ensure expertise in administration, planning, and in each services program included in the community health services plan;

(2) A uniform reporting system that will permit an assessment of the efficiency and effectiveness of service delivery programs; and

(3) A planning process that will encourage full community participation in the development of the community health services plan.

((D) REVIEW AND ACT ON THE COMMUNITY HEALTH SERVICES PLAN AND ANY PROPOSED REVISION WITHIN 60 DAYS AFTER RECEIVING THE PLAN OR REVISION. THE STATE BOARD OF HEALTH MAY APPROVE THE PLAN AS WRITTEN OR REFER THE PLAN BACK TO THE APPLICANT WITH COMMENTS AND INSTRUCTIONS FOR FURTHER CONSIDERATION. A FAILURE TO ACT WITHIN THE SPECIFIED TIME SHALL CONSTITUTE APPROVAL OF THE PLAN.)

((E) PROVIDE APPLICATION FORMS AND INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF APPLICATIONS FOR THE COMMUNITY HEALTH SERVICES SUBSIDY, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 145.92.)

Sec. 5. Minnesota Statutes 1976, Section 145.922, Subdivision 2, is amended to read:

Subd. 2. The state board of health may make special grants to (LOCAL) *county* boards (OF HEALTH) to establish, operate, or subsidize clinic facilities and services to furnish health services for native Americans who have no established county of residence. (THE COMMUNITY HEALTH SERVICES PLAN SUBMITTED BY THE LOCAL BOARD OF HEALTH) *Applications for grants* must contain a proposal for the delivery of the services and documentation of input by affected segments of the community to the plan in order to qualify for a grant under this subdivision.”.

Renumber the remaining sections in sequence.

Page 41, line 1, after “\$” insert “150,000”.

Page 41, line 2, delete “*subdivisions 5*”.

Page 41, delete lines 3 and 4.

Page 41, line 5, delete “8” and insert “*subdivision 7*”.

Page 41, line 6, after “\$” insert “150,000”.

Page 41, line 8, delete “*subdivisions 5 and 6*” and insert “*subdivision 8*”.

Page 41, delete lines 14 and 15.

Page 41, line 16, delete “145.51; 145.52; 145.53; 145.54; 145.911;”.

Page 41, line 16, after “145.912” insert “, *Subdivisions 15, 16, and 18*”.

Page 41, line 16, after "145.913" insert ", Subdivisions 2 and 3".

Page 41, line 17, delete "145.914; 145.915; 145.916;"

Page 41, line 17, after "145.918" insert ", Subdivision 2".

Page 41, line 18, after "145.92" insert ", Subdivision 2".

Further strike the title in its entirety and insert the following :

"A bill for an act relating to public health and welfare; establishing a formula for allocating state funds to counties for community health and social service programs; prescribing county duties; providing for community health and social service tax levies; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 144.065; 145.55, Subdivision 1; 145.912; 145.913, Subdivision 1; 145.914; 145.915; 145.916; 145.918, Subdivision 1; 145.922, Subdivision 2; 245.70; 252.22; 252.23; 252.26; 252.27, Subdivision 1; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2; 254A.08, Subdivision 1; 256.12, Subdivision 9; 256.871, Subdivision 5; 256.95; 260.251, Subdivision 1a; 275.50, Subdivision 5; 393.07, Subdivisions 2 and 3; 477A.01, Subdivision 2; 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Sections 145.912, Subdivisions 15, 16 and 18; 145.913, Subdivisions 2 and 3; 145.917; 145.918, Subdivision 2; 145.919; 145.92, Subdivision 2; 145.921; 245.61; 245.62; 245.63; 245.64; 245.65; 245.66; 245.67; 245.68; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.12; 254A.14; 254A.15; 254A.16; 254A.17; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11."

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 1 was read for the second time.

## 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. 559, A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fugina moved that the House refuse to concur in the Senate amendments to H. F. No. 559, that the Speaker appoint a Conference Committee of 3 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.

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. 1300, A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 97.49, Subdivision 3; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Cassery moved that the House refuse to concur in the Senate amendments to H. F. No. 1300, that the Speaker appoint a Conference Committee of 3 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.

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. 6, A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding a subdivision; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Enebo moved that the House refuse to concur in the Senate amendments to H. F. No. 6, that the Speaker appoint a Conference Committee of 3 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.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 315:

Kempe, R.; Voss; and Hokanson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 649:

Vanasek, Schulz and Evans.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 559:

Fugina, Kroening, and Faricy.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1300:

Casserly, Munger, and Laidig.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 6:

Enebo, Patton and Kahn.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Friday, May 20, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and Norton, as Speaker Pro Tempore, declared the House stands adjourned until 1:00 p.m., Friday, May 20, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTY-NINTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 20, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jensen	Murphy	Sieben, H.
Adams	Corbid	Johnson	Neisen	Sieben, M.
Albrecht	Cummiskey	Jude	Nelsen, B.	Simoneau
Anderson, B.	Dahl	Kahn	Nelsen, M.	Skoglund
Anderson, D.	Dean	Kaley	Nelson	Smogard
Anderson, G.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, I.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, R.	Eken	Kelly, W.	Novak	Stoa
Arlandson	Enebo	Kempe, A.	Osthoff	Suss
Battaglia	Erickson	Kempe, R.	Patton	Swanson
Beauchamp	Esau	King	Pehler	Tomlinson
Begich	Evans	Knickerbocker	Peterson	Vanasek
Berg	Ewald	Kostohryz	Petraseso	Voss
Berglin	Faricy	Kroening	Pleasant	Waldorf
Berkelman	Fjoslien	Kvam	Prahl	Welch
Biersdorf	Forsythe	Laidig	Reding	Wenstrom
Birnstihl	Friedrich	Langseth	Rice	Wenzel
Brandl	Fudro	Lehto	Rose	White
Braun	Fugina	Lemke	St. Onge	Wieser
Brinkman	George	Mangan	Samuelson	Wigley
Byrne	Gunter	Mann	Sarna	Williamson
Carlson, A.	Hanson	McCarron	Savelkoul	Wynia
Carlson, D.	Haugerud	McDonald	Scheid	Zubay
Carlson, L.	Heinitz	McEachern	Schulz	Speaker Sabo
Casserly	Hokanson	Metzen	Searle	
Clark	Jacobs	Moe	Searles	
Clawson	Jaros	Munger	Sherwood	

A quorum was present.

Ellingson was excused until 2:00 p.m. McCollar was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek 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. 85, 739, 1236, 26, 59, 516, 784, 210 and 1 and S. F. Nos. 90, 655, 783, 124, 448, 1334, 1361, 514, 1395 and 202 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 19, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 103, An act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists.

H. F. No. 621, An act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; prohibiting brokerage sales of new motor vehicles by motor vehicle brokers; preempting local bonding requirements.

H. F. No. 685, An act relating to the city of Hibbing; authorizing an increase in the service pensions of certain retired firemen.

H. F. No. 777, An act relating to agriculture; the family farm security program; eliminating first mortgage requirements for seller-sponsored loans; authorizing retention of land by sellers in lieu of payment of loan guarantees; authorizing sharing of excess proceeds from default sale; allowing payment adjustments for certain loans with unequal annual payments.

H. F. No. 1099, An act relating to retirement; proportionate vesting of volunteer firemen's relief association service pensions.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 19, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 1364, An act relating to the attorney general; changing appointments; removing restrictions on assignment of deputy and assistant attorneys general.

Sincerely,

RUDY PERPICH  
Governor

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

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1977</i>	<i>Date Filed</i> <i>1977</i>
32		90	May 18	May 18
51		91	May 18	May 18
845		92	May 18	May 18
	42	93	May 18	May 18

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	54	94	May 18	May 18
	75	95	May 18	May 18
	300	96	May 18	May 18
	307	97	May 18	May 18
	308	98	May 18	May 18
	337	99	May 18	May 18
	414	100	May 18	May 18
	502	101	May 18	May 18
	521	102	May 18	May 18
	531	103	May 18	May 18
	787	104	May 18	May 18
	882	105	May 18	May 18
	888	106	May 18	May 18
	903	107	May 18	May 18
	1003	108	May 18	May 18

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

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

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office

of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	139	109	May 19	May 19
	188	110	May 19	May 19
	229	111	May 19	May 19
	326	112	May 19	May 19
	334	113	May 19	May 19
	439	114	May 19	May 19
	525	115	May 19	May 19
	563	116	May 19	May 19
	598	117	May 19	May 19
	707	118	May 19	May 19
	805	119	May 19	May 19
	1005	120	May 19	May 19
	1006	121	May 19	May 19
	1130	122	May 19	May 19
	1248	123	May 19	May 19
	1469	124	May 19	May 19
13		125	May 19	May 19
69		126	May 19	May 19
78		127	May 19	May 19
99		128	May 19	May 19
166		129	May 19	May 19
188		130	May 19	May 19

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
213		131	May 19	May 19
319		132	May 19	May 19
335		133	May 19	May 19
465		134	May 19	May 19
498		135	May 19	May 19
499		136	May 19	May 19
616		137	May 19	May 19
667		138	May 19	May 19
721		139	May 19	May 19
737		140	May 19	May 19
769		141	May 19	May 19
827		142	May 19	May 19
831		143	May 19	May 19
833		144	May 19	May 19
880		145	May 19	May 19
903		146	May 19	May 19
905		147	May 19	May 19
914		148	May 19	May 19
916		149	May 19	May 19
919		150	May 19	May 19
930		151	May 19	May 19
963		152	May 19	May 19
967		153	May 19	May 19
969		154	May 19	May 19

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
970		155	May 19	May 19
972		156	May 19	May 19
973		157	May 19	May 19
1103		158	May 19	May 19
1138		159	May 19	May 19
1140		160	May 19	May 19
1164		161	May 19	May 19
1166		162	May 19	May 19
1234		163	May 19	May 19
1369		164	May 19	May 19
1382		165	May 19	May 19
1423		166	May 19	May 19

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 3, A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the departments of employment services and vocational rehabilitation; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15A.081, Subdivision 1; 15.0411, Subdivision 2; 43.09, Subdivision 2a; 62E.52, Subdivision 7; 129A.01; 144.656; 144A.611, Subdivision 3; 144A.10, Subdivision 8; 145.895; 245.75; 245.76; 245.765, Subdivision 1; 245.77; 256.01, Subdivision 2; 256.011; 256.045; 256.462, Subdivision 3; 256.482, Subdivision 1; 256.73, Subdivision 2; 256.736, Subdivisions 2, 3, 4, 5 and 7; 256.75; 256.863; 256.871, Subdivision 7; 256.88; 256.89; 256.90; 256.91; 256.92; 256.965; 256.978; 256B.02, Subdivision 5; 256B.041, Subdivision 6; 256B.064, Subdivision 2; 256B.26; 256B.27; 256B.30; 256B.35,

Subdivision 2; 256D.01, Subdivisions 1 and 2; 256D.02, Subdivisions 2, 3, 4 and 11; 256D.11, Subdivisions 1, 2, 6, 7 and 9; 256D.22; 256D.35, Subdivisions 1, 5 and 6; 256D.39; 256D.41; 261.003; 261.232; 261.25; 268.04, Subdivision 8; and Laws 1976, Chapter 332, Section 9, Subdivisions 1, 7 and 8; repealing Minnesota Statutes 1976, Sections 129A.02, Subdivision 1; 256.01, Subdivisions 3 and 4; 256.12, Subdivisions 10, 14 and 15; and 256.73, Subdivision 5.

Reported the same back with the following amendments:

Page 3, delete lines 6 to 11 and renumber the remaining subdivision.

Pages 7 to 10, delete section 6 and insert:

“Sec. 6. Minnesota Statutes 1976, Section 15A.081, Subdivision 1, as amended by Laws 1977, Chapter 35, Section 1, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.] Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Base Salary or Range
Administration, department of commissioner .....	\$41,000
Agriculture, department of commissioner .....	36,000
Attorney general, office of deputy attorney general .....	23,000 - 42,000
Commerce, department of commissioner of banks .....	32,000
commissioner of insurance .....	32,000
commissioner of securities .....	32,000
executive secretary, commerce commission .....	27,000
Community college system chancellor .....	41,000
Corrections, department of commissioner .....	36,000
ombudsman .....	32,000

Crime prevention and control, governor's commission on executive director .....	\$32,000
Economic development, department of commissioner .....	32,000
<i>Economic security, department of commissioner .....</i>	<i>41,000</i>
Education, department of commissioner .....	41,000
(EMPLOYMENT SERVICES, DEPARTMENT OF COMMISSIONER .....	32,000)
Energy agency director .....	36,000
Finance, department of commissioner .....	45,000
Health, department of commissioner .....	41,000
Hearing examiners office chief hearing examiner .....	36,000
Higher education coordinating board executive director .....	36,000
Housing finance agency executive director .....	36,000
Human rights, department of commissioner .....	29,000
Indian affairs board executive director .....	25,000
Investment, board of executive secretary .....	41,000
Iron range resources and rehabilitation board commissioner .....	29,000
Labor and industry, department of commissioner .....	36,000
judge of the workers compensation court of appeals .....	36,000
director, mediation services .....	29,000

Natural resources, department of commissioner .....	\$41,000
Personnel, department of commissioner .....	41,000
Planning agency director .....	41,000
Pollution control agency director .....	36,000
Public safety, department of commissioner .....	36,000
Public service, department of commissioner, public service commission .....	32,000
director .....	32,000
Public welfare, department of commissioner .....	41,000
Revenue, department of commissioner .....	41,000
State university system chancellor .....	41,000
Transportation, department of commissioner .....	41,000
Veterans affairs, department of commissioner .....	29,000
(VOCATIONAL REHABILITATION, DEPARTMENT OF COMMISSIONER .....	32,000)".

Page 12, delete section 9.

Pages 14 to 23, delete sections 14 to 22.

Page 23, line 24, delete "*Subdivision 1.*".

Page 23, delete lines 31 and 32.

Page 24, delete lines 1 to 32.

Page 25, delete lines 1 to 32.

Page 26, delete lines 1 to 17.

Pages 26 to 34, delete sections 24 to 27.

Pages 35 to 37, delete section 29.

Page 37, lines 18 and 19, reinstate the stricken "for certification to the commissioner of".

Page 37, line 19, after the stricken "services" insert "*economic security*".

Page 37, line 20, delete the new language and reinstate the stricken language.

Page 39, lines 1 and 3, delete the new language and reinstate the stricken language.

Page 39, line 7, reinstate the stricken language.

Page 39, line 8, reinstate "and employment established by the commissioner of".

Page 39, line 9, after the stricken "services" insert "*economic security*".

Page 39, line 9, reinstate "for persons certified hereunder;".

Page 39, line 10, reinstate the stricken language and delete the new language.

Page 39, line 16, reinstate the stricken language and delete the new language.

Page 39, line 17, reinstate "commissioner of" and after the stricken "services" insert "*economic security*".

Page 39, line 17, reinstate ", certification to be".

Page 39, line 18, reinstate the stricken language.

Page 39, line 20, reinstate "to the commissioner of".

Page 39, line 20, after the stricken "services" insert "*economic security*".

Page 40, lines 24 and 25, reinstate the stricken "public welfare shall cooperate with the commissioner of".

Page 40, line 26, delete "*shall*" and insert "*to*".

Pages 40 to 53, delete sections 34 to 57.

Page 53, line 27, after "*commissioner*" insert "*of economic security*".

Page 54, line 15, after the stricken language insert "*of economic security*".

Page 55, line 2, after the stricken language insert "*of economic security*".

Page 55, line 12, reinstate the stricken language.

Page 55, lines 12 and 13, strike "employment services" and insert "*economic security*".

Page 55 to 59, delete sections 63 to 71.

Page 59, delete lines 20 to 24.

Page 59, line 25, delete "*Sections*" and insert "*Section*".

Page 59, line 26, delete everything after "1".

Page 59, delete line 27, and insert "*is*".

Renumber the sections.

Further amend the title as follows :

Line 7, after "Subdivision 1" insert "as amended by Laws 1977, Chapter 35, Section 1".

Line 9, delete everything except "129A.01;".

Delete lines 10 and 11 and 12.

Line 13, delete "Subdivision 3;".

Line 13, delete "256.73,".

Line 14, delete "Subdivision 2;".

Line 14, after "4," insert "and".

Delete lines 15 to 20.

Line 21, delete "4 and 11".

Delete lines 22 and 23.

Line 26, delete "*Sections*" and insert "*Section*".

Line 27, delete everything after "Subdivision 1".

Delete line 28.

Line 29, delete "Subdivision 5".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 958, A bill for an act relating to agriculture; establishing a swine disease research center; appropriating money.

Reported the same back with the following amendments:

Page 1, line 8, delete "center, staffed with sufficient" and insert "program."

Page 1, line 8, after "personnel" insert "associated with this program are directed".

Page 1, line 17, delete "\$300,000" and insert "\$175,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 411, A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Chapter 626, is amended by adding a section to read:

[626.84] [DEFINITIONS.] *For the purposes of section 1 and sections 626.841 to 626.853, the following terms shall have the meanings given them:*

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

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

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

Sec. 2. Minnesota Statutes 1976, Section 626.841, is amended to read:

626.841 [ESTABLISHMENT OF BOARD; MEMBERS.] (THERE IS HEREBY CREATED IN THE OFFICE OF THE ATTORNEY GENERAL THE MINNESOTA PEACE OFFICER TRAINING BOARD, HEREINAFTER REFERRED TO AS THE "BOARD.") The board of peace officer standards and training shall be composed of the following:

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

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

((C) TWO MEMBERS TO BE APPOINTED BY THE GOVERNOR FROM AMONG PEACE OFFICERS IN MINNESOTA MUNICIPALITIES OTHER THAN CHIEFS OF POLICE OR COUNTY SHERIFFS;)

((D) TWO MEMBERS TO BE APPOINTED BY THE GOVERNOR FROM AMONG THE COUNTY ATTORNEYS OR THEIR ASSISTANTS IN MINNESOTA, ONE OF WHOM SHALL BE FROM A COUNTY CONTAINING A CITY OF THE FIRST CLASS;)

((E) THE CHIEFS OF POLICE OF EACH CITY OF THE FIRST CLASS;)

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

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

**((G) THE CHIEF OF THE MINNESOTA HIGHWAY PATROL OR HIS DESIGNEE;)**

**((H) THE SPECIAL AGENT IN CHARGE OF A FIELD OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION IN THIS STATE OR HIS DESIGNEE;)**

**((I) THE ATTORNEY GENERAL OR HIS DESIGNEE, AND)**

**((J))** *(e) Two members to be appointed by the governor from among the general public; and*

*(f) A chairman, to be appointed by the governor from among the members.*

Sec. 3. Minnesota Statutes 1976, Section 626.842, is amended to read:

626.842 [TERMS; MEETINGS; COMPENSATION; REMOVAL; VACANCIES.] Subdivision 1. (IF ANY INCUMBENT SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY SO APPOINTED CEASES TO BE A SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY PRIOR TO THE EXPIRATION OF HIS TERM AS A MEMBER OF THE BOARD, THE GOVERNOR SHALL BE NOTIFIED BY THE EXECUTIVE DIRECTOR OF THE BOARD THAT A VACANCY EXISTS OR IS ABOUT TO EXIST, AND THE GOVERNOR SHALL FORTHWITH APPOINT SOME OTHER INCUMBENT SHERIFF, CHIEF OF POLICE, PEACE OFFICER OR COUNTY ATTORNEY TO COMPLETE HIS TERM. SIMILAR NOTIFICATION SHALL BE MADE BY THE EXECUTIVE DIRECTOR OF A VACANCY EXISTING OR ABOUT TO EXIST AS TO A MEMBER APPOINTED PURSUANT TO CLAUSE (J) AND THE GOVERNOR SHALL MAKE A SIMILAR APPOINTMENT.)

Meetings shall be called at the request of the (EXECUTIVE DIRECTOR, THE ATTORNEY GENERAL,) *chairman* or upon the written request of a majority of the members of the board. (ALL RECOMMENDATIONS BY THE BOARD TO THE ATTORNEY GENERAL SHALL REQUIRE THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD.)

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required

to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of his appointment to the board, nor shall he forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary.

Subd. 2. The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, clauses (a), (b), ((C),) (d) and ((J)) (e) on the board (SHALL BE AS PROVIDED IN SECTION 15.0575); *the provision of staff, administrative services and office space; the review and processing of complaints; and other matters relating to board operations shall be as provided in chapter 214.*

Sec. 4. Minnesota Statutes 1976, Section 626.843, Subdivision 1, is amended to read:

**626.843 [RULES AND REGULATIONS, RECOMMENDATIONS; EXECUTIVE DIRECTOR.]** Subdivision 1. The (MINNESOTA PEACE OFFICER TRAINING) board (MAY RECOMMEND TO THE ATTORNEY GENERAL) *shall adopt rules (AND REGULATIONS) with respect to:*

(a) The (APPROVAL OR DISAPPROVAL THEREOF,) *certification* of peace officer training schools, *programs*, or courses including training schools for the Minnesota highway patrol. Such schools, *programs and courses* shall include (SCHOOLS) *those* administered by the state, county, school district, municipality, or joint or contractual combinations thereof, (AND SUCH COURSES SHALL INCLUDE POLICE TRAINING COURSES TAUGHT AT VOCATIONAL SCHOOLS AND TRADE SCHOOLS) *and shall include preparatory instruction in law enforcement and minimum basic training courses;*

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each (APPROVED) *certified* peace officers training school located within the state;

(c) Minimum qualifications for instructors at (APPROVED) *certified* peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment of nonelective peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

*These standards shall be established and published on or before January 1, 1979.*

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum basic training which peace officers not appointed for temporary or probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent employment, and the time within which such basic training must be completed following such appointment on a nonpermanent basis;

(h) (CATEGORIES OR CLASSIFICATIONS OF ADVANCED IN-SERVICE TRAINING PROGRAMS AND MINIMUM COURSES OF STUDY AND ATTENDANCE REQUIREMENTS WITH RESPECT TO SUCH CATEGORIES AND CLASSIFICATIONS) *Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement provided the student obtains employment as a peace officer within one year of completion;*

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; and

(j) *Such other matters as may be necessary consistent with sections 626.841 to 626.853, and section 1. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.841 to 626.853, and section 1.*

Sec. 5. Minnesota Statutes 1976, Section 626.843, Subdivision 2, is amended to read:

Subd. 2. An executive director shall be appointed by and serve in the unclassified service at the pleasure of the (GOVERNOR) board. (HE SHALL BE IN THE UNCLASSIFIED SERVICE AND RECEIVE COMPENSATION, AS FIXED BY THE COMMISSIONER OF PERSONNEL, AND REIMBURSEMENT FOR THE EXPENSES WITHIN THE ACCOUNTS AVAILABLE BY APPROPRIATION) *The executive*

*director shall perform such duties, on behalf of the board, as the board shall prescribe. The board (MAY) shall appoint such employees, agents and consultants as (THEY MAY DEEM) deemed necessary, prescribe their duties, and provide for reimbursement of their expenses. Such employees shall be in the classified service (AND SUBJECT TO SECTIONS 43.09 TO 43.17).*

Sec. 6. Minnesota Statutes 1976, Section 626.843, Subdivision 3, is amended to read:

Subd. 3. The board may, in addition:

(a) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 626.841 to (626.854) *626.853*;

(b) Visit and inspect any peace officer training school approved by the executive director or for which application for such approval has been made;

(c) Make recommendations, from time to time, to the executive director, attorney general, governor, and the legislature regarding the carrying out of the objectives and purposes of sections 626.841 to (626.854.) *626.853*;

(d) Perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board as set forth in sections 626.841 to 626.849;

(e) *Cooperate with and receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of the purposes of this act.*

Sec. 7. Minnesota Statutes 1976, Section 626.845, is amended to read:

626.845 [POWERS AND DUTIES.] The (EXECUTIVE DIRECTOR, ON BEHALF OF THE) board(,) shall have the following powers and duties(, TO BE EXERCISED WITH THE APPROVAL OF THE BOARD AND TO BE EXECUTED ONLY IN FULL ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE ATTORNEY GENERAL PURSUANT TO SECTION 626.844;):

(a) To (APPROVE) *certify* peace officers' training schools or *programs* administered by state, county and municipalities located within this state *in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or pro-*

*gram was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;*

(b) To issue certificates (OF APPROVAL) to (SUCH APPROVED) schools, and to revoke such certification (OF APPROVAL) when necessary to maintain the objectives and purposes of sections 626.841 to (626.854) *626.853*;

(c) To certify, as qualified, instructors at (APPROVED) peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To certify peace officers who have satisfactorily completed basic training programs, (AND TO ISSUE APPROPRIATE CERTIFICATES TO SUCH PEACE OFFICERS) *and passed examinations as required by the board*;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of (ADVANCED) in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer *standards and training*;

(i) To perform such other acts as may be necessary and appropriate to carry out (HIS) *the* powers and duties as set forth in the provisions of sections 626.841 to (626.854) *626.853*;

(j) (TO REPORT TO THE BOARD, FROM TIME TO TIME, AT THE REGULAR MEETINGS OF THE BOARD AND AT SUCH OTHER TIMES AS MAY BE REQUIRED BY THE BOARD) *To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs.*

Sec. 8. Minnesota Statutes 1976, Section 626.847, is amended to read:

626.847 [COMPULSORY PROGRAM; EXEMPTIONS.]  
Nothing contained in sections 626.841 to (626.854) *626.853*, ex-

cept the population limits in sections 626.846 and 626.853, shall be construed to exempt any peace officer (CHARGED WITH THE ENFORCEMENT OF THE GENERAL CRIMINAL LAWS OF THE STATE) from the provisions of sections 626.841 to (626.854) 626.853, or to exempt a peace officer having received his last permanent appointment as a peace officer prior to July 1, 1967. (THE PEACE OFFICERS TRAINING BOARD MAY RECOMMEND BY A TWO-THIRDS VOTE RULES AND REGULATIONS FOR MINIMUM BASIC TRAINING FOR ALL PEACE OFFICERS WHO RECEIVED AN APPOINTMENT PRIOR TO JULY 1, 1967. UPON THE ADOPTION OF SUCH RULES AND REGULATIONS BY THE ATTORNEY GENERAL ALL SUCH PEACE OFFICERS SHALL COMPLY WITH SUCH RULES AND REGULATIONS.)

Sec. 9. Minnesota Statutes 1976, Section 626.848, is amended to read:

626.848 [TRAINING COURSES, LOCATIONS.] *Subject to board rules*, the superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

Sec. 10. Minnesota Statutes 1976, Section 626.85, Subdivision 1, is amended to read:

626.85 [INSTRUCTORS; DONATIONS, CONTRIBUTIONS.] Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part time instructors as he deems proper and necessary to furnish the best possible instruction in police sciences, *subject to board rules and* to the limitation of funds as appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to such part time employees.

Sec. 11. Minnesota Statutes 1976, Section 626.851, Subdivision 2, is amended to read:

Subd. 2. Any student successfully completing (1000 HOURS) *a program* of law enforcement instruction in a post secondary educational (LAW ENFORCEMENT PROGRAM WHICH IS) *institution, which program has been certified by the board, and which institution has been approved by the Minnesota state department of education or an accredited institution of higher learning shall be eligible* (, UPON COMPLIANCE WITH THE REQUIREMENTS PRESCRIBED BY RULES OF THE ATTORNEY GENERAL FOR THE MINNESOTA PEACE OFFICER TRAINING BOARD,) to (RECEIVE THE MINIMUM

BASIC POLICE TRAINING AS ESTABLISHED UNDER SECTION 626.843 CONDUCTED BY THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION IN FACILITIES PROVIDED BY THE INSTITUTE. UPON SATISFACTORY COMPLETION OF THE TRAINING COURSE CONDUCTED BY THE BUREAU THE CERTIFICATE SHALL BE AWARDED TO THE INDIVIDUAL) *attend a skills oriented basic training course as established under section 626.843. Nothing contained in section 1 and sections 626.841 to 626.853 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board.*

Sec. 12. Minnesota Statutes 1976, Section 626.853, is amended to read:

626.853 [PARTICIPATION, POPULATION LIMIT.] Notwithstanding other provisions of sections 626.841 to (626.854) 626.853 to the contrary, peace officers elected or appointed in any governmental unit or combination of governmental units with a total population of more than 500 but less than 1,000 according to the last federal census shall comply with the provisions of sections 626.846 and 626.847 when:

(a) The county board of the county in which such municipality or combination of municipalities is located provides by resolution for reimbursement to such municipality or combination of municipalities for the ordinary and necessary expenses, not including salary, of such officers' attendance at a peace officers training course as set forth in section 626.852 and

(b) The sheriff of such county consents to furnish temporary substitute local protection for such municipality or combination of municipalities, the expenses of which, except for salary, his office shall be similarly reimbursed by the county board.

Sec. 13. [APPROPRIATION.] *Subdivision 1. [TRANSFER OF EXISTING APPROPRIATIONS.] The unencumbered and unexpended balance of all funds appropriated to the Minnesota peace officer training board are transferred and reappropriated to the Minnesota board of peace officer standards and training.*

*Subd. 2. There is appropriated to the Minnesota board of peace officer standards and training for the purposes specified in this act the sum of \$10,000 for the biennium ending June 30, 1979. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.*

*Subd. 3. There is appropriated to the bureau of criminal apprehension the sum of \$115,000 for the training purposes specified in this act for the biennium ending June 30, 1979. Any un-*

*encumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.*

Sec. 14. *Minnesota Statutes 1976, Sections 626.844 and 626.854 are repealed.*

Sec. 15. *The effective date of this act is July 1, 1977.*

Sec. 16. [TRANSITION PROVISIONS.] *The Minnesota board of peace officer standards and training, created pursuant to section 1, supersedes and replaces the Minnesota peace officer training board. The Minnesota peace officer training board shall cease to exist on and after June 30, 1977."*

Further amend by striking the title in its entirety and inserting:

"A bill for an act relating to peace officers; providing for training and licensing; renaming the peace officer training board and giving the board additional responsibilities; appropriating money; amending Minnesota Statutes 1976, Sections 626.841; 626.842; 626.843, Subdivisions 1, 2 and 3; 626.845; 626.847; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.853; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.844 and 626.854."

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1015, A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; increasing surcharges on certain building permits; requiring certain units of government to establish dilapidated building removal accounts; authorizing the commissioner of transportation to remove certain dilapidated buildings; appropriating money; amending Minnesota Statutes 1976, Section 16.866.

Reported the same back with the following amendments:

Page 6, line 20, after "*surrendered*" insert "*or are obtained pursuant to section 463.19*".

Page 11, line 17, delete "*\$35,000*" and insert "*\$40,000*".

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 3 and 958 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 411 and 1015 were read for the second time.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bill as a Special Order to be acted upon immediately before the Special Orders for today, Friday, May 20, 1977: S. F. No. 321.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Kroening, Jaros, Casserly, Simoneau and Carlson, L., introduced:

H. F. No. 1658, A bill for an act relating to the legislature; interim studies; directing a study of certain costs related to real estate transfers.

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

Osthoff introduced:

H. F. No. 1659, A bill for an act relating to intoxicating liquors; removing prohibition against sale of liquor on election days; amending Minnesota Statutes 1976, Sections 340.034, Subdivision 1; and 340.14, Subdivision 1.

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

Johnson, Metzen, Jensen and Nelson introduced:

H. F. No. 1660, A bill for an act relating to education; requiring licensed chief school business officers in school districts of a certain size; appropriating money; amending Minnesota Statutes 1976, Section 121.11, Subdivision 13.

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

Battaglia, Johnson, Munger, Begich and Carlson, D., introduced:

H. F. No. 1661, A bill for an act relating to pollution control; providing for publication in the state register of certain behind schedule and substandard wastewater treatment projects.

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

Stoa, Kostohryz and Cummiskey introduced:

H. F. No. 1662, A bill for an act relating to newspapers; providing qualifications for legal newspapers; amending Minnesota Statutes 1976, Section 331.02, Subdivision 1.

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

Brandl introduced:

H. F. No. 1663, A bill for an act relating to retirement; authorizing a combined service annuity and the purchase of prior service credit for certain university employees.

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

Esau; Nelsen, M.; McDonald and Wigley introduced:

H. F. No. 1664, A bill for an act relating to state government; providing for termination of state programs unless affirmatively reenacted.

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

Kaley, Berg, Arlandson, Murphy and Savelkoul introduced:

H. F. No. 1665, A bill for an act relating to law libraries; amending Minnesota Statutes 1976, Sections 140.41, Subdivision 1; 140.42, Subdivision 1; and 140.43, Subdivision 1.

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

Williamson and Swanson introduced:

H. F. No. 1666, A bill for an act relating to domestic relations; marriage; application for license; requiring certain tests before issuance of license; appropriating money; amending Minnesota Statutes 1976, Section 517.08, Subdivision 1.

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

Esau, Battaglia, Erickson, Jaros and Den Ouden introduced:

H. F. No. 1667, A bill for an act relating to occupational safety and health; providing that no penalty be assessed if a violation is corrected within ten days of receipt of notice of the violation; amending Minnesota Statutes 1976, Section 182.661, Subdivision 1.

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

Cassery, Simoneau and Nelson introduced:

H. F. No. 1668, A bill for an act relating to metropolitan government; exempting the metropolitan airports commission, metropolitan transit commission, and the metropolitan waste control commission from certain recording fees; providing for the filing of notices of claims against performance bonds on contracts let by the commissions; providing for shared use of local sewers by local government units; authorizing the waste control commission to establish a special contingency fund; amending Minnesota Statutes 1976, Sections 386.77; 473.515, by adding a subdivision; 473.517, Subdivision 1; and 574.31.

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

Cohen, Kelly, R., and Waldorf introduced:

H. F. No. 1669, A bill for an act relating to taxation; exempting all residential property from taxation; amending Minnesota Statutes 1976, Section 272.02, by adding a subdivision.

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

Wenzel, Swanson, Wenstrom, Smogard and Langseth introduced:

H. F. No. 1670, A bill for an act relating to highway traffic regulations; requiring motorcycle helmets; amending Minnesota Statutes 1976, Section 169.974, Subdivisions 2, as amended and 4, as amended; repealing Laws 1977, Chapter 17, Sections 3 and 5.

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

Fudro introduced:

H. F. No. 1671, A bill for an act relating to transportation; imposing an excise tax on the gross receipts from the sale at wholesale of gasoline and special fuels used in propelling motor vehicles on public highways; authorizing the issuance and sale of state bonds pursuant to Minnesota Statutes, Section 174.51 and Article XI of the Constitution for the design, construction and reconstruction of bridges and bridge approaches; establishing a special account in the Minnesota state transportation fund; appropriating money; amending Minnesota Statutes 1976, Chapter 296, by adding a section.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Anderson, B.; Berg; Johnson; Cohen and Welch introduced:

H. A. No. 45, A proposal to study and recommend guidelines for community education spending.

The advisory was referred to the Committee on Education.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 917, A bill for an act relating to public welfare; appropriating money for the Vinland National Center.

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. 1252, A bill for an act relating to the Minnesota state water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 530, A bill for an act relating to commerce; regulating the use of credit life and credit health and accident insurance; eliminating level term credit life insurance; eliminating "pyramiding" of credit life insurance; permitting joint life credit insurance policies; permitting certain classes of credit accident and health insurance; amending Minnesota Statutes 1976, Sections 53.051; 56.15, Subdivision 2; 61A.12, by adding a subdivision; 62B.04, Subdivision 1; and 62B.05.

H. F. No. 756, A bill for an act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 585, A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disre-

gard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate wishes to recall for the purpose of further consideration House File No. 585:

H. F. No. 585, A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

Casserly moved that the House accede to the request of the Senate and return H. F. No. 585 to the Senate for further consideration. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1300, A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 97.49, Subdivision 3; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section.

The Senate has appointed as such committee Messrs. Anderson, Willet and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1054, A bill for an act relating to welfare; aid to families with dependent children; changing certain eligibility qualifications; amending Minnesota Statutes 1976, Sections 256.73, Subdivisions 1, 2, 4, and by adding subdivisions; and 256.79.

The Senate has appointed as such committee Messrs. Tennesen, Perpich and Renneke.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 562, A bill for an act relating to motor vehicles; requiring informational labels on new pickup trucks; providing penalties.

The Senate has appointed as such committee Messrs. Lessard, Laufenburger and Frederick.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 559, A bill for an act relating to education; higher education coordinating board; student financial aid; changing

certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section.

The Senate has appointed as such committee Messrs. Penny, Moe and Sillers.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

The Senate has appointed as such committee Messrs. Anderson, Bernhagen and Mrs. Staples.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 6, A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding a subdivision; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

The Senate has appointed as such committee Messrs. Spear, Keefe, J., and Laufenburger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 73, A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Nichols, Setzepfandt, Renneke, Strand and Hanson have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Stanton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 73. The motion prevailed.

Mr. Speaker:

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

H. F. No. 613, A bill for an act relating to the operation of state government; establishing an office of volunteer services

within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clark moved that the House refuse to concur in the Senate amendments to H. F. No. 613, that the Speaker appoint a Conference Committee of 3 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.

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. 1051, A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; appropriating money; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Berglin moved that the House refuse to concur in the Senate amendments to H. F. No. 1051, that the Speaker appoint a Conference Committee of 3 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.

Mr. Speaker:

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

S. F. No. 514.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1334.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 1361.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 1395.

PATRICK E. FLAHAVEN, Secretary of the Senate

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption :

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that that portion of Joint Rule 2.03 as it appears in the Journal of the House for the 26th day, providing that conference committees on the major appropriation bills specified in Joint Rule 2.02 have their reports on members' desks by Thursday, May 19, 1977, is hereby suspended for the duration of the legislative session in 1977.

The motion prevailed and the report was adopted.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 613 :

Clark, McCarron and Samuelson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1051 :

Berglin, Samuelson and Rice.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 73 :

Stanton ; Mann ; Anderson, G. ; Erickson and Suss.

## FIRST READING OF SENATE BILLS

S. F. No. 514, A bill for an act relating to victims of crime; directing the commissioner of corrections to establish crime victim crisis centers; appropriating money.

The bill was read for the first time.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Moe moved that the rule therein be suspended and an urgency be declared so that S. F. No. 514 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Moe moved that the rules of the House be so far suspended that S. F. No. 514 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 514 was read for the second time.

S. F. No. 514, A bill for an act relating to victims of crime; directing the commissioner of corrections to establish crime victim crisis centers; appropriating money.

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

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

Those who voted in the affirmative were:

Abeln	Casserly	Haugerud	Mangan	Reding
Adams	Clark	Heinitz	Mann	Rice
Albrecht	Clawson	Hokanson	McCarron	Rose
Anderson, B.	Cohen	Jacobs	McDonald	St. Onge
Anderson, D.	Corbid	Jaros	McEachern	Samuelson
Anderson, G.	Cummiskey	Jensen	Metzen	Sarna
Anderson, I.	Dahl	Johnson	Moe	Savelkoul
Anderson, R.	Dean	Jude	Munger	Scheid
Arlandson	Den Ouden	Kahn	Murphy	Schulz
Battaglia	Eckstein	Kaley	Neisen	Searle
Beauchamp	Eken	Kalis	Nelsen, B.	Searles
Begich	Enebo	Kelly, R.	Nelsen, M.	Sherwood
Berg	Erickson	Kelly, W.	Nelson	Sieben, H.
Berglin	Evans	Kempe, A.	Niehaus	Sieben, M.
Berkelman	Ewald	Kempe, R.	Norton	Simoneau
Biersdorf	Farcy	King	Novak	Skoglund
Birnstihl	Fjoslien	Knickerbocker	Osthoff	Smogard
Brandl	Forsythe	Kostohryz	Patton	Spanish
Brinkman	Friedrich	Kroening	Pehler	Stanton
Byrne	Fudro	Kvam	Peterson	Stoa
Carlson, A.	Fugina	Langseth	Petrafero	Suss
Carlson, D.	Gunter	Lehto	Pleasant	Swanson
Carlson, L.	Hanson	Lemke	Prahl	Tomlinson

Vanasek	Welch	White	Williamson	Speaker Sabo
Voss	Wenstrom	Wieser	Wynia	
Waldorf	Wenzel	Wigley	Zubay	

The bill was passed and its title agreed to.

### FIRST READING OF SENATE BILLS, Continued

S. F. No. 1334, A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Sections 246.51; and 252.27, Subdivisions 1 and 2.

The bill was read for the first time.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Samuelson moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1334 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Samuelson moved that the rules of the House be so far suspended that S. F. No. 1334 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1334 was read for the second time.

Samuelson moved to amend S. F. No. 1334, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 246.51, is amended to read:

246.51 [PAYMENT FOR CARE AND TREATMENT; DETERMINATION.] The commissioner shall make (SUCH) investigation as (HE DEEMS) necessary (AND) to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If (THE COMMISSIONER FINDS THAT) the patient is unable to pay the full cost of care (HE) *the commissioner* shall make a determination as to the ability of the relatives to pay (PROVIDED,). However, (THAT) in no case shall the relatives, unless they reside outside the state, be ordered to pay more (FOR EACH PATIENT) than ten percent of the cost of care *for each patient* (BUT) not to exceed (\$60) *\$125* per month (BUT). Voluntary payments in excess (THEREOF) *of \$125 per month* may be accepted by the commissioner. (IN THE CASE OF NONRESIDENT

PARENTS OF CHILDREN RECEIVING CARE IN STATE HOSPITALS IN MINNESOTA,) The commissioner may require payment of the full per capita cost of (CARING) *care in state hospitals* for (SUCH PATIENTS) *children whose parents or guardians do not reside in Minnesota*. No parent shall be liable for the cost of care given a patient at a state hospital after (SUCH) *the patient has reached the age of 18 years*. (SUCH) *The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as (HEREINAFTER) provided in section 246.55*. All money received shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept (THEREOF) of it. Responsibility under this section shall not apply to those relatives (EARNING) *having gross earnings of less than (\$4,000) \$11,000 per year*.

Sec. 2. Minnesota Statutes 1976, Section 252.27, Subdivision 1, is amended to read:

252.27 [COST OF BOARDING CARE OUTSIDE OF HOME OR INSTITUTION.] Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is (CARED FOR) *in 24 hour care outside the home and outside the (SEVERAL) state institutions, in a facility (APPROVED) licensed by the commissioner of public welfare, the cost of (SUCH) care shall be paid by the county (IN WHICH SUCH CHILD HAS SETTLEMENT FOR POOR RELIEF PURPOSES;) of financial responsibility determined pursuant to section 256D.18*. If the (CHILD DOES) *child's parents or guardians do not (HAVE A SETTLEMENT) reside in this state, (SUCH) the cost shall be paid by the county in which (HE) the child is found*. The county paying the costs of (SUCH) care and treatment shall, subject to (UNIFORM REGULATIONS ESTABLISHED) *rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of (SUCH) the costs from funds made available for this purpose by the legislature (, PROVIDED, HOWEVER, THAT SUCH)*. Reimbursement shall cease (UPON) *when the mentally retarded, epileptic or emotionally handicapped child (REACHING) reaches age 18*. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other *emotional* disorder which substantially impairs his mental health and who (IS IN NEED OF) *requires 24 hour treatment or supervision*.

Sec. 3. Minnesota Statutes 1976, Section 252.27, Subdivision 2, is amended to read:

Subd. 2. *The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for*

*the cost of care shall be up to a maximum of \$125. Reimbursement by the parents and child (PARENTS) shall be (RESPONSIBLE) made to (REIMBURSE) the county making (SUCH) any payments(, ON THE SAME BASIS AS IF THE CHILD WERE IN A STATE INSTITUTION FOR THE MENTALLY RETARDED, EPILEPTIC OR EMOTIONALLY HANDICAPPED, AS PROVIDED IN SECTIONS 246.51 TO 246.52 EXCEPT THAT THIS PROVISION IS NOT APPLICABLE TO MENTALLY RETARDED, EPILEPTIC, OR EMOTIONALLY HANDICAPPED CHILDREN 18 YEARS OF AGE AND OLDER) for care and treatment. The commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 246.55.*

Sec. 4. *The commissioner is authorized to promulgate an emergency rule to implement sections 1 to 3.*

Sec. 5. *This act is effective July 1, 1977."*

The motion prevailed and the amendment was adopted.

S. F. No. 1834, A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Sections 246.51; and 252.27, Subdivisions 1 and 2.

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

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

Those who voted in the affirmative were:

Abeln	Brandl	Eken	Jacobs	Langseth
Adams	Braun	Enebo	Jaros	Lehto
Albrecht	Brinkman	Erickson	Jensen	Lemke
Anderson, B.	Byrne	Evans	Johnson	Mangan
Anderson, D.	Carlson, A.	Ewald	Jude	Mann
Anderson, G.	Carlson, D.	Faricy	Kahn	McCarron
Anderson, I.	Carlson, L.	Fjoslien	Kaley	McDonald
Anderson, R.	Casserly	Forsythe	Kalis	McEachern
Arlandson	Clark	Friedrich	Kelly, R.	Metzen
Battaglia	Clawson	Fudro	Kelly, W.	Moe
Beauchamp	Cohen	Fugina	Kempe, A.	Munger
Begich	Corbid	George	Kempe, R.	Murphy
Berg	Cummiskey	Gunter	King	Neisen
Berglin	Dahl	Hanson	Knickerbocker	Nelsen, B.
Berkelman	Dean	Haugerud	Kostohryz	Nelsen, M.
Biersdorf	Den Ouden	Heinitz	Kroening	Niehaus
Birnstihl	Eckstein	Hokanson	Kvam	Norton

Novak	Rice	Searles	Stoa	Wenzel
Osthoff	Rose	Sherwood	Suss	White
Patton	St. Onge	Sieben, H.	Swanson	Wieser
Pehler	Samuelson	Sieben, M.	Tomlinson	Wigley
Peterson	Sarna	Simoneau	Vanasek	Williamson
Petrafeso	Savelkoul	Skoglund	Voss	Wynia
Pleasant	Scheid	Smogard	Waldorf	Speaker Sabo
Prahl	Schulz	Spanish	Welch	
Reding	Searle	Stanton	Wenstrom	

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

### FIRST READING OF SENATE BILLS, Continued

S. F. No. 1361, A bill for an act relating to health; providing state grants to finance health related research activities; directing the state health coordinating council to establish a health research subcommittee; providing for its powers and duties; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 1395, A bill for an act relating to education; public television and radio; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

The bill was read for the first time.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Beauchamp moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1395 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Beauchamp moved that the rules of the House be so far suspended that S. F. No. 1395 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1395 was read for the second time.

Beauchamp moved to amend S. F. No. 1395, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 139.18, Subdivision 1, is amended to read:

139.18 [GRANTS.] Subdivision 1. The board of the arts shall distribute the funds provided by sections 139.16 to 139.18.

Twice annually the board of the arts shall make grants to public stations for the acquisition and production of materials and broadcast transmission costs (TO EDUCATIONAL STATIONS TO THE EXTENT AND IN THE AMOUNT THE EDUCATIONAL STATION MATCHES MINNESOTA BASED CONTRIBUTIONS, ON A DOLLAR FOR DOLLAR BASIS). *The board of the arts shall allocate funds appropriated for the purposes of sections 139.16 to 139.18 in such a manner that each eligible public station receives an equal amount, except that no station's grant in any fiscal year shall exceed the amount of Minnesota based contributions received by that station in the previous fiscal year.*

Sec. 2. Minnesota Statutes 1976, Section 139.18, Subdivision 2, is amended to read:

Subd. 2. In calculating the amount of contributions (THAT MUST BE MATCHED) received by a public station pursuant to subdivision 1, *there shall be excluded: contributions, whether monetary or in kind, from the corporation for public broadcasting (, FROM); tax generated dollars, including payments by public or private elementary and secondary schools(.); foundation and corporation donations; contributions from any source if made for the purpose of capital expenditures; and contributions from all sources based outside the state (SHALL BE EXCLUDED). (THE BOARD OF THE ARTS SHALL MAKE PAYMENTS IN SUCH A MANNER THAT ELIGIBLE PUBLIC STATIONS RECEIVE AS EQUAL AN AMOUNT AS CONSISTENT WITH THIS SECTION.)* No payments shall be made to a public station located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

Sec. 3. [LEGISLATIVE COMMISSION.] *Subdivision 1. A legislative commission is hereby created to study public broadcasting in the state. The commission shall conduct studies including, but not limited to the following issues:*

(a) *Statewide expansion of public broadcasting to serve unmet educational, cultural and informational needs by utilizing existing facilities at post-secondary institutions and other public broadcasters, and adding of facilities to approximate statewide coverage and achieve live interconnection among the stations;*

(b) *Structure and governance of future development including the fixing of responsibility for decisions as to programming, planning and development with a balancing of insulation from governmental control and accountability to the citizens of the state;*

(c) *Financing of capital expenditures, operating costs, and future development with available legislative funding and non-state support;*

(d) *Programming to serve unmet or partially met educational and informational audience needs; use of the programming to strengthen instructional and continuing education activities of the post-secondary systems; and integration of local, regional and statewide broadcasting into the total programming effort.*

*Subd. 2. [MEMBERS, REIMBURSEMENT.] The bipartisan commission shall consist of five members of the house of representatives appointed by the speaker and five members of the senate appointed by the senate committee on committees. Any vacancy shall be filled by the appointing power.*

*Members of the commission shall be reimbursed in the same manner and amount as for attendance at legislative meetings. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.*

*Subd. 3. [RECOMMENDATIONS.] The commission shall act from the time its members are appointed until January 15, 1978. It shall report its findings and recommendations to the legislature not later than January 15, 1978.*

*Subd. 4 [MEETINGS, STAFF.] The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in subdivisions 1 to 6. It shall select a chairman and other officers from its membership and employ staff as necessary.*

*Subd. 5. [GIFTS AND GRANTS.] The commission may solicit and accept gifts and grants available for use to accomplish the purposes of subdivisions 1 to 6.*

*Subd. 6. [APPROPRIATION.] The sum of \$30,000 is appropriated from the general fund to the commission to pay its expenses.*

*Subd. 7. [EFFECTIVE DATE.] This section is effective the day following final enactment.*

*Sec. 4. [APPROPRIATION.] There is appropriated from the general fund to the board of the arts the sum of \$275,000 for the biennium ending June 30, 1979, for the purposes of this act. Notwithstanding the provisions of section 139.18, subdivision 2, this amount includes the sum of \$25,000 to be paid to the licensed public television station in the seven county metropolitan area for the purpose of improving service to that area and statewide service via the midwestern education television network."*

Further amend by striking the title and inserting:

"A bill for an act relating to education; public television; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2."

The motion prevailed and the amendment was adopted.

S. F. No. 1395, A bill for an act relating to education; public television and radio; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

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 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Murphy	Sieben, H.
Adams	Cohen	Jensen	Neisen	Sieben, M.
Albrecht	Corbid	Johnson	Nelsen, B.	Simoneau
Anderson, B.	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, D.	Dahl	Kahn	Nelson	Smogard
Anderson, G.	Dean	Kaley	Niehaus	Spanish
Anderson, I.	Den Ouden	Kalis	Norton	Stanton
Anderson, R.	Eckstein	Kelly, R.	Novak	Stoa
Arlandson	Eken	Kelly, W.	Osthoff	Suss
Battaglia	Enebo	Kempe, A.	Patton	Swanson
Beauchamp	Erickson	Kempe, R.	Pehler	Tomlinson
Begich	Evans	King	Peterson	Vanasek
Berg	Ewald	Knickerbocker	Petrafero	Voss
Berglin	Faricy	Kostohryz	Prahl	Waldorf
Berkelman	Fjoslien	Kroening	Reding	Welch
Biersdorf	Forsythe	Langseth	Rice	Wenstrom
Birnsthil	Friedrich	Lehto	Rose	Wenzel
Brandl	Fudro	Lemke	St. Onge	White
Braun	Fugina	Mangan	Samuelson	Wieser
Brinkman	George	Mann	Sarna	Wigley
Byrne	Gunter	McCarron	Savelkoul	Williamson
Carlson, A.	Hanson	McDonald	Scheid	Wynia
Carlson, D.	Haugerud	McEachern	Schulz	Zubay
Carlson, L.	Heinitz	Metzen	Searle	Speaker Sabo
Casserly	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	

Those who voted in the negative were:

Kvam Pleasant

The bill was passed, as amended, and its title agreed to.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. No. 1236 and S. F. No. 1236.

H. F. No. 1236 was reported to the House.

Anderson, D., moved to amend H. F. No. 1236, as follows:

Page 12, line 9, delete "*positions*" insert "*persons*".

The motion prevailed and the amendment was adopted.

Fjoslien moved to amend H. F. No. 1236, as follows:

Page 5, line 15, delete "*shall*" insert "*may*".

The motion prevailed and the amendment was adopted.

H. F. No. 1236, A bill for an act relating to water; requiring that new domestic wells be registered with the local soil and water conservation district; requiring that the commissioner of natural resources be notified of the appropriation of water for domestic use; requiring pumping tests and monitoring on large wells, and providing for exceptions; changing criteria for issuance of groundwater appropriation permits; creating a water planning board in the executive branch; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1 and 1a; 105.44, Subdivision 8, and by adding subdivisions; and 105.45.

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 120 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	George	Laidig	Patton
Adams	Casserly	Hanson	Langseth	Pehler
Albrecht	Clark	Hangerud	Lehto	Petrafeso
Anderson, B.	Clawson	Hokanson	Lemke	Pleasant
Anderson, D.	Cohen	Jacobs	Mangan	Prahl
Anderson, G.	Corbid	Jaros	Mann	Reding
Anderson, I.	Cummiskey	Jensen	McCarron	Rice
Battaglia	Dahl	Johnson	McDonald	St. Onge
Beauchamp	Dean	Jude	McEachern	Samuelson
Begich	Den Ouden	Kahn	Metzen	Sarna
Berg	Eken	Kaley	Moe	Scheid
Berglin	Ellingson	Kalis	Munger	Schulz
Berkelman	Enebo	Kelly, R.	Murphy	Searle
Biersdorf	Erickson	Kelly, W.	Neisen	Sherwood
Birnstihl	Evans	Kempe, A.	Nelsen, B.	Sieben, H.
Brandl	Ewald	Kempe, R.	Nelsen, M.	Sieben, M.
Braun	Faricy	King	Nelson	Simoneau
Brinkman	Forsythe	Knickerbocker	Niehaus	Skoglund
Byrne	Friedrich	Kostohryz	Norton	Smogard
Carlson, A.	Fudro	Kroening	Novak	Spanish
Carlson, D.	Fugina	Kvam	Osthoff	Stanton

Stoa	Tomlinson	Welch	White	Wynia
Suss	Vanasek	Wenstrom	Wieser	Zubay
Swanson	Waldorf	Wenzel	Williamson	Speaker Sabo

Those who voted in the negative were:

Anderson, R.	Fjoslien	Savelkoul	Voss	Wigley
Eckstein	Peterson			

The bill was passed, as amended, and its title agreed to.

S. F. No. 1236, A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Hokanson	Moe	Sherwood
Adams	Cohen	Jacobs	Murphy	Sieben, H.
Albrecht	Corbid	Jaros	Neisen	Sieben, M.
Anderson, B.	Cummiskey	Jensen	Nelsen, B.	Simoneau
Anderson, D.	Dahl	Johnson	Nelsen, M.	Skoglund
Anderson, G.	Dean	Jude	Nelson	Smogard
Anderson, I.	Den Ouden	Kaley	Norton	Spanish
Anderson, R.	Eckstein	Kalis	Novak	Stanton
Battaglia	Eken	Kelly, R.	Osthoff	Stoa
Beauchamp	Enebo	Kelly, W.	Patton	Suss
Begich	Erickson	Kempe, A.	Pehler	Swanson
Berg	Esau	Kempe, R.	Peterson	Tomlinson
Berglin	Evans	King	Petraleso	Vanasek
Berkelman	Ewald	Knickerbocker	Prahl	Voss
Biersdorf	Fariy	Kostohryz	Reding	Waldorf
Birnstihl	Fjoslien	Langseth	Rice	Welch
Brandl	Forsythe	Lehto	Rose	Wenstrom
Braun	Friedrich	Lemke	St. Onge	Wenzel
Brinkman	Fudro	Mangan	Samuelson	White
Byrne	Fugina	Mann	Sarna	Wieser
Carlson, A.	George	McCarron	Savelkoul	Wigley
Carlson, D.	Gunter	McCollar	Scheid	Williamson
Carlson, L.	Hanson	McDonald	Schulz	Wynia
Casserly	Haugerud	McEachern	Searle	Zubay
Clark	Heinitz	Metzen	Searles	Speaker Sabo

Those who voted in the negative were:

Kvam	Niehaus	Pleasant
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The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

## 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 Senate File, herewith transmitted:

S. F. No. 202, A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the department of employment services and the governor's manpower office; providing for a legislative study of the transfer of certain other functions; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15.0411, Subdivision 2; 15A.081, Subdivision 1, as amended; 43.09, Subdivision 2a; 256.482, Subdivision 1; 256.736, Subdivisions 2, 3, 4, and 5; 256D.11, Subdivisions 1, 2, 6, 7, and 9; and 268.04, Subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 311, A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; providing for the compensation of certain judges upon compliance with certain provisions of the law; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by add-

ing a section; 484, by adding a section; 487, by adding a section; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; 490.124, Subdivision 7; and Chapters 530; 531; 532; and 633.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Tennessen, Dieterich and Davies have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Voss moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 311. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1052, A bill for an act relating to human services; providing grants to plan and organize human services programs; requiring notification of affected state agencies; requiring certain membership on advisory councils; promulgating rules; providing for auditing of funds; giving additional powers to the state planning officer; appropriating money; amending Minnesota Statutes 1976, Sections 402.01, by adding a subdivision; 402.02, Subdivisions 1 and 2; 402.03; 402.04, Subdivision 1; 402.05; and 402.06; repealing Minnesota Statutes 1976, Sections 402.08 and 402.09.

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. 818, A bill for an act relating to highway traffic regulations; implements of husbandry; restricting the speed of certain implements of husbandry on the highways; providing a

penalty; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 351, A bill for an act relating to historic sites; providing for the administration and control of additional sites by the Minnesota historical society; amending Minnesota Statutes 1976, Section 138.025, by adding subdivisions.

H. F. No. 456, A bill for an act relating to the operation of state government; providing for the purchase of certain motor vehicles for use by investigative and undercover agents of the department of public safety; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

H. F. No. 1457, A bill for an act relating to state lands; authorizing the conveyance of certain lands in Aitkin county.

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. 105, A bill for an act relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota.

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. 800, A bill for an act relating to crimes; regulating the transfer of pistols; requiring a waiting period for pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; providing for transferee permits; prescribing penalties; providing for statewide validity of permits to carry; amending Minnesota Statutes 1976, Sections 609.11, Subdivision 1, and by adding a subdivision;

609.135, Subdivision 1; 624.712, Subdivisions 2 and 4, and by adding a subdivision; 624.714, Subdivision 9, and by adding a subdivision; and Chapter 624, by adding sections; repealing Minnesota Statutes 1976, Section 609.11, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CALL OF THE HOUSE

On the motion of Berg and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Corbid	Johnson	Moe	Sherwood
Adams	Cummiskey	Jude	Murphy	Sieben, H.
Anderson, B.	Dean	Kaley	Neisen	Sieben, M.
Anderson, D.	Den Ouden	Kalis	Nelsen, B.	Simoneau
Anderson, G.	Eckstein	Kelly, R.	Nelsen, M.	Skoglund
Anderson, I.	Enebo	Kelly, W.	Nelson	Smogard
Battaglia	Erickson	Kempe, A.	Norton	Stoa
Beauchamp	Esau	Kempe, R.	Novak	Suss
Begich	Evans	King	Osthoff	Swanson
Berg	Ewald	Knickerbocker	Patton	Tomlinson
Berglin	Faricy	Kostohryz	Pehler	Voss
Berkelman	Fjoslien	Kroening	Peterson	Waldorf
Biersdorf	Friedrich	Kvam	Petrafeso	Welch
Braun	Fudro	Langseth	Pleasant	Wenstrom
Brinkman	Fugina	Lehto	Rose	Wenzel
Byrne	George	Mangan	St. Onge	White
Carlson, A.	Gunter	Mann	Samuelson	Wieser
Carlson, D.	Hanson	McCarron	Sarna	Wigley
Carlson, L.	Heinitz	McCollar	Savelkoul	Williamson
Cassery	Hokanson	McDonald	Scheid	Wynia
Clark	Jaros	McEachern	Schulz	Zubay
Clawson	Jensen	Metzen	Searle	Speaker Sabo

Berg 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.

### CONCURRENCE AND REPASSAGE

Berg moved that the House concur in the Senate amendments to H. F. No. 800 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

Begich moved that the House refuse to concur in the Senate amendments to H. F. No. 800, 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.

A roll call was requested and properly seconded.

The question was taken on the motion by Begich and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Albrecht	Carlson, D.	Fugina	McEachern	Samuelson
Anderson, B.	Corbid	Gunter	Murphy	Sarna
Anderson, D.	Dahl	Heinitz	Nelsen, B.	Savelkoul
Anderson, I.	Den Ouden	Jacobs	Nelsen, M.	Schulz
Anderson, R.	Eckstein	Jensen	Niehaus	Searle
Battaglia	Eken	Johnson	Peterson	Sherwood
Begich	Erickson	Kaley	Pleasant	Spanish
Berkelman	Esau	Kalis	Prahl	Waldorf
Biersdorf	Evans	Kvam	Reding	Wenzel
Birnstihl	Fjoslien	Lemke	Rice	Wieser
Braun	Forsythe	Mann	Rose	Wigley
Brinkman	Friedrich	McDonald	St. Onge	Zubay

Those who voted in the negative were:

Abeln	Cummiskey	Kempe, R.	Norton	Suss
Adams	Dean	King	Novak	Swanson
Anderson, G.	Enebo	Knickerbocker	Osthoff	Tomlinson
Arlandson	Ewald	Kostohryz	Patton	Vanasek
Beauchamp	Farcy	Kroening	Pehler	Voss
Berg	Fudro	Laidig	Petrafeso	Welch
Berglin	George	Lehto	Scheid	Wenstrom
Brandl	Hanson	Mangan	Searles	White
Byrne	Hokanson	McCarron	Sieben, H.	Williamson
Carlson, A.	Jaros	McCollar	Sieben, M.	Wynia
Carlson, L.	Jude	Metzen	Simoneau	Speaker Sabo
Casserly	Kahn	Moe	Skoglund	
Clark	Kelly, R.	Munger	Smogard	
Clawson	Kelly, W.	Neisen	Stangon	
Cohen	Kempe, A.	Nelson	Stoa	

The motion did not prevail.

The question recurred on the motion by Berg that the House concur in the Senate amendments to H. F. No. 800 and the roll was called. There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Munger	Skoglund
Adams	Cummiskey	Kahn	Nelson	Stanton
Arlandson	Dean	Kelly, R.	Norton	Stoa
Beauchamp	Ellingson	Kempe, A.	Novak	Suss
Berg	Enebo	Kempe, R.	Osthoff	Swanson
Berglin	Farcy	King	Patton	Tomlinson
Berkelman	Forsythe	Knickerbocker	Petrafeso	Vanasek
Brandl	George	Kostohryz	Sarna	Voss
Byrne	Hanson	Laidig	Savelkoul	Welch
Carlson, A.	Haugerud	Lehto	Scheid	White
Carlson, L.	Hokanson	McCarron	Searles	Williamson
Casserly	Jacobs	McCollar	Sieben, H.	Wynia
Clark	Jaros	Metzen	Sieben, M.	Speaker Sabo
Clawson	Jensen	Moe	Simoneau	

Those who voted in the negative were:

Albrecht	Corbid	Heinitz	Nelsen, B.	Searle
Anderson, B.	Dahl	Johnson	Nelsen, M.	Sherwood
Anderson, D.	Den Ouden	Kaley	Niehaus	Smogard
Anderson, G.	Eckstein	Kalis	Pehler	Spanish
Anderson, I.	Eken	Kvam	Peterson	Waldorf
Anderson, R.	Erickson	Langseth	Pleasant	Wenstrom
Battaglia	Esau	Lemke	Prahl	Wenzel
Begich	Evans	Mangan	Reding	Wieser
Biersdorf	Fjoslien	Mann	Rice	Wigley
Birnstihl	Friedrich	McDonald	Rose	Zubay
Braun	Fudro	McEachern	St. Onge	
Brinkman	Fugina	Murphy	Samuelson	
Carlson, D.	Gunter	Neisen	Schulz	

The motion prevailed.

H. F. No. 800, A bill for an act relating to crimes; clarifying the requirements for carrying a pistol in public; regulating the transfer of pistols; requiring a waiting period for certain pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; prescribing penalties; amending Minnesota Statutes 1976, Sections 609.135, Subdivision 1; 624.712, by adding a subdivision; 624.714, Subdivision 9; and Chapter 624, by adding sections.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Metzen	Simoneau
Adams	Cummiskey	Jude	Moe	Skoglund
Arlandson	Dean	Kahn	Munger	Stanton
Beauchamp	Ellingson	Kelly, R.	Nelson	Stoa
Berg	Enebo	Kempe, A.	Norton	Suss
Berglin	Ewald	Kempe, R.	Novak	Swanson
Berkelman	Faricy	King	Osthoff	Tomlinson
Brandl	Forsythe	Knickerbocker	Patton	Vanasek
Byrne	George	Kostohryz	Petrateso	Voss
Carlson, A.	Hanson	Kroening	Sarna	Welch
Carlson, L.	Haugerud	Laidig	Scheid	White
Cassery	Hokanson	Lehto	Searles	Williamson
Clark	Jacobs	McCarron	Sieben, H.	Wynia
Clawson	Jaros	McCollar	Sieben, M.	Speaker Sabo

Those who voted in the negative were:

Albrecht	Begich	Dahl	Fjoslien	Kaley
Anderson, B.	Biersdorf	Den Ouden	Friedrich	Kalis
Anderson, D.	Birnstihl	Eckstein	Fudro	Kvam
Anderson, G.	Braun	Eken	Fugina	Langseth
Anderson, I.	Brinkman	Erickson	Gunter	Lemke
Anderson, R.	Carlson, D.	Esau	Heinitz	Mangan
Battaglia	Corbid	Evans	Johnson	Mann

McDonald	Niehaus	Rice	Searle	Wenzel
McEachern	Pehler	Rose	Sherwood	Wieser
Murphy	Peterson	St. Onge	Smogard	Wigley
Neisen	Pleasant	Samuelson	Spanish	Zubay
Nelsen, B.	Prahl	Savelkoul	Waldorf	
Nelsen, M.	Reding	Schulz	Wenstrom	

The bill was repassed, as amended by the Senate, and its title agreed to.

### FIRST READING OF SENATE BILLS

S. F. No. 202, A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the department of employment services and the governor's manpower office; providing for a legislative study of the transfer of certain other functions; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15.0411, Subdivision 2; 15A.081, Subdivision 1, as amended; 43.09, Subdivision 2a; 256.482, Subdivision 1; 256.736, Subdivisions 2, 3, 4 and 5; 256D.11, Subdivisions 1, 2, 6, 7, and 9; and 268.04, Subdivision 8.

The bill was read for the first time.

Sieben, H., moved that S. F. No. 202 and H. F. No. 3, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

George moved that the call of the House be dispensed with. The motion did not prevail.

Corbid was excused between the hours of 3:30 p.m. and 4:30 p.m.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 65 and H. F. Nos. 85, 516 and 1547.

S. F. No. 65 was reported to the House.

Farcy moved to amend S. F. No. 65, the unofficial engrossment, as follows:

Page 2, line 18, delete "six" and insert "not less than three nor more than 12".

Page 2, line 26, delete "two" and insert "not less than one year and one day nor more than four".

Page 2, line 33, before "one" insert "not less than".

Page 2, line 33, after "day" insert "*nor more than two years*".

Page 3, line 14, delete "*two*" and insert "*not less than one year and one day nor more than two years*".

Page 3, line 19, before "*one*" insert "*not less than*".

Page 3, line 19, after "day" insert "*nor more than two years*".

Page 3, line 23, before "*one*" insert "*not less than*".

Page 3, line 23, after "day" insert "*nor more than two years*".

Page 6, line 5, after "9" insert ",".

Page 6, line 6, after "10" insert "*and 12*".

Page 9, line 13, after "*him*" insert "*as reduced by good time earned*".

Page 9, line 15, after "*sentence*" insert "*as reduced by good time earned*".

Page 10, line 1, delete "*his*" and insert "*the commissioner's*".

Page 10, line 24, after "." insert "*Notwithstanding the provisions of any other law to the contrary,*".

Page 10, line 26, delete "*the act*" and insert "*sections 9, 10 and 12*".

Page 14, line 5, delete the first ",".

Page 14, line 7, before "*The*" insert "(6)".

Page 14, line 8, delete "*appointed*".

Page 14, line 13, delete "*such*" and insert "*the*".

Page 14, line 13, delete "*as are*".

Page 14, line 14, delete "*for*" and insert "*to*".

Page 16, line 2, delete "*such*" and insert "*the*".

Page 16, line 2, delete "*as*".

Page 16, line 3, delete "*such*" and insert "*the*".

Page 16, line 3, delete "*help*" and insert "*assistance*".

Page 16, line 24, delete "*at least three times each year*" and insert "*as necessary*".

Page 16, line 31, delete "*appellate*".

Page 17, line 1, delete "*section*" and insert "*subdivision*".

Page 17, line 11, delete ".".

Page 17, line 12, delete "*Unreasonable*" and insert "*unreasonable*".

Page 17, line 26, delete "*Notwithstanding the sentence provided by*".

Page 17, line 27, delete "*statute,*".

Page 17, line 28, reinsert the stricken language and delete "*the*".

Page 17, line 29, delete "*increase or decrease the statutory*".

Page 17, line 30, reinsert "*the defendant*" and delete ",".

Page 17, line 31, delete "*with due consideration to the sentencing guidelines,*".

Page 18, reinsert the stricken language on lines 1, 2, 3, 7, 8, and 9 and renumber the clauses in order.

Page 18, delete lines 10 to 32 and insert:

*"Subd. 2. For the purposes of this subdivision, a life term shall be a sentence to a definite number of years in excess of the minimum number of years of imprisonment available for the crime."*

Page 19, delete lines 1 to 5.

Page 19, line 6, delete "2" and insert "3".

Page 19, after line 14, insert Section 21 of the bill and renumber it as Section 20.

Page 19, renumber Section 20 of the bill as Section 22.

Page 19, after new Section 20 of the bill, insert Section 22 and renumber it as 21.

Page 20, line 11, strike "*sentence is to life imprisonment*".

Page 20, line 14, strike "of".

Page 20, line 16, reinsert the stricken language.

Page 21, line 20, after "prescribe" insert "*, including restitution when practicable*".

Page 21, delete lines 28 to 30 and insert the following: "*The imposition or execution of sentence may not be stayed in any of the following cases:*

(a) *upon a conviction for a violation of section 30, or sections 609.185, 609.19 or 609.342; or*

(b) *upon a conviction of one of the crimes specified under section 609.11, subdivision 1 if during the commission of that crime, the person had in his possession a firearm or used a dangerous weapon. Provided, however, that the imposition or execution of sentences under this clause may be stayed if a condition of probation is that the convicted person serve at least six months in a local workhouse, workfarm or jail.*"

Page 22, lines 1 to 4, reinsert the stricken language.

Page 22, line 4, delete "*If the court places on probation a*".

Page 22, delete lines 5 to 13.

Page 23, strike lines 6 and 7 and insert "(2) *Upon the granting of extraordinary release; or*".

Page 24, line 13, strike "that" and insert "a".

Page 24, line 25, delete "*50 years*" and insert "*not less than 25 years nor more than life*".

Page 25, line 11, delete "a" and insert "*not less than 20 years nor more than life*".

Page 25, delete line 12.

Page 25, line 26, delete "*16*" and insert "*not less than eight nor more than 32*".

Page 26, line 1, delete "*ten*" and insert "*not less than five nor more than 20*".

Page 26, line 15, delete "*six*" and insert "*not less than three nor more than 12*".

Page 27, line 5, delete *"three"* and insert *"not less than one and one-half nor more than six"*.

Page 27, line 28, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 28, line 3, delete *"six"* and insert *"not less than three nor more than 12"*.

Page 28, line 8, delete *"three"* and insert *"not less than one and one-half nor more than six"*.

Page 28, line 15, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 28, line 20, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 28, line 30, delete *"two"* and insert *"not less than one year and one day and not more than four"*.

Page 29, line 9, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 29, line 17, delete *"eight"* and insert *"not less than four nor more than sixteen"*.

Page 29, line 25, delete *"eight"* and insert *"not less than four nor more than 16"*.

Page 29, line 28, delete *"16"* and insert *"not less than eight nor more than 32"*.

Page 30, line 6, before *"one"* insert *"not less than"*.

Page 30, line 6, after *"day"* insert *"nor more than two years"*.

Page 30, line 14, before *"one"* insert *"not less than"*.

Page 30, line 14, after *"day"* insert *"nor more than two years"*.

Page 30, line 27, delete *"two"* and insert *"not less than one year and one day nor more than four"*.

Page 30, line 31, delete *"four"* and insert *"not less than two nor more than eight"*.

Page 31, line 10, before *"one"* insert *"not less than"*.

Page 31, line 10, after *"day"* insert *"nor more than two years"*.

Page 31, line 24, delete "four" and insert "not less than two nor more than eight".

Page 32, line 1, delete "two" and insert "not less than one year and one day nor more than four".

Page 33, line 6, delete "eight" and insert "not less than four nor more than sixteen".

Page 34, line 19, delete "six" and insert "not less than three nor more than 12".

Page 35, line 32, delete "four" and insert "not less than two nor more than eight".

Page 36, line 16, delete "two" and insert "not less than one year and one day and not more than four".

Page 36, line 28, delete "two" and insert "not less than one year and one day nor more than four".

Page 37, line 23, strike "three" and insert "one and one-half".

Page 38, line 9, delete "two" and insert "not less than one year and one day nor more than four".

Page 38, line 27, delete "four" and insert "not less than two nor more than eight".

Page 39, line 2, delete "two" and insert "not less than one year and one day nor more than four".

Page 39, line 13, delete "two" and insert "not less than one year and one day nor more than four".

Page 39, line 20, delete "eight" and insert "not less than four nor more than sixteen".

Page 40, line 1, delete "two" and insert "not less than one year and one day nor more than four".

Page 40, line 18, delete "four" and insert "not less than two nor more than eight".

Page 41, line 23, delete "two" and insert "not less than one year and one day nor more than four".

Page 42, line 1, before "one" insert "not less than".

Page 42, line 2, after "day" insert "nor more than two years".

Page 42, line 12, delete "two" and insert "not less than one year and one day nor more than four".

Page 43, line 22, delete "two" and insert "not less than one year and one day nor more than four".

Page 43, line 25, before "one" insert "not less than".

Page 43, line 25, after "day" insert "nor more than two years".

Page 44, line 1, delete "two" and insert "not less than one year and one day nor more than four".

Page 44, line 32, before "one" insert "not less than".

Page 45, line 1, after "day" insert "nor more than two years".

Page 45, line 13, delete "two" and insert "not less than one year and one day nor more than four".

Page 49, line 5, delete "four" and insert "not less than two nor more than eight".

Page 49, line 9, delete "two" and insert "not less than one year and one day nor more than four".

Page 49, line 13, delete "two" and insert "not less than one year and one day nor more than four".

Page 49, line 31, delete "four" and insert "not less than two nor more than eight".

Page 50, line 24, before "one" insert "not less than".

Page 50, line 25, after "day" insert "nor more than two years".

Page 51, line 13, delete "four" and insert "not less than two nor more than eight".

Page 51, line 30, delete "two" and insert "not less than one year and one day nor more than four".

Page 52, line 2, delete "four" and insert "not less than two nor more than eight".

Page 52, line 9, before "one" insert "not less than".

Page 52, line 10, after "day" insert "nor more than two years".

Page 52, line 23, delete "four" and insert "not less than two nor more than eight".

Page 52, line 28, delete "two" and insert "not less than one year and one day nor more than four".

Page 53, line 14, delete "eight" and insert "not less than four nor more than sixteen".

Page 53, line 20, delete "eight" and insert "not less than four nor more than sixteen".

Page 54, line 2, delete "four" and insert "not less than two nor more than eight".

Page 54, line 11, delete "two" and insert "not less than one year and one day nor more than four".

Page 54, line 28, before "one" insert "not less than".

Page 54, line 28, after "day" insert "nor more than two years".

Page 55, line 13, after "for" insert "not less than".

Page 55, line 14, after "day" insert "nor more than two years".

Page 55, line 26, delete "eight" and insert "not less than four nor more than 16".

Page 56, line 8, delete "four" and insert "not less than two nor more than eight".

Page 56, line 13, delete "two" and insert "not less than one year and one day nor more than four".

Page 56, line 25, before "one" insert "not less than".

Page 56, line 26, after "day" insert "nor more than two years".

Page 57, line 2, delete "two" and insert "not less than one year and one day nor more than four years".

Page 57, line 19, delete "two" and insert "not less than one year and one day nor more than four years".

Page 58, line 10, before "one" insert "not less than".

Page 58, line 10, after "day" insert "nor more than two years".

Page 58, line 14, delete "two" and insert "not less than one year and one day nor more than four".

Page 58, line 32, delete "two" and insert "not less than one year and one day nor more than four".

Page 59, line 7, before "one" insert "not less than".

Page 59, line 8, after "day" insert "nor more than two years".

Page 59, line 26, delete "four" and insert "not less than two nor more than eight".

Page 60, line 27, before "one" insert "not less than".

Page 60, line 27, after "day" insert "nor more than two years".

Page 61, line 30, delete "two" and insert "not less than one year and one day nor more than four".

Page 62, line 1, before "one" insert "not less than".

Page 62, line 1, after "day" insert "nor more than two years".

Page 62, line 18, before "one" insert "not less than".

Page 62, line 19, after "day" insert "nor more than two years".

Page 62, line 26, before "one" insert "not less than".

Page 62, line 26, after "day" insert "nor more than two years".

Page 63, line 13, before "one" insert "not less than".

Page 63, line 14, after "day" insert "nor more than two years".

Page 63, line 24, delete "two" and insert "not less than one year and one day nor more than four".

Page 64, line 4, delete "two" and insert "not less than one year and one day nor more than four".

Page 64, line 15, delete "two" and insert "not less than one year and one day nor more than four".

Page 64, line 22, before "one" insert "not less than".

Page 64, line 22, after "day" insert "nor more than two years".

Page 65, line 3, delete "two" and insert "not less than one year and one day nor more than four".

Page 65, line 28, delete "two" and insert "not less than one year and one day nor more than four".

Page 66, line 16, delete "two" and insert "not less than one year and one day nor more than four".

Page 67, line 1, before "The" insert "Subdivision 1".

Page 67, line 8, before "There" insert "Subd. 2".

Page 67, line 12, delete "98" and insert "103".

Page 67, line 11, before "Sections" insert "Except as otherwise provided in this section".

Page 67, line 17, delete "Section" and insert "Sections".

Page 67, line 17, after "Section" insert "4, Subdivision 8; 18, Subdivisions 1 to 11; 19, 22 and".

Page 67, after line 18, insert:

"Subd. 4. Section 105 is effective July 1, 1977."

Further, amend the title as follows:

Page 1, line 2, after ";" insert "creating the judicial guidelines commission;"

Page 1, line 3, strike "supreme court" and insert "judicial guidelines commission".

Page 1, line 5, after "transferring" insert "some of".

Page 1, line 7, strike "abolishing the".

Page 1, line 8, strike "Minnesota corrections board;"

Page 1, line 13, after "609.10;" insert ", and by adding a subdivision".

Page 1, line 16, after "2" insert ", and by adding a subdivision".

The motion prevailed and the amendment was adopted.

Savelkoul, Sieben, M., and Wenzel moved to amend S. F. No. 65, the unofficial engrossment, as follows:

Page 8, line 15, after "section." insert "No person serving a mandatory minimum sentence shall begin earning good time until he has served half of the mandatory minimum term required by statute."

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

Page 21, delete lines 28 through 30 and insert:

*"The execution of imposition of sentence may not be stayed:*

*(a) upon a conviction for a violation of section 30 or sections 609.185, 609.19, 609.342; or*

*(b) upon the conviction of a defendant of a second or subsequent offense under sections 609.342 to 609.345; or*

*(c) upon the conviction of the defendant of at least his third felony violation within a ten year period, if the violations arose out of at least three separate courses of conduct, and if*

*(1) at least one of the felony violations was a crime against the person, as defined in section 4, subdivision 5; or*

*(2) in the commission of at least one of the felonies the defendant had on his person a firearm or used another dangerous weapon.*

*For the purposes of clause (b), an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the defendant has been at any time before or after the effective date of this section convicted under sections 609.342 to 609.345 or under any similar statute of the United States, or this or any other state.*

*The provisions of clause (c) shall apply if the prior convictions occurred before or after the effective date of this section and occurred in this state or were for similar crimes prosecuted in another state or in federal court."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 79 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Adams	Begich	Den Ouden	Fudro	Kalis
Albrecht	Biersdorf	Eken	Fugina	Kelly, R.
Anderson, B.	Birnstihl	Erickson	Heinitz	Kempe, A.
Anderson, D.	Carlson, A.	Evans	Hokanson	Kempe, R.
Anderson, G.	Carlson, D.	Ewald	Jensen	Knickerbocker
Anderson, R.	Carlson, L.	Fjoslien	Johnson	Kostohryz
Battaglia	Clawson	Forsythe	Jude	Kroening
Beauchamp	Dahl	Friedrich	Kaley	Kvam

Laidig	Metzen	Pleasant	Searles	Waldorf
Langseth	Neisen	Reding	Sherwood	Welch
Lehto	Nelsen, B.	Rose	Smogard	Wenstrom
Lemke	Niehaus	Sarna	Stoa	Wenzel
Mann	Osthoff	Savelkoul	Suss	Wieser
McCollar	Patton	Scheid	Swanson	Wigley
McDonald	Pehler	Schulz	Tomlinson	Zubay
McEachern	Peterson	Searle	Vanasek	

Those who voted in the negative were:

Abeln	Cassery	Hanson	Norton	Simoneau
Anderson, I.	Cohen	Jacobs	Novak	Stanton
Arlandson	Cummiskey	Kahn	Petrafero	Wynia
Berg	Eckstein	Mangan	Prahl	Speaker Sabo
Berglin	Ellingson	McCarron	St. Onge	
Brandl	Enebo	Moe	Samuelson	
Braun	Farcy	Munger	Sieben, H.	
Byrne	Gunter	Nelson	Sieben, M.	

The motion prevailed and the amendment was adopted.

Pehler and Beauchamp were excused between the hours of 4:00 p.m. and 6:15 p.m.

Wenzel moved to amend S. F. No. 65, the unofficial engrossment as amended, as follows:

Page 14, line 7, delete "." and insert "; and".

Page 14, after line 7, insert "(7) *The chairman of the Minnesota corrections board or his designee.*".

The motion prevailed and the amendment was adopted.

Wenzel, Knickerbocker, Scheid, Begich and Osthoff moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

Page 25, line 17, strike "criminal sexual conduct in the first" and insert "*a felony*".

Page 25, line 18, strike "or second degree".

Page 26, line 2, delete "(1)".

Page 26, strike lines 4 to 8.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 65 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Kaley	Niehaus	Sieben, H.
Anderson, B.	Den Ouden	Kelly, R.	Osthoff	Smogard
Anderson, I.	Eckstein	Knickerbocker	Patton	Stoa
Battaglia	Evans	Kvam	Peterson	Swanson
Begich	Ewald	Laidig	Pleasant	Vanasek
Berkelman	Fjoslien	Langseth	Prahl	Waldorf
Biersdorf	Forsythe	Lemke	Rose	Wenstrom
Birnstihl	Friedrich	McDonald	St. Onge	Wenzel
Braun	Fudro	McEachern	Samuelson	White
Brinkman	Gunter	Metzen	Scheid	Wieser
Carlson, A.	Heinitz	Murphy	Schulz	Wigley
Carlson, D.	Jensen	Neisen	Searles	Williamson
Carlson, L.	Jude	Nelsen, M.	Sherwood	Zubay

Those who voted in the negative were:

Abeln	Cummiskey	Johnson	McCollar	Searle
Anderson, G.	Dahl	Kahn	Moe	Sieben, M.
Anderson, R.	Dean	Kalis	Munger	Skoglund
Arlandson	Ellingson	Kempe, A.	Nelsen, B.	Stanton
Berg	Enebo	Kempe, R.	Nelson	Tomlinson
Brandl	Faricy	Kostohryz	Norton	Welch
Byrne	Fugina	Kroening	Novak	Wynia
Cassery	George	Lehto	Petrafeso	Speaker Sabo
Clark	Jacobs	Mangan	Rice	
Cohen	Jaros	McCarron	Savelkoul	

The motion prevailed and the amendment was adopted.

Haugerud was excused between the hours of 4:20 p.m. and 9:30 p.m.

Wenzel, Knickerbocker and Wenstrom moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

Page 21, line 30, after "609.19," insert "609.195,".

A roll call was requested and properly seconded.

Voss was excused between the hours of 4:30 p.m. and 7:30 p.m.

The question was taken on the adoption of the amendment and the roll was called. There were 23 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abeln	Fjoslien	McDonald	Scheid	Wenzel
Adams	Fudro	Osthoff	Schulz	Wieser
Begich	Kaley	Patton	Spanish	Wigley
Biersdorf	Kempe, R.	Prahl	Swanson	
Ewald	Knickerbocker	Rose	Wenstrom	

Those who voted in the negative were:

Albrecht	Anderson, B.	Anderson, G.	Anderson, I.	Anderson, R.
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Arlandson	Dean	Johnson	Moe	Sherwood
Battaglia	Den Ouden	Jude	Munger	Sieben, H.
Berg	Eckstein	Kahn	Murphy	Sieben, M.
Berkelman	Eken	Kalis	Neisen	Skoglund
Birnstihl	Ellingson	Kelly, R.	Nelson	Smogard
Brandl	Enebo	Kempe, A.	Niehaus	Stanton
Braun	Esau	Kostohryz	Norton	Stoa
Byrne	Evans	Kroening	Novak	Tomlinson
Carlson, A.	Faricy	Kvam	Petrafeso	Waldorf
Carlson, L.	Forsythe	Laidig	Pleasant	White
Casserly	Friedrich	Langseth	Reding	Williamson
Clark	Fugina	Lehto	Rice	Wynia
Clawson	George	Lemke	St. Onge	Zubay
Cohen	Gunter	Mangan	Samuelson	Speaker Sabo
Corbid	Hanson	McCarron	Sarna	
Cummiskey	Jaros	McEachern	Savelkoul	
Dahl	Jensen	Metzen	Searles	

The motion did not prevail and the amendment was not adopted.

Kempe, A., moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

Strike everything after the enacting clause and insert:

*“Section 1. [DEFINITIONS.] Subdivision 1. For purposes of sections 1 to 9, the following terms shall have the meanings given them.*

*Subd. 2. “Inmate” means any person convicted of a felony and confined in a state correctional institution or released from a state correctional institution pursuant to sections 6 or 7.*

*Subd. 3. “Commissioner” means the commissioner of corrections or his designee.*

*Subd. 4. “Correctional institution” means any state institution under the operational authority of the commissioner of corrections.*

*Subd. 5. “Board” means the Minnesota corrections board created by section 241.045.*

*Subd. 6. “Ombudsman” means the ombudsman for the department of corrections or his designee.*

*Subd. 7. “Good time” means the period of time by which an inmate’s sentence is reduced pursuant to section 5.*

*Sec. 2. [DETERMINATE SENTENCING.] After a person has been convicted of a felony and sentenced to the commissioner of corrections for imprisonment that person shall serve the sentence imposed by the court for the crime of his conviction and he shall not be paroled or otherwise released from the correc-*

*tional institution wherein he is confined until that sentence expires, except as is provided in sections 6 and 7, and except as his sentence is reduced by any good time earned.*

**Sec. 3. [MUTUAL AGREEMENT PROGRAMS.]** *Subdivision 1. Within seven days after the commissioner assumes custody of an inmate, he shall inform the inmate of the availability and scope of mutual agreement programs and of the fact that participation by the inmate is optional and has no effect on the length of his sentence. If on his own motion the inmate expresses a desire to enter into a mutual agreement program, the commissioner shall draft one for the inmate within 90 days after receiving a request to do so from the inmate. The mutual agreement program shall be drafted after a post-conviction investigation of the inmate has been made by the commissioner. In drafting a mutual agreement program, the commissioner shall also refer to any presentence investigation which has been made of the inmate. The agreement shall provide the following:*

*(a) A program of vocational or educational training with specific chronological and achievement objectives, including completion of specified educational and vocational programs;*

*(b) Frequent and regular evaluation of the inmate by the commissioner; and*

*(c) A consideration of any educational qualifications or skills of the inmate when specifying certain types of work expectations.*

*In addition, the agreement may specify participation of the inmate in noninstitutional or extra-institutional programs pursuant to the provisions of section 6. The participation of inmates in the mutual agreement program shall be limited by the appropriations made for that purpose.*

*Subd. 2. The inmate may decline to enter into the agreement drafted by the commissioner. Failure to enter into an agreement shall not affect the earning of good time by an inmate pursuant to section 5, nor shall violation of the terms of the agreement by an inmate constitute a disciplinary offense which may result in the loss of good time. Whether or not an inmate consents to participate in a mutual agreement program, he shall serve the sentence imposed by the sentencing court, reduced by good time earned. Failure of an inmate to enter a mutual agreement program shall not effect the board's determination as to whether an inmate should be placed on conditional release.*

*Subd. 3. The inmate shall have the right to appeal to the ombudsman if he believes the terms of his agreement have been or are being violated. The ombudsman shall promptly investigate any appeal filed under this subdivision and shall recommend that the commissioner take appropriate action if the ombudsman de-*

*termines the terms of the mutual agreement program have been or are being violated.*

*Subd. 4. The inmate and his counsel shall be informed of the existence of and have the right to inspect all records and evaluations of the inmate's participation in the mutual agreement program.*

*Sec. 4. [VOLUNTARY PROGRAMS.] The commissioner shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates who desire to voluntarily participate in such programs. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed on him by the funds appropriated for such programs.*

*No action challenging the level of expenditures for programs authorized under this subdivision, nor any action challenging the selection, design or implementation of those programs, may be maintained by an inmate in any court in this state.*

*Sec. 5. [GOOD TIME.] Subdivision 1. Each sentence imposed by a court for a felony offense shall be reduced in duration by one day for each day during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner pursuant to subdivision 2 of this section.*

*If an inmate violates a disciplinary offense rule promulgated pursuant to subdivision 2, good time earned prior to the violation may be taken away or the inmate may be required to serve an appropriate portion of his sentence after the violation without earning good time.*

*Subd. 2. By December 31, 1978, the commissioner shall promulgate, pursuant to Minnesota Statutes, Chapter 15, rules specifying disciplinary offenses which may result in the loss of good time and the amount of good time which may be lost as a result of each disciplinary offense. In no case shall an individual disciplinary offense result in the loss of more than 90 days of good time. The loss of good time shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for loss of good time and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.*

*Sec. 6. [CONDITIONAL RELEASE.] Subdivision 1. If an inmate's agreement program requires participation in noninstitutional or extra-institutional programs, or the Minnesota corrections board determines that an inmate should participate in noninstitutional or extra-institutional programs with reintegrational, educational or vocational objectives, and the inmate con-*

sents to participate in these programs, the Minnesota corrections board may conditionally release the participating inmate. An inmate may be conditionally released as follows: if the inmate is sentenced to less than ten years of imprisonment, he may be released during the last two years of the sentence imposed upon him; if the inmate is sentenced to ten or more years of imprisonment, he may be released during the last three years of his sentence.

Subd. 2. When consistent with the public interest, the Minnesota corrections board may grant one or more furloughs not to exceed ten days in length each to an inmate who has been conditionally released pursuant to subdivision 1 of this section.

Subd. 3. The commissioner shall promulgate rules for the placement and supervision of inmates who are conditionally released. The rules shall include, but not be limited to, provisions relating to the use of local detention facilities, the distribution of inmate wages or other earnings during the period of conditional release, the payment of room and board by inmates, and procedures for the revocation of conditional releases. Procedures for the revocation of conditional releases shall provide due process of law for the inmate.

Sec. 7. [FURLOUGHS.] If consistent with the public interest, the Minnesota corrections board may, under rules prescribed by the commissioner furlough any inmate in his custody to any point within the state for up to five days. A furlough may be granted to assist the inmate with family needs, personal health needs, or his reintegration into society. No inmate may receive more than three furloughs under this section within any 12 month period.

Sec. 8. [POST-RELEASE PROGRAM.] Upon the completion of the term to which an inmate has been sentenced, as reduced by any good time earned, the commissioner shall offer to the inmate a voluntary program not to exceed six months in length and designed to facilitate reintegration of the inmate into society. The program may include assistance such as aid in finding employment and housing. The program shall be available only to the extent made feasible by appropriations made for that purpose.

Sec. 9. [241.046] [LIMITATION OF POWERS AND DUTIES OF MINNESOTA CORRECTIONS BOARD.] Subdivision 1. Except as provided in this section, the provisions of sections 1 to 23 shall not apply to persons convicted of a felony committed on or before December 31, 1978.

Subd. 2. The Minnesota corrections board shall retain all powers and duties vested in and imposed upon it with relation to persons sentenced for crimes committed on or before Decem-

ber 31, 1978. After December 31, 1978, the board shall have only those powers and duties imposed upon it by the act for persons sentenced after December 31, 1978.

*Subd. 3. The provisions of sections 1 to 23 shall apply to all persons convicted of a felony committed after December 31, 1978.*

*Subd. 4. Nothing in sections 1 to 23 shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections 1 to 23, in which case those powers and duties shall be superseded by the provisions of sections 1 to 23.*

*Subd. 6. The Minnesota corrections board shall take into consideration, but in no way be bound by the sentence terms provided in sections 1 to 23, and the penal philosophy therein embodied in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before December 31, 1978. Inmates convicted of crimes committed on or before December 31, 1978 for which a minimum sentence is prescribed by the law in effect at the time of the commission of the crime shall serve at least that minimum sentence.*

*Subd. 7. The board may give extraordinary release to an inmate for reasons of serious health problems or senility. The commissioner shall promulgate rules specifying the circumstances under which extraordinary release shall be granted and the appropriate procedures for granting the same.*

**Sec. 10. Minnesota Statutes 1976, Section 609.095, is amended to read:**

**609.095 [LIMITS OF SENTENCES.]** No other different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law. All dispositions made and sentences imposed shall be with due consideration to the sentencing guidelines approved by the supreme court. The disposition made or sentence imposed shall not be unjustifiably disparate.

**Sec. 11. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:**

**[609.096] [MINNESOTA GUIDELINE COMMISSION ESTABLISHED.]** *Subdivision 1. There is hereby established the Minnesota judicial guideline commission which shall be comprised of 18 members.*

*Subd. 2. [MEMBERSHIP.] The judicial guideline commission shall consist of the following:*

- (1) *Ten district judges representing the ten judicial districts appointed by the chief justice;*
- (2) *Two members of the supreme court appointed by the chief justice;*
- (3) *The chief justice of the supreme court;*
- (4) *Two public defenders; appointed by the governor;*
- (5) *Two county attorneys appointed by the governor;*

*The commissioner of corrections or his designee.*

*Subd. 3. [TERM OF OFFICE.] Each appointed member shall be appointed for four years. Each member shall continue in office until his successor is duly appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term. The members of the commission shall elect a chairman and such officers as are necessary for the efficient discharge of their duties.*

*Subd. 4. [COMPENSATION; EXPENSES.] Each member of the commission shall be reimbursed for all reasonable expenses actually paid or incurred by him in the performance of his official duties in the same manner as other employees of the state.*

*Subd. 5. [DUTIES.] The judicial commission shall, on or before October 15, 1978, promulgate sentencing guidelines for the district court. Guidelines promulgated herein shall establish for the district court a narrow range within which the imposition of a felony sentence is proper. These guidelines shall be established on the basis of a combination of reasonable offense and offender characteristics which are in consideration of current sentencing practices. The judicial commission shall also study and report to the legislature and the governor on or before December 15, 1978, on the continued need and role of the Minnesota corrections board after implementation of this act.*

*Subd. 6. [RESEARCH.] The commission, in addition to establishing sentencing guidelines, shall serve as a clearing house and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices, and shall conduct ongoing research regarding sentencing guidelines, use of imprisonment and alternatives to imprisonment and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the criminal code, criminal procedure and other aspects of sentencing.*

**Subd. 7. [COOPERATION WITH OTHER AGENCIES.]** *To accomplish the purposes of this act the commission may utilize with their consent, the services, equipment, personnel, information and resources of other state agencies, accept voluntary and uncompensated services, contract with individuals, public and private agencies, and request information, reports and data from any agency of the state, or any of its political subdivisions to the extent authorized by law.*

**Subd. 8. [GRANTS.]** *When any person, corporation, the United States government, or any other entity offers funds to the judicial commission by way of gift, grant or loans, for the purpose of assisting the commission to carry out its purpose and duties, the commission may accept the offer by majority vote and upon acceptance the chairman shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.*

**Subd. 9. [RESEARCH DIRECTION; EMPLOYEES.]** *The commission may select and employ a research director who shall perform such duties as the commission directs including the hiring of such clerical help and other employees as the commission shall approve. The research director and other staff shall be in the unclassified service of the state and their salary shall be established by the commission. They shall be reimbursed the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.*

**Subd. 10. [APPROVAL BY SUPREME COURT.]** *The guidelines promulgated by the judicial commission and any subsequent amendments thereto shall be the sentencing guidelines for the district courts upon their adoption and approval by the supreme court.*

**Subd. 11. [ROLE OF GUIDELINE.]** *Guidelines promulgated herein shall be advisory to the district court in the imposition of felony sentences. However, the district court shall set forth particularized written reasons specifying the basis for departure from the sentencing guidelines in each case wherein the court imposes a sentence that is not within the range of the sentencing guidelines applicable to the instant case.*

**Subd. 12. [REVIEW.]** *The judicial commission shall meet at least three times each year for the purpose of modifying and improving the sentencing guidelines.*

**Sec. 12. [APPELLATE REVIEW OF SENTENCE.]** *Subdivision 1. An appeal to the supreme court may be taken by the defendant or by the state from any sentence imposed or stayed by the district court. An appeal from the district court to the supreme court under this subdivision shall be made ac-*

*ording to the rules of criminal procedure for the district court of Minnesota. A dismissal of an appeal brought under this section shall not prejudice an appeal brought under any other section or rule.*

*When an appeal taken under this subdivision is filed, the clerk of the district court shall certify to the supreme court the transcript of the proceedings and any files or records relating to the defendant, the offense, and the sentence imposed or stayed, that the supreme court by rule or order may require.*

*On an appeal pursuant to this subdivision, the supreme court may review the sentence imposed to determine whether the sentence is inconsistent with statutory requirements. Unreasonable, inappropriate, excessive, or unjustifiably disparate. This review shall be in addition to all other powers of review presently existing. The supreme court may dismiss or affirm the appeal, vacate or set aside the sentence imposed and direct entry of an appropriate sentence or order further proceedings to be had as the supreme court may direct.*

*Subd. 2. [RELEASE PENDING APPEAL.] This section shall not be construed to confer or enlarge any right of a defendant to be released pending an appeal under this subdivision.*

Sec. 13. Minnesota Statutes 1976, Section 609.10, is amended to read:

609.10 [SENTENCES AVAILABLE.] Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

- (1) To life imprisonment; or
- (2) To imprisonment for a maximum term of years fixed by the court; or
- (3) TO AN INDETERMINATE TERM OF IMPRISONMENT WHICH SHALL BE DEEMED TO BE FOR THE MAXIMUM TERM AUTHORIZED BY LAW; OR)
- ((4)) (3) To both imprisonment and payment of a fine; or
- ((5)) (4) To payment of a fine without imprisonment or to imprisonment if the fine is not paid.

Sec. 14. Minnesota Statutes 1976, Section 609.115, Subdivision 1, is amended to read:

609.115 [PRESENTENCE INVESTIGATION.] Subdivision 1. When a defendant has been convicted of a felony (, AND A SENTENCE OF LIFE IMPRISONMENT IS NOT REQUIRED BY LAW,) the court (MAY) *shall*, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community. If the court so directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Sec. 15. Minnesota Statutes 1976, Section 609.11, Subdivision 1, is amended to read:

609.11 [MINIMUM TERMS OF IMPRISONMENT.] Subdivision 1. All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law (AND EXCEPT THAT ANY COMMITMENT FOLLOWING). Upon the defendant's first conviction of an offense wherein he had possession of a firearm or used a dangerous weapon at the time of the offense, *he* shall be incarcerated for a term of not less than one year (PLUS ONE DAY) nor more than the maximum sentence (PROVIDED BY LAW) *imposed* for the offense for which convicted (, AND EXCEPT THAT ANY COMMITMENTS FOLLOWING). Upon the defendant's second or subsequent conviction of an offense wherein he had in his possession a firearm or used a dangerous weapon at the time of the offense he shall be *imprisoned* for a term not less than three years, nor more than the maximum sentence (PROVIDED BY LAW) *imposed* for the offense for which convicted, and (SUCH) *that* person shall not be eligible for (PAROLE) *conditional release* until he shall have served the full minimum sentence herein provided, notwithstanding the provisions of sections 242.19, 243.05, and 609.12 (AND 609.135). The offenses for which mandatory minimum sentences shall be served (AS HEREIN) provided *pursuant to this section and section 609.135* are: aggravated assault, burglary, kidnapping, manslaughter *in the first degree*, murder in the (SECOND OR) third degree, (RAPE) *criminal sexual conduct in the second degree*, aggravated robbery, (SODOMY,) escape while under charge or conviction of a felony or *illegal discharge* of an explosive or incendiary device.

Sec. 16. Minnesota Statutes 1976, Section 609.11, is amended by adding a subdivision to read:

*Subd. 2a. If during the commission of any of the crimes set forth in subdivision 1, the defendant possessed a firearm or used a dangerous weapon, the prosecution shall allege that matter in the complaint or indictment.*

Sec. 17. Minnesota Statutes 1976, Section 609.135, Subdivision 1, is amended to read:

609.135 [STAY OF IMPOSITION OR EXECUTION OF SENTENCE.] Subdivision 1. Except when a sentence of life imprisonment is required by law, *or when a person is convicted of one of the crimes specified under section 609.11, subdivision 1, and during the commission of that crime he had in his possession a firearm or used another dangerous weapon, or upon a conviction for violation of sections 609.19, 609.25, subdivision 2, clause (2) or 609.342,* any court (, INCLUDING A JUSTICE OF THE PEACE TO THE EXTENT OTHERWISE AUTHORIZED BY LAW,) may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe, *including restitution when practicable.* The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

Sec. 18. Minnesota Statutes 1976, Section 609.145, Subdivision 1, is amended to read:

609.145 [CREDIT FOR PRIOR IMPRISONMENT.] Subdivision 1. When a person has been imprisoned pursuant to a conviction which is set aside and is thereafter convicted of a crime growing out of the same act or omission, the (MAXIMUM) period of imprisonment to which he (MAY BE) is sentenced is reduced by the period of the prior imprisonment and the time earned thereby in diminution of sentence. (IF SENTENCE IS FOR LESS THAN THIS MAXIMUM, THE PRIOR IMPRISONMENT AND TIME EARNED IN DIMINUTION OF SENTENCE SHALL BE CREDITED TOWARD THE SENTENCE UNLESS THE COURT OTHERWISE DIRECTS.)

Sec. 19. Minnesota Statutes 1976, Section 609.165, Subdivision 2, is amended to read:

Subd. 2. The discharge may be:

(1) By order of the court following stay of sentence or stay of execution of sentence; or

(2) By order of the corrections board prior to expiration of sentence; or

(3) Upon expiration of sentence *as reduced by good time earned, if any.*

Sec. 20. Minnesota Statutes 1976, Section 609.19, is amended to read:

609.19 [MURDER IN THE SECOND DEGREE.] Whoever causes the death of a human being with intent to effect the death of such person or another, but without premeditation, is guilty of murder in the second degree and (MAY) *shall* be sentenced to imprisonment for not *less than ten years, nor* more than 40 years.

Sec. 21. Minnesota Statutes 1976, Section 609.195, is amended to read:

609.195 [MURDER IN THE THIRD DEGREE.] Whoever, without intent to effect the death of any person, causes the death of another by either of the following means, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years:

(1) Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or

(2) Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except (RAPE OR SODOMY) *criminal sexual conduct in the first or second degree* with force or violence within the meaning of section 609.185.

Sec. 22. Minnesota Statutes 1976, Section 609.25, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) If the victim is released in a safe place without great bodily harm, to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both; or

(2) Otherwise to imprisonment for not *less than ten years, nor* more than 40 years (OR TO PAYMENT OF A FINE OF NOT MORE THAN \$40,000, OR BOTH).

Sec. 23. Minnesota Statutes 1976, Section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.] A person is guilty of criminal sexual conduct in the

first degree and (MAY) *shall* be sentenced to imprisonment for not *less than six years, nor more than 20 years*, if he engages in sexual penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 24. *In the next and subsequent editions of the Minnesota Statutes the revisor of statutes shall make such changes in*

*terminology as may be necessary to record the functions, powers and duties of the commissioner of corrections as established by this act.*

Sec. 25. [REPEALER.] *Minnesota Statutes 1976, Sections 243.06; 243.14; 243.18; and 609.11, Subdivision 2, are repealed.*

Sec. 26. [APPROPRIATION.] *The sums set forth in this section are appropriated from the general fund to the supreme court for increased costs of general operation and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.*

1978	1979
\$37,500	\$37,500

*There is also hereby appropriated from the general fund to the supreme court to pay the expenses incurred by the judicial guideline commission the sum of \$250,000.*

Sec. 27. [EFFECTIVE DATE.] *Subdivision 1. Sections 1 to 10, 12, and 15 to 23 are effective as to crimes committed on or after December 31, 1978, except as specifically provided in section 9. Sections 11, 13, and 14 are effective the day after final enactment.*

*Subd. 2. Section 25 is effective January 1, 1979."*

Further amend the title as follows:

Strike the title in its entirety and insert the following:

*"A bill for an act relating to crimes and corrections; providing for comprehensive determinate sentencing through sentencing guidelines; providing mandatory minimum terms of imprisonment for certain felonies; diminution of sentence; an advisory council on Minnesota corrections board; appropriating money; amending Minnesota Statutes 1976, Sections 609.095; 609.10; 609.115, Subdivision 1; 609.11, Subdivision 1, and by adding a subdivision; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.19; 609.195; 609.25, Subdivision 2; 609.342; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 243.06; 243.14; 243.18; and 609.11, Subdivision 2."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 101 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Jensen	Metzen	Sherwood
Albrecht	Clawson	Johnson	Moe	Simoneau
Anderson, B.	Cohen	Jude	Munger	Skoglund
Anderson, D.	Corbid	Kahn	Murphy	Smogard
Anderson, I.	Cummiskey	Kalis	Neisen	Spanish
Anderson, R.	Den Ouden	Kelly, R.	Nelsen, B.	Stanton
Arlandson	Eckstein	Kempe, A.	Nelsen, M.	Tomlinson
Battaglia	Eken	Kempe, R.	Nelson	Vanasek
Begich	Ellingson	King	Niehaus	Waldorf
Berg	Enebo	Knickerbocker	Norton	Welch
Berglin	Esau	Kostohryz	Osthoff	Wenstrom
Berkelman	Evans	Kroening	Peterson	Wenzel
Biersdorf	Ewald	Kvam	Petrafeso	Wieser
Birnstihl	Fjoslien	Langseth	Reding	Wigley
Brandl	Fudro	Lehto	Rice	Wynia
Brinkman	Fugina	Lemke	Samuelson	Zubay
Byrne	George	Mangan	Sarna	Speaker Sabo
Carlson, A.	Gunter	McCarron	Savelkoul	
Carlson, D.	Heinitz	McCollar	Scheid	
Carlson, L.	Jacobs	McDonald	Schulz	
Casserly	Jaros	McEachern	Searles	

Those who voted in the negative were:

Abeln	Friedrich	Prahl	Sieben, H.	White
Braun	Hanson	Rose	Sieben, M.	
Faricy	Kaley	St. Onge	Stoa	
Forsythe	Laidig	Searle	Swanson	

The motion prevailed and the amendment was adopted.

Kempe, A., moved to amend S. F. No. 65, the unofficial engrossment, as amended, as follows:

In the Kempe, A., amendment, page 14, after line 29, add a new section to read:

“Sec. 18. Minnesota Statutes 1976, Section 609.135, is amended by adding a subdivision to read:

*Subd. 4. If a stay of imposition or execution of sentence for a felony is not within the sentencing guidelines, particularized reasons therefor shall be stated in the record by the court.”.*

Renumber remaining sections.

Further, amend the title:

Page 19, line 3, after the first “subdivision 1” insert “, and by adding a subdivision”.

The motion prevailed and the amendment was adopted.

Kempe, A., moved to amend S. F. No. 65, the unofficial engrossment, as amended by the Kempe, A., amendment, as follows:

Page 1, after line 20, insert a subdivision to read:

*"Subd. 8. "Commission" means the Minnesota judicial guideline commission established pursuant to section 11."*

Page 3, line 10, after the comma insert *"or the availability for conditional release under section 6,"*.

Page 5, line 14, after *"him"* insert *"as reduced by good time earned"*.

Page 5, line 16, after *"sentence"* insert *"as reduced by good time earned"*.

Page 6, after line 16, insert a new section to read:

*"Sec. 9. [LIFE SENTENCE.] For the purposes of sections 5 and 6 of this act a life sentence shall be treated as a sentence of 40 years."*

Renumber the remaining sections in sequence.

Page 8, line 10, after *"justice"* insert *"of the supreme court"*.

Page 8, line 12, after *"justice"* insert *"of the supreme court"*.

Page 8, line 29, delete *"judicial"*.

Page 8, line 31, delete *"herein"* and insert *"by the commission"*.

Page 9, line 5, delete *"judicial"*.

Page 10, line 25, delete *"herein"* and insert *"by the commission"*.

Page 10, line 32, delete *"judicial"*.

Page 11, line 30, delete *"under this"*.

Page 11, line 31, delete *"subdivision"*.

The motion prevailed and the amendment was adopted.

Wenzel moved to amend S. F. No. 65, the unofficial engrossment, as amended by the first Kempe, A., amendment, as follows:

Page 15, after line 18, insert a new section to read:

"Section 20. Minnesota Statutes 1976, Section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.] Whoever does (EITHER) *any* of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; or

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting such person or another; or

(3) *Commits or attempt to commit a felony upon or affecting the person whose death was caused or another, except rape or sodomy with force or violence within the meaning of Section 609.185."*

Page 16, line 2, strike "(1)".

Page 16, strike lines 4 to 8.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Cummiskey raised a point of order pursuant to rule 3.10 that the Wenzel amendment was out of order. Sieben, H., as Speaker Pro Tempore, ruled the point of order not well taken and the amendment in order.

The question recurred on the adoption of the Wenzel amendment and the roll was called. There were 87 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Hanson	Laidig	Osthoff
Adams	Cohen	Heinitz	Langseth	Patton
Anderson, B.	Corbid	Jensen	Lehto	Pehler
Anderson, D.	Dean	Jude	Lemke	Peterson
Anderson, G.	Den Ouden	Kaley	Mann	Pleasant
Anderson, I.	Erickson	Kalis	McCollar	Prahl
Anderson, R.	Evans	Kelly, R.	McDonald	Reding
Battaglia	Ewald	Kelly, W.	McEachern	Rose
Begich	Faricy	Kempe, A.	Metzen	Samuelson
Biersdorf	Fjoslien	Kempe, R.	Neisen	Sarna
Birnstihl	Forsythe	King	Nelsen, B.	Savelkoul
Brinkman	Friedrich	Knickerbocker	Nelsen, M.	Scheid
Carlson, A.	Fudro	Kroening	Niehaus	Schulz
Carlson, D.	Gunter	Kvam	Novak	Searles

Sherwood	Spanish	Vanasek	Wenzel	Wigley
Sieben, H.	Stoa	Waldorf	White	Zubay
Sieben, M.	Suss	Weich	Wieser	
Smogard	Swanson	Wenstrom		

Those who voted in the negative were:

Albrecht	Clawson	Jaros	Nelson	Tomlinson
Arlandson	Cummiskey	Kahn	Norton	Williamson
Berg	Eckstein	Kostohryz	Petrafeso	Wynia
Berglin	Ellingson	Mangan	Rice	Speaker Sabo
Brandl	Enebo	McCarron	Searle	
Byrne	Fugina	Moe	Simoneau	
Casserly	George	Munger	Skoglund	
Clark	Jacobs	Murphy	Stanton	

The motion prevailed and the amendment was adopted.

S. F. No. 65, A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Murphy	Sherwood
Adams	Cummiskey	Kahn	Neisen	Sieben, H.
Albrecht	Dahl	Kaley	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Smogard
Anderson, I.	Eken	Kempe, A.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, R.	Novak	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Begich	Evans	Kostohryz	Pehler	Swanson
Berg	Ewald	Kroening	Peterson	Tomlinson
Berglin	Faricy	Kvam	Petrafaso	Vanasek
Berkelman	Fjoslien	Langseth	Pleasant	Voss
Biersdorf	Forsythe	Lehto	Prahl	Waldorf
Birnstihl	Friedrich	Lemke	Reding	Welch
Brandl	Fudro	Mangan	Rose	Wenstrom
Brinkman	George	Mann	St. Onge	Wenzel
Byrne	Gunter	McCarron	Samuelson	White
Carlson, A.	Hanson	McCollar	Sarna	Wieser
Carlson, D.	Heinitz	McDonald	Savelkoul	Wigley
Carlson, L.	Jacobs	McEachern	Scheid	Williamson
Casserly	Jaros	Metzen	Schulz	Wynia
Clark	Jensen	Moe	Searle	Zubay
Clawson	Johnson	Munger	Searles	Speaker Sabo

Those who voted in the negative were:

Corbid	Fugina	Laidig	Rice
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The bill was passed, as amended, and its title agreed to.

H. F. No. 85, A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the commissioner of administration; providing for publication of agency vacancies.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berkelman	Cohen	Fjoslien	Jensen
Adams	Biersdorf	Corbid	Forsythe	Johnson
Albrecht	Birnstihl	Cummiskey	Friedrich	Jude
Anderson, B.	Brandl	Dahl	Fudro	Kahn
Anderson, D.	Braun	Dean	Fugina	Kaley
Anderson, G.	Brinkman	Den Ouden	George	Kalis
Anderson, I.	Byrne	Eckstein	Gunter	Kelly, R.
Anderson, R.	Carlson, A.	Ellingson	Hanson	Kelly, W.
Arlandson	Carlson, D.	Enebo	Haugerud	Kempe, A.
Battaglia	Carlson, L.	Erickson	Heinitz	Kempe, R.
Begich	Casserly	Evans	Hokanson	King
Berg	Clark	Ewald	Jacobs	Knickerbocker
Berglin	Clawson	Faricy	Jaros	Kostohryz

Kroening	Moe	Peterson	Searles	Vanasek
Kvam	Munger	Petrafeso	Sherwood	Waldorf
Laidig	Murphy	Pleasant	Sieben, H.	Welch
Langseth	Neisen	Prahl	Sieben, M.	Wenstrom
Lehto	Nelsen, B.	Reding	Simoneau	Wenzel
Lemke	Nelsen, M.	Rice	Skoglund	White
Mangan	Nelson	Rose	Smogard	Wieser
Mann	Niehaus	Samuelson	Spanish	Wigley
McCarron	Norton	Sarna	Stanton	Williamson
McCollar	Novak	Savelkoul	Stoa	Wynia
McDonald	Osthoff	Scheid	Suss	Zubay
McEachern	Patton	Schulz	Swanson	Speaker Sabo
Metzen	Pehler	Searle	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 516 was reported to the House.

Moe moved that H. F. No. 516 be returned to its author. The motion prevailed.

H. F. No. 1547 was reported to the House.

Samuelson moved that H. F. No. 1547 be returned to its author. The motion prevailed.

#### CALL OF THE HOUSE LIFTED

Anderson, I., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 830.

S. F. No. 830 was reported to the House.

Carlson, A., moved to amend S. F. No. 830, the unofficial engrossment, as follows:

Page 2, after line 9, add a new subdivision to read:

*"Subd. 3. The city council shall prepare a report for the legislature by January, 1979, on the future of the Spirit Mountain project containing directions relative to future funding and the feasibility of contracting part or all portions of the project to private interests."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 66 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, G.	Birnstihl	Carlson, L.	Evans
Albrecht	Anderson, R.	Brandl	Den Ouden	Ewald
Anderson, B.	Berkelman	Carlson, A.	Erickson	Faricy
Anderson, D.	Biersdorf	Carlson, D.	Esau	Fjoslien

Forsythe	Kempe, A.	McDonald	Savelkoul	Wenzel
Friedrich	Kempe, R.	McEachern	Schulz	White
Fudro	King	Nelsen, B.	Searle	Wieser
Gunter	Knickerbocker	Niehaus	Searles	Wigley
Hanson	Kostohryz	Patton	Sherwood	Williamson
Heinitz	Kvam	Peterson	Smogard	Zubay
Jude	Laidig	Pleasant	Stoa	
Kaley	Langseth	Prahl	Swanson	
Kelly, R.	Lemke	Rose	Welch	
Kelly, W.	Mangan	Sarna	Wenstrom	

Those who voted in the negative were:

Abeln	Clawson	Johnson	Nelsen, M.	Sieben, M.
Anderson, I.	Cummiskey	Kahn	Nelson	Simoneau
Battaglia	Dahl	Kroening	Norton	Skoglund
Begich	Eckstein	Lehto	Novak	Stanton
Berg	Ellingson	Mann	Osthoff	Suss
Berglin	Enebo	McCarron	Petrafaso	Waldorf
Braun	Fugina	Metzen	Reding	Wynia
Brinkman	George	Moe	St. Onge	Speaker Sabo
Byrne	Jacobs	Munger	Samuelson	
Casserly	Jaros	Murphy	Scheid	
Clark	Jensen	Neisen	Sieben, H.	

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 830, the unofficial engrossment, as follows:

Page 2, line 3, delete "not".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 41 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Adams	Evans	Kaley	Peterson	Spanish
Albrecht	Ewald	Kempe, R.	Pleasant	Wieser
Anderson, D.	Faricy	Knickerbocker	Rose	Wigley
Anderson, R.	Fjoslien	Kvam	Sarna	Williamson
Biersdorf	Forsythe	McDonald	Savelkoul	Zubay
Corbid	Friedrich	McEachern	Schulz	
Den Ouden	Hanson	Nelsen, B.	Searle	
Erickson	Heinitz	Niehaus	Searles	
Esau	Jude	Osthoff	Sherwood	

Those who voted in the negative were:

Anderson, B.	Brandl	Cummiskey	Hokanson	Kempe, A.
Anderson, I.	Brinkman	Dahl	Jacobs	King
Arlandson	Byrne	Eken	Jaros	Kroening
Battaglia	Carlson, A.	Ellingson	Jensen	Laidig
Begich	Carlson, L.	Enebo	Johnson	Langseth
Berg	Casserly	Fugina	Kahn	Lehto
Berkelman	Clark	George	Kelly, R.	Mangan
Birnstihl	Clawson	Gunter	Kelly, W.	Mann

McCarron	Norton	Samuelson	Stanton	White
McCollar	Novak	Scheid	Stoa	Wynia
Metzen	Pehler	Sieben, H.	Suss	Speaker Sabo
Munger	Petrafeso	Sieben, M.	Tomlinson	
Murphy	Prahl	Simoneau	Waldorf	
Neisen	Reding	Skoglund	Wenstrom	
Nelsen, M.	St. Onge	Smogard	Wenzel	

The motion did not prevail and the amendment was not adopted.

S. F. No. 830, A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

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 68 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abeln	Cassery	Johnson	Munger	Scheid
Anderson, I.	Clark	Kahn	Murphy	Simoneau
Arlandson	Clawson	Kalis	Neisen	Skoglund
Battaglia	Corbid	Kelly, W.	Nelsen, M.	Smogard
Begich	Cummiskey	Kempe, A.	Norton	Stanton
Berglin	Dahl	King	Novak	Tomlinson
Berkelman	Ellingson	Kroening	Osthoff	Vanasek
Birnstihl	Enebo	Laidig	Patton	Welch
Brandl	Fudro	Langseth	Pehler	Wenstrom
Braun	Fugina	Lehto	Reding	White
Brinkman	George	Mann	Rice	Wynia
Byrne	Jacobs	McCarron	St. Onge	Speaker Sabo
Carlson, A.	Jaros	McCollar	Samuelson	
Carlson, L.	Jensen	McEachern	Sarna	

Those who voted in the negative were:

Adams	Erickson	Kaley	Peterson	Stoa
Albrecht	Esau	Kelly, R.	Petrafeso	Suss
Anderson, B.	Evans	Kempe, R.	Prahl	Swanson
Anderson, D.	Ewald	Knickerbocker	Rose	Waldorf
Anderson, G.	Farcy	Kostohryz	Savelkoul	Wenzel
Anderson, R.	Fjoslien	Kvam	Schulz	Wieser
Berg	Forsythe	Lemke	Searle	Wigley
Biersdorf	Friedrich	Mangan	Searles	Zubay
Carlson, D.	Gunter	McDonald	Sherwood	
Den Ouden	Hanson	Moe	Sieben, H.	
Eckstein	Heinitz	Nelsen, B.	Sieben, M.	
Eken	Jude	Niehaus	Spanish	

The bill was passed, as amended, and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1631, A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House refuse to concur in the Senate amendments to H. F. No. 1631, 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.

## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. Nos. 124, 448 and 472, H. F. No. 1, S. F. Nos. 266, 90 and 655 and H. F. No. 739.

S. F. No. 124 was reported to the House.

McDonald moved to amend S. F. No. 124, the unofficial engrossment, as follows:

Page 1, line 16, delete "*woman*" after the word "*Battered*" and before the word "*who*" and insert "*person*" in each instance.

Page 1, line 17, delete "*her*" and insert "*a*" and delete "*male relative*" and insert "*related person*".

Page 1, line 18, delete "*male*" and insert "*person*" and after the word "*whom*" insert "*he/*".

Page 1, line 21, delete "*women*" and insert "*persons*".

Page 1, line 22, delete "*women*" and insert "*persons*".

Page 2, line 7, delete "*women*" and insert "*persons*".

Page 2, line 17, delete "*women*" and insert "*persons*".

Page 2, line 21, delete "*women*" and insert "*persons*".

Page 3, line 3, delete "*women*" and insert "*persons*".

Page 3, line 11, delete "*women*" and insert "*persons*".

Page 4, line 1, delete "*women*" and insert "*persons*".

Page 5, line 18, delete "*women*" and insert "*persons*".

Page 5, line 20, delete "*women*" and insert "*persons*".

Page 5, line 29, delete "*women*" and insert "*persons*".

Page 6, line 9, delete "*women*" and insert "*persons*".

Page 6, line 10, delete "*male*" further delete "*males*" insert "*persons*".

Page 6, line 10, delete "*males*" and insert "*persons*".

Further, amend the title as follows:

Line 2, delete "*women*" and insert "*persons*".

Line 5, delete "*women*" and insert "*persons*".

Line 8, delete "*women*" and insert "*persons*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 51 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Adams	Evans	Laidig	Niehaus	Searle
Albrecht	Ewald	Langseth	Osthoff	Spanish
Anderson, D.	Fjoslien	Lemke	Patton	Suss
Anderson, G.	Friedrich	Mangan	Peterson	Vanasek
Anderson, R.	Fudro	Mann	Pleasant	Wenzel
Begich	Heinitz	McCollar	Rose	Wieser
Biersdorf	Johnson	McDonald	St. Onge	Wigley
Brinkman	Kalis	McEachern	Samuelson	
Carlson, A.	Kempe, R.	Metzen	Sarna	
Den Ouden	Knickerbocker	Neisen	Savelkoul	
Eckstein	Kvam	Nelsen, B.	Schulz	

Those who voted in the negative were:

Abein	Anderson, B.	Anderson, I.	Arlandson	Battaglia
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Berg	Dahl	Kahn	Novak	Stoa
Berglin	Ellingson	Kaley	Pehler	Swanson
Berkelman	Enebo	Kelly, R.	Petraleso	Tomlinson
Birnstihl	Esau	Kelly, W.	Prahl	Waldorf
Brandl	Faricy	Kempe, A.	Reding	Welch
Braun	Forsythe	King	Rice	Wenstrom
Byrne	Fugina	Kostohryz	Scheid	White
Carlson, L.	George	Kroening	Sherwood	Williamson
Casserly	Gunter	Lehto	Sieben, H.	Wynia
Clark	Hanson	McCarron	Sieben, M.	Zubay
Clawson	Jacobs	Moe	Simoneau	Speaker Sabo
Cohen	Jaros	Murphy	Skoglund	
Corbid	Jensen	Nelson	Smogard	
Cummiskey	Jude	Norton	Stanton	

The motion did not prevail and the amendment was not adopted.

S. F. No. 124 was given its third reading.

#### UNANIMOUS CONSENT

Kahn requested unanimous consent to offer an amendment. The request was granted.

Kahn moved to amend S. F. No. 124, the unofficial engrossment, as follows:

Page 3, line 7, delete "*four*" insert "*three*".

Page 3, line 21, delete "*four*" insert "*three*".

The motion prevailed and the amendment was adopted.

S. F. No. 124, A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for battered women; appropriating money; amending Minnesota Statutes 1976, Section 256D.05, 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. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Battaglia	Berkelman	Braun
Adams	Anderson, I.	Begich	Biersdorf	Brinkman
Anderson, B.	Anderson, R.	Berg	Birnstihl	Byrne
Anderson, D.	Arlandson	Berglin	Brandl	Carlson, A.

Carlson, D.	Friedrich	Kostohryz	Novak	Smogard
Carlson, L.	Fudro	Kroening	Osthoff	Spanish
Casserly	Fugina	Kvam	Patton	Stanton
Clark	George	Laidig	Pehler	Stoa
Clawson	Gunter	Langseth	Peterson	Suss
Cohen	Hanson	Lehto	Petrafeso	Swanson
Corbid	Heinitz	Lemke	Pleasant	Tomlinson
Cummiskey	Hokanson	Mangan	Prahl	Vanasek
Dahl	Jacobs	Mann	Reding	Voss
Dean	Jaros	McCarron	Rice	Waldorf
Den Ouden	Jensen	McCollar	Rose	Welch
Eckstein	Johnson	McDonald	St. Onge	Wenstrom
Eken	Jude	McEachern	Samuelson	Wenzel
Ellingson	Kahn	Metzen	Sarna	White
Enebo	Kaley	Moe	Savelkoul	Wieser
Erickson	Kalis	Munger	Scheid	Williamson
Esau	Kelly, R.	Murphy	Searles	Wynia
Evans	Kelly, W.	Neisen	Sherwood	Zubay
Ewald	Kempe, A.	Nelsen, B.	Sieben, H.	Speaker Sabo
Faricy	Kempe, R.	Nelson	Sieben, M.	
Fjoslien	King	Niehaus	Simoneau	
Forsythe	Knickerbocker	Norton	Skoglund	

The bill was passed, as amended, and its title agreed to.

S. F. No. 448 was reported to the House.

Hanson moved to amend S. F. No. 448, the unofficial engrossment, as follows:

Page 7, line 5, after "LEGISLATURE.]" insert "Subdivision 1."

Page 7, line 8, after the period insert "There is also created a commission to study and consider alternates for continuing financing of the statewide 911 telephone emergency system.

Subd. 2. The commission shall consist of two members of the house of representatives appointed by the Speaker, two members of the senate appointed by the subcommittee on committees and three persons appointed by the governor. Any vacancy shall be filled by the appointing power.

Subd. 3. The commission may act from the time its members are appointed until the commencement of the 1978 session of the legislature. It shall report its findings and recommendations to the legislature not later than November 15, 1977, but may supplement them until January 15, 1978."

The motion prevailed and the amendment was adopted.

S. F. No. 448, A bill for an act relating to public safety; requiring implementation of 911 emergency telephone systems; providing for standards and waivers; appropriating money.

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 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Johnson	Munger	Sieben, H.
Adams	Dahl	Jude	Murphy	Sieben, M.
Anderson, B.	Dean	Kahn	Neisen	Simoneau
Anderson, D.	Den Ouden	Kaley	Nelsen, B.	Skoglund
Anderson, G.	Eckstein	Kalis	Nelson	Smogard
Anderson, I.	Eken	Kelly, R.	Norton	Spanish
Anderson, R.	Enebo	Kelly, W.	Novak	Stanton
Arlandson	Erickson	Kempe, A.	Osthoff	Stoa
Battaglia	Esau	Kempe, R.	Patton	Suss
Begich	Evans	King	Pehler	Swanson
Berg	Ewald	Knickerbocker	Peterson	Tomlinson
Berglin	Faricy	Kroening	Petraieso	Vanasek
Berkelman	Fjoslien	Kvam	Pleasant	Voss
Biersdorf	Friedrich	Laidig	Reding	Waldorf
Birnstihl	Fudro	Langseth	Rice	Welch
Brandl	Fugina	Lehto	Rose	Wenstrom
Braun	George	Lemke	St. Onge	Wenzel
Brinkman	Gunter	Mangan	Samuelson	White
Byrne	Hanson	Mann	Sarna	Wieser
Carlson, A.	Haugerud	McCarron	Savelkoul	Wigley
Carlson, D.	Heinitz	McCollar	Scheid	Williamson
Carlson, L.	Hokanson	McDonald	Schulz	Wynia
Clark	Jacobs	McEachern	Searle	Zubay
Clawson	Jaros	Metzen	Searles	
Corbid	Jensen	Moe	Sherwood	

Those who voted in the negative were:

Albrecht	Niehaus	Prahl
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The bill was passed, as amended, and its title agreed to.

S. F. No. 472, A bill for an act relating to retirement; additional employer contributions to amortize the deficit in the teachers' retirement fund; amending Minnesota Statutes 1976, Sections 354.42, Subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Brandl	Carlson, L.
Adams	Anderson, R.	Berglin	Braun	Casserly
Anderson, B.	Arlandson	Berkelman	Brinkman	Clark
Anderson, D.	Battaglia	Biersdorf	Byrne	Clawson
Anderson, G.	Begich	Birnstihl	Carlson, A.	Cohen

Dahl	Heinitz	Lehto	Petrafeso	Stanton
Den Ouden	Hokanson	Lemke	Prahl	Stoa
Eckstein	Jacobs	Mangan	Reding	Suss
Eken	Jaros	McCarron	Rice	Swanson
Ellingson	Jensen	McDonald	Rose	Tomlinson
Enebo	Johnson	McEachern	St. Onge	Vanasek
Erickson	Jude	Metzen	Samuelson	Voss
Esau	Kahn	Moe	Sarna	Waldorf
Evans	Kaley	Munger	Savelkoul	Welch
Ewald	Kalis	Murphy	Scheid	Wenstrom
Faricy	Kelly, R.	Neisen	Schulz	Wenzel
Fjoslien	Kelly, W.	Nelsen, B.	Searle	White
Friedrich	Kempe, A.	Nelson	Searles	Wieser
Fudro	Kempe, R.	Norton	Sieben, H.	Williamson
Fugina	King	Novak	Sieben, M.	Zubay
George	Knickerbocker	Osthoff	Simoneau	Speaker Sabo
Gunter	Kostohryz	Patton	Skoglund	
Hanson	Kroening	Pehler	Smogard	
Haugerud	Langseth	Peterson	Spanish	

Those who voted in the negative were:

Albrecht      Kvam      Niehaus      Pleasant      Wigley

The bill was passed and its title agreed to.

H. F. No. 1, A bill for an act relating to public health and welfare; establishing a formula for allocating state funds to counties for community health and social service programs; prescribing county duties; providing for community health and social service tax levies; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 144.065; 145.55, Subdivision 1; 145.912; 145.913, Subdivision 1; 145.914; 145.915; 145.916; 145.918, Subdivision 1; 145.922, Subdivision 2; 245.70; 252.22; 252.23; 252.26; 252.27, Subdivision 1; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2; 254A.08, Subdivision 1; 256.12, Subdivision 9; 256.871, Subdivision 5; 256.95; 260.251, Subdivision 1a; 275.50, Subdivision 5; 393.07, Subdivisions 2 and 3; 477A.01, Subdivision 2; 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Sections 145.912, Subdivisions 15, 16 and 18; 145.913, Subdivisions 2 and 3; 145.917; 145.918, Subdivision 2; 145.919; 145.92, Subdivision 2; 145.921; 245.61; 245.62; 245.63; 245.64; 245.65; 245.66; 245.67; 245.68; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.12; 254A.14; 254A.15; 254A.16; 254A.17; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11.

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. There were 95 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, W.	Novak	Smogard
Adams	Ellingson	Kempe, A.	Osthoff	Stanton
Anderson, G.	Evans	Kempe, R.	Patton	Stoa
Anderson, R.	Ewald	King	Pehler	Suss
Arlandson	Faricy	Knickerbocker	Peterson	Swanson
Berg	Fjoslien	Kostohryz	Petrufeso	Tomlinson
Birnstihl	Forsythe	Kroening	Prahl	Vanasek
Braun	Friedrich	Laidig	Reding	Waldorf
Byrne	Fudro	Lemke	Rose	Wenstrom
Carlson, A.	George	Mann	Samuelson	Wenzel
Carlson, L.	Haugerud	McCarron	Sarna	White
Casserly	Heinitz	McCollar	Savelkoul	Wieser
Clark	Hokanson	McDonald	Scheid	Williamson
Clawson	Jacobs	McEachern	Schulz	Zubay
Cohen	Jensen	Moe	Searles	Speaker Sabo
Cummiskey	Johnson	Neisen	Sherwood	
Dahl	Jude	Nelsen, B.	Sieben, H.	
Dean	Kaley	Nelsen, M.	Sieben, M.	
Den Ouden	Kalis	Nelson	Simoneau	
Eckstein	Kelly, R.	Norton	Skoglund	

Those who voted in the negative were:

Albrecht	Begich	Fugina	Metzen	St. Onge
Anderson, B.	Berglin	Gunter	Munger	Searle
Anderson, D.	Berkelman	Jaros	Murphy	Spanish
Anderson, I.	Brinkman	Kahn	Niehaus	Welch
Battaglia	Erickson	Kvam	Pleasant	

The bill was passed and its title agreed to.

S. F. No. 266 was reported to the House.

Lehto moved to amend S. F. No. 266, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 204A.13, Subdivision 2, is amended to read:

Subd. 2. [ELECTION LAW; INSTRUCTIONAL MATERIALS, TESTS.] On or before July 1 of every even-numbered year the secretary of state shall furnish to the county auditors sufficient copies of the Minnesota election law. The secretary of state also may prepare and transmit to the county auditors (GUIDES FOR ELECTION OFFICERS IN PAMPHLET FORM, FOR THE CONDUCT OF THEIR DUTIES AS PRESCRIBED BY LAW) *detailed written instructions on election laws relating to the conduct of elections, conduct of voter registration and voting procedures.*

Sec. 2. Minnesota Statutes 1976, Section 204A.13, is amended by adding subdivisions to read:

*Subd. 5. [CONFERENCES FOR COUNTY AUDITORS.] Before each statewide primary election the secretary of state shall conduct conferences for county auditors for the purpose of giving instructions on the administration of election laws and the training of local election officials and election judges.*

*Subd. 6. [ELECTION JUDGES TRAINING.] The secretary of state may formulate a training program for election judges, and for the conduct of their duties as prescribed by law, throughout the state.*

Sec. 3. Minnesota Statutes 1976, Section 204A.14, Subdivision 1, is amended to read:

204A.14 [CLERKS, ELECTION SUPPLIES, DUTIES.] Subdivision 1. [INSTRUCTION MEETINGS FOR ELECTION OFFICIALS.] Before each (STATE) statewide primary election, the auditor of each county shall conduct a program of in service training for local election officials, and for this purpose may require the clerks of the municipalities and the chairmen of the several election boards within the county to meet with him at the time the clerks are required to secure the election supplies from him (; AND). The auditor shall conduct the meeting in such manner as he deems proper to instruct the clerks and chairmen of the several election boards as to election procedures including, but not to be restricted to, duties of municipal clerks and election judges. The expenses incidental to attending (THE MEETING) an in service training program with the county auditor shall be borne by the municipalities.

Sec. 4. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.175] [TRAINING FOR ELECTION JUDGES; DUTIES OF THE COUNTY AUDITOR.] *The county auditor of each county shall train all election judges who are appointed to serve at any election to be held in the county. The county auditor may delegate to a municipal election official the duties to train election judges for any municipality.*

Further amend by striking the title and inserting:

“A bill for an act relating to elections; providing for training of all election officials; prescribing certain duties for the secretary of state; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; and Chapter 204A, by adding a section.”

The motion prevailed and the amendment was adopted.

Lehto moved to amend S. F. No. 266, as amended, as follows:

Page 3, after line 4, insert:

"Sec. 5. Minnesota Statutes 1976, Section 204A.34, Subdivision 2, as amended by Laws 1977,<sup>+</sup> Chapter 88, Section 2, is amended to read:

Subd. 2. [DISABLED VOTER, ASSISTANCE.] Any person who is unable to enter a polling place *which uses paper ballots* may register and vote without leaving his vehicle. Two judges, who are not members of the same political party, shall assist a voter who is unable to enter the polling place to register and to complete a voter's certificate, and shall provide him with the necessary ballots. The voter may request additional assistance in marking his ballots as provided in subdivision 1. *In other polling places, two judges, who are not members of the same political party, shall assist a disabled voter who is at the entry of the polling place.* A person who is intoxicated may not vote."

Amend the title, as amended, as follows:

Line 4, after "state;" insert "providing for assistance to disabled voters;".

Line 7, after "1;" insert "204A.34, Subdivision 2, as amended;".

The motion prevailed and the amendment was adopted.

S. F. No. 266, A bill for an act relating to elections; providing for training of all election officials; requiring training prior to service as an election judge; imposing certain duties on the secretary of state and county auditors; providing for assistance to disabled voters; appropriating money; amending Minnesota Statutes 1976, Section 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.18, by adding a subdivision; 204A.20; 204A.34, Subdivision 2, as amended and Chapter 204A, by adding a section.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Arlandson	Berglin	Brandl
Adams	Anderson, G.	Battaglia	Berkelman	Braun
Albrecht	Anderson, I.	Begich	Biersdorf	Brinkman
Anderson, B.	Anderson, R.	Berg	Birnstihl	Byrne

Carlson, A.	Friedrich	Langseth	Pehler	Spanish
Carlson, D.	Fudro	Lehto	Peterson	Stanton
Carlson, L.	Fugina	Lemke	Petrafeso	Stoa
Cassery	Gunter	Mangan	Pleasant	Suss
Clark	Hanson	Mann	Prahl	Swanson
Clawson	Hokanson	McCarron	Reding	Tomlinson
Cohen	Jacobs	McCollar	Rice	Vanasek
Cummiskey	Jaros	McDonald	Rose	Voss
Dahl	Jensen	McEachern	St. Onge	Waldorf
Dean	Johnson	Metzen	Samuelson	Welch
Den Ouden	Jude	Moe	Sarna	Wenstrom
Eckstein	Kaley	Munger	Savelkoul	Wenzel
Eken	Kalis	Murphy	Scheid	White
Ellingson	Kelly, R.	Neisen	Schulz	Wieser
Enebo	Kelly, W.	Nelsen, B.	Searle	Wigley
Erickson	Kempe, R.	Nelsen, M.	Searles	Williamson
Esau	King	Nelson	Sherwood	Wynia
Evans	Knickerbocker	Niehaus	Sieben, H.	Zubay
Ewald	Kostohryz	Norton	Sieben, M.	Speaker Sabo
Faricy	Kroening	Novak	Simoneau	
Fjoslien	Kvam	Osthoff	Skoglund	
Forsythe	Laidig	Patton	Smogard	

The bill was passed, as amended, and its title agreed to.

S. F. No. 90 was reported to the House.

Clawson moved to amend S. F. No. 90, the unofficial engrossment, as follows:

Page 12, line 17, restore the stricken "and".

Page 19, strike lines 15 through 32.

Page 20, strike lines 1 through 13.

Renumber subsequent sections.

Further, amend the title as follows: Page 1, line 15 delete the second "and" and line 16 delete "106.673;".

The motion prevailed and the amendment was adopted.

S. F. No. 90, A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio member of the state soil and water conservation board; authorizing a cost-sharing program; clarifying the powers and duties of the state board and local districts; amending ambiguous or redundant provisions; adding a member to the soil and water conservation board temporarily; appropriating funds; amending Minnesota Statutes 1976, Chapter 40, by adding sections; and Sections 40.01, Subdivision 8, and by adding a subdivision; 40.02; 40.03, Subdivisions 1, 2, 3, and 4; and 40.07, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; repealing Minnesota Statutes 1976, Sections 40.005; and 40.07, Subdivision 13.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Hokanson	Murphy	Sieben, M.
Adams	Cohen	Jacobs	Neisen	Simoneau
Albrecht	Corbid	Jaros	Neisen, B.	Skoglund
Anderson, B.	Cummiskey	Jensen	Neisen, M.	Smogard
Anderson, D.	Dahl	Jude	Niehaus	Spanish
Anderson, G.	Dean	Kaley	Norton	Stanton
Anderson, I.	Den Ouden	Kalis	Osthoff	Stoa
Anderson, R.	Eckstein	Kelly, R.	Patton	Suss
Arlandson	Eken	Kelly, W.	Pehler	Swanson
Battaglia	Ellingson	Kempe, R.	Peterson	Tomlinson
Begich	Enebo	King	Pleasant	Vanasek
Berg	Erickson	Knickerbocker	Prahl	Waldorf
Berglin	Esau	Kostohryz	Reding	Welch
Berkelman	Evans	Laidig	Rice	Wenstrom
Biersdorf	Ewald	Langseth	Rose	Wenzel
Birnstihl	Faricy	Lehto	St. Onge	White
Brandl	Fjoslien	Lemke	Samuelson	Wieser
Braun	Forsythe	Mangan	Sarna	Wigley
Brinkman	Friedrich	Mann	Savelkoul	Williamson
Byrne	Fudro	McCollar	Scheid	Wynia
Carlson, A.	Fugina	McDonald	Schulz	Zubay
Carlson, D.	George	McEachern	Searle	Speaker Sabo
Carlson, L.	Gunter	Metzen	Searles	
Casserly	Hanson	Moe	Sherwood	
Clark	Heinitz	Munger	Sieben, H.	

The bill was passed, as amended, and its title agreed to.

S. F. No. 655, A bill for an act relating to appropriations; providing funding for the continued operation of detached worker programs for assistance to young people.

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 118 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Begich	Byrne	Dahl	Fjoslien
Adams	Berg	Carlson, A.	Den Ouden	Forsythe
Albrecht	Berglin	Carlson, L.	Eckstein	Friedrich
Anderson, B.	Berkelman	Casserly	Eken	Fudro
Anderson, D.	Biersdorf	Clark	Ellingson	Fugina
Anderson, I.	Birnstihl	Clawson	Enebo	George
Anderson, R.	Brandl	Cohen	Esau	Gunter
Arlandson	Braun	Corbid	Evans	Hokanson
Battaglia	Brinkman	Cummiskey	Ewald	Jacobs

Jaros	Laidig	Nelsen, M.	Samuelson	Swanson
Jensen	Langseth	Nelson	Sarna	Tomlinson
Johnson	Lehto	Niehaus	Savelkoul	Vanasek
Jude	Lemke	Norton	Scheid	Waldorf
Kaley	Mangan	Novak	Schulz	Welch
Kalis	McCarron	Osthoff	Searles	Wenstrom
Kelly, R.	McCollar	Patton	Sherwood	Wenzel
Kelly, W.	McDonald	Pehler	Sieben, M.	White
Kempe, A.	McEachern	Peterson	Simoneau	Wieser
Kempe, R.	Metzen	Petrafeso	Skoglund	Williamson
King	Moe	Prahl	Smogard	Wynia
Knickerbocker	Munger	Reding	Spanish	Zubay
Kostohryz	Murphy	Rice	Stanton	Speaker Sabo
Kroening	Neisen	Rose	Stoa	
Kvam	Nelsen, B.	St. Onge	Suss	

Those who voted in the negative were:

Anderson, G.	Faricy	Hanson	Pleasant	Wigley
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The bill was passed and its title agreed to.

H. F. No. 739 was reported to the House.

Beauchamp moved that H. F. No. 739 be returned to its author. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1631:

Dahl, Dean, McCarron, Arlandson and Welch.

#### MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 45, A bill for an act relating to environmental protection; prohibiting retail sale of milk in nonreturnable, nonrefillable plastic containers; prescribing penalties.

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. 1582, A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

PATRICK E. FLAHAVEN, Secretary of the Senate

Novak moved that the House refuse to concur in the Senate amendments to H. F. No. 1582, that the Speaker appoint a Conference Committee of 3 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.

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. 937, A bill for an act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

PATRICK E. FLAHAVEN, Secretary of the Senate

Cohen moved that the House refuse to concur in the Senate amendments to H. F. No. 937, that the Speaker appoint a Conference Committee of 3 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.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1582:

Novak, Kahn and Moe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 937:

Cohen, Kostohryz and Hanson.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 783.

S. F. No. 783, A bill for an act relating to libraries; requiring distribution of certain state publications to county libraries; appropriating money; amending Minnesota Statutes 1976, Sections 15.051, Subdivision 4; 15.047, Subdivision 2; and 648.39, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Neisen	Sieben, M.
Adams	Cummiskey	Jude	Nelsen, B.	Simoneau
Albrecht	Dahl	Kaley	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kalis	Nelson	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, I.	Eken	Kempe, A.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Suss
Arlandson	Enebo	King	Patton	Swanson
Battaglia	Erickson	Knickerbocker	Pehler	Tomlinson
Begich	Esau	Kostohryz	Peterson	Vanasek
Berg	Evans	Kroening	Petrafaso	Voss
Berglin	Ewald	Kvam	Pleasant	Waldorf
Berkelman	Faricy	Laidig	Prahl	Welch
Biersdorf	Fjoslien	Lehto	Reding	Wenstrom
Birnstihl	Forsythe	Lemke	Rice	Wenzel
Brandl	Friedrich	Mangan	Rose	White
Braun	Fugina	Mann	St. Onge	Wieser
Brinkman	George	McCarron	Samuelson	Wigley
Byrne	Gunter	McCollar	Sarna	Williamson
Carlson, A.	Hanson	McDonald	Savelkoul	Wynia
Carlson, D.	Heinitz	McEachern	Schulz	Zubay
Carlson, L.	Hokanson	Metzen	Searle	Speaker Sabo
Casserly	Jacobs	Moe	Searles	
Clark	Jaros	Munger	Sherwood	
Clawson	Jensen	Murphy	Sieben, H.	

The bill was passed and its title agreed to.

### SPECIAL ORDERS

S. F. No. 321, A bill for an act relating to health; permitting certain nursing homes to require and accept certain payments

from residents; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sherwood
Adams	Cummiskey	Jude	Neisen	Sieben, H.
Albrecht	Dahl	Kaley	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Niehau	Smogard
Anderson, I.	Eken	Kempe, A.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, R.	Novak	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Begich	Esau	Kostohryz	Pehler	Swanson
Berg	Evans	Kroening	Peterson	Tomlinson
Berglin	Ewald	Kvam	Petrafeso	Vanasek
Berkelman	Faricy	Laidig	Pleasant	Voss
Biersdorf	Fjoslien	Langseth	Prahl	Waldorf
Birnstihl	Forsythe	Lehto	Reding	Welch
Brandl	Friedrich	Lemke	Rice	Wenstrom
Braun	Fudro	Mangan	Rose	Wenzel
Brinkman	Fugina	Mann	St. Onge	White
Byrne	George	McCarron	Samuelson	Wieser
Carlson, A.	Gunter	McCollar	Sarna	Wigley
Carlson, D.	Hanson	McDonald	Savelkoul	Williamson
Carlson, L.	Heinitz	McEachern	Scheid	Wynia
Casserly	Hokanson	Metzen	Schulz	Zubay
Clark	Jacobs	Moe	Searle	Speaker Sabo
Clawson	Jaros	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 1165 was reported to the House.

Munger moved to amend S. F. No. 1165, the second unofficial engrossment, as follows:

Page 2, delete lines 20 to 32 and insert the following:

*"Subd. 3. [VARIANCES.] The commissioner, after consultation with the legislative commission on Minnesota resources, may grant variances from the compatible use standards upon such procedures and conditions as may be prescribed by rule in order to avoid undue hardship and promote the effective and reasonable enforcement of these standards.*

*Subd. 4. [SALE.] (a) No landowner other than the United States, who owns land within the boundaries of state parks, and*

no such landowner's estate shall transfer or sell any ownership interest in such land to any person other than the commissioner, except as provided in this subdivision. Nothing herein shall prevent an owner, having title as of January 1, 1977, or any subsequent owner under this subdivision, of any generation, from transferring, by sale, bequest or other means, the undivided ownership of a parcel of land within a state park, to a relative of that owner within the third degree of kinship by blood, marriage or adoption. If the landowner is a family farm corporation, pursuant to section 500.24, the corporation shall sell the land to the commissioner in the event the majority of stock of such corporation is not owned by family members who are shareholders on the date of enactment of this act or their relatives, of any subsequent generation, within the third degree of kinship by blood, marriage or adoption, to whom the stock is subsequently sold, bequeathed or otherwise transferred. Except for a family farm corporation, if the landowner is not a natural person or persons, the owner shall sell the land to the commissioner no later than 25 years after the date of enactment of this act. (b) Upon sale or transfer to the commissioner, the commissioner shall pay to the landowner the fair market value of the property on the date of acquisition, less the fair market value on such date of any right retained by the landowner. "Fair market value" is the value of the land at its highest and best economic use, including the value of any structures thereon, undiminished by the existence of use restrictions under this section or the fact it is inside the park boundary or must be sold to the commissioner. In the event the commissioner and landowner or estate cannot agree as to the fair market value acquisition price, such price shall be determined by a condemnation proceeding pursuant to Minnesota Statutes, Chapter 117. The commissioner shall commence the Chapter 117 proceeding within twenty days of the rejection by the landowner of the highest offer authorized by law or upon the written request of the landowner. Upon notification by any landowner or landowner's estate that a parcel of land within a state park boundary is subject to acquisition by the commissioner under this section, the commissioner shall notify the owner or estate within 60 days in writing of the intention to acquire the parcel, or this subdivision shall not apply to the sale or other transfer of that parcel. "Landowner or owner" for purposes of this section means either a fee owner or a person purchasing on a contract for deed pursuant to which fee title will be transferred to the purchaser. The transfer of fee title pursuant to a contract for deed shall not constitute a "sale or transfer of an ownership interest" under this section, provided the contract has been filed with the county recorder within fifteen days of execution or by January 1, 1978, for contracts executed prior to the date of enactment of this act.

Subd. 5. Owners of private lands located within state parks on the effective date of this act shall be compensated by the commissioner of natural resources for any lost earnings resulting from regulations imposed by this section if the subject lands are later removed from within state park boundaries.

Sec. 2. Minnesota Statutes 1976, Section 84.0272, is amended to read:

84.0272 [PROCEDURES IN ACQUIRING LANDS.] When the commissioner of administration is authorized to acquire lands or interests in lands for the commissioner of natural resources, the procedure set forth in this section shall apply. The commissioner of natural resources shall first submit a written request to the commissioner of administration showing the lands to be acquired, the legal authority for their acquisition, the qualities of the land that make it a desirable acquisition and a maximum purchase price. The commissioner of administration shall not purchase land for greater than the maximum purchase price without further consultation and written authorization and justification from the commissioner of natural resources. The commissioner of administration shall cause the lands to be appraised. An appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of administration shall not agree to pay more than ten percent above the appraised value, *except that the commissioner may pay 20 percent above the appraised value for land within state parks.* New appraisals may be made but not until at least six months after completion of an earlier series of appraisals.”

Page 3, delete lines 1 to 11.

Renumber subsequent sections.

A roll call was requested and properly seconded.

Sieben, M., moved to amend the Munger amendment as follows:

Page 3, after line 3, add a new section to read as follows:

*“The commissioner of the Department of Natural Resources shall conduct a study of the boundaries of all state parks and report to the Legislature on December 31, 1978 as to his recommendations for modifications of said boundaries.”*

Renumber following sections accordingly.

Eckstein moved that S. F. No. 1165 be re-referred to the Committee on Environment and Natural Resources.

A roll call was requested and properly seconded.

## CALL OF THE HOUSE

On the motion of Eckstein and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Clawson	Jacobs	Metzen	Schulz
Adams	Corbid	Jaros	Munger	Searle
Albrecht	Cummiskey	Jensen	Murphy	Searles
Anderson, B.	Dean	Johnson	Neisen	Sherwood
Anderson, D.	Den Ouden	Jude	Nelsen, B.	Sieben, H.
Anderson, G.	Eckstein	Kahn	Nelsen, M.	Sieben, M.
Anderson, I.	Eken	Kaley	Nelson	Simoneau
Anderson, R.	Ellingson	Kalis	Niehaus	Skoglund
Arlandson	Enebo	Kelly, R.	Norton	Smogard
Battaglia	Erickson	Kempe, R.	Novak	Spanish
Begich	Esau	Knickerbocker	Osthoff	Stanton
Berg	Evans	Kostohryz	Patton	Stoa
Berglin	Ewald	Kroening	Pehler	Suss
Berkelman	Faricy	Kvam	Peterson	Swanson
Birnstihl	Fjoslien	Laidig	Petraleso	Tomlinson
Brandl	Forsythe	Langseth	Pleasant	Vanasek
Braun	Friedrich	Lehto	Prahl	Waldorf
Brinkman	Fudro	Lemke	Reding	Wenzel
Byrne	Fugina	Mangan	Rice	White
Carlson, A.	George	Mann	Rose	Wieser
Carlson, D.	Gunter	McCarron	St. Onge	Wigley
Carlson, L.	Hanson	McCollar	Sarna	Williamson
Casserly	Heinitz	McDonald	Savelkoul	Wynia
Clark	Hokanson	McEachern	Scheid	Zubay

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question was taken on the motion by Eckstein to re-refer S. F. No. 1165 to the Committee on Environment and Natural Resources and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion did not prevail.

Faricy moved that Kelly, W., be excused from voting. The motion did not prevail.

Clawson moved that King be excused from voting. The motion did not prevail.

There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Adams	Battaglia	Carlson, D.	Evans	Gunter
Albrecht	Begich	Corbid	Ewald	Heinitz
Anderson, B.	Biersdorf	Den Ouden	Fjoslien	Johnson
Anderson, D.	Birnstihl	Eckstein	Forsythe	Jude
Anderson, G.	Braun	Eken	Friedrich	Kaley
Anderson, I.	Brinkman	Erickson	Fudro	Kalis
Anderson, R.	Carlson, A.	Esau	Fugina	Kempe, R.

Knickerbocker	McEachern	Niehaus	Schulz	Swanson
Kvam	Metzen	Peterson	Searles	Weich
Lemke	Murphy	Prahl	Smogard	Wenzel
Mangan	Neisen	Rice	Spanish	Wieser
Mann	Nelsen, B.	St. Onge	Stanton	Wigley
McCarron	Nelsen, M.	Savelkoul	Suss	Zubay

Those who voted in the negative were:

Abeln	Dahl	Kempe, A.	Osthoff	Simoneau
Arlandson	Dean	King	Patton	Skoglund
Beauchamp	Ellingson	Kostohryz	Pehler	Stoa
Berg	Enebo	Kroening	Petrafaso	Tomlinson
Berglin	Faricy	Laidig	Pleasant	Vanasek
Berkelman	George	Langseth	Reding	Voss
Brandl	Hanson	Lehto	Rose	Waldorf
Byrne	Hokanson	McCollar	Samuelson	Wenstrom
Carlson, L.	Jacobs	McDonald	Sarna	White
Casserly	Jaros	Moe	Scheid	Williamson
Clark	Jensen	Munger	Searle	Wynia
Clawson	Kahn	Nelson	Sherwood	Speaker Sabo
Cohen	Kelly, R.	Norton	Sieben, H.	
Cummiskey	Kelly, W.	Novak	Sieben, M.	

The motion did not prevail.

The question recurred on the Sieben, M., amendment to the Munger amendment. The motion prevailed and the amendment to the amendment was adopted.

Wieser moved that the call of the House be dispensed with. The motion did not prevail.

The question recurred on the adoption of the Munger amendment as amended by the Sieben, M., amendment and the roll was called. There were 54 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kahn	Norton	Simoneau
Beauchamp	Dahl	Kelly, R.	Novak	Skoglund
Berglin	Dean	Kempe, A.	Osthoff	Stoa
Berkelman	Ellingson	Kostohryz	Pehler	Tomlinson
Brandl	Faricy	Langseth	Petrafaso	Vanasek
Braun	George	Lehto	Reding	Voss
Byrne	Hanson	McCarron	Sarna	Waldorf
Carlson, L.	Hokanson	McCollar	Scheid	Wenstrom
Casserly	Jacobs	Moe	Searle	Williamson
Clark	Jaros	Munger	Sherwood	Wynia
Cohen	Jensen	Nelson	Sieben, M.	

Those who voted in the negative were:

Adams	Anderson, R.	Carlson, A.	Eken	Fjoslien
Albrecht	Battaglia	Carlson, D.	Enebo	Forsythe
Anderson, B.	Begich	Clawson	Erickson	Friedrich
Anderson, D.	Biersdorf	Corbid	Esau	Fudro
Anderson, G.	Birnstihl	Den Ouden	Evang	Fugina
Anderson, I.	Brinkman	Eckstein	Ewald	Gunter

Heinitz	Kvam	Neisen	Rose	Stanton
Johnson	Laidig	Nelsen, B.	St. Onge	Suss
Jude	Lemke	Nelsen, M.	Samuelson	Swanson
Kaley	Mangan	Niehaus	Savelkoul	Wenzel
Kalis	Mann	Patton	Schulz	Wieser
Kelly, W.	McDonald	Peterson	Searles	Wigley
Kempe, R.	McEachern	Pleasant	Sieben, H.	Zubay
Knickerbocker	Metzen	Prahl	Smogard	Speaker Sabo
Kroening	Murphy	Rice	Spanish	

The motion did not prevail and the amendment, as amended, was not adopted.

S. F. No. 1165, A bill for an act relating to natural resources; state parks; requiring compatible uses of private lands within state parks; providing the commissioner of natural resources with authority to enforce compatible use standards; providing for the acquisition of private land within parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kelly, R.	Norton	Skoglund
Adams	Dahl	Kelly, W.	Novak	Stanton
Beauchamp	Dean	Kempe, A.	Osthoff	Stoa
Berg	Ellingson	Knickerbocker	Pehler	Swanson
Berglin	Enebo	Kostohryz	Petraleso	Tomlinson
Berkelman	Faricy	Kroening	Rice	Vanasek
Brandl	George	Langseth	Rose	Voss
Braun	Hanson	Lehto	Samuelson	Waldorf
Byrne	Heinitz	McCarron	Sarna	Wenstrom
Carlson, A.	Jacobs	McCollar	Scheid	Williamson
Carlson, L.	Jaros	McDonald	Searle	Wynia
Casserly	Jensen	Moe	Sherwood	Speaker Sabo
Clark	Jude	Munger	Sieben, M.	
Cohen	Kahn	Nelson	Simoneau	

Those who voted in the negative were:

Albrecht	Corbid	Fugina	Metzen	Searles
Anderson, B.	Den Ouden	Gunter	Murphy	Sieben, H.
Anderson, D.	Eckstein	Johnson	Neisen	Smogard
Anderson, G.	Eken	Kaley	Nelsen, B.	Spanish
Anderson, I.	Erickson	Kalis	Nelsen, M.	Suss
Anderson, R.	Esau	Kempe, R.	Niehaus	Wenzel
Battaglia	Evans	Kvam	Peterson	Wieser
Begich	Ewald	Laidig	Pleasant	Wigley
Biersdorf	Fjoslien	Lemke	Prahl	Zubay
Birnstihl	Forsythe	Mangan	Reding	
Brinkman	Friedrich	Mann	St. Onge	
Carlson, D.	Fudro	McEachern	Schulz	

The bill was passed and its title agreed to.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 311:

Voss, Sieben, H., and Beauchamp.

Brinkman was excused for the remainder of today's session.

The following conference committee reports were received:

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 16

A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 16 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 16 be amended as follows:

Page 1, line 18, delete the second "or".

Page 1, line 19, delete "certificate".

Page 1, line 19, after "state" insert "*or to a beneficiary under a policy insuring a person resident in this state at the time of death*".

Page 2, line 13, delete the second "or".

Page 2, line 14, delete "certificate".

Page 2, line 14, after "state" insert "*or to a beneficiary under a policy insuring a person resident in this state at the time of death*".

Page 2, line 30, delete "or".

Page 2, line 32, after "indebtedness" insert "; or (c) the beneficiary resides in a jurisdiction which has a law requiring the payment of interest to beneficiaries residing in that jurisdiction".

We request adoption of this report and repassage of the bill.

House Conferees: RAY KEMPE, WALTER R. HANSON and HENRY J. SAVELKOUL.

Senate Conferees: BILL MCCUTCHEON, JACK DAVIES and CARL A. JENSEN.

Kempe, R., moved that the report of the Conference Committee on H. F. No. 16 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 16, A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Murphy	Searles
Adams	Cummiskey	Jude	Neisen	Sherwood
Albrecht	Dahl	Kahn	Nelsen, B.	Sieben, H.
Anderson, D.	Den Ouden	Kaley	Nelsen, M.	Sieben, M.
Anderson, G.	Eckstein	Kalis	Nelson	Simoneau
Anderson, I.	Eken	Kelly, R.	Niehaus	Skoglund
Anderson, R.	Enebo	Kelly, W.	Norton	Smogard
Battaglia	Erickson	Kempe, R.	Novak	Spanish
Beauchamp	Esau	King	Osthoff	Stanton
Begich	Evans	Knickerbocker	Patton	Stoa
Berg	Ewald	Kostohryz	Pehler	Suss
Berglin	Faricy	Kroening	Peterson	Swanson
Berkelman	Fjoslien	Kvam	Petrafeso	Tomlinson
Biersdorf	Forsythe	Laidig	Pleasant	Vanasek
Birnsthil	Friedrich	Langseth	Prahl	Voss
Brandl	Fudro	Lehto	Reding	Waldorf
Braun	Fugina	Lemke	Rice	Wenstrom
Byrne	George	Mangan	Rose	Wenzel
Carlson, A.	Hanson	Mann	St. Onge	White
Carlson, D.	Haugerud	McCarron	Samuelson	Wieser
Carlson, L.	Heinitz	McCollar	Sarna	Wigley
Casserly	Hokanson	McEachern	Savelkoul	Williamson
Clark	Jacobs	Metzen	Scheid	Wynia
Clawson	Jaros	Moe	Schulz	Zubay
Cohen	Jensen	Munger	Searle	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 82

A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; increasing the penal fine of misdemeanors; directing a court to require as a condition of a stay of imposition or execution of sentence restitution for property damage or loss or compensation for personal injuries; amending Minnesota Statutes 1976, Sections 412.231; 609.02, Subdivision 3; 609.03; 609.031; 609.032; 609.135, Subdivision 1; 609.27, Subdivision 2; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; 609.615; and 609.785.

May 16, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We the undersigned conferees for H. F. No. 82 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

We request adoption of this report and repassage of the bill.

House Conferees: RUSSELL STANTON, ARNOLD KEMPE and ARNE CARLSON.

Senate Conferees: JIM NICHOLS, JOHN B. KEEFE and ALLAN H. SPEAR.

Stanton moved that the report of the Conference Committee on H. F. No. 82 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 82, A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; increasing the penal fine of misdemeanors; directing a court to require as a condition of a stay of imposition or execution of sentence restitution for property damage or loss or compensation for personal injuries; amending Minnesota Statutes 1976, Sections 412.231; 609.02, Subdivision 3; 609.03; 609.031; 609.032; 609.135, Subdivision 1; 609.27, Subdivision 2; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; 609.615; and 609.785.

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 113 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelson	Skoglund
Adams	Dahl	Kalis	Norton	Smogard
Anderson, B.	Dean	Kelly, R.	Novak	Spanish
Anderson, D.	Den Ouden	Kelly, W.	Osthoff	Stanton
Anderson, G.	Eckstein	Kempe, R.	Patton	Stoa
Anderson, I.	Ellingson	King	Peterson	Suss
Battaglia	Enebo	Knickerbocker	Petraleso	Swanson
Beauchamp	Esau	Kostohryz	Pleasant	Tomlinson
Begich	Ewald	Kroening	Prahl	Vanasek
Berg	Faricy	Lehto	Reding	Voss
Berglin	Forsythe	Lemke	Rice	Waldorf
Berkelman	Friedrich	Mangan	Rose	Welch
Biersdorf	Fudro	Mann	St. Onge	Wenstrom
Birnstihl	Fugina	McCarron	Samuelson	Wenzel
Brandl	George	McCollar	Sarna	White
Braun	Gunter	McDonald	Savelkoul	Wieser
Byrne	Haugerud	McEachern	Scheid	Wigley
Carlson, A.	Hokanson	Metzen	Schulz	Williamson
Carlson, D.	Jacobs	Moe	Searles	Wynia
Carlson, L.	Jaros	Murphy	Sherwood	Zubay
Casserly	Jensen	Neisen	Sieben, H.	Speaker Sabo
Clark	Johnson	Neisen, B.	Sieben, M.	
Clawson	Jude	Nelsen, M.	Simoneau	

Those who voted in the negative were:

Anderson, R.	Erickson	Heinitz	Langseth	Searle
Corbid	Evans	Kaley	Niehaus	
Eken	Fjoslien	Kvam	Pehler	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 129

A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

May 18, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 129 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 129 be further amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 136A.04, is amended to read:

136A.04 [DUTIES.] The higher education coordinating board shall:

(a) Continuously study and analyze all phases and aspects of higher education, both public and private, and develop necessary plans and programs to meet present and future needs of the people of the state in respect thereto;

(b) Continuously engage in long range planning of the needs of higher education and, if necessary, cooperatively engage in such planning with neighboring states and agencies of the federal government;

(c) Act as successor to any committee or commission heretofore authorized to engage in exercising any of the powers and duties prescribed by sections 136A.01 to 136A.07;

(d) Review, make recommendations and identify priorities with respect to all plans and proposals for new or additional programs of instruction or substantial changes in existing programs to be established in or offered by, the University of Minnesota, the state universities, the community colleges, and public area vocational-technical institutes, and private collegiate and non-collegiate institutions offering post-secondary education, and periodically review existing programs offered in or by the above institutions and recommend discontinuing or modifying any existing program, the continuation of which is judged by the board as being unnecessary or a needless duplication of existing programs;

(e) Develop in cooperation with the post-secondary systems, committee on appropriations of the house of representatives, committee on finance of the senate, and the departments of administration and finance a compatible budgetary reporting format designed to provide data of a nature to facilitate systematic review of the budget submissions of the University of Minnesota, the state university system, the state community college system and the public vocational technical schools; and which includes the relating of dollars to program output;

(f) Review budget requests, including plans for construction or acquisition of facilities, of the University of Minnesota, the state colleges, the state community colleges, and public vocational-technical schools for the purpose of relating present resources and higher educational programs to the state's present

and long range needs; and conduct a continuous analysis of the financing of post-secondary institutions and systems, including the assessments as to the extent to which the expenditures and accomplishments are consistent with legislative intent;

(g) Obtain from private post-secondary institutions receiving state funds a report on their use of those funds;

(h) *Continuously monitor and study the transferability between Minnesota post-secondary and higher education institutions of credits earned for equal and relevant work at those institutions, the degree to which credits earned at one institution are accepted at full value by the other institutions, and the policies of these institutions concerning the placement of these transferred credits on transcripts.*

Sec. 2. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.042] [CREDIT TRANSFERABILITY.] *The higher education coordinating board shall recommend to the various post-secondary and higher education systems and to the legislature measures which will increase transferability of credits between the institutions, which will improve student awareness of the credit transfer policies of each system or institution, and which will cause student transcripts to reflect credits earned at other post-secondary and higher education institutions. The higher education coordinating board is directed to encourage communications among faculty, staff and students at the various institutions in order to accomplish the purposes of this section.*

Sec. 3. *Prior to January 1, 1978 and January 1, 1979, the higher education coordinating board shall make reports to the appropriate committees of the legislature on its progress in accomplishing the purposes of sections 1 and 2 of this act and on its recommendations for further accomplishing these purposes.*

Sec. 4. *This act shall be effective the day following final enactment."*

Further, strike the title and insert:

"A bill for an act relating to education; directing the higher education coordinating board to monitor and study credit transferability, the acceptance of credits at full value, and the placing of certain credits on transcripts; amending Minnesota Statutes 1976, Section 136A.04; and Chapter 136A, by adding a section."

We request adoption of this report and repassage of the bill.

House Conferees: JAMES PEHLER, CARL KROENING and DARREL PETERSON.

Senate Conferees: TIMOTHY J. PENNY, JIM NICHOLS and DOUGLAS H. SILLERS.

Pehler moved that the report of the Conference Committee on H. F. No. 129 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 129, A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jensen	Moe	Searles
Adams	Dahl	Johnson	Munger	Sieben, H.
Albrecht	Dean	Jude	Murphy	Sieben, M.
Anderson, B.	Den Ouden	Kahn	Neisen	Simoneau
Anderson, G.	Eckstein	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eken	Kalis	Nelson	Smogard
Anderson, R.	Ellingson	Kelly, R.	Norton	Spanish
Battaglia	Enebo	Kelly, W.	Novak	Stanton
Beauchamp	Erickson	Kempe, A.	Osthoff	Stoa
Begich	Esau	Kempe, R.	Patton	Suss
Berg	Evans	King	Pehler	Swanson
Berglin	Ewald	Knickerbocker	Peterson	Tomlinson
Berkelman	Faricy	Kostohryz	Petraieso	Vanasek
Biersdorf	Fjoslien	Kroening	Pleasant	Voss
Birnstihl	Friedrich	Kvam	Prahl	Waldorf
Braun	Fudro	Langseth	Reding	Welch
Byrne	Fugina	Lehto	Rice	Wenstrom
Carlson, A.	George	Lemke	Rose	Wenzel
Carlson, D.	Gunter	Mangan	St. Onge	White
Carlson, L.	Hanson	Mann	Samuelson	Wieser
Casserly	Haugerud	McCarron	Sarna	Wigley
Clark	Heinitz	McCollar	Savelkoul	Williamson
Clawson	Hokanson	McDonald	Scheid	Zubay
Cohen	Jacobs	McEachern	Schulz	Speaker Sabo
Corbid	Jaros	Metzen	Searle	

Those who voted in the negative were:

Anderson, D.	Forsythe	Niehaus	Sherwood	Wynia
Brandl				

The bill was repassed, as amended by Conference, and its title agreed to.

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 848

A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, by adding sections.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 848 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

We request adoption of this report and repassage of the bill.

House Conferees: AL W. PATTON, DONALD M. MOE and LEO J. REDING.

Senate Conferees: EUGENE E. STOKOWSKI, EARL W. RENNEKE and ROGER E. STRAND.

Patton moved that the report of the Conference Committee on H. F. No. 848 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 848, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, by adding sections.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jensen	Murphy	Sherwood
Adams	Dahl	Johnson	Neisen	Sieben, H.
Albrecht	Dean	Jude	Nelsen, B.	Sieben, M.
Anderson, B.	Den Ouden	Kahn	Nelsen, M.	Simoneau
Anderson, D.	Eckstein	Kaley	Nelson	Skoglund
Anderson, G.	Eken	Kalis	Niehaus	Smogard
Anderson, I.	Ellingson	Kelly, R.	Norton	Spanish
Anderson, R.	Enebo	Kelly, W.	Novak	Stanton
Battaglia	Erickson	Kempe, R.	Osthoff	Stoa
Begich	Esau	King	Patton	Suss
Berg	Evans	Knickerbocker	Pehler	Swanson
Berglin	Ewald	Kostohryz	Peterson	Tomlinson
Berkelman	Faricy	Kroening	Petrafeso	Vanasek
Biersdorf	Fjoslien	Kvam	Pleasant	Voss
Birnstihl	Forsythe	Langseth	Prahl	Waldorf
Brandl	Friedrich	Lehto	Reding	Welch
Braun	Fudro	Lemke	Rice	Wenstrom
Byrne	Fugina	Mangan	Rose	Wenzel
Carlson, A.	George	Mann	St. Onge	White
Carlson, D.	Gunter	McCarron	Samuelson	Wieser
Carlson, L.	Hanson	McCollar	Sarna	Wigley
Casserly	Haugerud	McDonald	Savelkoul	Williamson
Clark	Heinitz	McEachern	Scheid	Wynia
Clawson	Hokanson	Metzen	Schulz	Zubay
Cohen	Jacobs	Moe	Searle	Speaker Sabo
Corbid	Jaros	Munger	Searles	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 856

A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 856 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 856 be amended as follows:

Page 1, line 10, delete "statewide".

Page 1, line 17, delete "promulgate" and insert "adopt".

Page 2, line 2, delete "(3)" and insert "(2)".

Page 2, line 4, delete "act" and insert "section".

We request adoption of this report and repassage of the bill.

House Conferees: JOHN CLAWSON, HOWARD NEISEN and RICHARD WIGLEY.

Senate Conferees: GEORGE F. PERPICH, TOM NELSON and WILLIAM G. KIRCHNER.

Clawson moved that the report of the Conference Committee on H. F. No. 856 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 856, A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jensen	Nelsen, B.	Sieben, M.
Adams	Dahl	Johnson	Nelsen, M.	Simoneau
Anderson, B.	Dean	Jude	Nelson	Skoglund
Anderson, D.	Den Ouden	Kahn	Niehaus	Smogard
Anderson, G.	Eckstein	Kaley	Norton	Spanish
Anderson, I.	Eken	Kalis	Novak	Stanton
Anderson, R.	Ellingson	Kelly, R.	Osthoff	Stoa
Battaglia	Enebo	Kelly, W.	Patton	Suss
Beauchamp	Erickson	Kempe, R.	Pehler	Swanson
Begich	Esau	King	Peterson	Tomlinson
Berg	Evans	Knickerbocker	Petrafeso	Vanasek
Berglin	Ewald	Kostohryz	Pleasant	Voss
Berkelman	Farcy	Kroening	Prahl	Waldorf
Biersdorf	Fjoslien	Langseth	Reding	Welch
Birnstihl	Forsythe	Lehto	Rice	Wenstrom
Brandl	Friedrich	Lemke	Rose	Wenzel
Braun	Fudro	Mangan	St. Onge	White
Byrne	Fugina	McCarron	Samuelson	Wieser
Carlson, A.	George	McCollar	Sarna	Wigley
Carlson, D.	Gunter	McDonald	Savelkoul	Williamson
Carlson, L.	Hanson	McEachern	Scheid	Wynia
Casserly	Haugerud	Metzen	Schulz	Zubay
Clark	Heinitz	Moe	Searle	Speaker Sabo
Clawson	Hokanson	Munger	Searles	
Cohen	Jacobs	Murphy	Sherwood	
Corbid	Jaros	Neisen	Sieben, H.	

Those who voted in the negative were:

Albrecht

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 980

A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 980 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 980 be amended as follows:

Page 4, line 29, after the period insert "*The provisions of this clause shall expire 30 days after the conclusion of any fiscal year in which the federal government pays for less than 45 percent of the cost of regulating clinical laboratories.*".

We request adoption of this report and repassage of the bill.

House Conferees: LINDA SCHEID, LYNDON CARLSON and O. J. HEINITZ.

Senate Conferees: CONRAD VEGA, GEORGE PERPICH and NANCY BRATAAS.

Scheid moved that the report of the Conference Committee on H. F. No. 980 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 980, A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

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:

Abeln	Cummiskey	Johnson	Neisen	Sieben, M.
Adams	Dahl	Jude	Nelsen, B.	Simoneau
Albrecht	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Den Ouden	Kaley	Nelson	Smogard
Anderson, D.	Eckstein	Kalis	Niehaus	Spanish
Anderson, G.	Eken	Kelly, R.	Norton	Stanton
Anderson, I.	Ellingson	Kelly, W.	Novak	Stoa
Anderson, R.	Enebo	Kempe, A.	Osthoff	Suss
Battaglia	Erickson	Kempe, R.	Patton	Swanson
Beauchamp	Esau	King	Pehler	Tomlinson
Begich	Evans	Knickerbocker	Peterson	Vanasek
Berg	Ewald	Kostohryz	Petrafeso	Voss
Berglin	Faricy	Kroening	Pleasant	Waldorf
Berkelman	Fjoslien	Kvam	Prahl	Welch
Biersdorf	Forsythe	Langseth	Reding	Wenstrom
Birnstihl	Friedrich	Lehto	Rice	Wenzel
Brandl	Fudro	Lemke	Rose	White
Braun	Fugina	Mangan	St. Onge	Wieser
Byrne	George	Mann	Samuelson	Wigley
Carlson, A.	Gunter	McCarron	Sarna	Williamson
Carlson, D.	Hanson	McCollar	Savelkoul	Wynia
Carlson, L.	Haugerud	McDonald	Scheid	Zubay
Casserly	Heinitz	McEachern	Schulz	Speaker Sabo
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	
Cohen	Jaros	Munger	Sherwood	
Corbid	Jensen	Murphy	Sieben, H.	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1102

A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Chapter 16, by adding a section; Sections 15.047, Subdivision 1; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1102 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 1102 be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 15.047, is amended to read:

15.047 [MANUAL OF STATE AGENCY RULES, PUBLICATION.] Subdivision 1. The commissioner of administration shall publish a manual of state agency rules, which shall include all agency rules currently in effect. The manual shall be so designed as to allow for economic publication and distribution and efficient use. *The commissioner shall require each agency which has adopted and published rules in the state register to pay its proportionate cost of publishing those rules in the manual in excess of the fees received pursuant to subdivision 2.*

Subd. 2. Rules (AND REGULATIONS) published pursuant to this section may be sold by the commissioner of administration (IN THE MANNER PROVIDED BY SECTIONS 648.42 TO 648.44) *for a reasonable fee.*

Sec. 2. [REGIONAL SERVICE CENTER FOR ECONOMIC DEVELOPMENT REGION THREE.] *Subdivision 1. The commissioner of administration shall establish a regional service center in economic development region number three. The state planning agency shall cooperate with the commissioner in establishing the need and location of the service center. The commissioner shall determine which state agencies shall be included in the service center. The commissioner may determine equitable methods of sharing space, personnel and equipment for the agencies he selects to participate in the service center. The service center shall be established only after determination by the commissioner that total costs to the state shall not increase.*

*Subd. 2. The commissioner may enter into a rental lease for a base term of five years with a five year leasehold renewal option for the purpose of acquiring suitable space for the service center.*

*Subd. 3. Nothing contained in this section shall be considered as granting authority to the commissioner of administration to purchase property or construct buildings for the regional service center.*

Sec. 3. Minnesota Statutes 1976, Section 16.02, Subdivision 2, is amended to read:

Subd. 2. To purchase, rent, or otherwise provide for the furnishing of all supplies, materials, equipment, printing, and utility services, prescribe standard specifications therefor, to

provide for inspecting and testing the same, and otherwise to enforce compliance with such specifications; to prescribe and designate classes of state printing. *The commissioner may also lease, rent or sell equipment, supplies and services to any state department or agency.*

Sec. 4. Minnesota Statutes 1976, Section 16.02, is amended by adding a subdivision to read:

*Subd. 6b. To establish rental rates for all living accommodations provided by the state for its employees. All moneys collected as rent by state agencies pursuant to this subdivision shall be deposited in the state treasury and credited to the general fund.*

Sec. 5. Minnesota Statutes 1976, Section 16.02, Subdivision 13, is amended to read:

Subd. 13. To provide for the printing and distribution of (THE CAPITOL GUIDE BOOK,) official reports (,) and other publications of all kinds, and to supervise and control the form of such reports and publications so as to coordinate them, avoid duplications, and make them useful and informative to the public.

Sec. 6. Minnesota Statutes 1976, Section 16.02, Subdivision 16, is amended to read:

Subd. 16. To maintain and operate for state departments and agencies a central mailing service, and a duplicating *and printing* division in which all duplication *and printing* shall be done; to require that all equipment now or hereafter owned by the state be turned into the central duplicating *and printing* division for use therein with the following exceptions:

(a) duplicating machines may be used by any department, institution, or state agency not located in St. Paul or Minneapolis, or by the state division of emergency services, or by the attorney general, or by the bureau of criminal apprehension in the administration of police training;

((B) THE MOTOR VEHICLE DEPARTMENT MAY CONTINUE TO FILL THE NECESSARY DATA ON MOTOR VEHICLE LICENSE REGISTRATION CARDS ON DUPLICATING MACHINES OR BY DUPLICATING PROCESS;)

((C)) (b) the department of personnel may continue to produce work of confidential nature on their own duplicating machines;

((D)) (c) the department of public service may utilize a duplicating machine for the purpose of issuing its orders and other work which is confidential until the time of its release;

((E)) (d) the board of investment may lease or purchase a duplicating machine.

The duplicating *and printing* work to be done by the duplicating *and printing* division shall be restricted to producing any form, booklet or pamphlet to the extent deemed appropriate by the commissioner of administration.

The (TERM) *terms* "duplicating *and printing*" as used in this subdivision means that material produced by use of stencils, masters and plates (WHICH ARE TO BE USED ON DUPLICATING EQUIPMENT NOT LARGER THAN 11 BY 17 INCHES OR 28 BY 43 CENTIMETERS).

Sec. 7. Minnesota Statutes 1976, Section 16.02, Subdivision 19, is amended to read:

Subd. 19. To purchase from the state penal institutions, *university of Minnesota printing department* and other state institutions all articles manufactured by them which are usable by the state.

Sec. 8. Minnesota Statutes 1976, Section 16.07, is amended by adding a subdivision to read:

*Subd. 16. The commissioner may purchase, sell, repurchase or otherwise undertake the acquisition, rental or disposal of electronic data processing equipment as best serves the interests of the state, provided, however, the commissioner shall adhere to the competitive bidding requirements of chapter 16.*

Sec. 9. Minnesota Statutes 1976, Section 16.72, Subdivision 2, is amended to read:

Subd. 2. [RULES.] The commissioner of administration may adopt and enforce rules (AND REGULATIONS) governing the parking of motor vehicles upon any such parking lot or facility so owned and operated by the state. Such rules (AND REGULATIONS) shall be enacted in conformity with law and copies thereof shall be (POSTED AT EVERY PARKING LOT AND FACILITY THE OPERATION AND USE OF WHICH IS GOVERNED BY SUCH RULES AND REGULATIONS) *provided to all persons who first become contract parkers after July 1, 1977, and shall also be provided upon request to any other contract parker. Each parking lot or facility shall be posted with notice of who is entitled to park there.*

Sec. 10. Minnesota Statutes 1976, Section 16.75, Subdivision 7, is amended to read:

Subd. 7. The commissioner of administration shall establish all rules (AND REGULATIONS) necessary for the efficient and economical operation, maintenance, repair, and replacement

of state-owned motor vehicles in the central motor pool or any branch thereof. The (REGULATIONS) *rules* shall include the requirements for keeping records and reports and all schedules used as a basis for charging departments and agencies for the services furnished. They shall also provide for periodic reimbursements by the department or agency using the motor pool services. The commissioner of administration by rule (OR REGULATION) shall provide for the uniform marking (AND COLORING) of all such motor vehicles. *The coloring for the motor vehicles shall be selected from the regular color chart provided by the manufacturer each year.* The commissioner may further provide by rule for the (ACQUISITION) *use* of motor vehicles without uniform coloring (FOR ASSIGNMENT TO) *or marking* by the division of criminal apprehension in the department of public safety and the office of the attorney general. The provisions of the administrative procedure act shall not apply to rules promulgated pursuant to this subdivision.

Sec. 11. Minnesota Statutes 1976, Section 327.51, Subdivision 1, is amended to read:

327.51 [DEFINITIONS.] Subdivision 1. As used in sections 327.51 to (327.54) ~~327.55~~, the terms defined in this section have the meanings given them.

Sec. 12. Minnesota Statutes 1976, Section 327.51, is amended by adding a subdivision to read:

*Subd. 2a. "Commissioner" means the commissioner of administration.*

Sec. 13. Minnesota Statutes 1976, Section 327.51, Subdivision 3, is amended to read:

*Subd. 3. "Dealer" means a person, partnership, association, or corporation licensed as a mobile home dealer under section (168.27) 327.55.*

Sec. 14. Minnesota Statutes 1976, Section 238.04, Subdivision 2, is amended to read:

*Subd. 2. Each member shall be appointed by the governor, by and with the advice and consent of the senate. No more than four members shall be from the same political party.*

Sec. 15. [EFFECTIVE DATE.] *This act is effective July 1, 1977."*

Further, strike the title and insert:

"A bill for an act relating to state agencies; revising procedures relating to the purchasing and furnishing of goods and

services; amending Minnesota Statutes 1976, Sections 15.047; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.”.

We request adoption of this report and repassage of the bill.

House Conferees: LEO REDING, DAVID BEAUCHAMP and KEN ZUBAY.

Senate Conferees: DAVID D. SCHAAF, JEROME O. GUNDERSON and JAMES ULLAND.

Reding moved that the report of the Conference Committee on H. F. No. 1102 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1102, A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Chapter 16, by adding a section; Sections 15.047, Subdivision 1; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Fudro	Kostohryz	Osthoff
Adams	Casserly	Fugina	Kroening	Patton
Albrecht	Clark	George	Kvam	Pehler
Anderson, B.	Clawson	Gunter	Langseth	Peterson
Anderson, D.	Cohen	Hanson	Lehto	Petrafeso
Anderson, G.	Corbid	Haugerud	Lemke	Pleasant
Anderson, I.	Cummiskey	Heinitz	Mangan	Prahl
Anderson, R.	Dahl	Hokanson	Mann	Reding
Arlandson	Dean	Jacobs	McCollar	Rice
Battaglia	Den Ouden	Jaros	McDonald	Rose
Beauchamp	Eckstein	Jensen	McEachern	St. Onge
Begich	Eken	Johnson		Samuelson
Berg	Ellingson	Jude	Moe	Sarna
Berglin	Enebo	Kahn	Munger	Savelkoul
Berkelman	Erickson	Kaley	Murphy	Scheid
Biersdorf	Esau	Kalis	Neisen	Schulz
Birnstihl	Evans	Kelly, R.	Nelsen, B.	Searle
Brandl	Ewald	Kelly, W.	Nelsen, M.	Searles
Braun	Faricy	Kempe, A.	Nelson	Sherwood
Byrne	Fjoslien	Kempe, R.	Niehaus	Sieben, M.
Carlson, A.	Forsythe	King	Norton	Simoneau
Carlson, D.	Friedrich	Knickerbocker	Novak	Skoglund

Smogard	Suss	Voss	Wenzel	Williamson
Spanish	Swanson	Waldorf	White	Wynia
Stanton	Tomlinson	Welch	Wieser	Zubay
Stoa	Vanasek	Wenstrom	Wigley	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1051, A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; appropriating money; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, Subdivision 2.

The Senate has appointed as such committee Messrs. Keefe, S., Moe and Coleman.

House File No. 1051 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 613, A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

The Senate has appointed as such committee Messrs. Hughes, Mrs. Staples and Mrs. Brataas.

House File No. 613 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 801, A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Sections 238.09, Subdivision 1, and by adding a subdivision; 609.52, Subdivision 2; and Chapter 609, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith transmitted to the House.

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. 769, A bill for an act relating to cities; exempting transit systems owned by the cities of Mankato and North Mankato from gasoline and special fuels tax.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Cummiskey moved that the House concur in the Senate amendments to H. F. No. 769 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 769, A bill for an act relating to taxation; providing an exemption from the gasoline and special fuels tax for certain municipal transit systems; amending Minnesota Statutes 1976, Sections 296.02 and 296.025, by adding subdivisions.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Munger	Sherwood
Adams	Cummiskey	Jensen	Murphy	Sieben, H.
Albrecht	Dahl	Johnson	Neisen	Sieben, M.
Anderson, B.	Dean	Jude	Nelsen, B.	Simoneau
Anderson, D.	Den Ouden	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Eckstein	Kaley	Nelson	Smogard
Anderson, I.	Eken	Kalis	Niehaus	Spanish
Anderson, R.	Ellingson	Kelly, R.	Norton	Stanton
Battaglia	Enebo	Kelly, W.	Novak	Stoa
Beauchamp	Erickson	Kempe, A.	Osthoff	Suss
Begich	Esau	Kempe, R.	Patton	Swanson
Berg	Evans	King	Pehler	Tomlinson
Berglin	Ewald	Knickerbocker	Peterson	Vanasek
Berkelman	Farcy	Kostohryz	Petrafaso	Voss
Biersdorf	Fjoslien	Kroening	Pleasant	Waldorf
Birnstihl	Forsythe	Kvam	Prahl	Welch
Brandl	Friedrich	Langseth	Reding	Wenstrom
Braun	Fudro	Lehto	Rice	Wenzel
Byrne	Fugina	Lemke	Rose	White
Carlson, A.	George	Mangan	St. Onge	Wieser
Carlson, D.	Gunter	McCarron	Samuelson	Wigley
Carlson, L.	Hanson	McCollar	Sarna	Williamson
Casserly	Hangerud	McDonald	Savelkoul	Wynia
Clark	Hejnitz	McEachern	Scheid	Zubay
Clawson	Hokanson	Metzen	Searle	Speaker Sabo
Cohen	Jacobs	Moe	Searles	

Those who voted in the negative were:

Schulz

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. 789, A bill for an act relating to elections; establishing voter registration in all counties; changing required voter registration information; providing for reports of changes; amending Minnesota Statutes 1976, Sections 201.061, Subdivisions 3 and 6; 201.071; 201.091, by adding a subdivision; 201.14; 201.15; 201.27; 204A.37, Subdivision 1; 204A.46, Subdivision 2; and Chapter 201, by adding a section; repealing Minnesota Statutes 1976, Section 201.061, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Cummiskey moved that the House concur in the Senate amendments to H. F. No. 789 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 789, A bill for an act relating to elections; establishing voter registration in all counties; changing required voter registration information; providing for reports of changes; delaying the availability of registration lists; requiring proof of residence; permitting applications for absentee ballots; providing for delivery and return of election ballots; appropriating money; amending Minnesota Statutes 1976, Sections 201.061, Subdivisions 3 and 6; 201.071; 201.091, Subdivisions 2 and 6 and by adding a subdivision; 201.14; 204A.37, Subdivision 1; 207.03; 207.05, Subdivision 1; 207.10; 207.101; Chapter 201, by adding a section; and Chapter 207, 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 109 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Murphy	Sieben, M.
Adams	Cohen	Johnson	Neisen	Simoneau
Anderson, B.	Corbid	Jude	Nelsen, M.	Skoglund
Anderson, G.	Cummiskey	Kahn	Nelson	Smogard
Anderson, I.	Dahl	Kalis	Norton	Spanish
Arlandson	Dean	Kelly, R.	Novak	Stanton
Battaglia	Eckstein	Kelly, W.	Osthoff	Stoa
Beauchamp	Eken	Kempe, R.	Patton	Suss
Begich	Ellingson	King	Pehler	Swanson
Berg	Enebo	Kostohryz	Petrafeso	Tomlinson
Berglin	Evans	Kroening	Prahl	Vanasek
Berkelman	Faricy	Langseth	Reding	Voss
Biersdorf	Friedrich	Lehto	Rice	Waldorf
Birnstihl	Fudro	Mangan	Rose	Wenstrom
Brandl	Fugina	Mann	St. Onge	Wenzel
Braun	George	McCarron	Samuelson	White
Byrne	Gunter	McCollar	Sarna	Wieser
Carlson, A.	Hanson	McDonald	Scheid	Williamson
Carlson, D.	Haugerud	McEachern	Schulz	Wynia
Carlson, L.	Hokanson	Metzen	Searles	Zubay
Casserly	Jacobs	Moe	Sherwood	Speaker Sabo
Clark	Jaros	Munger	Sieben, H.	

Those who voted in the negative were:

Albrecht	Erickson	Forsythe	Kvam	Pleasant
Anderson, D.	Egau	Heinitz	Nelsen, B.	Savelkoul
Anderson, R.	Ewald	Kaley	Niehaus	Searle
Den Ouden	Fjoslien	Knickerbocker	Peterson	Wigley

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. 331, A bill for an act relating to motor vehicles; requiring information as to all owners in applications for registration or certificate of title; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Osthoff moved that the House concur in the Senate amendments to H. F. No. 331 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 331, A bill for an act relating to motor vehicles; requiring information as to all owners in applications for registration or certificate of title; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Sieben, H.
Adams	Cummiskey	Johnson	Neisen	Sieben, M.
Albrecht	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Kaley	Nelson	Smogard
Anderson, G.	Eckstein	Kalis	Niehaus	Spanish
Anderson, I.	Eken	Kelly, R.	Norton	Stanton
Anderson, R.	Ellingrison	Kelly, W.	Novak	Stoa
Arlandson	Enebo	Kempe, A.	Osthoff	Suss
Battaglia	Erickson	Kempe, R.	Patton	Swanson
Beauchamp	Esau	King	Pehler	Tomlinson
Begich	Evans	Knickerbocker	Peterson	Vanasek
Berg	Ewald	Kostohryz	Petrafaso	Voss
Berglin	Faricy	Kroening	Pleasant	Waldorf
Berkelman	Fjoslien	Kvam	Prahl	Welch
Biersdorf	Forsythe	Langseth	Reding	Wenstrom
Birnstihl	Friedrich	Lehto	Rice	Wenzel
Brandl	Fudro	Lemke	Rose	White
Braun	Fugina	Mangan	St. Onge	Wieser
Byrne	George	Mann	Samuelson	Wigley
Carlson, A.	Gunter	McCarron	Sarna	Williamson
Carlson, D.	Hanson	McCollar	Savelkoul	Wynia
Carlson, L.	Haugerud	McDonald	Scheid	Zubay
Casserly	Heinitz	McEachern	Schulz	Speaker Sabo
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	
Cohen	Jaros	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 157, A bill for an act relating to public utilities; providing for refund of overcharges if certain rates become effective before approval by the public service commission; removing construction in progress from rate bases; prohibiting approval of rates which make allowances for certain advertising expenses; delaying implementation of certain rate schedules; restricting approval of rates which make allowances for charitable contributions; regulating telephone company rates; amending Minnesota Statutes 1976, Section 216B.16, Subdivisions 1, 2, and 6, and by adding subdivisions; and Chapter 237, by adding a section; repealing Minnesota Statutes 1976, Section 237.08.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 157 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 157, A bill for an act relating to public utilities; providing for refund of overcharges if certain rates become effective before approval by the public service commission; regulation inclusion of construction work in progress in rate bases; prohibiting approval of rates which makes allowances for certain advertising expenses; delaying implementation of certain rate schedules; restricting approval of rates which make allowances for charitable contributions; regulating telephone company rates; amending Minnesota Statutes 1976, Section 216B.16, Subdivisions 1, 2, and 6, and by adding subdivisions; and Chapter 237, by adding a section; repealing Minnesota Statutes 1976, Section 237.08.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln

Adams

Albrecht

Anderson, B. Anderson, D.

Anderson, G.	Dean	Jude	Neisen	Sieben, H.
Anderson, I.	Den Ouden	Kahn	Nelsen, B.	Sieben, M.
Anderson, R.	Eckstein	Kaley	Nelsen, M.	Simoneau
Arlandson	Eken	Kalis	Nelson	Skoglund
Battaglia	Ellingson	Kelly, R.	Niehaus	Smogard
Beauchamp	Enebo	Kelly, W.	Norton	Spanish
Begich	Erickson	Kempe, A.	Novak	Stanton
Berg	Esau	Kempe, R.	Osthoff	Stoa
Berglin	Evans	King	Patton	Suss
Berkelman	Ewald	Knickerbocker	Pehler	Swanson
Biersdorf	Faricy	Kostohryz	Peterson	Tomlinson
Birnstihl	Fjoslien	Kvam	Petrafaso	Vanasek
Brandl	Forsythe	Langseth	Pleasant	Voss
Braun	Friedrich	Lehto	Prahl	Waldorf
Byrne	Fudro	Lemke	Reding	Weich
Carlson, A.	Fugina	Mangan	Rose	Wenstrom
Carlson, D.	George	Mann	St. Onge	Wenzel
Carlson, L.	Gunter	McCarron	Samuelson	Wieser
Casserly	Haugerud	McCollar	Sarna	Wigley
Clark	Heinitz	McDonald	Savelkoul	Williamson
Clawson	Hokanson	McEachern	Scheid	Wynia
Cohen	Jacobs	Metzen	Schulz	Zubay
Corbid	Jaros	Moe	Searle	Speaker Sabo
Cummiskey	Jensen	Munger	Searles	
Dahl	Johnson	Murphy	Sherwood	

Those who voted in the negative were:

Hanson          Kroening          Rice          White

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. 381.

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. 381

A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivi-

sion 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

May 19, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 381 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 381, be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 97.56, is amended to read:

**97.56 [REMOVAL OF BEAVER FROM STATE-OWNED LANDS.]** In any county in the state where the board of county commissioners shall (HAVE UNANIMOUSLY REQUESTED) *by resolution request* him to do so, the commissioner of natural resources (SHALL) *may* take necessary steps to remove beaver, at state expense, from state owned lands located in that county.

Sec. 2. Minnesota Statutes 1976, Section 98.46, Subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, \$5;
- (2) To take deer or bear, or both, with firearms during the period in which the licensee may take deer, \$10;
- (3) To take deer or bear, or both, with bow and arrow during the period in which the licensee may take deer, \$10;
- (4) To take fish by angling, \$5;
- (5) Combination husband and wife, to take fish by angling, \$8;
- (6) To take moose, \$100 for an individual or for a party of not to exceed four persons;

- (7) To take bear only, \$7.50;
- (8) *To take turkeys, \$10, in addition to a small game license.*

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 2a, is amended to read:

Subd. 2a. The commissioner of natural resources (MAY) shall issue Minnesota sportsman licenses *by March 1, 1978*. The licenses shall be issued to residents only. The fee for licenses shall be (\$17) \$9 if the angling license is for one person and (\$19) \$12 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482.

The license shall authorize the licensee to:

- (1) Take small game;
- (2) Take fish by angling (;
- (3) TAKE DEER OR BEAR WITH FIREARMS DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER; OR TAKE DEER OR BEAR WITH BOW AND ARROW DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER) *The game and fish subcommittee of the house of representatives and the fish and wildlife subcommittee of the senate shall study the feasibility of other combinations for sportsman's licenses prior to January 1, 1978.*

Sec. 4. Minnesota Statutes 1976, Section 98.46, Subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to non-residents, shall be:

- (1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25;
- (2) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, \$60;
- (3) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, \$25;
- (4) To take bear, \$25.25;
- (5) *To take turkeys, \$30, in addition to a small game license.*

Sec. 5. Minnesota Statutes 1976, Section 98.46, Subdivision 21, is amended to read:

Subd. 21. The commissioner may by order require every licensee to tag at the place where trapped, beaver *fisher* or otter. The tag will be of a type prescribed by the commissioner and bearing the license number of the owner and the year of its issue. Tags will be issued with the license at no additional cost. *During the calendar years 1977 and 1978 the commissioner shall require the tagging of fisher in the manner designated in this subdivision.*

Sec. 6. Minnesota Statutes 1976, Section 98.50, Subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of 75 cents for the license to take deer *and for the sportsman license authorized in section 98.46, subdivision 2a*, and 50 cents for all other licenses. In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor, are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Sec. 7. Minnesota Statutes 1976, Chapter 98, is amended by adding a section to read:

[98.501] [AGENTS FEE.] *The basic license fee for each license referred to in section 98.50, subdivision 1, shall be increased by the amount of the seller's fee permitted by section 98.50, subdivision 5, for that particular license. The seller shall collect his fee by retaining the permitted fee from the purchase price of a license. Each license shall contain an explanation of the amount of the license fee which is retained by the seller of the license as his fee.*

Sec. 8. Minnesota Statutes 1976, Section 100.26, Subdivision 1, is amended to read:

100.26 [UNPROTECTED ANIMALS.] Subdivision 1. Weasel, (BOBCAT,) coyote (brush wolf), (FOX,) gopher, porcupine, badger, and all other quadrupeds for which no closed season or other protection is accorded by chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, except in the manner authorized by (SECTIONS 18.021 TO 18.035) *section 18.022*. It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals. (THE TAKING OF ANY SPECIES OF BEAR MAY BE PERMITTED BY ORDER OF THE COMMISSIONER WITHOUT A LICENSE THEREFOR IN SUCH AREAS OF THE STATE AND DURING SUCH PERIODS AS HE MAY DEEM NECESSARY, UPON A DETERMINATION THAT THE PREDATION OF BEAR REPRESENTS A THREAT TO LIVESTOCK OR OTHER PROPERTY. NO FOX MAY BE REMOVED FROM A DEN OR TRAPPED WITHIN 300 FEET OF A FOX DEN DURING THE PERIOD BEGINNING APRIL 1 AND ENDING AUGUST 31 OF EACH YEAR. NO PERSON MAY SELL LIVE FOX WITHOUT A PERMIT FROM THE COMMISSIONER AUTHORIZING THE SALE OF FOX.)

Sec. 9. Minnesota Statutes 1976, Section 100.27, Subdivision 1, is amended to read:

100.27 [SEASONS.] Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, (FISHER,) or wolverine(, OR WILD TURKEYS).

Sec. 10. Minnesota Statutes 1976, Section 100.27, Subdivision 3, is amended to read:

Subd. 3. *The commissioner shall prescribe by order the areas within the state and any other restrictions under which the fol-*

lowing animals may be taken and possessed, subject to all other provisions of chapters 97 to 102, between the dates, *if any*, set opposite the species:

(1) Grey and fox squirrels, October 15 and December 31 statewide; and during (SUCH) *any* other times, within (SUCH) *any* areas, and subject to (SUCH) *any other* restrictions as the commissioner by order may prescribe;

(2) Jack rabbits, cottontail rabbits and varying hare or snowshoe rabbits, September 16 and March 1;

(3) Raccoon (MAY BE TAKEN AND POSSESSED, SUBJECT TO THE PROVISIONS OF CHAPTERS 97 TO 102 AND THE RESTRICTIONS IMPOSED BY ORDER OF THE COMMISSIONER BETWEEN), October 15 and December 31 statewide. Notwithstanding the restrictions imposed by this subdivision, raccoon may be treed without being taken by the use of dogs at any time during the year, *except for those restrictions found in section 100.29, subdivision 20*;

(4) Lynx, or bobcat with the length of the season, if any, for *either species* determined by the commissioner based upon population estimates of (LYNX) *either species* within the state(.);

(5) Fox, *provided that no fox may be removed from a den or trapped within 300 feet of a fox den during the period from April 1 and ending August 31 of each year*;

(6) Fisher.

Sec. 11. Minnesota Statutes 1976, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. Muskrats may be taken for a period not exceeding 60 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in (SUCH) *the* areas of the state (AND), during (SUCH) *the* times *between November 1st and April 30th of the following year* and subject to (SUCH REGULATIONS AS) *any other restrictions which* the commissioner shall prescribe, (BETWEEN NOVEMBER 1 AND APRIL 30 FOLLOWING, AND). Beaver may be taken, by trapping only, (FOR A PERIOD, OR PERIODS, NOT EXCEEDING A TOTAL OF 45 DAYS,) in (SUCH) *the* areas of the state (AND), during (SUCH) *the* times *between December 1st and April 30th of the following year* and subject to (SUCH REGULATIONS AS) *any other restrictions which* the commissioner shall prescribe (, BETWEEN NOVEMBER 1 AND MAY 31 FOLLOWING, PROVIDED THAT DURING THE CALENDAR YEAR 1975 THERE SHALL BE NO SEASON OPEN FOR THE TAKING OF BEAVER IN THAT PORTION OF THE STATE LYING

NORTHERLY AND EASTERLY OF A LINE COMMENCING AT THE INTERSECTION OF STATE TRUNK HIGHWAY NUMBERED 71 AND THE CANADIAN BORDER AND RUNNING SOUTHERLY ALONG STATE TRUNK HIGHWAY NUMBERED 71 TO ITS INTERSECTION WITH STATE TRUNK HIGHWAY NUMBERED 6, THENCE SOUTHERLY ALONG STATE TRUNK HIGHWAY NUMBERED 6 TO ITS INTERSECTION WITH STATE TRUNK HIGHWAY NUMBERED 18, THENCE EASTERLY ALONG STATE TRUNK HIGHWAY NUMBERED 18 TO ITS INTERSECTION WITH STATE HIGHWAY NUMBERED 23, THENCE NORTHEASTERLY ALONG STATE TRUNK HIGHWAY NUMBERED 23 TO DULUTH EXCEPT PINE COUNTY; PROVIDED FURTHER THAT IN THE PORTION OF THE STATE LYING NORTHERLY AND EASTERLY OF THE LINE PREVIOUSLY DESCRIBED THAT BEAVER MAY BE TAKEN IN THE CALENDAR YEAR 1976 AND FOLLOWING, IN THE MANNER AND SUBJECT TO REGULATIONS DESCRIBED ABOVE, BUT ONLY FOR A PERIOD, OR PERIODS, NOT EXCEEDING A TOTAL OF 45 DAYS BETWEEN NOVEMBER 1 AND MAY 31 FOLLOWING).

Sec. 12. Minnesota Statutes 1976, Section 100.27, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise expressly provided, quail, partridges or ruffed grouse, Canada spruce grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge (OR), chukar partridge, or turkeys (*meleagris gallopavo*) may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in (SUCH) the areas of the state and during (SUCH) the times between September 16 and December 31, (AS) which the commissioner shall prescribe. *The commissioner may by order prescribe an additional period for the taking of turkeys in the spring.*

Sec. 13. Minnesota Statutes 1976, Section 100.27, Subdivision 7, is amended to read:

Subd. 7. (BADGER,) Mink, squirrels, rabbits, hares, raccoon, lynx, bobcat, fox, or beaver may be taken in any manner, except by poison, or artificial lights in closed season, by the actual occupant or owner of any land whereon the animals so killed are causing any damage or injury. Upon so killing any such animal, other than squirrels, rabbits, and hares, the entire carcass, including the hide, shall be turned over and surrendered to the nearest conservation officer or employee of the division within 24 hours of the time (SUCH) the animal was killed.

Sec. 14. Minnesota Statutes 1976, Section 100.28, Subdivision 1, is amended to read:

100.28 [LIMITS.] Subdivision 1. Not more than one deer (OR TEN BEAVER) shall be taken by any licensee during any one year.

Sec. 15. Minnesota Statutes 1976, Section 100.29, Subdivision 1, is amended to read:

100.29 [RESTRICTIONS AND PROHIBITIONS.] Subdivision 1. It shall be unlawful to take protected wild animals, except raccoon, with the use of a gun or bow and arrows between sunset and one-half hour before sunrise. *It shall be unlawful to take pheasants between sunset and 9 a.m.*

Sec. 16. Minnesota Statutes 1976, Section 101.42, Subdivision 8, is amended to read:

Subd. 8. Except as otherwise specifically permitted, it shall be unlawful to take trout, except lake trout, (ON THE OPENING DAY OF THE SEASON PRIOR TO THE HOUR OF 10:00 A.M., CENTRAL STANDARD TIME, OR) on any (OTHER) day of the open season (,) between (11:00 P.M., CENTRAL STANDARD TIME,) 11 p.m. and one hour before sunrise.

Sec. 17. Laws 1961, Chapter 66, Section 1, as amended by Laws 1971, Chapter 867, Section 1, is amended to read:

Section 1. [GAME AND FISH; SMALL GAME HUNTING LICENSES; WILDLIFE DEVELOPMENT, EXTENSION OF PROGRAM.] The provisions of Laws 1957, Chapter 644, Sections 1 to 4 appearing in Minnesota Statutes (1969) 1976 as Sections 97.481 to 97.484 inclusive, shall continue in effect until (DECEMBER 31, 1978) *February 28, 1985*, notwithstanding any provision of Laws 1957, Chapter 644, Section 5, to the contrary.

Sec. 18. *Minnesota Statutes 1976, Section 348.071, is repealed.*

Sec. 19. *Sections 1 and 16 are effective the day following final enactment. Section 7 is effective March 1, 1978."*

Further delete the title and insert:

"A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the tagging of fisher; including the agent's fees within certain license fees; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; prohibiting the taking of pheasants between sunset and 9 a.m.; extending the surcharge on small game licenses; amending Minnesota Statutes

1976, Sections 97.56; 98.46, Subdivisions 2, 2a, 14, and 21; 98.50, Subdivision 5; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 100.29, Subdivision 1; 101.42, Subdivision 8; Chapter 98, by adding a section; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.”

We request adoption of this report and repassage of the bill.

Senate Conferees: COLLIN C. PETERSON, JIM NICHOLS and JOHN BERNHAGEN.

House Conferees: LEO REDING, JOSEPH BEGICH and GLEN ANDERSON.

Reding moved that the report of the Conference Committee on S. F. No. 381 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 381, A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

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 77 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Adams	Cassery	Kaley	Osthoff	Suss
Anderson, B.	Clark	Kempe, A.	Patton	Swanson
Anderson, G.	Cohen	Kempe, R.	Petrafeso	Tomlinson
Anderson, I.	Cummiskey	King	Reding	Voss
Anderson, R.	Dahl	Kostohryz	Rose	Waldorf
Arlandson	Dean	Lehto	St. Onge	Welch
Beauchamp	Ellingson	Lemke	Sarna	Wenstrom
Begich	Fudro	McCollar	Scheid	Wenzel
Berg	George	McEachern	Schulz	White
Berglin	Gunter	Metzen	Sherwood	Wieser
Berkelman	Hokanson	Moe	Sieben, H.	Williamson
Biersdorf	Jacobs	Munger	Sieben, M.	Wynia
Birnstihl	Jaros	Neisen	Simoneau	Speaker Sabo
Brandl	Jensen	Nelson	Smogard	
Byrne	Jude	Norton	Spanish	
Carlson, L.	Kahn	Novak	Stoa	

Those who voted in the negative were:

Abeln	Den Ouden	Hanson	Mangan	Pleasant
Albrecht	Eckstein	Heinitz	Mann	Prahl
Anderson, D.	Eken	Johnson	McDonald	Rice
Battaglia	Erickson	Kalis	Murphy	Savelkoul
Braun	Evans	Kelly, W.	Nelsen, B.	Searle
Carlson, A.	Ewald	Knickerbocker	Nelsen, M.	Searles
Carlson, D.	Faricy	Kroening	Niehaus	Vanasek
Clawson	Friedrich	Kvam	Pehler	Wigley
Corbid	Fugina	Langseth	Peterson	

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. 583

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. 583

A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

May 19, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 583 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 583 be amended as follows:

Page 3, after line 22, insert a new section to read:

*"Sec. 2. Subdivision 1. On or before March 15 of each year each insurer providing product liability insurance or excess insurance above self-insured retention to one or more manufacturers, sellers or distributors in this state, shall file with the*

*commissioner of insurance a report of the product liability claims made against its insureds, resident or located in Minnesota, which have been closed during the one year period ending December 31 of the previous year, provided, however, that this subdivision shall not require reporting of any information regarding claims closed prior to June 30, 1977. This report shall contain, but need not be limited to, the following information: the total number of product liability claims, broken down by the type or category of claims, and the total amount paid in settlement or discharge of the claims for each type or category of claims.*

*Subd. 2. On or before March 15 of each year each insurer providing product liability insurance or excess insurance above self-insured retention to one or more manufacturers, sellers or distributors in this state shall file with the commissioner of insurance a report containing the following information for the one year period ending December 31 of the previous year, provided, however, that information for the period preceding June 30, 1977 need not be reported:*

*(a) The total amount of premiums received from insured persons, resident or located in Minnesota, which are attributable to product liability insurance;*

*(b) The total number of persons, resident or located in Minnesota, for which the insurer provided products liability insurance; and*

*(c) The total number of persons, resident or located in Minnesota, whose product liability insurance coverage the insurer cancelled or refused to renew and the reasons therefor.*

*Any manufacturer, seller or distributor which is self insured shall be considered to be an insurer for the purposes of this section and shall comply with the reporting requirements of this section, and any data reported by a self-insured person pursuant to this section may be reported by the commissioner only in the form of summary data, as defined in Minnesota Statutes, Section 15.162, Subdivision 9.*

*Subd. 3. This section expires April 1, 1979."*

Renumber the remaining sections.

Further amend the title as follows:

Page 1, line 4, after the semicolon insert "providing for the reporting of certain claims and other information to the commissioner of insurance;"

We request adoption of this report and repassage of the bill.

Senate Conferees: SAM SOLON, ALLAN SPEAR and JACK DAVIES.

House Conferees: M. B. NELSEN, LYLE ABELN and O. J. HEINITZ.

Nelsen, M., moved that the report of the Conference Committee on S. F. No. 583 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 583, A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jacobs	Metzen	Searles
Adams	Corbid	Jaros	Moe	Sherwood
Albrecht	Cummiskey	Jensen	Munger	Sieben, H.
Anderson, B.	Dahl	Johnson	Murphy	Sieben, M.
Anderson, D.	Dean	Jude	Neisen	Simoneau
Anderson, G.	Den Ouden	Kahn	Nelsen, B.	Skoglund
Anderson, I.	Eckstein	Kaley	Nelsen, M.	Smogard
Anderson, R.	Eken	Kalis	Nelson	Spanish
Arlandson	Ellingson	Kelly, R.	Niehaus	Stanton
Battaglia	Enebo	Kelly, W.	Norton	Stoa
Beauchamp	Erickson	Kempe, A.	Novak	Suss
Begich	Esau	Kempe, R.	Osthoff	Swanson
Berg	Evans	King	Patton	Tomlinson
Berglin	Ewald	Knickerbocker	Pehler	Vanasek
Berkelman	Faricy	Kostohryz	Peterson	Voss
Biersdorf	Fjoslien	Kroening	Petrafeso	Waldorf
Birnstihl	Forsythe	Kvam	Pleasant	Welch
Brandl	Friedrich	Langseth	Prahl	Wenstrom
Braun	Fudro	Lehto	Rice	Wenzel
Byrne	Fugina	Lemke	Rose	White
Carlson, A.	George	Mangan	St. Onge	Wieser
Carlson, D.	Gunter	Mann	Sarna	Wigley
Carlson, L.	Hanson	McCarron	Savelkoul	Wynia
Casserly	Haugerud	McCollar	Scheid	Zubay
Clark	Heinitz	McDonald	Schulz	Speaker Sabo
Clawson	Hokanson	McEachern	Searle	

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. 742.

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. 742

A bill for an act relating to waters; allowing counties to exercise certain functions; increasing membership on the governing body of the White Bear Lake conservation district; providing for selection of board officers; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1; Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

May 19, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 742 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendment, and that S. F. No. 742 be further amended as follows:

Page 3, line 13 of the unofficial engrossment, following "Sec. 4." insert "*Section 1 of this act shall be effective the day following final enactment.*".

We request adoption of this report and repassage of the bill.

Senate Conferees: JOHN MILTON and GEORGE S. PILLSBURY.

House Conferees: MAURICE D. MCCOLLAR, TAD JUDE and ROBERT L. SEARLES.

McCollar moved that the report of the Conference Committee on S. F. No. 742 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 742, A bill for an act relating to waters; allowing counties to exercise certain functions; increasing membership on the governing body of the White Bear Lake conservation district; providing for selection of board officers; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1; Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

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 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abein	Cohen	Jensen	Munger	Sherwood
Adams	Cummiskey	Johnson	Murphy	Sieben, H.
Albrecht	Dahl	Jude	Neisen	Sieben, M.
Anderson, B.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, D.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, G.	Eckstein	Kalis	Nelson	Smogard
Anderson, I.	Eken	Kelly, R.	Niehaus	Spanish
Anderson, R.	Ellingson	Kelly, W.	Norton	Stanton
Arlandson	Enebo	Kempe, A.	Novak	Stoa
Battaglia	Erickson	Kempe, R.	Osthoff	Suss
Beauchamp	Esau	King	Patton	Swanson
Begich	Evans	Knickerbocker	Pehler	Tomlinson
Berg	Ewald	Kostohryz	Peterson	Vanasek
Berglin	Fjoslien	Kroening	Petraleso	Voss
Berkelman	Forsythe	Kvam	Pleasant	Waldorf
Biersdorf	Friedrich	Langseth	Prahl	Welch
Birnstihl	Fudro	Lehto	Reding	Wenstrom
Brandl	Fugina	Lemke	Rice	Wenzel
Braun	George	Mangan	Rose	White
Byrne	Gunter	Mann	St. Onge	Wieser
Carlson, A.	Hanson	McCarron	Sarna	Wigley
Carlson, D.	Haugerud	McCollar	Savelkoul	Williamson
Carlson, L.	Heinitz	McDonald	Scheid	Wynia
Casserly	Hokanson	McEachern	Schulz	Zubay
Clark	Jacobs	Metzen	Searle	Speaker Sabo
Clawson	Jaros	Moe	Searles	

Those who voted in the negative were:

Farcy

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. 181.

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. 181

A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

May 18, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 181 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 181 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 3A.04, Subdivision 1, is amended to read:

3A.04 [SURVIVOR BENEFIT.] Subdivision 1. [SURVIVING SPOUSE.] Upon the death of a member of the legislature while serving as such member after June 30, 1973, or upon the death of a former member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), the surviving spouse shall be paid a survivor benefit in the amount of one-half of the retirement allowance of the member of the legislature computed as though the member were at least age 60 on the date of his death and based upon his allowable service or eight years whichever is greater. *The augmentation provided in section 3A.02, subdivision 4, if applicable, shall*

*be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving spouse shall be entitled to one-half of the amount of the allowance being paid to the legislator. Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.*

Sec. 2. Minnesota Statutes 1976, Section 3A.04, Subdivision 2, is amended to read:

Subd. 2. [DEPENDENT CHILDREN.] Upon the death of a member of the legislature while serving as such member after June 30, 1973, or upon the death of a former member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), each dependent child of such member shall be paid a survivor benefit in the following amount: First dependent child, a monthly allowance which equals 25 percent of the monthly retirement allowance of the member of the legislature computed as though the member were at least age 60 on the date of his death and based upon his allowable service or eight years whichever is greater; for each additional dependent child, a monthly allowance which equals 12 1/2 percent of the monthly retirement allowance of the member computed as in the case of the first child; but the total amount paid to the surviving spouse and dependent children shall not exceed in any one month 100 percent of the monthly retirement allowance of the member computed as in the case of the first child. *The augmentation provided in section 3A.02, subdivision 4, if applicable, shall be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving dependent child shall be entitled to the applicable percentage of the amount of the allowance being paid to the former legislator. The payments for dependent children shall be made to the surviving spouse or the guardian of the estate of the dependent children, if there is one. A posthumous child qualifies as a dependent child for benefits provided herein from the date of its birth.*

Sec. 3. Minnesota Statutes 1976, Section 3A.04, is amended by adding a subdivision to read:

*Subd. 1a. [INCREASE IN SURVIVOR BENEFITS.] Survivor benefits provided in subdivision 1 authorized and in effect on the effective date of this act shall be increased by 25 percent, effective retroactively to January 1, 1974, or the date the survivor benefit became payable, whichever is later.*

Sec. 4. Minnesota Statutes 1976, Section 69.011, Subdivision 1, is amended to read:

69.011 [QUALIFYING FOR STATE AID.] Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indi-

cates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapter 424 have the meanings ascribed to them :

(a) "Commissioner" means the commissioner or director of insurance.

(b) "Municipality" means any city of any class, and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department or a qualified incorporated fire department having a retirement plan.

(e) "Average State Aid" means the sum of the amount of aid apportioned for firemen pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.

(f) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason, appearing on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

(g) "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

(h) "Police officer" means any person:

(1) *Whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full time basis of not less than 30 hours per week;*

(2) *Who has been employed for a minimum of six consecutive months prior to December 31 preceding the date of the current year's certification pursuant to section 69.011, subdivision 2, clause (b);*

(3) *Who is sworn to enforce the general criminal laws of the state and local ordinances;*

(4) *Who is authorized to arrest with a warrant;*

(5) *Who is a member of a local police relief association or the public employees police and fire fund;*

(6) *Who, if employed in a municipality with a population of more than 1,000 inhabitants according to the most recent federal census, is certified or meets the requirements for certification by the Minnesota police officers training board; and*

(7) *Who meets the selection standards of the Minnesota police officers training board.*

(i) *"Full time equivalent number of police officers providing contract service" means the integral or fractional number of police officers which would be necessary to provide the contract service if all were employed on a full time basis as defined by the employing unit in the municipality receiving the contract service.*

Sec. 5. Minnesota Statutes 1976, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. [CLERK TO FILE CERTIFICATE.] (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firemen's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department and having a duly incorporated relief association shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him

together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in section (69.021, SUBDIVISION 5) 69.011, subdivision 1, clause (h), shall certify the number of such police officers (WHO WERE EMPLOYED FOR A MINIMUM OF SIX MONTHS AS OF THE PRECEDING DECEMBER 31,) to the commissioner on forms prescribed by him. *For purposes of sections 69.011 to 69.051, employment of a police officer shall commence when the police officer is entered on the pay-roll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county.*

Sec. 6. Minnesota Statutes 1976, Section 69.021, Subdivision 5, is amended to read:

Subd. 5. [CALCULATION OF STATE AID.] The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and two percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to police state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The total amount for apportionment in respect to police state aid shall be distributed to the counties for apportionment to municipalities maintaining police departments and to the county on the basis of the number of active police officers, as certified pursuant to section 69.011, subdivision 2, clause (b) (, WHO ARE MEMBERS OF THE PUBLIC EMPLOYEES POLICE AND FIRE FUND OR OF A LOCAL RETIREMENT ASSOCIATION. FOR PURPOSES OF SECTIONS 69.011 TO 69.051, THE TERM "POLICE OFFICER" MEANS ANY PERSON PRIMARILY EMPLOYED BY A MUNICIPALITY OR A COUNTY AS A FULL TIME SALARIED LAW ENFORCEMENT OFFICER SWORN TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE, AUTHORIZED TO ARREST WITH A WARRANT, AND CERTIFIED OR MEETING THE REQUIREMENTS FOR CERTIFICATION BY THE MINNESOTA POLICE OFFICERS TRAINING BOARD, EXCEPT IN MUNICIPALITIES WITH A POPULATION OF LESS THAN 1,000). The commissioner shall calcu-

late the percentage of increase or decrease reflected in the apportionment over or under the previous (YEARS) *year's* available (PREMIUMS) *state aid* using the same premiums as a basis for comparison.

Sec. 7. Minnesota Statutes 1976, Section 69.021, Subdivision 6, is amended to read:

Subd. 6. [CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.] With respect to firemen, one-half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last official statewide federal census. The remaining one-half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments furnishing fire protection to cities, towns or townships in other counties as evidenced by valid fire service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire protection service. The amount of firemen's state aid apportioned to each county shall not be less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the county. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each county's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. Other necessary adjustments shall be made to subsequent apportionments. No county shall receive less than provided for under this subdivision.

The state aid available in respect to police officers shall not exceed the amount of tax collected and shall be distributed to the counties in proportion to the total number of active police officers, as defined in section (69.021, SUBDIVISION 5) *69.011, subdivision 1, clause (h)*, in each county who are employed either by municipalities maintaining police departments or by the county. Any necessary adjustments shall be made to subsequent apportionments.

Sec. 8. Minnesota Statutes 1976, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREMEN'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner in the same manner that

state aid is apportioned to the counties, one-half in proportion to the population and one-half in proportion to the assessed property valuation of the fire towns in the county for which aid is apportioned. The county auditor shall apportion the amount of aid to each municipality and/or firemen's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firemen's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firemen's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality or firemen's relief association shall receive less than provided for under this subdivision.

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state *police* aid received by him (RELATIVE TO THE PREMIUMS REPORTED ON THE MINNESOTA AID TO POLICE PREMIUM

REPORTS FILED PURSUANT TO THIS CHAPTER) to each municipality *and to the county* in the following manner:

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as defined in section (69.021, SUBDIVISION 5) *69.011, subdivision 1, clause (h)*, employed by each municipality and by the county (**NO COMMUNITY SHALL RECEIVE LESS STATE AID THAN THEY RECEIVED IN 1975; AND**);

(b) For each municipality which contracts with the county for police service, a proportionate amount of the state aid distributed to the county based on the *full time equivalent* number of police officers providing contract service shall be credited against the municipality's contract obligation;

(c) *For each municipality which contracts with another municipality for police service, a proportionate amount of the state aid distributed to the municipality providing contract service based on the full time equivalent number of police officers providing contract service on a full time equivalent basis shall be credited against the contract obligation of the municipality receiving contract service;*

(d) *No municipality entitled to receive police state aid shall be apportioned less police state aid for any year under Laws 1976, Chapter 315, than the amount which was apportioned to it for calendar year 1975 based on premiums reported to the commissioner for calendar year 1974; provided, the amount of police state aid to other municipalities within the county and to the county shall be adjusted in proportion to the total number of police officers in the municipalities and the county, so that the amount of police state aid apportioned shall not exceed the amount of police state aid available for apportionment.*

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Sec. 9. Minnesota Statutes 1976, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firemen's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been re-

moved as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, upon receipt of the state aid and tax attributed to insurance premiums reported on the Minnesota Aid to Police Premium Report, shall disburse the state aid in the following manner.

(a) For a municipality in which a *local* police relief association exists *and all police officers are members of the association*, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt (OF THE STATE AID BY THE COUNTY AUDITOR), and the treasurer of the relief association shall *immediately* deposit the total state aid in the special fund of the relief association (UPON RECEIPT);

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund *and all police officers are members of the fund*, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, *and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association; or*

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in this subdivision, to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund *subject to all the provisions set forth in clause (b)*, or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund *subject to the provisions of clause (b)* on the basis of the respective number of active full time police officers, as defined in section (69.021, SUBDIVISION 5) 69.011, subdivision 1, clause (h).

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, *and any state aid*

*in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.*

Sec. 10. Minnesota Statutes 1976, Section 352.03, Subdivision 1, is amended to read:

352.03 [BOARD OF DIRECTORS, COMPOSITION, EXECUTIVE DIRECTOR; DUTIES, POWERS.] Subdivision 1. [MEMBERSHIP OF BOARD; ELECTION; TERM.] The policy making function of the system is hereby vested in a board of (SEVEN) *eight* members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of three members appointed by the governor, one of whom shall be a constitutional officer or appointed state official and two public members knowledgeable in pension matters, (AND) four state employees who shall be elected by state employees covered by the system, *and one retired employee who shall be elected by retired employees at a time and in a manner to be fixed by the board.* Two board members, whose terms of office shall begin on the first Monday in March next succeeding their election, shall be elected biennially. The term of the two board members whose terms expire in 1968 shall terminate on the first Monday in March, 1968, and the terms of the two board members whose terms expire in 1970 shall terminate on the first Monday in March, 1970. *The elected retired board member shall serve a term commencing January 1, 1978 and terminating on the first Monday in March, 1980.* Thereafter the members of the board so elected shall hold office for a term of four years, *except the retired member whose term shall be two years,* and until their successors are elected, and have qualified. A state employee on leave of absence shall not be eligible for election or re-election to membership on the board of directors; and the term of any board member who is on leave for more than six months shall automatically terminate upon the expiration of such period.

Sec. 11. Minnesota Statutes 1976, Section 352.03, Subdivision 2, is amended to read:

Subd. 2. [VACANCY, HOW FILLED.] Any vacancy of a state employee *or retired employee* in the board caused by death, resignation, or removal of any member so elected shall be filled by the board for the unexpired portion of the term in which the vacancy occurs.

Sec. 12. Minnesota Statutes 1976, Section 352.03, is amended by adding a subdivision to read:

*Subd. 4a. The board may consider, review and make recommendations regarding the financial and other needs of retired*

*employees and may disseminate appropriate retirement information to the retired employee.*

Sec. 13. Minnesota Statutes 1976, Chapter 352, is amended by adding a section to read:

**[352.029] [COVERAGE FOR EMPLOYEES OF LABOR ORGANIZATIONS.]** *Subdivision 1. [QUALIFICATIONS.] A former state employee who is an employee of a labor organization which is an exclusive bargaining agent representing state employees may elect pursuant to subdivision 2 to be covered by the state retirement system established by this chapter with respect to service with the labor organization unless specifically excluded under section 352.01, subdivision 2b.*

*Subd. 2. [ELECTION.] A person described in subdivision 1 shall be covered by the state retirement system if written election to be covered is delivered to the executive director before July 1, 1977 or within 30 days of being employed by the labor organization, whichever is later.*

*Subd. 3. [CONTRIBUTIONS.] The employee, employer and additional employer contributions required pursuant to section 352.04 shall be the obligation of the employee who elects coverage under this section; provided, however, that the employing labor organization may pay the employer and employer additional contributions. Contributions made by the employee shall be made by salary deduction. The employing labor organization shall remit all contributions to the state retirement system pursuant to section 352.04.*

*Subd. 4. [PURCHASE OF PRIOR SERVICE CREDIT.] Any former state employee who elects membership pursuant to this section shall be allowed to make payment for service rendered prior to July 1, 1977 in a labor organization designated in subdivision 1; provided that the labor organization makes satisfactory certification of the prior service of the former state employee. Payment shall include all employee, employer and additional employer contributions at the rates in effect when the service was rendered plus interest at the rate of six percent per annum from the year of purchase to the date payment is made; provided, however, that the employing labor organization may pay the employer and employer additional contributions plus interest at the specified rate. Payment shall be made in one lump sum prior to July 1, 1982 or prior to retirement, whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received by the executive director.*

*Subd. 5. [BOARD MEMBERSHIP EXCLUDED.] Persons who become members of the state retirement system pursuant*

*to this section shall not be eligible for election to the board of trustees.*

Sec. 14. Minnesota Statutes 1976, Section 352B.01, Subdivision 3, is amended to read:

Subd. 3. "Allowable service" means (a) for those members defined in subdivision 2, clause (a), service for which payments have been made to the highway patrolmen's retirement fund, and (b) for those members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the highway patrolmen's retirement fund, service for which payments were made to the state police officers retirement fund after June 30, 1961, and all prior service which was credited to such member for service on or before June 30, 1961; provided that, after a member identified in clause (b) of this subdivision reaches the age of 60, (EACH YEAR OF) allowable service thereafter shall not be computed in determining his normal annuity unless he was employed as a state police officer before July 1, 1961. If such member was so employed before July 1, 1961 and reaches 60 years of age and has more than 30 years' allowable service at such time, each year *and completed month* of allowable service acquired by such member shall be computed in determining his normal annuity until such member reaches the age of 60. If such member was so employed before July 1, 1961, and has less than 30 years of allowable service when (HE) *the member* reaches age 60, each year *and completed month* of allowable service acquired by such member shall be computed in determining (HIS) *the normal annuity* not to exceed 30 years of such allowable service. The *completed year* (SUCH MEMBER REACHES) *members reach* age 60 may be (COMPUTED) *counted* in full in determining allowable service.

Sec. 15. Minnesota Statutes 1976, Section 352B.08, Subdivision 2, is amended to read:

Subd. 2. The annuity shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied by two and one-half percent for each year *and pro rata for completed months* of service not exceeding 20 years and two percent for each year *and pro rata for completed months* of service in excess of 20 years. Effective June 1, 1973, "average monthly salary" shall mean the average of the monthly salaries for the five high years of service as a member. The monthly salary for the period prior to July 2, 1969 shall be deemed to be \$600. In lieu of the life annuity herein provided, the member or former member with (20) *ten* years or more of service may elect a joint and survivor annuity, payable to (HIS) *the* surviving spouse (DURING HER NATURAL) *for* life, adjusted to the actuarial equivalent value of such life annuity. The joint and survivor annuity elected by a member may also provide that the elected annuity be reinstated to the life annuity herein provided, if after drawing the elected joint and survivor annuity, the spouse dies

prior to the death of the member. This reinstatement shall not be retroactive but shall be in effect for the first full month subsequent to the death of the surviving spouse. This additional joint and survivor option with reinstatement clause shall be adjusted to the actuarial equivalent value of a regular life annuity. The member *or former member* with (20) *ten* years or more of *allowable* service (MAY ELECT) *credit is deemed to have elected a 100 percent joint and survivor annuity (AT ANY AGE BUT) payable only on or after (HIS) the member's 55th birth-date.*

Sec. 16. Minnesota Statutes 1976, Section 352B.10, is amended to read:

352B.10 [DISABILITY BENEFITS.] (1) Any member less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render (HIM) *the member* physically or mentally unable to perform his *or her* duties, shall receive disability benefits during the period of such disability. The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the (BENEFICIARY) *member* multiplied (a) by 50 percent and, (b) by an additional two percent for each year *and pro rata for completed months* of service in excess of 20 *years*.

(2) If a member is injured under circumstances which entitle him to receive benefits under the worker's compensation law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the worker's compensation law.

(3) Any member who after not less than five years of service, before reaching the age of 55, terminates (HIS) employment because of sickness or injury occurring while not on duty and not engaged in state work entitling (HIM) *the member* to membership (IN THE ASSOCIATION,) and the termination is necessary because the member is unable to perform his *or her* duties shall be entitled to receive a disability benefit. The benefit shall be in the same amount and (PAID) *computed* in the same manner as if the (ANNUITANT) *member* were 55 years of age at the date of (HIS) disability and the annuity were paid pursuant to section 352B.08. Should disability under this clause occur after five but in less than ten years service, the disability benefit shall be (THE SAME) *computed* as through the member had (AT LEAST) ten years service.

(4) No member shall receive any disability benefit payment when (THERE REMAINS TO HIS CREDIT) *the member has* unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been

no impairment of (HIS) salary (AND). Should such member or former member resume a gainful occupation and his or her earnings are less than (HIS) *the salary received* at the date of disability or the salary currently paid for similar positions, (THE ASSOCIATION SHALL CONTINUE) the disability benefit *shall be continued* in an amount which when added to (SUCH) earnings does not exceed (HIS) *the salary received* at the date of disability or the salary currently paid for similar positions, whichever is higher, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

(5) No disability benefit payment shall be made except upon adequate proof furnished to the (ASSOCIATION) *director* of the existence of such disability, and during the time when any such benefits are being paid, the (ASSOCIATION) *director* shall have the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

Sec. 17. Minnesota Statutes 1976, Section 352D.02, Subdivision 1, is amended to read:

352D.02 [COVERAGE.] Subdivision 1. The following employees in the unclassified service of the state who are eligible for coverage under the Minnesota state retirement system shall participate in the unclassified program unless such employee gives notice to the executive director of the state retirement system within one year following June 5, 1975 or the commencement of his employment, whichever is later, that he desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file such notice with the executive director shall be deemed to have exercised his option to participate in the unclassified plan. The employee and applicable employer contributions for those employees covered by the regular plan on June 5, 1975, who after such date participate in the unclassified plan, shall be transferred to the supplemental fund in accordance with subdivision 4 and section 352D.03 as though the employee had elected to participate when first eligible to make such election. This subdivision shall also be applicable to any person who was an employee in an eligible position on or after January 1, 1975, has terminated service before June 5, 1975 with less than ten years of allowable service, and has not taken a refund of his contributions.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, revisor of statutes or the state board of investment,

(2) Any department, division, or agency head, the assistant department head or deputy, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 3,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a parttime legislative employee having shares in the supplemental retirement fund whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43.09, subdivision 2a which is at the deputy or assistant head of department or agency or director level, (AND)

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system, *and*

(6) *The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system.*

The eligibility to participate of those employees specified in clauses (4) and (5) employed in such positions on April 21, 1976, shall be retroactive to their date of appointment to such positions.

*The eligibility to participate of those employees specified in clause (6) employed in such positions on the effective date of this section shall be retroactive to their date of appointment to such positions.*

Sec. 18. Minnesota Statutes 1976, Section 353.03, Subdivision 1, is amended to read:

353.03 [BOARD OF TRUSTEES.] Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is hereby vested in a board of trustees consisting of (14) 15 members, who shall be known as the board of trustees. This board shall consist of three trustees, one of whom shall be designated by each of the following associations, Minnesota school boards association, League of Minnesota (MUNICIPALITIES) *Cities*, and Association of Minnesota Counties; nine *area* trustees, who shall be elected from the membership *employed in one of the areas de-*

scribed below by the members (OF THE RETIREMENT ASSOCIATION) employed in such area except members of the police and fire fund; one trustee who shall be a retired annuitant elected at large by other annuitants; and one trustee who is a member of the police and fire fund elected at large by the membership of the police and fire fund. The remaining trustee shall be elected prior to January 1 by the governing bodies of employee organizations, as defined in section 179.63, subdivision 5, representing association employees; provided that in making the election each employee organization shall have one vote for each association employee it represents. The respective governing bodies shall implement and administer a system for the election of this member and the filling of vacancies, and any dispute in the election process shall be resolved by the secretary of state. Elected trustees shall hold office for a term of four years. For seven days beginning December 1 of each year, (EXCEPT 1974 AND EVERY FOURTH YEAR THEREAFTER,) the association shall accept at its office filings in person or by mail of candidates for the board of trustees. (THE) An area candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund from the area of the candidate, a retired annuitant candidate, a nominating petition signed by 25 or more such annuitants, and a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No nominee may withdraw his name from nomination after December 15. (CANDIDATES SHALL FILE AT LARGE FOR ALL SEATS VACANT AT THE FORTHCOMING ELECTION.) By January 10 of each year in which elections are to be held the board shall distribute by mail to the members and annuitants ballots listing the candidates (, THE NUMBER OF POSITIONS TO BE FILLED AND BLANK LINES FOR WRITE-IN VOTES). No member may vote for more than one candidate but a blank line shall be provided for a write in vote. A ballot indicating a vote for more than one person shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. Except as provided in this section, all terms expire on January 31 of the fourth year, and the position shall remain vacant until the newly elected member is qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the nine area trustees, the state shall be divided into three areas as follows: Area one shall include Anoka, Hennepin, Ramsey and Washington counties. Area two shall include Big Stone, Swift, Kandiyohi, Meeker and Wright counties and all counties south thereof, except counties in area one. Area three shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. Each year for three years one area trustee shall be elected to a four-year term from each area by the members employed in the respective areas. In the fourth year one trustee shall be elected at large by the police

and fire fund membership and one trustee elected at large by the annuitants.

*Notwithstanding the foregoing, however, in order to provide for a transition to regional elections, in the year 1978 only, a retired trustee shall be elected by the annuitants, and three trustees shall be elected from each of the three areas by the members of the area who may vote for only one candidate. The annuitant candidate receiving the most votes shall serve a three-year term, the candidate in each area receiving the largest number of votes shall serve a four-year term, the candidate in each area receiving the second largest number of votes shall serve a two-year term and the candidate in each area receiving the third largest number of votes shall serve a one-year term. The elections shall be supervised by the secretary of state. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries.*

Sec. 19. Minnesota Statutes 1976, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

(a) Elected or appointed officers and employees of elected officers.

(b) District court reporters.

(c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota (MUNICIPALITIES) *Cities*.

(e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.

(f) Employees of a school district who receive separate salaries for driving their own buses.

(g) *Employees of the Association of Minnesota Counties.*

(h) *Employees of the Metropolitan Inter-County Council.*

(i) *Employees of the Minnesota Municipal Utilities Association.*

Sec. 20. Minnesota Statutes 1976, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. (IN THE EVENT SUCH EMPLOYEES RECEIVE COMPENSATION ON A MONTHLY SALARY BASIS, EACH CALENDAR MONTH FOR WHICH THEY ARE SO PAID SHALL CONSTITUTE 30 WORKING DAYS; HOWEVER,) Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of (\$150) \$250 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Parttime employees who receive monthly compensation not exceeding (\$150) \$250, and parttime employees and elected officials whose annual compensation is stipulated in advance to be not more than (\$1,800) \$3,000 per year, *except that members shall continue their membership until termination of public service.*

(h) Persons who first occupy an elected office after February 1, 1969, the compensation for which does not exceed \$150 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has

specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person who belongs to the public employees retirement association from also belonging to or contributing to a volunteer firemen's relief association that does not determine its benefits or contributions on the basis of the salary or compensation of the fireman.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) (PERSONS WHO MAKE APPLICATION TO BE EXEMPTED FROM MEMBERSHIP IN THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION, DUE TO MEMBERSHIP IN ANY RELIGIOUS ORGANIZATION WHICH HAS BEEN ORGANIZED FIVE YEARS OR MORE, AND WHOSE CUSTOMS, RITES OR RELIGIOUS BELIEFS FORBID THEIR MEMBERSHIP IN ANY PUBLIC RETIREMENT ASSOCIATION, PROVIDING SUCH PERSONS FILE AN APPLICATION STATING THE APPLICABLE PROVISIONS OF THEIR RELIGIOUS ORGANIZATION, CONFIRMED BY SUCH ORGANIZATION, AND WAIVE ALL CLAIMS FOR RETIREMENT ANNUITIES OR BENEFITS OF ANY KIND PURSUANT TO THIS CHAPTER) *Chaplains and nuns who have taken a vow of poverty as members of a religious order.*

(m) (STUDENTS WHO ARE OCCASIONALLY EMPLOYED PART TIME BY A GOVERNMENTAL SUBDIVISION IN ANY CAPACITY AND) Full time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no full time public employees shall be exempt under this paragraph and any such employees presently exempt hereunder shall become members as of July 1, 1976.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

Sec. 21. Minnesota Statutes 1976, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district

within this state, or a department or unit of state government, (THE LEAGUE OF MINNESOTA MUNICIPALITIES,) or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; or any soil conservation district organized pursuant to chapter 40; or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 Legislature.

Sec. 22. Minnesota Statutes 1976, Section 353.01, Subdivision 15, is amended to read:

Subd. 15. [DEPENDENT CHILD.] "Dependent child" means any natural or adopted child of a deceased member, provided such child is (a) under the age of 18, (b) age 18 through 21 and a full time student, and in either case unmarried and dependent for more than one-half of his support upon such member at the time of death and for not less than 90 days prior thereto; provided, that (EFFECTIVE RETROACTIVELY TO APRIL 30, 1970) the child of a deceased member, who at the time of his death was receiving total and permanent disability benefits pursuant to section 353.33, shall be deemed dependent if he was dependent upon the decedent for more than one-half of his support during the 90 days prior to the decedent's becoming totally and permanently disabled (, EXCEPT THAT NO PAYMENT IN BEHALF OF SUCH A DEPENDENT CHILD SHALL COMMENCE PRIOR TO JULY 1, 1971). It also includes any child of the member conceived during his lifetime and born after his death (IN ANY CASE WHERE A MEMBER DIED AFTER JULY 1, 1957). It also means any dependent child who is the subject of adoption proceedings filed by a member, and who within two years after death of the member, by judgment and decree duly entered, is adjudged to be the adopted child of the deceased member; subject, however, to the qualifying conditions of age and dependency aforesaid and the dependency of the child hereunder shall date from the decree of adoption.

Sec. 23. Minnesota Statutes 1976, Chapter 353, is amended by adding a section to read:

[353.022] [HENNEPIN AND SCOTT SOIL AND WATER CONSERVATION DISTRICTS EMPLOYEES.] *From and after July 1, 1977, employees of the Hennepin and the Scott soil and water conservation districts shall become coordinated members of the public employees retirement association, unless specifically excluded under section 353.01, subdivision 2b, and, notwithstanding section 353.01, subdivision 6, and the districts shall be deemed governmental subdivisions for purposes of this chapter.*

Sec. 24. Minnesota Statutes 1976, Section 353.27, Subdivision 4, is amended to read:

Subd. 4. [EMPLOYERS REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.] The head of each department is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries, and at the same time to issue or approve one voucher for the aggregate amount of the employer contributions and the additional employer contributions for the same period of employment as that covered by the employee contributions, and to cause the same to be remitted within 15 days thereafter to the executive director. The head of each department shall, for each pay period in which employee contributions are deducted, submit to the association a salary deduction report, in the form prescribed by the board of trustees, (OR IN LIEU THEREOF A CARBON OR DUPLICATE COPY OF DEPARTMENTAL PAYROLL ABSTRACT,) showing (a) the legal names and the association membership numbers, listed in alphabetical or association membership number sequence, of all members; (b) the legal names of all new public employees and the effective dates of appointment; (c) the amount of each salary deduction; (d) the amount of salary from which each deduction was made; (e) effective dates of all terminations of public service on account of members and if such terminations were caused by death or retirement, there shall be inserted after such date the applicable word, "death" or "retirement"; and (f) effective dates of all temporary layoffs and leaves of absence and if such leaves are sick leaves, there shall be inserted after such date the words, "sick leave." Additionally, reports of contributions shall be accompanied by a membership enrollment form for each new employee in the form prescribed by the board, and it shall be the responsibility of department heads to obtain such enrollment forms from new employees for prompt submission to the association. The employers shall furnish such additional reports or punch cards as may be requested by the association executive director.

Sec. 25. Minnesota Statutes 1976, Section 353.29, Subdivision 4, is amended to read:

Subd. 4. [APPLICATION FOR ANNUITY.] Application for retirement annuity may be made by a member or by someone authorized to act in his behalf. Every application for retirement, in the form prescribed by the board of trustees, shall be substantiated in writing by proof of ((A)) age of the employee (AND (B) HIS PUBLIC SERVICE, WHICH SHALL BE SUBMITTED BY THE EMPLOYEE AND EMPLOYER, RESPECTIVELY).

Sec. 26. Minnesota Statutes 1976, Section 353.29, Subdivision 8, is amended to read:

Subd. 8. [ANNUITIES; PAYMENT; EVIDENCE OF RECEIPT.] Payment of any annuity or benefit for a given month shall be mailed by the association to the annuitant, recipient of a disability benefit, or survivor, during the first week of the next ensuing month. Evidence of receipt of every warrant issued by the association in payment of an annuity or benefit shall be submitted by the payee thereof to the association quarterly (BEGINNING WITH THE JUNE, 1975 PAYMENTS), together with a written declaration that the annuitant or recipient of a disability benefit has or has not returned to public service; that the surviving dependent spouse has or has not remarried; and shall be furnished on forms provided by the executive director thereof, before the association shall pay to the annuitant, disability recipient, or survivor for the next ensuing month, the annuity or benefit to which he otherwise may be entitled.

Sec. 27. Minnesota Statutes 1976, Section 353.31, Subdivision 8, is amended to read:

Subd. 8. [ACCRUAL OF BENEFITS.] All benefits under this section and survivor benefits otherwise provided in this chapter when payable to persons qualifying therefor shall accrue on the first day following the death of a "basic member" or annuitant, whichever is applicable. No payment may be made ((A)) retroactively for more than 12 months prior to that month in which the application is filed, (OR (B) FOR THE MONTH, OR ANY PORTION THEREOF,) and no benefit shall accrue beyond the end of the month in which entitlement to such benefits has terminated. (THIS SUBDIVISION SHALL HAVE RETROACTIVE EFFECT TO JANUARY 1, 1969.)

Sec. 28. Minnesota Statutes 1976, Section 353.32, Subdivision 7, is amended to read:

Subd. 7. [CERTAIN PAID PENALTIES.] A *member, former member, beneficiary, legal representative, or next of kin* shall be paid (ON DEMAND) the full amount of any additional penalty paid into the retirement fund by the *member, former member, or deceased member* in accordance with the provisions of Laws 1937, Chapter 466, Section 2; Laws 1947, Chapter 18, Section 2, or any rules made by the board of trustees pursuant to these laws, without interest thereon unless the additional penalty was previously refunded upon retirement of the said member or former member.

Sec. 29. Minnesota Statutes 1976, Section 353.33, Subdivision 1, is amended to read:

353.33 [TOTAL AND PERMANENT DISABILITY BENEFITS.] Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.] After June 30, 1973 any member who becomes totally and permanently disabled before age 65 and after

ten years of allowable service or after age 50 *but before age 65* with five years of allowable service, whichever is sooner, shall be entitled to a disability benefit in an amount provided in subdivision 3. If such disabled person's public service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. Any member whose average salary is less than \$75 per month shall not be entitled to a disability benefit.

Sec. 30. Minnesota Statutes 1976, Section 353.33, Subdivision 9, is amended to read:

Subd. 9. [RETURN TO PUBLIC SERVICE.] Any person receiving a disability benefit who is restored to active public service except persons receiving benefits as provided in subdivision 7, shall have deductions taken for the retirement fund and upon subsequent retirement have his retirement annuity based upon all allowable service including that upon which the disability benefits were based. (NO PERSON SHALL BE ENTITLED TO RECEIVE DISABILITY BENEFITS AND A RETIREMENT ANNUITY AT THE SAME TIME.)

Sec. 31. Minnesota Statutes 1976, Section 353.36, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS; INTEREST; MATCHING PAYMENT.] A person who has *at least one year of allowable service with the association and who has prior public service on which salary deductions were not taken for the retirement fund and who does not have the required minimum number of years of allowable service credit to qualify for an annuity*, may apply for such annuity if otherwise qualified, and within 90 days thereafter purchase whatever period of said public service is necessary to bring his total allowable service credit to said minimum, provided that last service shall be purchased first. Such person may gain such allowable service credit by paying six percent of the salary covered under the law in effect at the time that such public service was performed, with interest thereon at the rate of six percent per annum compounded annually from the date first payable to the date payment is made, plus a matching amount, unless the employer agrees to pay said matching amount pursuant to subdivision 2a. An annuity shall accrue as provided in section 353.29, subdivision 7, but no annuity shall be paid until the applicant's payment is made in full for the prior public service; if said payment is not made within such 90 days, the application for retirement shall be void.

Sec. 32. Minnesota Statutes 1976, Section 353.37, is amended to read:

353.37 [PUBLIC RE-EMPLOYMENT OF ANNUITANT.] Subdivision 1. [EFFECT ON ANNUITIES.] The annuity of a person otherwise eligible therefor under this chapter shall

be suspended if he re-enters and as long as he remains in public service as a non-elective employee of a governmental subdivision, if his earned compensation for such service exceeds \$3,000 in any calendar year. The suspension of the annuity shall commence as of the first of the month in which the maximum permitted compensation is exceeded as herein provided, but shall not apply to any months in which the annuitant is not actually employed in non-elective service in a position covered by this chapter. Any annuitant of the association, who is elected to public office after his retirement (FOLLOWING JUNE 30, 1959) shall be entitled to hold such office and receive his annuity otherwise payable from the public employees retirement association (FROM AND AFTER JULY 1, 1959). Upon proper showing by an annuitant that this ineligibility no longer exists, the monthly annuity payments shall be resumed. Public service performed by an annuitant subsequent to his retirement under this chapter does not increase or decrease any annuity when payments thereof are resumed. The annuitant is not required to make any further contributions to the retirement fund by reason of this subsequent public service.

*Subd. 1a. [EFFECT ON PROPORTIONATE ANNUITY.] Notwithstanding Minnesota Statutes, Section 356.32 or any other provision of law, persons employed by a governmental subdivision that requires termination of employment pursuant to a uniformly applied mandatory retirement policy or law in accord with said section may receive a proportionate annuity under said section, if qualified, even if they or others are employed as substitute employees after age 65. For the purpose of this section a substitute employee is one who earns less than \$3,000 in any calendar year.*

Sec. 33. Minnesota Statutes 1976, Section 353.46, is amended by adding a subdivision to read:

*Subd. 1a. [PURCHASE OF ALLOWABLE SERVICE; ANNUITY.] A person who purchased allowable service in the public employees retirement association for a period of time including June 30, 1957, but was not in fact a member of such association on June 30, 1957, shall not be entitled to receive retirement annuity computed under Minnesota Statutes 1957, Section 353.46, Subdivision 1, and laws amendatory thereto. This section shall have retroactive application to any such person receiving or found eligible by the district court to receive benefits calculated under section 353.46, subdivision 1, and laws amendatory thereto.*

Sec. 34. Minnesota Statutes 1976, Section 353.651, Subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The average salary as defined in subdivision 2, multiplied by two and one-half percent per year of allowable service for the first 20

years and two percent per year of allowable service thereafter, shall determine the amount of the "normal" retirement annuity( ; PROVIDED, HOWEVER, IF THE ANNUITY CALCULATED HEREUNDER IS LESS THAN THE ANNUITY CALCULATED UNDER THE LAW IN EFFECT ON JUNE 30, 1973, THIS LATTER AMOUNT SHALL BE THE "NORMAL" ANNUITY). If the member has earned allowable service for performing services other than those of a police officer or fire fighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30.

Sec. 35. Minnesota Statutes 1976, Section 354.05, is amended by adding a subdivision to read:

*Subd. 36. [RETIREE OF FUND.] "Retiree of fund" means any former member who has retired as provided in this chapter.*

Sec. 36. Minnesota Statutes 1976, Section 354.06, Subdivision 1, is amended to read:

**354.06 [BOARD OF TRUSTEES; MEMBERSHIP; DUTIES.]** Subdivision 1. The management of the fund shall be vested in a board of (SEVEN) *eight* trustees to be known as the board of trustees of the teachers retirement fund. It shall be composed of the following persons: the commissioner of education, the commissioner of finance, the commissioner of insurance, and four members of the fund who shall be elected by (MAIL BALLOT FOR TERMS OF FOUR YEARS BY) the members of the fund (IN A MANNER TO BE FIXED BY THE BOARD OF TRUSTEES OF THE FUND) *and one retiree who shall be elected by the retirees of the fund. The five elected members of the board of trustees shall be chosen by mail ballot in a manner to be fixed by the board of trustees of the fund.* In every odd numbered year there shall be elected two members of the fund to the board of trustees for terms of four years commencing on the first of July next succeeding their election. *Commencing in 1977 and every two years thereafter there shall be elected one retiree of the fund to the board of trustees for a term of two years commencing on the first of July next succeeding his election except that the first term served by a retiree shall be for a period of 20 months commencing on November 1, 1977.* Each election shall be completed by June (1ST) first of each succeeding odd numbered year *except that the first election of a retiree shall be completed by October 1, 1977.* In the case of elective members, vacancies shall be filled by appointment by the remainder of the board, the appointee to serve until the members *or retirees* of the fund at the next regular election have elected a trustee to serve for the unexpired term caused by such vacancy. No member *or retiree* shall be appointed by the board, or elected by the members of the fund as a trustee who is not a member *or retiree* of the fund in good standing at the time of such appointment or election. It shall be the duty of the board of trustees to

faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it and the teachers who are its beneficiaries.

Sec. 37. Minnesota Statutes 1976, Section 354.44, Subdivision 1a, as amended by Laws 1977, Chapter 67, Section 8, is amended to read:

Subd. 1a. [MANDATORY RETIREMENT.] Notwithstanding the provisions of sections 43.30 or 197.45 to 197.48, a member shall terminate employment on August 31, 1976, or at the end of the academic year in which the member reaches the age of 65, whichever is later. For purposes of this subdivision, an academic year shall be deemed to end August 31. A member who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this subdivision shall, for the purpose of determining eligibility for a proportionate retirement annuity, be considered to have been required to terminate employment at age 65 or earlier pursuant to this subdivision. Nothing contained in this subdivision shall preclude (A SCHOOL DISTRICT, THE MINNESOTA SCHOOL FOR THE DEAF, OR THE MINNESOTA BRAILLE AND SIGHT-SAVING SCHOOL) *an employer unit covered by this chapter* from employing a retired teacher as a substitute or part time teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute or part time teacher; provided further that upon having earned \$3,000 in any academic year from employment as a substitute or part time teacher, any person over the age of 65 years shall terminate employment for the remainder of that academic year.

Sec. 38. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.201] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 38 to 46 of this act, the terms defined in this section shall have the meaning ascribed to them.*

*Subd. 2. "Enabling act" means sections 355.01 to 355.07.*

*Subd. 3. The terms "social security act", "state agency", "employment", "wages", "contribution fund", "Federal Insurance Contributions Act", and "political subdivision" mean as defined in the enabling act.*

*Subd. 4. "Teacher" means all employees of political subdivisions who hold positions covered by the St. Paul teachers retire-*

ment fund association, established under the provisions of chapter 354A.

Sec. 39. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.202] [REFERENDUM.] *Pursuant to the provisions of the enabling act, the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, 1978, in accordance with the provisions of section 218 (d) (6) (C) of the social security act, for teachers.*

Sec. 40. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.203] [NOTICE OF REFERENDUM.] *The notice of referendum required by section 218 (d) of the social security act which is to be given to the teachers shall contain a statement in such form as the agency or individual designated to supervise the referendum shall deem necessary and sufficient to inform the teachers of the rights which accrue to them under the social security act. The statement shall also inform the teachers of the effect that coverage under the social security act will have on their public retirement program.*

Sec. 41. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.204] [DIVISION OF THE ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION.] *In accordance with section 218 (d) (6) (C) of the social security act, the state agency shall divide into two divisions or parts the St. Paul teachers retirement fund association established under the provisions of Minnesota Statutes, Chapter 354A. One division or part of the retirement fund association shall be composed of positions of teachers who desire coverage under an agreement under section 218 (d) of the social security act. The other division or part of the retirement fund association shall be composed of positions of teachers who do not desire coverage under such an agreement. Each division or part shall be deemed to be a separate retirement system for the purposes of section 218 (d) of the social security act. There shall be included in the division or part composed of members desiring such coverage the positions of teachers who become members of the St. Paul teachers retirement fund association after such coverage is extended; provided, a teacher whose service in a position covered by the retirement fund association commences after the date on which such social security coverage is extended shall be deemed to become a member of the retirement fund association upon the commencement of such service for purposes of this section, notwithstanding the date of any employment contract.*

Sec. 42. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.205] [TRANSFER OF MEMBERS.] *In accordance with section 218 (d) (6) (F) of the social security act, and when the St. Paul teachers retirement fund association is divided into two divisions or parts, the position of any member of the division or part composed of positions of teachers who do not desire coverage under an agreement under section 218 (d) of the social security act may be transferred to the separate retirement system composed of teachers who desire such coverage; and a modification of agreement between the state and the secretary of health, education, and welfare may so provide, but only if prior to such modification the individual occupying such position files with the state agency a written request for such transfer.*

Sec. 43. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.206] [CERTIFICATION BY GOVERNOR.] *If the governor receives satisfactory evidence that the conditions specified in section 218 (d) (7) of the social security act have been met with respect to the St. Paul teachers retirement fund association, he shall so certify to the secretary of health, education, and welfare.*

Sec. 44. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.207] [AGREEMENTS WITH FEDERAL AGENCY.] *Upon the governor's certification pursuant to section 43 of this act, the state agency, with the approval of the governor, shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.*

Sec. 45. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.208] [EMPLOYER CONTRIBUTIONS.] *Contributions required under the agreement or modification entered into pursuant to section 44 of this act to be made by political subdivisions employing teachers, and payments required by Minnesota Statutes, Section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the state.*

Sec. 46. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

**[355.209] [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.]** *After the date the agreement or modification is entered into pursuant to section 44 of this act, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the state and each political subdivision in respect thereto. Failure to deduct such contribution shall not relieve the employee or the state or the political subdivision of liability therefor.*

Sec. 47. Minnesota Statutes 1976, Section 355.281, is amended to read:

**355.281 [REFERENDUM.]** Pursuant to the provisions of the enabling act the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, (1977) 1978, in accordance with the provisions of section 218 (d) (6) (C) of the social security act, for teachers.

Sec. 48. Minnesota Statutes 1976, Section 355.286, is amended to read:

**355.286 [AGREEMENTS WITH FEDERAL AGENCY.]** Upon the governor's certification pursuant to section 355.285, the state agency, with the approval of the governor, shall be authorized after June 30, (1977) 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 49. Minnesota Statutes 1976, Section 356.34, Subdivision 1, is amended to read:

**356.34 [LIMITATION ON AVERAGE SALARY FOR BENEFITS.]** Subdivision 1. Effective for any disability benefit or retirement annuity commencing after June 30, (1977) 1978 from a fund enumerated in subdivision 2, which benefit or annuity is based on a final average salary, no year of salary used in determining the final average salary as defined by the laws governing the fund shall exceed the salary paid in the previous year by more than 15 percent.

Sec. 50. Minnesota Statutes 1976, Section 422A.02, is amended to read:

**422A.02 [RETIREMENT BOARD; MEMBERS.]** A retirement board of (FIVE) *seven* members is hereby constituted which shall consist of the following:

- (1) Mayor;
- (2) The city comptroller or corresponding official;
- (3) (THE CHAIRMAN OF THE WAYS AND MEANS COMMITTEE OF THE CITY COUNCIL OR CORRESPONDING MEMBER OF THE CHIEF GOVERNING BODY OF THE CITY) *One member of the city council selected by the council;* and

(4) (TWO) *Four* legally qualified voters of the city, residents thereof for the preceding five years, to be chosen by the employees as defined in sections 422A.01 to 422A.25 who are contributors to the retirement fund created by sections 422A.01 to 422A.25. The employees may form an association for that purpose and the employing authorities are authorized to make payroll deductions for the payment of dues to said association. The persons selected shall serve for staggered terms of two years from the first of the next succeeding January after their election, and until their successors are duly elected. Such selection shall be made by the employees during the first week of December of each year. Vacancies occurring by death, resignation, or removal of such representatives shall be filled by representatives chosen by the employees.

Sec. 51. *The two additional members authorized by section 50, clause (4) shall be chosen on the effective date of section 50 in the manner prescribed for the filling of vacancies on the board, with one designated to serve until January 1, 1978 and one until January 1, 1979. Thereafter the additional members shall be selected for regular two year terms in the manner provided in section 50.*

Sec. 52. Minnesota Statutes 1976, Section 422A.03, Subdivision 1, is amended to read:

422A.03 [MEETINGS; EMPLOYEES; RULES AND REGULATIONS.] Subdivision 1. The retirement board shall meet on the (SECOND) *third* Tuesday of each calendar month of each year and may adjourn from time to time. Special meetings may be held upon the call of the president. The board shall, by a four-fifths vote of all members of the board, appoint an executive secretary, who shall have charge of the performance of the duties required by the provisions of sections 422A.01 to 422A.25, and shall appoint other necessary clerical help. If at the time of his appointment as executive secretary the appointee holds a position subject to the civil service rules and regulations of the city he shall be deemed to be on leave of absence from such civil service position during his tenure as executive secretary, and upon termination of such service shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classified position, seniority shall

prevail, and the person most recently certified to such position shall be returned to the permanent civil service classification held by him prior to such certification.

Sec. 53. Laws 1975, Chapter 388, Section 1, is amended to read:

Section 1. [RETIREMENT; LEGISLATIVE EMPLOYEES; RETIREMENT AND PENSIONS; APPROPRIATION.] *Subdivision 1.* A permanent employee of the legislature who prior to attaining such status was employed by the legislature, or either body thereof on an intermittent basis may obtain allowable service credit for such service by paying to the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the days and months of such legislative service for which he or she desires to obtain allowable service credit. (IF THE EMPLOYEE AT THE TIME OF PAYMENT IS A PARTICIPANT IN THE UNCLASSIFIED PROGRAM THE PAYMENT BY THE EMPLOYEE AND EMPLOYER SHALL BE USED TO PURCHASE SHARES IN THE MINNESOTA SUPPLEMENTAL FUND.) Proof of legislative service and the duration thereof shall be established by a house employee by the certification of the committee on rules and legislative administration and by a senate employee by the certification of the committee on rules and administration. Certification to the director of the Minnesota state retirement system shall include the exact periods of time for which the employee is eligible to obtain credit for service and credit therefor shall be computed and granted on the basis of full employment.

*Subd. 2.* A permanent employee of the legislature who prior to attaining such status provided professional services for the legislature prior to July 1, 1977 as an employee of a foundation or a nonprofit corporation pursuant to a contract with the legislative coordinating commission may obtain allowable service credit for the period of the professional services by paying to the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the periods of service for which he or she desires to obtain allowable service credit. Proof of the professional services and the duration thereof shall be established by the certification of the legislative coordinating commission.

*Subd. 3.* The payments shall be made either in a lump sum or payroll deductions made (OR ARRANGED FOR) on or before July 1, (1976) 1978. The payments permitted herein, by a person who is a senate employee on the date of payment shall be matched by the senate employer, and for a house employee by the house employer and such sums as are necessary therefor are hereby appropriated from the respective legislative expense funds and transferred to the Minnesota state retirement system. *If the employee at the time of payment is a participant in the*

*unclassified program, the payment by the employee and employer shall be used to purchase shares in the Minnesota supplemental fund.*

Sec. 54. Laws 1976, Chapter 238, Section 12, is amended to read:

Sec. 12. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.] Subdivision 1. There shall be established effective July 1, (1977) 1978, a coordinated retirement program within the Minneapolis teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation of the Minneapolis teachers retirement fund association pertaining to annual automatic annuity increases, eligibility for membership in the association, and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.

Subd. 2. The articles of incorporation of the Minneapolis teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective July 1, (1977) 1978. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes, (1975 SUPPLEMENT.) Section 354A.12.

Sec. 55. Laws 1977, Chapter 35, Section 18, is amended to read:

Sec. 18. [TEMPORARY PROVISION.] Notwithstanding any other provision of (THIS ACT) *Laws 1977, Chapter 35* to the contrary, an increase in compensation provided a district or supreme court judge (HEREIN) *in Laws 1977, Chapter 35* shall not take effect (UNTIL EVERY) *as to any* judge of the district court (AND) *or any* justice of the supreme court who served in the district or supreme court prior to July 1, 1967, *until he* submits an executed agreement to the executive director of the

Minnesota state retirement system in accord with section 490.106.

Sec. 56. *An employee of the Hennepin county district court who has attained the age of 65 years or older and who has not less than seven years of allowable service as a member of the public employees retirement association following part-time service on an intermittent basis with the court, shall be entitled to a proportionate retirement annuity pursuant to Minnesota Statutes, Section 356.32, notwithstanding the fact that the employee was not required to terminate service at age 65 or earlier. Payment of an annuity pursuant to this section shall be made retroactive to August 1, 1976 or the employee's date of termination, whichever is later.*

Sec. 57. [RAMSEY COUNTY; PUBLIC EMPLOYEES' RETIREMENT BENEFITS FOR SHERIFF'S PERSONNEL.]

(a) *An employee of the Ramsey county sheriff's department, who is a member of the public employees police and fire fund and who was employed by the department before January 1, 1970 in a position that becomes covered by the police and fire fund membership after December 31, 1969 may receive allowable service credit in the police and fire fund for prior service by paying into the fund before December 31, 1977, the difference between the employee, employer and employer additional contributions actually paid, and the employee, employer and employer additional contributions that would have been paid under applicable law if the employee had been in the police and fire fund before January 1, 1970, together with six percent compound interest from the time the deductions would have been made to time of payment.*

(b) *If an employee makes payment in accord with this subdivision, allowable service credit in the general fund with respect to this prior service is eliminated and the executive director shall transfer the employee's account with respect to this service from the general to the police and fire fund.*

(c) *Ramsey county may assume the obligation for additional payments, with interest, with respect to each employee who elects to pay the employee contributions and interest authorized by this section.*

Sec. 58. *Any person who, prior to May 1, 1975, had*

(a) *begun to receive a retirement annuity from the state employees' retirement fund established pursuant to Minnesota Statutes, Chapter 352;*

(b) *completed at least four years but fewer than eight years of service as a constitutional officer or commissioner and made employee contributions for that entire period of service to the*

*elective state officers' retirement plan established pursuant to Minnesota Statutes, Chapter 352C;*

*(c) taken a refund of the employee contributions from the elective state officers' retirement plan upon termination of service as a constitutional officer or commissioner; and*

*(d) attained the age of 65 years or older; may elect to repay the refund to the elective state officers' retirement plan plus interest at six percent per annum compounded annually. Upon repayment the former constitutional officer or commissioner shall be entitled to receive a retirement allowance from the elective state officers' retirement plan. The amount of the retirement allowance shall be prorated, based on the relationship between the number of years of service for which the former constitutional officer or commissioner made contributions to the plan and eight years; provided, that payments from the elective state officers' retirement plan shall not be reduced by the amount of annuity or benefit payments from the state employees' retirement fund. In all other respects the laws in effect as of the date of termination of service shall govern.*

**Sec. 59. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.]** *Subdivision 1. The following amendment to the articles of incorporation of the Minneapolis teachers retirement fund association is hereby approved in accordance with Minnesota Statutes, Section 354A.12.*

*Subd. 2. [EARLY RETIREMENT.] Subsection (11) of Article IX shall be amended prior to July 1, 1977 to provide that all teachers who become members of the association after July 1, 1977, who have 30 years of service to their credit upon retirement, but who have not attained the age of 60 years upon the effective date of an application for a retirement annuity pursuant to that subsection, shall be entitled to a retirement annuity in an amount equal to the normal retirement annuity provided pursuant to that subsection reduced by one-quarter of one percent for each month that the member is under age 60 at the time of retirement.*

**Sec. 60. [ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.]** *Subdivision 1. There shall be established effective July 1, 1978, a coordinated retirement program within the St. Paul teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions*

and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation and the bylaws of the St. Paul teachers retirement fund association pertaining to eligibility for membership in the association and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.

Subd. 2. The articles of incorporation and the bylaws of the St. Paul teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective July 1, 1978. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes 1976, Section 354A.12.

Sec. 61. Notwithstanding anything to the contrary in Article IV, Section 3, Paragraph 3, of the bylaws of the St. Paul teachers retirement fund association, the annual amount of the pension payable to a member who retires on or after July 1, 1977 upon or after attaining the age of 60 years shall equal the product obtained by multiplying an amount equal to two percent of his average salary as defined in Article IX, Section 1, Paragraph 2 of the bylaws, by the number of years of his accredited service, subject to a maximum of 40 years. A pension payable prior to the member attaining the age of 60 years shall be reduced in accordance with the provisions of Article IV, Section 3, Paragraph 3 of the bylaws.

Sec. 62. [WINONA POLICE CHIEF; PENSION COVER-AGE.] Subdivision 1. Notwithstanding Minnesota Statutes, Section 353.64, Subdivision 1 or any other law to the contrary, the person employed by the city of Winona on the effective date of this section as chief of police shall be a member of the public employees police and fire fund established by sections 353.63 to 353.68 and not of the local policemen's relief association established pursuant to sections 423.801 to 423.815. An amount equal to the employer and employee contributions which would have been required pursuant to section 353.65, had the person been a member of the public employees police and fire fund from the commencement of his employment with the police department of the city of Winona, plus interest at the rate of six percent per annum compounded annually from the year the payment would otherwise have been made to the year the payment is made, shall be paid to the public employees police and fire fund, which shall credit the chief of police with service as a member for this period upon the receipt of the payments required under this section. An

*amount equal to the employer contributions plus interest as herein specified shall be transferred from the Winona policemen's relief association to the public employees police and fire fund. An amount equal to the employee contributions plus interest as herein specified shall be paid by the chief of police to the public employees police and fire fund. The chief of police shall be entitled to receive, upon making written application, a refund of his accumulated contributions to the Winona policemen's relief association plus interest at the rate actually received by the relief association as determined by the board of trustees of the relief association.*

*Subd. 2. This section is effective upon approval by the Winona city council and upon compliance with Minnesota Statutes, Section 645.021.*

*Sec. 63. In the next or earliest practicable edition of Minnesota Statutes, the revisor of statutes shall change the terms "fireman" and "firemen" to "firefighter" and "firefighters" respectively, wherever the terms appear in respect to those persons engaged in fighting fires as distinguished from maintaining fires in boilers, or other machines or devices.*

*Sec. 64. Sections 4, 5, 6, 7, 8, and 9 shall be effective for the certification of police officers by municipalities and counties as of December 31, 1976 and for the apportionment and distribution of police state aid made subsequent to January 1, 1977.*

*Sec. 65. [REPEALER.] Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5, are repealed.*

*Sec. 66. [EFFECTIVE DATE.] Sections 1, 2, 3, 13, 14, 15, 16, 20, 27, 32, 33, 37, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59 are effective the day following final enactment. Sections 10, 11, 12, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 60, 61, 63, and 65 shall be effective July 1, 1977."*

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement association and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; various technical amendments to the police state aid program; pension coverage for employees of state employee labor organizations;

inclusions in the unclassified employees retirement plan; employment of certain substitute teachers beyond the mandatory retirement age; establishment of a coordinated program and providing for an increased retirement formula for the St. Paul teachers retirement fund association; delaying the establishment of a coordinated program for the Minneapolis teachers retirement fund association; delaying implementation of a limitation on the average salary for retirement benefits; purchase of prior service for certain legislative employees; modifying waiver requirement for certain district court judges and supreme court judges; proportionate annuity for certain Hennepin county district court employees; purchase of prior service for certain Ramsey county sheriff's department employees; repayment of refund for certain former members of the elective state officers plan; pension coverage for the Winona police chief; amending Minnesota Statutes 1976, Sections 3A.04, Subdivisions 1 and 2, and by adding a subdivision; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5, 6 and 7; 69.031, Subdivision 5; 352.03, Subdivisions 1, 2, and by adding a subdivision; 352B.01, Subdivision 3; 352B.08, Subdivision 2; 352B.10; 352D.02, Subdivision 1; 353.01, Subdivisions 2a, 2b, 6, and 15; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1 and 9; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 354.44, Subdivision 1a, as amended; 355.281; 355.286; 356.34, Subdivision 1; 422A.02; 422A.03, Subdivision 1; Chapters 352, by adding a section; 353, by adding a section; and 355, by adding sections; Laws 1975, Chapter 388, Section 1; Laws 1976, Chapter 238, Section 12; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5."

We request adoption of this report and repassage of the bill.

Senate Conferees: EUGENE STOKOWSKI, HARMON OGDahl and ROGER STRAND.

House Conferees: AL PATTON, LEO REDING and JOHN BIERS-DORF.

Patton moved that the report of the Conference Committee on S. F. No. 181 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 181, A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in

the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Searles
Adams	Cummiskey	Jensen	Munger	Sieben, H.
Albrecht	Dahl	Johnson	Murphy	Sieben, M.
Anderson, B.	Dean	Jude	Neisen	Simoneau
Anderson, D.	Den Ouden	Kahn	Nelsen, B.	Skoglund
Anderson, G.	Eckstein	Kaley	Nelsen, M.	Smogard
Anderson, I.	Eken	Kalis	Nelson	Spanish
Anderson, R.	Ellingson	Kelly, R.	Niehaus	Stanton
Arlandson	Enebo	Kelly, W.	Norton	Stoa
Battaglia	Erickson	Kempe, A.	Novak	Suss
Beauchamp	Esau	Kempe, R.	Osthoff	Swanson
Begich	Evans	King	Patton	Tomlinson
Berg	Ewald	Knickerbocker	Pehler	Vanasek
Berglin	Faricy	Kostohryz	Peterson	Voss
Berkelman	Fjoslien	Kroening	Petrafaso	Waldorf
Biersdorf	Forsythe	Kvam	Pleasant	Welch
Birnstihl	Friedrich	Langseth	Prahl	Wenstrom
Brandl	Fudro	Lehto	Reding	Wenzel
Braun	Fugina	Lemke	Rice	White
Byrne	George	Mangan	Rose	Wieser
Carlson, A.	Gunter	Mann	St. Onge	Wigley
Carlson, D.	Hanson	McCarron	Sarna	Williamson
Carlson, L.	Haugerud	McCollar	Savelkoul	Wynia
Casserly	Heinitz	McDonald	Scheid	Zubay
Clark	Hokanson	McEachern	Schulz	Speaker Sabo
Clawson	Jacobs	Metzen	Searle	

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. 274.

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. 274

A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

May 18, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 274 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House committee amendment adopted May 6, 1977, and the first Wieser amendment adopted May 12, 1977 and the House recede from the other amendments it adopted May 12, 1977, and that S. F. No. 274 be further amended as follows:

Page 6, after line 14, of the House unofficial engrossment and before the first Wieser amendment insert:

*“Subd. 7 [BIG STONE STATE PARK; DELETION.] The following area is deleted from Big Stone State Park: The Northeast Quarter of the Northwest Quarter of Section 20 in Township 123 North, Range 48 West and that part of Government Lot Two (2), Section Ten (10), Township One Hundred Twenty-Two (122), Range Forty-seven (47) lying south of Highway No. 7 and west of the following described line: Commencing at a point on the Westerly boundary line of Government Lot Two (2), Section Ten (10), Township One Hundred Twenty-two (122), Range Forty-seven (47) which is 189.75 feet due South of the intersection of the Westerly boundary line of said Government Lot 2 and the Southerly right of way line of Trunk Highway No. 7; thence due East 853.3 feet to an iron stake; thence deflect to the left at a delta angle of 71 degrees 41 minutes 371.9 feet to the intersection of said line with the Southerly right of way line of said Trunk Highway No. 7 which is the starting point of said line above referred to; thence in a South-*

*westerly direction back along said line just described for a distance of 1081.4 feet to the shores of Big Stone Lake."*

We request adoption of this report and repassage of the bill.

Senate Conferees: GEORGE F. PERPICH, TOM A. NELSON and GERALD L. WILLET.

House Conferees: JOHN T. CLAWSON, RICHARD R. LEMKE and GLEN H. ANDERSON.

Clawson moved that the report of the Conference Committee on S. F. No. 274 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 274, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

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 116 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Jude	Nelsen, B.	Simoneau
Adams	Den Ouden	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Eken	Kaley	Nelson	Smogard
Anderson, D.	Ellingson	Kelly, R.	Niehaus	Stanton
Anderson, G.	Enebo	Kelly, W.	Norton	Stoa
Anderson, I.	Erickson	Kempe, A.	Novak	Suss
Arlandson	Esau	Kempe, R.	Osthoff	Swanson
Battaglia	Evans	King	Patton	Tomlinson
Beauchamp	Ewald	Knickerbocker	Pehler	Vanasek
Berglin	Faricy	Kostohryz	Petrafeso	Voss
Berkelman	Fjoslien	Kroening	Pleasant	Waldorf
Biersdorf	Forsythe	Langseth	Prahl	Welch
Birnstihl	Friedrich	Lehto	Reding	Wenstrom
Brandl	Fudro	Lemke	Rice	Wenzel
Braun	George	Mangan	Rose	White
Byrne	Gunter	Mann	St. Onge	Wieser
Carlson, A.	Hanson	McCarron	Sarna	Williamson
Carlson, D.	Haugerud	McCollar	Savelkoul	Wynia
Carlson, L.	Heinitz	McEachern	Scheid	Zubay
Casserly	Hokanson	Metzen	Searle	Speaker Sabo
Clark	Jacobs	Moe	Searles	
Clawson	Jaros	Munger	Sherwood	
Cohen	Jensen	Murphy	Sieben, H.	
Dahl	Johnson	Neisen	Sieben, M.	

Those who voted in the negative were:

Albrecht	Begich	Fugina	Kvam	Spanish
Anderson, R.	Eckstein	Kalis	McDonald	Wigley

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. 109.

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. 109

A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

May 17, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 109 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 109 be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 15.06, is amended to read:

15.06 [APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES.] *Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, corrections, economic development, education, employment services, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, veterans affairs and vocational rehabilitation; the banking, insurance and securities divisions and the consumer services section of the department of commerce; the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are referred to in this section as “commissioners”.*

*Subd. 2. [TERM OF OFFICE; SUCCESSOR.] The term of a commissioner shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner vacates his office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent commissioner within 45 legislative days after the end of the term of a commissioner and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent commissioner when the senate notifies the appointing authority that it has consented to the appointment. A commissioner shall serve at the pleasure of the appointing authority. Effective on and after July 1, 1987, a commissioner may only be removed for cause after notice and hearing.*

*Subd. 3. [VACANCY; TEMPORARY COMMISSIONER.] The purpose of this subdivision is to provide a procedure to insure the immediate accession to office of a temporary commissioner in the event of a vacancy in the office of commissioner. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner pursuant to subdivision 4, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 7 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate an temporary commissioner.*

*Subd. 4. [END OF TERM; VACANCY; ACTING COMMISSIONER.] The purpose of this subdivision is to provide alternative means whereby an appointing authority may designate a person other than a temporary commissioner to serve as acting commissioner until advice and consent of the senate is received in respect to a permanent appointee. These alternative means include the following:*

*(1) At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until his successor is appointed and qualifies.*

*(2) An appointing authority may appoint a person other than a deputy to serve as acting commissioner and to replace any other acting or temporary commissioner designated pursuant to subdivisions 3 or 4.*

*(3) Prior to the advice and consent of the senate, the appointing authority may designate the permanent appointee as commissioner.*

*Subd. 5. [EFFECT OF DESIGNATION OF ACTING OR TEMPORARY COMMISSIONER.] A person who is designated commissioner, acting commissioner or temporary commissioner pursuant to subdivisions 3 or 4 shall immediately have all the powers and emoluments and perform all the duties of the office. Upon the appointment of a commissioner or acting commissioner to succeed any other acting or temporary commissioner, the subsequent appointee shall immediately take the place of any other acting or temporary commissioner. No person shall serve as commissioner or acting commissioner after the senate has voted to refuse to consent to his appointment as permanent commissioner. Notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the state register.*

*Subd. 6. [GENERAL POWERS OF COMMISSIONERS.] Except as otherwise expressly provided by law, (THE) a commissioner (OR HEAD OF ANY STATE DEPARTMENT OR AGENCY) shall have the following powers:*

*((1) TO DESIGNATE A DIVISION DIRECTOR OR OTHER SUBORDINATE AS HIS DEPUTY, TO SERVE AS SUCH AT HIS PLEASURE, WITH FULL AUTHORITY TO ACT FOR HIM, BUT SUBJECT TO HIS CONTROL, AND IN CASE OF A VACANCY IN THE OFFICE OF SUCH COMMISSIONER OR HEAD, SUCH DEPUTY SHALL DISCHARGE THE NECESSARY DUTIES OF THE OFFICE UNTIL THE VACANCY BE FILLED;)*

(2) (1) To delegate to any of his subordinate (OFFICERS OR) employees the exercise (OF SUCH) of his *specified statutory* powers or duties as he may deem advisable, subject to his control; provided, that every (SUCH) delegation shall be made by written order, filed with the secretary of state; *and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;*

(3) (2) To appoint all subordinate (OFFICERS AND) employees (IN HIS DEPARTMENT OR AGENCY) and to prescribe their duties (AND FIX THEIR COMPENSATION); provided, that all departments and agencies (HEREUNDER) shall be subject to the provisions of (ANY CIVIL SERVICE LAW NOW OR HEREAFTER ENACTED, SO FAR AS APPLICABLE) *chapter 43;*

(4) (3). With the approval of the commissioner of administration, to (ESTABLISH WITHIN) *organize* his department or agency (SUCH BUREAUS OR SUBDIVISIONS) as he may deem advisable in the interest of economy and efficiency; and

(5) (4) To prescribe (RULES AND REGULATIONS, NOT INCONSISTENT WITH LAW,) *procedures* for the (CONDUCT) *internal management* of his department or agency (AND OTHER MATTERS WITHIN THE SCOPE OF THE FUNCTIONS THEREOF, INCLUDING THE CUSTODY AND PRESERVATION OF BOOKS, RECORDS, PAPERS, DOCUMENTS, AND OTHER PROPERTY, AND THE CERTIFICATION OF COPIES OF PAPERS AND DOCUMENTS; PROVIDED, THAT EVERY RULE OR REGULATION AFFECTING ANY PERSON OR AGENCY, OTHER THAN A MEMBER OF THE DEPARTMENT OR AGENCY CONCERNED, SHALL BE FILED WITH THE SECRETARY OF STATE) *to the extent that the procedures do not directly affect the rights of or procedure available to the public.*

*Subd. 7. [DEPUTY COMMISSIONER.] For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. He shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and he shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.*

*Subd. 8. [NUMBER OF DEPUTY COMMISSIONERS.] Unless specifically authorized by statute, other than section*

43.09, subdivision 2a, no department or agency specified in subdivision 1 shall have more than one deputy commissioner. Notwithstanding any other law to the contrary, none of the departments or agencies shall have more than two deputy commissioners.

Subd. 9. [PRIVATE EMPLOYMENT.] No former commissioner or deputy commissioner may, within one year after leaving the position of commissioner or deputy commissioner in a department or agency, appear or participate in proceedings of that department or agency representing the interests of private persons.

Sec. 2. [4.035] [EXECUTIVE ORDERS.] Subdivision 1. [APPLICABILITY.] A written statement or order executed by the governor pursuant to his constitutional or statutory authority and denominated by him as an executive order, or a statement or order of the governor required by law to be in the form of an executive order, shall be uniform in format, shall be numbered consecutively, and shall be effective and expire as provided in this section. Executive orders creating agencies shall be consistent with the provisions of this section and section 5.

Subd. 2. [EFFECTIVE DATE.] An executive order issued pursuant to sections 12.31 to 12.32 or any other emergency executive order issued to protect a person from an imminent threat to his health and safety shall be effective immediately and shall be filed with the secretary of state and published in the state register as soon as possible after its issuance. Emergency executive orders shall be identified as such in the order. Any other executive order shall be effective upon 15 days after its publication in the state register and filing with the secretary of state. The governor shall submit a copy of the executive order to the commissioner of administration to facilitate publication in the state register.

Subd. 3. [EXPIRATION DATE.] Unless an earlier date is specified by statute or by executive order, an executive order shall expire 90 days after the date that the governor who issued the order vacates his office.

Sec. 3. Minnesota Statutes 1976, Section 15.051, Subdivision 1, is amended to read:

15.051 [STATE REGISTER.] Subdivision 1. [PURPOSE.] The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective (UPON SUCH) 15 days after publication

*except as provided in section 2, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.*

The commissioner of administration may organize and distribute the contents of the register according to such categories as will provide economic publication and distribution and will offer easy access to information by any interested party.

Sec. 4. Minnesota Statutes 1976, Section 15.051, Subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF ITEMS FOR PUBLICATION.] Any state agency which desires to publish a notice of hearing, rule or regulation or change thereof (, OR AN EXECUTIVE ORDER,) shall submit a copy of the entire document, including dates when adopted, and filed with the secretary of state, to the commissioner of administration in addition to any other copies which may be required to be filed with the commissioner by other law.

Sec. 5. [15.0593] [AGENCIES CREATED BY EXECUTIVE ORDER.] *The governor may by executive order create in his office advisory task forces, councils and committees to advise or assist him on matters relating to the laws of this state. A task force, council or committee so created shall have no more than 15 members, and vacancies may be filled by the governor. Members of a task force, council or committee shall receive no per diem but may be paid expenses in the same manner as state employees. A task force, council or committee shall expire two years after the date of order unless otherwise specified consistent with section 2, subdivision 3. The task force, council or committee shall be named beginning with the prefix "Governor's Task Force on", "Governor's Council on" or "Governor's Committee on". The governor shall not create a board, commission, authority or other similar multi-member agency except as provided in this section. A multi-member agency previously created by executive order shall be renamed and shall be consistent with the provisions of this section. Nothing in this section shall apply, to the extent inconsistent with statute or federal law, to any multi-member agency specifically authorized by statute or specifically authorized by federal law as a condition precedent to the receipt of federal moneys.*

Sec. 6. Minnesota Statutes 1976, Section 16.01, is amended to read:

16.01 [COMMISSIONER OF ADMINISTRATION.] The department of administration shall be under the supervision and control of a commissioner of administration, in (SECTIONS 16.01 TO 16.23) *chapter 16* also referred to as the commissioner (, WHO SHALL BE EX OFFICIO THE STATE BUDGET DIRECTOR AND STATE PURCHASING AGENT).

The commissioner (OF ADMINISTRATION, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

Sec. 7. Minnesota Statutes 1976, Section 16.028, Subdivision 1, is amended to read:

16.028 [ADDITIONAL POWERS.] Subdivision 1. In addition to the other powers, duties and responsibilities of the commissioner of administration, he may appoint (TWO) *one* deputy (COMMISSIONERS) *commissioner*, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 8. Minnesota Statutes 1976, Section 16A.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of finance is appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE) *under the provisions of section 1.* The commissioner (SO APPOINTED) shall have broad experience as an executive financial manager. (THE COMMISSIONER SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE.)

Sec. 9. Minnesota Statutes 1976, Section 16A.01, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint (TWO DEPUTY COMMISSIONERS) *one deputy commissioner*, and a confidential secretary, each of whom shall serve at the pleasure of the

commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY. A DEPUTY MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 10. Minnesota Statutes 1976, Section 16.125, is amended to read:

16.125 [TRANSFER OF POWERS OR DUTIES.] *Subdivision 1.* The (AUTHORITY OF THE) commissioner of administration (UNDER SECTIONS 16.13 AND 16.135, INCLUDES THE AUTHORITY TO TRANSFER FUNCTIONS), *in order to improve efficiency or avoid duplication, may transfer powers or duties, and personnel necessary to perform the powers or duties, of a department (TO ANOTHER WITH THE APPROVAL OF THE GOVERNOR) or agency to another department or agency that has been in existence for at least one year prior to the date of transfer. A transfer must have received the prior approval of the governor. The commissioner of administration shall no later than January 15 of each year submit to the legislature a bill making all statutory changes required by reorganization orders issued by the commissioner during the preceding calendar year.*

*Subd. 2. [FORM OF TRANSFER; EFFECTIVE DATE.] A transfer made pursuant to subdivision 1 shall be in the form of a reorganization order. A reorganization order shall be filed with the secretary of state, shall be uniform in format and shall be numbered consecutively. An order shall be effective upon filing with the secretary of state and shall remain in effect until amended or superseded. Copies of the filed order shall be delivered promptly by the commissioner to the secretary of the senate and the chief clerk of the house. A reorganization order which transfers all or substantially all of the powers or duties or personnel of a department, the energy agency, the housing finance agency or the pollution control agency shall not be effective until ratified by concurrent resolution or enacted into law.*

*Subd. 3. (IN CASE OF TRANSFER OF FUNCTION) The commissioner of finance shall determine the fractional part of the appropriation to the department or agency from which the (FUNCTION) power or duty is transferred (FOR THE FUNCTION) represented by that transferred power or duty, and that part of the appropriation is hereby reappropriated to the transferee department (ASSIGNED THE FUNCTION. THE COMMISSIONER SHALL FORTHWITH REPORT THE TRANSFERS TO THE COMMITTEE ON FINANCE IN THE SEN-*

ATE AND THE COMMITTEE ON APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES) *or agency.*

Sec. 11. Minnesota Statutes 1976, Section 16A.16, is amended to read:

16A.16 [DEPARTMENT HEAD EXPENSES.] Heads of departments in the executive branch who receive a fixed salary of, or whose range midpoint is, (\$23,000) \$36,000 annually or more, and constitutional officers, are authorized to expend annually a sum not to exceed \$2,000; and the heads of all other state departments are authorized to expend a sum not to exceed \$1,000 annually from their supply and expense funds for expenses necessary for the normal performance of their duties for which no other reimbursement is provided. The expenditures are subject to the statutes and rules (AND REGULATIONS) of the state governing budgeting, allotment and encumbrance, preaudit, and post audit.

The commissioner of finance may promulgate rules (AND REGULATIONS) as necessary to assure the proper expenditure of these funds, and to provide for reimbursement.

Sec. 12. Minnesota Statutes 1976, Section 17.01, is amended to read:

17.01 [CREATION OF DEPARTMENT; COMMISSIONER; DEPUTY.] There is (HEREBY) created a department of agriculture, which shall be in the charge of a commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE, TO BE KNOWN AS THE COMMISSIONER) of agriculture, in this chapter called the commissioner (, WHO). *He* shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER OF AGRICULTURE SHALL EXPIRE. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.* Before entering upon the duties of his office, he shall take (AND SUBSCRIBE) the oath required of state officials (AND GIVE HIS BOND TO THE STATE OF MINNESOTA, TO BE APPROVED BY, AND FILED WITH, THE SECRETARY OF STATE, FOR THE SUM OF \$5,000, CONDITIONED FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES). He may appoint a deputy

(WHO SHALL BE IN THE UNCLASSIFIED SERVICE,) *commissioner* (AND SUCH OTHER ASSISTANTS, CLERKS, AND EMPLOYEES AS OCCASION MAY REQUIRE).

Sec. 13. Minnesota Statutes 1976, Section 43.001, Subdivision 2, is amended to read:

Subd. 2. The commissioner of personnel is appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM WHICH COINCIDES WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES) *under the provisions of section 1*. 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 GOVERNOR MAY REMOVE THE COMMISSIONER ONLY FOR CAUSE, AND AFTER A PUBLIC HEARING. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THE UNEXPIRED TERM.)

Sec. 14. Minnesota Statutes 1976, Section 43.001, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint (TWO DEPUTY COMMISSIONERS) *one deputy commissioner* and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY COMMISSIONER. A DEPUTY COMMISSIONER MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 15. Minnesota Statutes 1976, Section 45.02, is amended to read:

45.02 [COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES.] The governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE,) shall appoint the members of the commission *under the provisions of section 1*. (THE TERM OF EACH MEMBER SHALL BE SIX YEARS. IN CASE OF A VACANCY IT SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM.) Each member of the commission, before entering upon the discharge of his duties, shall take (, SUBSCRIBE,) and file with the secretary of state (,) the oath of office prescribed by the constitution (, AND SHALL GIVE BOND TO THE STATE, THE COMMISSIONER OF BANKS IN THE AMOUNT OF \$50,000, THE COMMIS-

SIONER OF INSURANCE IN THE AMOUNT OF \$25,000, AND THE COMMISSIONER OF SECURITIES IN THE AMOUNT OF \$10,000, CONDITIONED FOR THE FAITHFUL DISCHARGE OF HIS DUTIES DURING HIS CONTINUANCE IN OFFICE AND FOR THE PAYMENT WITHOUT DELAY TO THE OFFICER OR PERSON ENTITLED BY LAW THERETO OF ALL MONEYS WHICH SHALL COME INTO HIS HANDS BY VIRTUE THEREOF).

A majority of the commission shall constitute a quorum.

(EACH COMMISSIONER SHALL RECEIVE A SALARY IN AN AMOUNT SET BY THE LEGISLATURE PAYABLE SEMI-MONTHLY, AND EACH SHALL DEVOTE HIS ENTIRE TIME TO THE DUTIES OF HIS OFFICE.)

Sec. 16. Minnesota Statutes 1976, Section 45.15, is amended to read:

45.15 [ESTABLISHMENT OF CONSUMER SERVICES SECTION.] A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL A SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED FOR THE UNEXPIRED TERM) *under the provisions of section 1.*

Sec. 17. Minnesota Statutes 1976, Section 60A.03, Subdivision 1, is amended to read:

60A.03 [INSURANCE COMMISSIONER.] Subdivision 1. [COMMISSIONER; APPOINTMENT; TERM; VACANCY; BOND.] The commissioner of insurance shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, FOR THE TERM OF SIX YEARS, WHO SHALL HOLD OFFICE UNTIL HIS DULY APPOINTED SUCCESSOR SHALL HAVE QUALIFIED. IN CASE OF A VACANCY, IT SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. BEFORE ENTERING UPON THE DISCHARGE OF HIS DUTIES, HE SHALL TAKE, SUBSCRIBE, AND FILE WITH THE SECRETARY OF STATE THE OATH OF OFFICE PRESCRIBED BY THE CONSTITUTION, AND GIVE BOND TO THE STATE, WITH SURETIES TO BE APPROVED BY THE STATE TREASURER, IN THE AMOUNT OF \$25,000, CONDITIONED FOR THE FAITHFUL DISCHARGE OF HIS DUTIES DURING HIS CONTINUANCE IN OFFICE AND FOR THE PAYMENT WITHOUT DELAY TO THE OFFICER OR PERSON EN-

TITLED BY LAW THERETO OF ALL MONEYS WHICH SHALL COME INTO HIS HANDS BY VIRTUE THEREOF;) *under the provisions of section 1 and shall devote his entire time to the duties of his office.*

Sec. 18. Minnesota Statutes 1976, Section 84.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of natural resources is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE) commissioner.

Sec. 19. Minnesota Statutes 1976, Section 116.03, Subdivision 1, is amended to read:

116.03 [DIRECTOR.] Subdivision 1. (a) The office of director of the pollution control agency is created and is under the supervision and control of the director, who is appointed by the governor (BY AND WITH THE CONSENT OF THE SENATE FOR A FOUR YEAR TERM, WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR, AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. THE GOVERNOR MAY REMOVE THE DIRECTOR AT ANY TIME AT HIS PLEASURE. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE CONSENT OF THE SENATE, FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.*

((B) IN ORDER TO EXPEDITE THE ESTABLISHING AND FUNCTIONING OF THE POLLUTION CONTROL AGENCY, THE GOVERNOR SHALL FORTHWITH APPOINT AN ACTING DIRECTOR, WHO SHALL HAVE ALL THE POWERS AND DUTIES OF THE DIRECTOR AS PROVIDED IN SECTIONS 116.01 TO 116.08. THE ACTING DIRECTOR MAY BE A PERSON IN THE SERVICE OF THE STATE AT THE TIME OF HIS APPOINTMENT, AND WHO WHILE SERVING AS ACTING DIRECTOR IS ON LEAVE OF ABSENCE FROM HIS REGULAR OFFICE OR POSITION IN THE STATE SERVICE. THE ACTING DIRECTOR

SHALL SERVE AS SUCH UNTIL THE DIRECTOR IS APPOINTED AND QUALIFIES AS SUCH DIRECTOR. PENDING THE ABOLISHMENT OF THE WATER POLLUTION CONTROL COMMISSION AS SPECIFIED IN SECTION 116.02, SUBDIVISION 5, THE DIRECTOR OR ACTING DIRECTOR, AS THE CASE MAY BE, IS THE SECRETARY OF SUCH COMMISSION IN LIEU OF THE SECRETARY AND EXECUTIVE OFFICER OF THE STATE BOARD OF HEALTH.)

((C)) (b) The director may appoint a deputy director and an assistant director who shall be in the unclassified service. (THE DIRECTOR MAY DESIGNATE THE DEPUTY DIRECTOR TO THE AGENCY TO ACT IN HIS STEAD AS A MEMBER, WITH ALL HIS RIGHTS AND PRIVILEGES THEREIN, OF ANY AGENCY, BOARD, COMMITTEE, OR COMMISSION THAT THE DIRECTOR IS MADE A MEMBER OF BY LAW. THE DESIGNATION SHALL BE FILED WITH SECRETARY OF STATE. THE SALARY OF THE DEPUTY DIRECTOR AND OF THE ASSISTANT DIRECTOR SHALL BE PROVIDED BY LAW.)

Sec. 20. Minnesota Statutes 1976, Section 116H.03, Subdivision 2, is amended to read:

Subd. 2. The agency shall be under the supervision of the director who shall organize the agency (AND EMPLOY SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE FUNCTIONS OF THE AGENCY. DUTIES OF SUCH OFFICERS, AGENTS AND EMPLOYEES SHALL BE AS SPECIFIED BY THE DIRECTOR).

Sec. 21. Minnesota Statutes 1976, Section 116H.03, Subdivision 3, is amended to read:

Subd. 3. The director shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, TO A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* (IN APPOINTING THE DIRECTOR THE GOVERNOR SHOULD GIVE DUE CONSIDERATION TO THE LISTING OF NAMES SUBMITTED BY THE COMMISSION PURSUANT TO SECTION 116H.04. THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.)

(A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR AND THE NEW APPOINTEE SHALL IMMEDIATELY TAKE OFFICE AND CARRY OUT ALL DUTIES UNTIL THE NEXT SESSION OF THE LEGISLATURE WHEN HIS APPOINTMENT

SHALL BE SUBMITTED TO THE SENATE FOR CONFIRMATION.)

The director may appoint a deputy director and a personal secretary to serve at his pleasure. (THE SALARIES OF THE DIRECTOR AND THE DEPUTY SHALL BE FIXED BY THE GOVERNOR UNTIL OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY BE AUTHORIZED BY THE DIRECTOR TO PERFORM EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED ON THE DIRECTOR UNLESS EXPRESSLY FORBIDDEN BY LAW.) The director and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

Sec. 22. Minnesota Statutes 1976, Section 129A.02, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER.] The commissioner is the chief executive officer of the department and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation. The commissioner shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM WHICH WILL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIES. THE COMMISSIONER MAY BE REMOVED BY THE GOVERNOR FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF VACANCY, THE GOVERNOR SHALL APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *and serve under the provisions of section 1.* The commissioner shall be a person having substantial experience in the administration and financing of vocational rehabilitation programs.

Sec. 23. Minnesota Statutes 1976, Section 174.02, Subdivision 1, is amended to read:

174.02 [COMMISSIONER; POWERS; DUTIES.] Subdivision 1. [APPOINTMENT.] The department shall be supervised and controlled by the commissioner of transportation, who shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING UNLESS OTHERWISE PROVIDED FOR IN CHAPTER 15) *and serve under the provisions of section 1.*

Sec. 24. Minnesota Statutes 1976, Section 175.001, Subdivision 1, is amended to read:

175.001 [DEPARTMENT OF LABOR AND INDUSTRY.] Subdivision 1. [CREATION AND ORGANIZATION.] The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1. There shall be one deputy commissioner in the department.*

Sec. 25. Minnesota Statutes 1976, Section 179.02, is amended to read:

179.02 [BUREAU OF MEDIATION SERVICES.] *Subdivision 1.* There is (HEREBY) established (IN THE DEPARTMENT OF LABOR AND INDUSTRY) a bureau of mediation services (, BUT NOT IN ANY WAY SUBJECT TO THE CONTROL OF THE DEPARTMENT. THIS BUREAU SHALL BE) under the supervision and control of a director. (THE OFFICE OF DIRECTOR SHALL, AS OF THE EFFECTIVE DATE OF THIS ACT, BE FILLED BY THE PERSON THEN HOLDING THE OFFICE OF LABOR CONCILIATOR AND HIS TERM SHALL EXPIRE AS OF THE DATE HIS TERM AS LABOR CONCILIATOR WOULD HAVE EXPIRED. THEREAFTER) The director shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE. HE SHALL HOLD OFFICE FOR A TERM OF FOUR YEARS) *under the provisions of section 1.*

*Subd. 2.* The governor may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies who shall have the same power and authority as the director with respect to such dispute and such appointment shall be for the duration only of the particular dispute. Such special mediators shall be paid a per diem of \$75 per day while so engaged and their necessary expenses. The director shall prepare a roster of persons qualified to act as

such special mediators and keep the same revised at all times and available to the governor and the public.

(THE DIRECTOR MAY EMPLOY AND DISCHARGE MEDIATORS, CLERKS AND OTHER EMPLOYEES AS NEEDED, FIX THEIR COMPENSATION, AND ASSIGN THEM THEIR DUTIES. AS OF THE EFFECTIVE DATE OF THIS ACT THE DIVISION OF CONCILIATION, HERETOFORE ESTABLISHED, SHALL BE ABOLISHED, AND ALL OF ITS POWERS AND DUTIES TRANSFERRED TO THE BUREAU OF MEDIATION SERVICES. ANY MATTERS PENDING IN OR BY THE DIVISION OF CONCILIATION AS OF SUCH DATE SHALL THEN AND THEREAFTER BE CARRIED ON IN THE NAME OF THE BUREAU OF MEDIATION SERVICES.)

Sec. 26. Minnesota Statutes 1976, Section 196.02, Subdivision 1, is amended to read:

196.02 [COMMISSIONER OF VETERANS AFFAIRS.] Subdivision 1. [APPOINTMENT; QUALIFICATIONS.] The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. THE COMMISSIONER SHALL BE IN UNCLASSIFIED SERVICE) *under the provisions of section 1.* No person shall be eligible to receive appointment as commissioner unless he has the following qualifications:

(1) Residence in the state of Minnesota (FOR AT LEAST FIVE YEARS PRIOR TO HIS APPOINTMENT);

(2) Citizenship in the United States;

(3) Veteran of the armed forces of the United States as defined in section 197.447. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

Sec. 27. Minnesota Statutes 1976, Section 216A.06, Subdivision 1, is amended to read:

216A.06 [DIRECTOR.] Subdivision 1. [ESTABLISHMENT OF OFFICE, APPOINTMENT; TERM.] The office of director (OF THE ADMINISTRATIVE DIVISION) of the department of public service is hereby established. He shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM) *under the provisions of section 1.*

Sec. 28. Minnesota Statutes 1976, Section 241.01, Subdivision 1, is amended to read:

241.01 [CREATION OF DEPARTMENT.] Subdivision 1. [COMMISSIONER.] The department of corrections is (HEREBY) created under the control and supervision of the commissioner of corrections which office is (HEREBY) established. The commissioner of corrections (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1.*

Sec. 29. Minnesota Statutes 1976, Section 241.01, Subdivision 2, is amended to read:

Subd. 2. [DIVISIONS; DEPUTIES.] The commissioner of corrections may appoint and employ no more than (FOUR) *two* deputy commissioners (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE OF THE STATE CIVIL SERVICE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED TO SO DO BY THE COMMISSIONER. APPOINTMENTS TO EXERCISE DELEGATED POWER SHALL BE BY WRITTEN ORDER FILED WITH THE SECRETARY OF STATE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE

COMMISSIONER). The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified *civil* service (OF THE STATE, AND FIX THE SALARY OF SAID SECRETARY COMMENSURATE WITH SALARIES FOR SIMILAR SERVICES IN THE CLASSIFIED SERVICE).

Sec. 30. Minnesota Statutes 1976, Section 245.03, is amended to read:

245.03 [DEPARTMENT OF PUBLIC WELFARE ESTABLISHED; COMMISSIONER.] There is (HEREBY) created (AND ESTABLISHED) a department of public welfare. A commissioner of public welfare shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.* The commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in welfare and without regard to political affiliations. (SUBJECT TO THE PROVISIONS OF SECTIONS 245.03 TO 245.12 AND OTHER APPLICABLE LAWS, NOW OR HEREINAFTER ENACTED,) The commissioner shall (HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY, AND TO) appoint a deputy commissioner (IN UNCLASSIFIED SERVICE. HE SHALL ALSO APPOINT SUCH OTHER SUBORDINATE OFFICERS, EMPLOYEES AND AGENTS AS HE MAY DEEM NECESSARY TO DISCHARGE THE FUNCTIONS OF THE DEPARTMENT; AND DEFINE THE DUTIES OF SUCH OFFICERS, EMPLOYEES AND AGENTS AND TO DELEGATE TO THEM ANY OF HIS POWERS OR DUTIES SUBJECT TO HIS CONTROL AND UNDER SUCH CONDITIONS AS HE MAY PRESCRIBE. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE COMMISSIONER SHALL GIVE BOND IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE).

Sec. 31. Minnesota Statutes 1976, Section 268.12, Subdivision 1, is amended to read:

268.12 [CREATION.] Subdivision 1. [DEPARTMENT OF EMPLOYMENT SERVICES; COMMISSIONER.] ((1))

There is (HEREBY) created (AND ESTABLISHED) a department of employment (SECURITY WHICH SHALL BE THE SUCCESSOR TO THE DIVISION OF EMPLOYMENT AND SECURITY, WHICH SAID DIVISION IS HEREBY ABOLISHED AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY AS ESTABLISHED BY LAWS 1939, ARTICLE VII, SECTION 1.) *services under the control of*

((2)) a commissioner (OF EMPLOYMENT SECURITY) *who* shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED, TO ADMINISTER THIS CHAPTER AS THE SAME MAY HEREAFTER FROM TIME TO TIME BE AMENDED. THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, MAY BE REMOVED BY THE GOVERNOR AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) *under the provisions of section 1.* The commissioner shall be selected on the basis of ability and experience and without regard to political affiliations. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. SUBJECT TO THE PROVISIONS OF SECTIONS 268.03 TO 268.24 AND OTHER APPLICABLE LAWS NOW OR HEREAFTER ENACTED, THE COMMISSIONER SHALL HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE SALARY OF THE COMMISSIONER SHALL BE PRESCRIBED BY THE LEGISLATURE AND HE SHALL GIVE BOND IN THE SUM OF \$10,000.)

((3)) ALL PROCEEDINGS, COURT ACTIONS, PROSECUTIONS OR OTHER BUSINESS UNDERTAKEN OR COMMENCED PRIOR TO APRIL 21, 1953, BY THE DIVISION OF EMPLOYMENT AND SECURITY AND ANY OTHER MATTERS OF THE DIVISION OF EMPLOYMENT AND SECURITY PENDING AT THE TIME OF THE PASSAGE OF THIS ACT MAY BE CONDUCTED AND COMPLETED BY THE NEW DEPARTMENT OF EMPLOYMENT SECURITY IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS THOUGH IT WERE UNDERTAKEN, COMMENCED OR CONDUCTED OR COMPLETED BY SAID DIVISION OF EMPLOYMENT AND SECURITY PRIOR

TO SUCH CHANGE. ALL FUNCTIONS, POWERS AND DUTIES OF SUCH DIVISION OF EMPLOYMENT AND SECURITY ARE BY THIS ACT ASSIGNED AND TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY.)

((4) ALL THE POWERS AND DUTIES NOW VESTED IN OR IMPOSED UPON THE DIRECTOR OF THE DIVISION OF EMPLOYMENT AND SECURITY AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY ARE HEREBY VESTED IN AND IMPOSED UPON THE COMMISSIONER OF EMPLOYMENT SECURITY.)

(ALL OF THE EMPLOYEES OF SAID DIVISION OF EMPLOYMENT AND SECURITY ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY CREATED BY THIS SECTION, AND SAID COMMISSIONER SHALL TAKE CHARGE OF SAID EMPLOYEES AND SHALL EMPLOY THEM IN THE EXERCISE OF THE RESPECTIVE FUNCTIONS, POWERS AND DUTIES TRANSFERRED AS AFORESAID WITHOUT REDUCTION OF COMPENSATION OR CIVIL SERVICE STATUS ENJOYED BY SAID EMPLOYEES AT THE TIME OF SUCH TRANSFER, SUBJECT, HOWEVER, TO CHANGE OR TERMINATION OF EMPLOYMENT, COMPENSATION OR CIVIL SERVICE STATUS AS MAY BE OTHERWISE PROVIDED BY LAW.)

((5) ALL OTHER ACTS OR PARTS OF ACTS NOW IN EFFECT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION ARE HEREBY REPEALED, SUPERSEDED, MODIFIED OR AMENDED SO FAR AS NECESSARY TO CONFORM TO AND GIVE FULL FORCE AND EFFECT TO THE PROVISIONS OF THIS SECTION.)

((6) LAWS 1953, CHAPTER 603, SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE; PROVIDED, THAT NO TRANSFER OF FUNCTIONS, RIGHTS, POWERS, DUTIES, OR FUNDS MADE THEREBY SHALL TAKE EFFECT UNTIL THE COMMISSIONER OF THE DEPARTMENT TO WHOM THE SAME ARE TRANSFERRED SHALL HAVE BEEN APPOINTED; TAKEN HIS OATH OF OFFICE AND FILED OATH AND BOND IN THE OFFICE OF THE SECRETARY OF STATE; AND UNTIL THEN THE FORMER DIVISION OR AGENCY VESTED THEREWITH SHALL CONTINUE TO EXERCISE AND PERFORM SUCH FUNCTIONS, RIGHTS, POWERS, AND DUTIES, AND TO HAVE CHARGE OF SUCH FUNDS.)

Sec. 32. Minnesota Statutes 1976, Section 270.02, Subdivision 2, is amended to read:

Subd. 2. [TERMS.] The commissioner of revenue shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* The commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in the field of (TAXATION AND) tax administration and without regard to political affiliations. (THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE, AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT IS SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL GIVE BOND TO THE STATE IN THE SUM OF \$200,000. THE PERSON OCCUPYING THE POSITION OF COMMISSIONER OF TAXATION ON JULY 1, 1973, SHALL BE DESIGNATED AS COMMISSIONER OF REVENUE, AND HIS TERM OF OFFICE SHALL COINCIDE WITH THE TERM OF THE OFFICE OF GOVERNOR.)

Sec. 33. Minnesota Statutes 1976, Section 270.02, Subdivision 3, is amended to read:

Subd. 3. [POWERS, ORGANIZATION, ASSISTANTS.] Subject to the provisions of this chapter and other applicable laws the commissioner shall have power to organize the department with such divisions and other agencies as he deems necessary and to appoint (TWO) *one* deputy (COMMISSIONERS) *commissioner*, a department secretary, directors of divisions, and such other officers, employees, and agents as he may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents, and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Sec. 34. Minnesota Statutes 1976, Section 298.22, Subdivision 1, is amended to read:

298.22 [IRON RANGE RESOURCES AND REHABILITATION.] Subdivision 1. (ON AND AFTER JULY 1, 1969,) (1) There is (HEREBY) appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts paid and credited to said fund from the proceeds of taxes paid under the provisions of sections 298.01 to 298.21.

(2) The office of commissioner of iron range resources and rehabilitation is (HEREBY) created. The commissioner shall be appointed by the governor (, WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

(3) The salary of the commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner (WHO SHALL SERVE IN THE UNCLASSIFIED SERVICE AT THE PLEASURE OF THE COMMISSIONER). All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

(4) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 35. Minnesota Statutes 1976, Section 299A.01, Subdivision 1, is amended to read:

299A.01 [DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.] Subdivision 1. (IN ORDER THAT THE FUNCTIONS AND SERVICES OF THE STATE OF MINNESOTA RELATING TO THE SAFETY AND CONVENIENCE OF ITS CITIZENS MIGHT BE COORDINATED AND DIRECTED IN AN ACCESSIBLE, IDENTIFIABLE MANNER; AND TO PROMOTE AND INSURE THE EXISTING PUBLIC SAFETY OPERATIONS OF THAT GOVERNMENT,) The department of public safety is created under the supervision and control of the commissioner of public

safety, which office is established. The commissioner of public safety is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR FOUR YEAR TERM. THE GOVERNOR MAY REMOVE THE COMMISSIONER ONLY FOR CAUSE, AFTER A PUBLIC HEARING. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE) commissioner.

Sec. 36. Minnesota Statutes 1976, Section 299A.01, Subdivision 2, is amended to read:

Subd. 2. The duties of the (DEPUTY) *commissioner* shall include (, IN ADDITION TO SUCH OTHER FUNCTIONS AND RESPONSIBILITIES AS MAY BE DELEGATED OR ASSIGNED BY THE COMMISSIONER OR IMPOSED BY LAW,) the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Sec. 37. Minnesota Statutes 1976, Section 362.09, Subdivision 1, is amended to read:

362.09 [COMMISSIONER; ADVISORY COMMITTEE.] Subdivision 1. The department shall be under the supervision and control of a commissioner of economic development (, IN UNCLASSIFIED SERVICE,) who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM OF FOUR YEARS TO COINCIDE WITH THAT OF THE GOVERNOR AND UNTIL

HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) *under the provisions of section 1.* He shall be chosen with regard to his knowledge, training, experience, and ability in administering the functions of the department. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL THEREUPON IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL RECEIVE A SALARY AS PROVIDED BY LAW. HE SHALL GIVE A BOND TO THE STATE IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

The commissioner shall appoint a deputy (, FIX HIS SALARY UNLESS OTHERWISE PRESCRIBED BY LAW AND DEFINE HIS DUTIES. THE DEPUTY SHALL ENJOY A CONFIDENTIAL RELATIONSHIP WITH THE COMMISSIONER AND IS IN THE UNCLASSIFIED SERVICE OF THE STATE) *commissioner.*

Sec. 38. Minnesota Statutes 1976, Section 363.04, Subdivision 1, is amended to read:

363.04 [DEPARTMENT OF HUMAN RIGHTS.] Subdivision 1. [CREATION; COMMISSIONER.] There is (HEREBY) established (AT THE COST OF GOVERNMENT AN EXECUTIVE) a department (TO BE KNOWN AS THE DEPARTMENT) of human rights (. THERE SHALL BE AT THE HEAD OF THE DEPARTMENT) *under the direction and supervision of a commissioner (OF HUMAN RIGHTS,)* who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. THE DEPARTMENT SHALL BE ADMINISTERED UNDER THE SUPERVISION AND DIRECTION OF THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, AND SHALL RECEIVE COMPEN-

SATION AT THE RATE PRESCRIBED BY LAW) *under the provisions of section 1.*

Sec. 39. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.011] [DEPARTMENT OF HEALTH.] *Subdivision 1. [COMMISSIONER.] The department of health shall be under the control and supervision of the commissioner of health who shall be appointed by the governor under the provisions of section 1. The state board of health is abolished and all powers and duties of the board are transferred to the commissioner of health. The commissioner shall be selected without regard to political affiliation but with regard to ability and experience in matters of public health.*

*Subd. 2. [STATE HEALTH ADVISORY COUNCIL.] The state health advisory council is hereby created to consist of 15 members appointed by the governor. Nine members of the council shall be broadly representative of the licensed health professions and six members shall be public members as defined by section 214.02. The council and its members shall be governed by the provisions of section 15.059. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council shall advise the commissioner of health on any matter relating to the functions of the department.*

Sec. 40. Minnesota Statutes 1976, Section 121.09, is amended to read:

121.09 [ADMINISTRATION; EXCEPTIONS.] *The (STATE BOARD) commissioner shall administer all laws and rules promulgated by the board relating to (THE COMMISSIONER,) libraries (,) and other public educational institutions, except such laws as may relate to the university of Minnesota and to the state universities and community colleges.*

Sec. 41. Minnesota Statutes 1976, Section 121.16, Subdivision 1, is amended to read:

121.16 [COMMISSIONER OF EDUCATION.] *Subdivision 1. (THE STATE BOARD SHALL ELECT A) The department shall be under the administrative control of the commissioner (WHO) of education which office is established. The commissioner shall be the (EXECUTIVE OFFICER AND) secretary of the state board (AND WHOSE TERM OF OFFICE SHALL BE FOUR YEARS). He shall be appointed by the state board with the approval of the governor under the provisions of section 1. For purposes of section 1, the board shall be the appointing authority.*

(HE) *The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. The commissioner shall (HAVE AUTHORITY TO NOMINATE, FOR APPROVAL BY THE STATE BOARD, SUCH OFFICIALS AND) appoint employees as may be necessary (TO PERFECT AND TO MAINTAIN) for the organization of the department (AS RECOMMENDED BY HIM AND AS ADOPTED BY THE STATE BOARD). He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of (THE VARIOUS OFFICES AND DIVISION IN) the (ORGANIZATION OF THE) department. He shall (BE REQUIRED TO) make recommendations to the (STATE BOARD WHICH SHALL FACILITATE ALL OF THE WORK OF THE STATE) board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out (THE PROVISIONS OF THIS CODE) its duties.*

Sec. 42. Minnesota Statutes 1976, Section 462A.04, Subdivision 8, is amended to read:

Subd. 8. The agency shall (EMPLOY AN EXECUTIVE DIRECTOR, LEGAL AND TECHNICAL EXPERTS AND SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES, PERMANENT AND TEMPORARY, AS IT MAY REQUIRE, AND SHALL DETERMINE THEIR QUALIFICATIONS, DUTIES AND COMPENSATION) *be under the administrative control of an executive director which office is established. He shall be appointed by the governor under the provisions of section 1.*

*The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as he deems necessary subject to the approval of the commissioner of personnel. (THE AGENCY MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES SUCH POWERS OR DUTIES AS IT MIGHT DEEM PROPER.) All permanent employees of the agency, except the executive director, deputy director, and five additional positions reporting directly to the director are in the classified civil service (OF THE STATE). The five additional unclassified positions permitted by this subdivision shall only be filled in the manner and pursuant to the procedures and conditions specified in section 43.09, subdivision 2a; provided, that no additional deputy commissioner positions may be created.*

Sec. 43. Minnesota Statutes 1976, Section 473.141, Subdivision 7, as amended by Laws 1977, Chapter 35, Section 7, is amended to read:

Subd. 7. [COMPENSATION.] Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by (THE MEMBERS OF THE COMMISSION) *section 15A.081* and shall be reimbursed for reasonable expenses to the same extent as a member; *provided that the chairman of the metropolitan sports facilities commission shall receive, unless otherwise provided by other law, a salary in an amount fixed by the members of the commission and shall be reimbursed for reasonable expenses to the same extent as a member.*

Sec. 44. [TEMPORARY PROVISIONS.] *The term of any department head or commissioner dealt with in this act shall expire the first Monday in January 1979, unless Minnesota Statutes provide for an earlier expiration date. In this event, the new appointment shall be made so as to expire the first Monday of January 1979.*

*Any department head or commissioner dealt with in this act and serving on the effective date of this act is deemed to have been appointed in compliance with the provisions of this act.*

*If any position which currently bears the title of deputy loses this title pursuant to section 1, subdivision 7, or any other provision of this act, the commissioner of personnel shall assign a new title. If the position is currently in the unclassified civil service, it shall remain in the unclassified civil service, and a person who loses the title of deputy commissioner shall receive, beginning with the first day of the first payroll period after July 1, 1977, the salary he would be entitled to on that date, if his title were to remain deputy commissioner. In the event that authorized, unclassified deputy positions are not filled, the department head or commissioner may fill these positions but only as permitted by applicable personnel complement limitations. Persons who are deputy commissioners and are in the classified service in departments or agencies affected by this act shall be entitled to the benefits and protections available to persons whose positions are declassified pursuant to section 43.09, subdivision 2a.*

Sec. 45. [INSTRUCTION TO REVISOR.] *The revisor of statutes shall eliminate from the statutes any reference to the "secretary" or "executive officer" of the board of health or any similar title with this meaning, and shall substitute "commissioner" or "commissioner of health" as appropriate.*

*The revisor shall eliminate from the statutes any reference to "board of health" and shall insert in lieu thereof as appropriate "commissioner of health" or "commissioner".*

*The revisor shall eliminate from the statutes, except as may be provided in this act, any reference to "deputy commissioner" in the department of labor and industry and shall insert in lieu thereof as appropriate "commissioner of labor and industry" or "commissioner".*

Sec. 46. [REPEALER.] *Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2, are repealed.*

Sec. 47. [EFFECTIVE DATE.] *This act shall be effective the day following its final enactment."*

Amend the title as follows:

Page 1, line 18, after the first semicolon insert "adjusting expense reimbursement for department heads;"

Page 1, line 20, after "16.01;" insert "16.028, Subdivision 1;"

Page 1, line 21, after "3;" insert "16A.16;"

Page 1, line 22, after "45.15;" insert "60A.03, Subdivision 1;"

Page 1, line 29, delete "Subdivision 2" and insert "Subdivisions 2 and 3".

We request adoption of this report and repassage of the bill.

Senate Conferees: DAVID SCHAAF, WINSTON BORDEN and GENE MERRIAM.

House Conferees: PETE PETERAFESO, CARL JOHNSON and HARRY SIEBEN.

Petrafeso moved that the report of the Conference Committee on S. F. No. 109 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 109, A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and trans-

ferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, 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 101 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kelly, W.	Novak	Stanton
Adams	Dahl	Kempe, A.	Osthoff	Stoa
Anderson, G.	Dean	King	Patton	Suss
Anderson, I.	Eken	Knickerbocker	Pehler	Swanson
Arlandson	Ellingson	Kostohryz	Petrafeso	Tomlinson
Battaglia	Enebo	Kroening	Pleasant	Vanasek
Beauchamp	Evans	Langseth	Reding	Voss
Begich	Fudro	Lehto	Rice	Waldorf
Berg	Fugina	Mangan	Rose	Welch
Berglin	George	McCarron	St. Onge	Wenstrom
Berkelman	Gunter	McCollar	Sarna	Wenzel
Biersdorf	Hanson	McEachern	Scheid	White
Birnstihl	Haugerud	Metzen	Schulz	Wieser
Brandl	Hokanson	Moe	Searles	Wigley
Braun	Jacobs	Munger	Sherwood	Williamson
Byrne	Jaros	Murphy	Sieben, H.	Wynia
Carlson, L.	Jensen	Neisen	Sieben, M.	Speaker Sabo
Casserly	Johnson	Nelsen, M.	Simoneau	
Clark	Jude	Nelson	Skoglund	
Clawson	Kahn	Niehaus	Smogard	
Cohen	Kelly, R.	Norton	Spanish	

Those who voted in the negative were:

Albrecht	Den Ouden	Fjoslien	Kvam	Searle
Anderson, B.	Eckstein	Friedrich	Lemke	Zubay
Anderson, D.	Erickson	Heinitz	McDonald	
Anderson, R.	Esau	Kaley	Nelsen, B.	
Carlson, A.	Ewald	Kalis	Peterson	
Carlson, D.	Faricy	Kempe, R.	Savelkoul	

The bill was repassed, as amended by Conference, and its title agreed to.

## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. No. 875 was reported to the House.

## GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders for one day.

## MOTIONS AND RESOLUTIONS

Neisen moved that H. F. No. 165 be returned to its author. The motion prevailed.

Sieben, H., moved that H. F. No. 666, now on General Orders, be returned to Munger. The motion prevailed.

Cohen moved that the names of McCollar and Jaros be added as authors on H. F. No. 1669. The motion prevailed.

Corbid moved that the names of Corbid and Carlson, D., be stricken and the name of Abeln be shown as chief author on H. F. No. 748. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Saturday, May 21, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Saturday, May 21, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## SIXTIETH DAY

SAINT PAUL, MINNESOTA, SATURDAY, MAY 21, 1977

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eckstein	Kalis	Niehaus	Spanish
Anderson, R.	Eken	Kelly, R.	Norton	Stanton
Arlandson	Ellingson	Kelly, W.	Novak	Stoa
Battaglia	Enebo	Kempe, R.	Osthoff	Suss
Beauchamp	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berglin	Ewald	Kroening	Petrafeso	Voss
Berkelman	Faricy	Kvam	Pleasant	Waldorf
Biersdorf	Fjoslien	Laidig	Prahl	Welch
Birnstihl	Forsythe	Langseth	Reding	Wenstrom
Brandl	Friedrich	Lehto	Rice	Wenzel
Braun	Fudro	Lemke	Rose	White
Brinkman	Fugina	Mangan	St. Onge	Wieser
Byrne	George	Mann	Samuelson	Wigley
Carlson, A.	Gunter	McCarron	Sarna	Williamson
Carlson, D.	Hanson	McCollar	Savelkoul	Wynia
Carlson, L.	Haugerud	McDonald	Scheid	Zubay
Casserly	Heinitz	McEachern	Schulz	Speaker Sabo
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	

A quorum was present.

Kempe, A., was excused until 6:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Johnson 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. 3, 958 and 1236 and S. F. Nos. 1015, 411, 336, 707, 1071, 455, 615 and 80 have been placed in the members' files.

S. F. No. 202 and H. F. No. 3, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 202 be substituted for H. F. No. 3 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 20, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 33, An act relating to motor vehicles; defining motorized bicycles; providing for the registration of motorized bicycles and the licensing of their operators; providing operating rules.

H. F. No. 40, An act relating to real estate brokers and salespersons; establishing a prelicense educational requirement and a continuing educational requirement; restricting certain activities of council members; authorizing the commissioner to increase license terms.

H. F. No. 76, An act relating to highways; providing a simplified procedure for the removal of trees, shrubs and other obstructions within the limits of town roads; removing provision for an appeal by abutting owners.

H. F. No. 114, An act relating to intoxicating liquor; exempting from licensing and taxation liquor sold in commemorative bottles.

H. F. No. 166, An act relating to health; licensing certain facilities; allowing for the reinstatement of previously adopted rules.

H. F. No. 193, An act relating to the military; financing of armory construction.

H. F. No. 212, An act relating to employment fees; providing period when fees must be refunded.

H. F. No. 323, An act relating to Dakota county; providing that the office of administrative assistant to the sheriff shall be unclassified; authorizing sheriff's civil service commissioners to hold other public office or employment; providing for a per diem.

H. F. No. 339, An act relating to transportation construction contracts; providing for small business contracts; requiring a report.

H. F. No. 384, An act relating to interim claims against the state; appropriating moneys for the payment thereof; providing for payment of certain claims of inmates of correctional institutions.

H. F. No. 445, An act relating to natural resources; clarifying procedures for acquisition development, and maintenance of recreational sites along designated canoe and boating routes.

H. F. No. 461, An act relating to welfare; providing penalties for welfare offenses.

H. F. No. 524, An act relating to beverage containers; detachable parts of noncarbonated beverage cans.

H. F. No. 541, An act relating to labor; prohibiting the deduction of certain losses from wages without authorization by the employee; providing a cause of action for wrongful deduction.

H. F. No. 542, An act relating to the city of St. Paul; establishing a public housing agency; transferring functions from housing and redevelopment authority.

H. F. No. 691, An act relating to state lands; directing the exchange of certain public lands bordering on public waters in Lincoln county.

H. F. No. 920, An act relating to labor; providing for union notification of a member's injury or death.

H. F. No. 1194, An act relating to the city of Marshall; authorizing the issuance of general obligation airport bonds.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 20, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 922, An act relating to labor; authorizing certain payroll deductions.

H. F. No. 930, An act relating to the counties of Hennepin and Scott; directing the counties to design and construct a temporary replacement of the Bloomington ferry bridge.

H. F. No. 1038, An act relating to state lands; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Houston county.

H. F. No. 1172, An act relating to agriculture; clarifying the commissioner's authority to establish certain produce inspection fees to grade potatoes; prohibiting certain sales of artificially colored potatoes.

H. F. No. 1471, An act relating to aeronautics; providing that airport zoning variances be deemed to be granted if a board of adjustment fails to act within four months of application; providing for review of such variances by the commissioner of transportation.

H. F. No. 1474, An act relating to employment services; authorizing the release of information to certain state agencies.

Sincerely,

RUDY PERPICH  
Governor

## SECOND READING OF SENATE BILLS

S. F. No. 202 was read for the second time.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieben, H., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 202 be given its third reading and be placed upon its final passage. The motion prevailed.

Sieben, H., moved that the rules of the House be so far suspended that S. F. No. 202 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 202 was reported to the House.

Sieben, H., moved to amend S. F. No. 202, as follows:

Strike everything after the enacting clause and insert:

**“Section 1. [DEPARTMENT OF ECONOMIC SECURITY ESTABLISHED.]** *Subdivision 1. There is created the department of economic security with broad responsibility for income and employment policies, and for linking its benefits payments and job training and placement programs with veterans programs, worker's compensation, vocational and post-secondary training, federal income insurance programs, and economic development programs. The department shall be supervised and controlled by the commissioner of economic security, who shall be appointed by the governor with the advice and consent of the senate. The commissioner shall serve at the pleasure of the governor.*

*Subd. 2. The commissioner may establish six positions in the unclassified service at the deputy, assistant commissioner, or assistant to the commissioner levels. He may appoint and define the duties of other subordinate officers and employees as he deems necessary to discharge the functions of his department. The commissioner may delegate, in written orders filed with the secretary of state, any powers or duties subject to his control to officers and employees in the department.*

**Sec. 2. [TRANSFER OF POWERS.]** *Subdivision 1. [DEPARTMENT OF EMPLOYMENT SERVICES.] All powers, duties, and functions heretofore vested in or imposed on the commissioner of employment services by Minnesota Statutes, Chapter 268, or any other law relating to the duties and powers of the commissioner of employment services are transferred to, vested in, and imposed upon the commissioner of economic security. The*

*position of commissioner of employment services and the department of employment services as heretofore constituted are abolished.*

**Subd. 2. [DEPARTMENT OF VOCATIONAL REHABILITATION.]** *All powers, duties, and functions heretofore vested in or imposed on the commissioner of vocational rehabilitation by Minnesota Statutes, Chapter 129A, or any other law relating to the duties and powers of the commissioner of vocational rehabilitation are transferred to, vested in, and imposed on the commissioner of economic security. The commissioner of vocational rehabilitation and the department of vocational rehabilitation as heretofore constituted are abolished.*

**Subd. 3. [EXECUTIVE COUNCIL, POWERS TRANSFERRED.]** *All the powers and duties now vested in or imposed upon the commissioner of public welfare, or any other agency which may have succeeded to its authority, relating to the administration and distribution of direct relief to the indigent or destitute, including war veterans and their families and dependents, are hereby transferred to, vested in, and imposed upon the commissioner of economic security.*

**Sec. 3. [EFFECT OF TRANSFERS TO THE DEPARTMENT OF ECONOMIC SECURITY.]** **Subdivision 1.** *The department of economic security shall be deemed a continuation of the former department or agency as to those matters within the jurisdiction of the former department or agency which are assigned or transferred to the department by this act, with the same force and effect as though the functions, powers or duties of the agency or department had not been assigned or transferred, and shall not be held to constitute a new authority for the purpose of succession to all rights, powers, duties and obligations of the former department or agency, as constituted at the time of the assignment or transfer. All rules heretofore promulgated under authority of a power, duty or responsibility transferred by this act to the commissioner of economic security or to the department of economic security shall remain in full force and effect until modified or repealed.*

**Subd. 2.** *Any proceeding, court action, prosecution, or other business or matter which is pending on the effective date of this section and which was undertaken or commenced by a department or agency whose functions, powers or duties are transferred to the department of economic security by this act, may be conducted and completed by the department of economic security in the same manner, under the same terms and conditions, and with the same effect as though it were undertaken or commenced and conducted or completed by the former department or agency prior to the transfer.*

**Subd. 3.** *Except as otherwise provided in this act, the head of a department or agency whose functions, powers and duties*

are transferred to the department of economic security by this act shall transfer all contracts, books, maps, plans, papers, records, and property of every description within his jurisdiction or control to the commissioner of economic security.

Subd. 4. All unexpended funds appropriated to any department or agency for the purposes of any of its functions, powers, or duties which are transferred by this act to the department of economic security are hereby transferred to the department of economic security. When the functions, powers and duties that are affected by this act are the responsibility of the department of economic security and another department or agency, the commissioner of administration shall allocate any unexpended appropriation to the department or agency between the department of economic security and the other departments or agencies affected, as may be appropriate.

Subd. 5. Except as otherwise provided in this act, all classified employees and their positions assigned by a department or agency to perform any of the functions, powers or duties which are transferred by this act to the department of economic security, are transferred to the department of economic security. The positions of all employees who are employed in the unclassified civil service by a department or agency to perform any of the functions, powers or duties which are transferred by this act to the department of economic security, with the exception of the unclassified positions established pursuant to the provisions of sections 43.05, subdivision 2, clause (11), and 43.09, subdivision 2, clause (9), are abolished. Any employee in the unclassified civil service whose position is abolished by this act and who is not appointed to an unclassified position authorized by this act may be otherwise continued in the unclassified civil service in the department of economic security, but for a period not to exceed 12 months from the date on which the department commences operation. Such positions shall be authorized pursuant to the provisions of section 43.05, subdivision 2, clause (11). Nothing herein shall be construed as abrogating or modifying any rights now enjoyed by affected employees under terms of an agreement between an exclusive bargaining representative and the state or one of its appointing authorities.

Subd. 6. If the programs of the Federal Comprehensive Employment and Training Act, the Federal Economic Opportunity Act, and the Federal Community Services Act are transferred to the department of economic security, state employees involved in administration and implementation of these programs in the unclassified civil service of the state shall be transferred, except for the positions of executive director and deputy director of the programs, to the classified civil service of the state without competitive examination and shall be placed in the proper classification by the commissioner of personnel with such compensation as such classifications carry. Incumbents of positions placed in the classified civil service shall receive such status and length

*of service credit as would have accrued to them had they originally been appointed to the classified civil service; however, such length of service credit shall not include seniority under the provisions of a collective bargaining agreement negotiated pursuant to sections 179.61 to 179.77, until effective date of classified civil service. Annual leave and sick leave shall be transferred and accrued in accordance with the provisions of section 43.222.*

Sec. 4. [RECOMMENDATIONS FOR STATUTORY REVISIONS.] *The commissioner shall submit specific recommendations of language to update all statutory sections which relate to the operation of his department and are in need of revision. The commissioner's report shall give special consideration to sections affecting rule-making and public hearings, to language or provisions rendered obsolete by passage of time, and to overall clarity and brevity of the statutes.*

Sec. 5. Minnesota Statutes 1976, Section 15.01, is amended to read:

15.01 [DEPARTMENTS OF THE STATE.] The following agencies are designated as the departments of the state government: the department of administration; the department of agriculture; the department of commerce; the department of corrections; the department of economic development; the department of education; the department of (EMPLOYMENT SERVICES) *economic security*; the department of finance; the department of health; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of personnel; the department of public safety; the department of public service; the department of public welfare; the department of revenue; the department of transportation; the department of veterans affairs; and their successor departments.

Sec. 6. Minnesota Statutes 1976, Section 15A.081, Subdivision 1, as amended by Laws 1977, Chapter 35, Section 1, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.] Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Base Salary or Range
Administration, department of commissioner .....	\$41,000
Agriculture, department of commissioner .....	36,000

Attorney general, office of deputy attorney general .....	\$23,000 - 42,000
Commerce, department of commissioner of banks .....	32,000
commissioner of insurance .....	32,000
commissioner of securities .....	32,000
executive secretary, commerce commission .....	27,000
Community college system chancellor .....	41,000
Corrections, department of commissioner .....	36,000
ombudsman .....	32,000
Crime prevention and control, governor's commission on executive director .....	32,000
Economic development, department of commissioner .....	32,000
<i>Economic security, department of commissioner</i> .....	41,000
Education, department of commissioner .....	41,000
(EMPLOYMENT SERVICES, DEPARTMENT OF COMMISSIONER .....	32,000)
Energy agency director .....	36,000
Finance, department of commissioner .....	45,000
Health, department of commissioner .....	41,000
Hearing examiners office chief hearing examiner .....	36,000
Higher education coordinating board executive director .....	36,000

Housing finance agency executive director .....	\$36,000
Human rights, department of commissioner .....	29,000
Indian affairs board executive director .....	25,000
Investment, board of executive secretary .....	41,000
Iron range resources and rehabilitation board commissioner .....	29,000
Labor and industry, department of commissioner .....	36,000
judge of the workers compensation court of appeals .....	36,000
director, mediation services .....	29,000
Natural resources, department of commissioner .....	41,000
Personnel, department of commissioner .....	41,000
Planning agency director .....	41,000
Pollution control agency director .....	36,000
Public safety, department of commissioner .....	36,000
Public service, department of commissioner, public service commission .....	32,000
director .....	32,000
Public welfare, department of commissioner .....	41,000
Revenue, department of commissioner .....	41,000
State university system chancellor .....	41,000

Transportation, department of  
commissioner ..... \$41,000

Veterans affairs, department of  
commissioner ..... 29,000

(VOCATIONAL REHABILITATION, DEPARTMENT OF  
COMMISSIONER ..... 32,000)

Sec. 7. Minnesota Statutes 1976, Section 15.0411, Subdivision 2, is amended to read:

Subd. 2. "Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a court, having a statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. Sections 15.0411 to 15.052 do not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in Laws 1951, Chapter 694, Title III, Sections 301 to 307, (c) corrections board and pardon board, (d) *the unemployment insurance program in the department of (EMPLOYMENT SERVICES) economic security*, (e) the director of mediation services, (f) the workers compensation division in the department of labor and industry, (g) the workers compensation court of appeals, (h) board of pardons, or (i) the department of military affairs. Sections 15.0418 to 15.0426 do not apply to the Minnesota municipal board.

Sec. 8. Minnesota Statutes 1976, Section 43.09, Subdivision 2a, is amended to read:

Subd. 2a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Notwithstanding any other law to the contrary, the personnel board, upon the request of the governor, is hereby authorized to establish permanent unclassified positions, or to unclassify previously classified positions, provided that:

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (4).

(2) Classified incumbents of such positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees. An incumbent of a position that is declassified pursuant to this subdivision, if he so requests within 120 days after being removed from that position, shall be appointed to a classified position comparable to the position that was declassified, or if such a position is unavailable, to a position comparable

to that which he held immediately prior to being appointed to the position that was declassified. If a position is declassified and the incumbent at the time the position was declassified had no classified status immediately prior to the appointment to the position that was declassified, he shall, if he so requests within 120 days after being removed from that position, be appointed to a comparable or lower classified position within two salary ranges of the position that was declassified.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive classified civil service status and, upon his request, shall be reappointed to a classified position comparable to that which he held immediately prior to being appointed to the position that was declassified.

(4) Positions so established are limited in number to six in the departments of administration, corrections, *economic security*, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, and personnel; to four in the departments of agriculture, and economic development(, AND EMPLOYMENT SERVICES); to three in the department of public service, the planning agency, and the pollution control agency; and to two in the departments of human rights and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) Funds are available.

Sec. 9. Minnesota Statutes 1976, Section 129A.01, is amended to read:

129A.01 [DEFINITIONS.] For the purposes of this chapter, the following terms shall have the meanings given them:

(a) "Department" means the department of (VOCATIONAL REHABILITATION) *economic security*;

(b) "Commissioner" means the commissioner of (VOCATIONAL REHABILITATION) *economic security*;

(c) "Vocational rehabilitation services" means those services and goods so defined in the federal Rehabilitation Act of 1973 and section 3, clause (b);

(d) "Handicapped person" means a person who because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of society;

(e) "Long-term sheltered workshop" means a facility where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to those handicapped persons who, as a result of physical or mental disability, are unable to participate in competitive employment. A long-term sheltered workshop shall supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist;

(f) "Work activity program" means a program which utilizes manufacturing activities and other production work for the primary purpose of providing basic vocational skills development for the handicapped.

Sec. 10. Laws 1976, Chapter 332, Section 9, Subdivision 1, is amended to read:

Sec. 9. [EFFECT OF TRANSFER OF VOCATIONAL REHABILITATION.] Subdivision 1. [TRANSFER OF ADMINISTRATIVE FUNCTIONS.] The powers, duties and functions of the Minnesota state department of education relating to vocational rehabilitation are transferred to the department of (VOCATIONAL REHABILITATION) *economic security*. The commissioner of (VOCATIONAL REHABILITATION) *economic security* shall be the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation within the department of education and to the powers and duties of the board of education relative to vocational rehabilitation.

Sec. 11. Laws 1976, Chapter 332, Section 9, Subdivision 7, is amended to read:

Subd. 7. [CONTINUATION OF RIGHTS OF EMPLOYMENT.] All officers and employees in the classified service, pursuant to the provisions of the state personnel act, of the division of vocational rehabilitation are transferred to the department of (VOCATIONAL REHABILITATION) *economic security*, and the employees shall not lose any rights now accorded them by law.

Sec. 12. Laws 1976, Chapter 332, Section 9, Subdivision 8, is amended to read:

Subd. 8. [TRANSFER OF EXISTING APPROPRIATIONS.] The unencumbered and unexpended balance of all funds appropriated to the department of education for vocational rehabilitation purposes are transferred and reappropriated to the department of (VOCATIONAL REHABILITATION) *economic security* for the purposes of sections 1 to 9.

Sec. 13. [DUTIES AS STATE AGENCY.] [COOPERATION.] *To effectively coordinate job training and placement services with future job needs of the state the commissioner shall maintain close liaison, coordination and cooperation with the department of economic development and any other state agency involved in employment issues affecting the state.*

Sec. 14. Minnesota Statutes 1976, Section 256.482, Subdivision 1, is amended to read:

256.482 [COUNCIL FOR THE HANDICAPPED.] Subdivision 1. [ESTABLISHMENT; MEMBERS.] There is hereby established the council for the handicapped which shall consist of 30 members appointed by the governor. At least fifteen council members shall be handicapped persons or parents or guardians of handicapped persons. Twenty members shall be appointed from the general public, and ten shall be appointed from organizations which provide services for the handicapped. The commissioners of the departments of education, public welfare and (EMPLOYMENT SERVICES) *economic security*, and the executive officer of the state board of health, shall serve ex officio, without a vote, on the council, or shall designate a representative to the council. In addition, there shall be ex officio representation, without vote, from the (DIVISION OF VOCATIONAL REHABILITATION OF THE DEPARTMENT OF EDUCATION, FROM THE DIVISION OF MENTAL RETARDATION SERVICES AND SERVICES FOR THE BLIND SECTION OF) *programs serving mentally retarded persons and from the programs serving blind persons in the department of public welfare (AND FROM OTHER DIVISIONS AND SECTIONS) and from other programs* which are directly concerned with services for handicapped persons. There shall be at least one member of the council appointed from each of the state development regions.

The governor shall appoint a chairman of the council from among the members appointed from the general public or handicapped persons or their parents or guardians. The council shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 15. Minnesota Statutes 1976, Section 256.736, Subdivision 2, is amended to read:

Subd. 2. [DUTIES OF THE COMMISSIONER OF ECONOMIC SECURITY.] The commissioner of *economic security* shall (COOPERATE WITH THE COMMISSIONER OF THE STATE DEPARTMENT OF EMPLOYMENT SERVICES IN DEVELOPMENT OF) *develop* a training and employment program for each appropriate relative and dependent child receiving aid to families with dependent children, with the objective of assuring, to the maximum extent possible, that the relative and

child will enter the labor force, accept reasonable employment, and become self-sufficient.

Sec. 16. Minnesota Statutes 1976, Section 256.736, Subdivision 3, is amended to read:

Subd. 3. [OPERATION OF PROGRAM.] To determine who shall be designated as an appropriate individual for certification to the commissioner of (EMPLOYMENT SERVICES) *economic security*, the commissioner of public welfare shall provide standards for county welfare agencies and *human services boards* consistent with the standards promulgated by the secretary of health, education, and welfare. County welfare agencies shall certify appropriate individuals to the commissioner of (EMPLOYMENT SERVICES) *economic security* and shall require that every individual, as a condition of receiving aid to families with dependent children, register for employment services, training, and employment, unless such individual is:

- (1) a child who is under age 16 or attending school full time;
- (2) a person who is ill, incapacitated or of advanced age;
- (3) a person so remote from a work incentive project that his effective participation is precluded;
- (4) a person whose presence in the home is required because of illness or incapacity of another member of the household;
- (5) a mother or other relative of a child under the age of six who is caring for the child; or
- (6) the mother or other female caretaker of a child if the father or another adult male relative is in the home and not excluded by clauses (1), (2), (3), or (4), unless he has failed to register as required by this subdivision or has been found by the commissioner of (EMPLOYMENT SERVICES) *economic security* to have refused without good cause to participate under a work incentive program or accept employment.

Any individual referred to in clause (5) shall be advised of her option to register for employment services, training, and employment if she so desires, and shall be informed of the child care services, if any, which will be available to her in the event she should decide to register.

If, after planning with a recipient, a decision is made that he must register for employment services, training, and employment, the county welfare department shall give notice in writing to the individual stating that he must register with the commissioner of (EMPLOYMENT SERVICES) *economic security* for participation in a work incentive program and that he has a right

to a fair hearing under section 256.77 with respect to the appropriateness of his registration.

Sec. 17. Minnesota Statutes 1976, Section 256.736, Subdivision 4, is amended to read:

Subd. 4. [CONDITIONS OF CERTIFICATION.] The commissioner of public welfare shall:

(1) *Arrange for or provide (THAT) any relative or child certified to the commissioner of (EMPLOYMENT SERVICES) economic security pursuant to this section (IS FURNISHED) with child-care services and other necessary family services;*

(2) *Pay ten percent of the cost of programs of training and employment established by the commissioner of (EMPLOYMENT SERVICES) economic security for persons certified hereunder;*

(3) *Provide that in determining a recipient's needs any monthly incentive training payment made to the recipient by the department of (EMPLOYMENT SERVICES) economic security is disregarded and the additional expenses attributable to his participation in a program are taken into account in grant determination;*

(4) *Provide that when it has been certified by the commissioner of (EMPLOYMENT SERVICES) economic security, certification to be binding upon the commissioner of public welfare, that a relative or child certified under the work incentive program to the commissioner of (EMPLOYMENT SERVICES) economic security has been found by the commissioner, after a hearing conducted in the manner prescribed by section 268.10, subdivision 3, with the right of review in accordance with the provisions of section 268.10, subdivision 8, to have refused without good cause to participate under a work incentive program or to have refused without good cause to accept a bona fide offer of public or other employment, the county welfare departments shall provide that:*

(a) *If the relative makes the refusal, the relative's needs shall not be taken into account in making the grant determination, and aid for any dependent child in the family will be made in the form of vendor payments.*

(b) *Aid with respect to a dependent child will be denied if a child who makes the refusal is the only child receiving aid in the family.*

(c) *If there is more than one child receiving aid in the family, aid for the child who makes the refusal will be denied and*

his needs will not be taken into account in making the grant determination; and

(d) Notwithstanding the other provisions of this subdivision, the county welfare department shall, for a period of 60 days after notification of the commissioner of (EMPLOYMENT SERVICES) *economic security* determination of refusal without cause to participate in a program of training or employment, make vendor payments on behalf of the relative specified or continue aid in the case of a child specified, if during the 60 day period the child or relative accepts counseling or other services which the county welfare department shall make available for the purpose of assisting the child or relative to participate in a program in accordance with the determination of the commissioner of (EMPLOYMENT SERVICES) *economic security*.

Sec. 18. Minnesota Statutes 1976, Section 256.736, Subdivision 5, is amended to read:

Subd. 5. [EXTENSION OF WORK INCENTIVE OPPORTUNITIES.] The commissioner of public welfare shall cooperate with the commissioner of (EMPLOYMENT SERVICES TO) *economic security* to promote the availability of training and employment opportunities on a state wide basis.

Sec. 19. Minnesota Statutes 1976, Section 256D.11, Subdivision 1, is amended to read:

256D.11 [WORK INCENTIVE AND REGISTRATION.] Subdivision 1. Every person who is a recipient of general assistance and not employed shall be required, unless exempt by subdivision 6, to register for *employment services* with the (STATE EMPLOYMENT SERVICE OF THE DEPARTMENT OF EMPLOYMENT SERVICES) *commissioner of economic security* and the local agency and accept any suitable employment that is offered him.

Sec. 20. Minnesota Statutes 1976, Section 256D.11, Subdivision 2, is amended to read:

Subd. 2. The local agency shall provide a general assistance work program for persons who qualify for assistance but who are unable to gain employment through the state employment service of the (DEPARTMENT OF EMPLOYMENT SERVICES) *commissioner*. Local agencies shall adopt a list of work priorities to be met through the employment of eligible recipients when such recipients are unable to gain employment through the state employment service or through their own initiative. The local agency may assign the recipient such work as he is able to perform but which is not that ordinarily performed and which would supplement but not replace projects which are ordinarily performed by regular employees of the county.

Sec. 21. Minnesota Statutes 1976, Section 256D.11, Subdivision 6, is amended to read:

Subd. 6. No person shall be required to register with the commissioner (OR STATE EMPLOYMENT SERVICE) of *economic security* if he is:

- (1) A person with illness, incapacity, or advanced age;
- (2) A child attending a school or college full time;
- (3) A person whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household;
- (4) A person who has been referred to or applied for a work training, work experience, vocational rehabilitation or other such similar program; provided that the period of time such person is exempted from the registration requirements of subdivision 1, while awaiting acceptance into such program, does not exceed 30 days; or
- (5) An adult member of a household with children in which another adult is employed full time or has registered with the state employment service or been accepted in a work training program.

Sec. 22. Minnesota Statutes 1976, Section 256D.11, Subdivision 7, is amended to read:

Subd. 7. Any person who objects to being required to register with the commissioner (OR STATE EMPLOYMENT SERVICE,) of *economic security* shall be entitled to a prior hearing in accord with the provisions of section 256D.10 on the issue of whether such person comes within the exemptions contained in subdivision 6, clause (1), (2), (3), or (4).

Sec. 23. Minnesota Statutes 1976, Section 256D.11, Subdivision 9, is amended to read:

Subd. 9. The commissioner shall establish procedures to insure that any recipient of general assistance desiring to improve his ability to support himself and his family shall be promptly referred to the department of (EMPLOYMENT SERVICES) *economic security* or any other agency, public or private, operating a work training, work experience, vocational rehabilitation or other similar program.

Sec. 24. Minnesota Statutes 1976, Section 268.04, Subdivision 8, is amended to read:

Subd. 8. "Commissioner" means the commissioner of (THE DEPARTMENT OF EMPLOYMENT SERVICES) *economic security*.

Sec. 25. [INSTRUCTIONS TO THE REVISOR.] *Subdivision 1. In the next and all subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the words "commissioner of economic security" for the words "commissioner of employment services" and the words "department of economic security" for the words "department of employment services" wherever those words occur.*

Subd. 2. *In the next and all subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the words "commissioner of economic security" for the words "commissioner of vocational rehabilitation" and the words "department of economic security" for the words "department of vocational rehabilitation" wherever those words occur.*

Sec. 26. *Minnesota Statutes 1976, Section 129A.02, Subdivision 1 is repealed.*

Sec. 27. [APPROPRIATION.] *There is appropriated from the general fund to the commissioner of economic security \$150,000 to organize the department of economic security.*

Sec. 28. [EFFECTIVE DATE.] *Subdivision 1. Section 1 is effective July 1, 1977.*

Subd. 2. *The remaining sections are effective upon appointment of the commissioner, provided that former departments, or agencies shall continue to exercise their functions, powers and duties which are transferred by this act until the commissioner of economic security notifies the commissioner of administration that the department of economic security is ready to commence operation. In no instance shall such notification be later than three months from the date of appointment of the commissioner of economic security.*

Subd. 3. *Within six months after commencement of the departmental operations the commissioner of economic security shall submit a plan to the governor and the legislature. The plan shall be the guide for the organization and management of the department. The plan shall provide for but not be limited to:*

(a) *Development of a single departmental process for addressing policy issues and budgets;*

(b) *Integrating administrative activities, procedures and reporting requirements of department programs;*

(c) *Reducing administrative costs and administrative staff by five percent within two years;*

(d) *Development of a process for consumer input into the department;*

(e) *Establishment of a unified local delivery system for state administered department programs;*

(f) *Integrating programs for job training, development, and placement services;*

(g) *Integrating and simplifying client intake and eligibility processes; and*

(h) *Standardization of administrative boundaries.*

*Each element of the plan shall include a target date for implementation. During the first three years of departmental operation the commissioner of economic security shall, on a semi-annual basis, report on the progress made in implementing the plan to the governor and the legislature. The report shall also compare current and historical productivity measurements."*

Further amend by striking the title and inserting:

*"A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the departments of employment services and vocational rehabilitation; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15A.081, Subdivision 1 as amended by Laws 1977, Chapter 35, Section 1; 15.0411, Subdivision 2; 43.09, Subdivision 2a; 129A.01; 256.482, Subdivision 1; 256.736, Subdivisions 2, 3, 4, and 5; 256D.11, Subdivisions 1, 2, 6, 7 and 9; 268.04, Subdivision 8; and Laws 1976, Chapter 332, Section 9, Subdivisions 1, 7 and 8; repealing Minnesota Statutes 1976, Section 129A.02, Subdivision 1"*.

The motion prevailed and the amendment was adopted.

Zubay moved to amend S. F. No. 202, as amended, as follows:

Page 21, line 21, delete "*In no*".

Page 21, strike lines 22 to 32.

Page 22, strike all the language and insert in lieu thereof: "*A joint conference of three house and three senate governmental operations committee members appointed by the speaker of the house and president of the senate shall meet to review a report submitted by the commissioner of economic security on*

or before January 1, 1978. The report shall clearly define all existing operating conditions and specific improvement objectives in terms of quantitative, qualitative and time factors. It shall further set forth a reorganization plan utilizing the L.E.A.P. report format. The report shall include, but not be limited to:

(a) Budget figures from each department affected identifying the cost of administration versus funds directly expended towards client services.

(b) An inventory of each department to determine:

(1) Total floor space utilized, categorized by:

(i) Functional use, warehousing, office space, etc.

(ii) Specific location and number of square feet.

(iii) Cost per square foot, identifying leased versus state owned facilities.

(2) An organizational list by:

(i) Job code and the number of people per code.

(ii) Specific assigned locations per each employee, identified by code, assigned to the department.

(c) Identification, by department, of the average lapse time clients experience from their initial contact with the department until they are satisfactorily enrolled in a program, referred or discharged.

(d) Identification of the average time it currently takes each department to enable clients to obtain economic self support through competitive employment.

(e) Identification, by department, of

the ratio of the total number of clients annually served by the department as compared to the total staffing of the department and the department's annual budget.

(f) Identification of the estimated cost of the reorganization and any projected savings achieved by the reorganization in excess of a required five percent reduction in administrative cost and administrative staff by January 1980.

(g) Develop a procedure for consumer input into the department. The commissioner of economic security shall submit similar

formatted progress reports to the house and senate governmental operations committees each January 1 thereafter.

*The budget for the department of economic security shall be so constructed to permit the progress reports to identify and compare the operating effectiveness before and after reorganization.*

*The report shall clearly identify each pre-reorganization element, with a comparison to the current budget and activity survey. In addition, each cost and functional item listed must identify the commissioner's goal for the item, together with the time expected to achieve the goal."*

The motion prevailed and the amendment was adopted.

Abeln, Osthoff, Heinritz, and Hanson moved to amend S. F. No. 202, as amended, as follows:

Page 1, line 23, delete "*vocational*".

Page 1, line 24, delete "*and post-secondary training,*".

Page 2, delete lines 22 through 30.

Page 9, lines 17 and 18, reinstate the stricken language.

Page 11, line 32, reinstate the stricken language.

Page 12, line 1, reinstate the stricken language and delete "*economic security*".

Page 12, line 2, reinstate the stricken language and delete "*economic security*".

Page 13, line 1, reinstate the stricken language and delete "*economic security*".

Page 13, line 2, reinstate the stricken language and delete "*economic security*".

Page 13, line 14, reinstate the stricken language and delete "*economic security*".

Page 13, line 23, reinstate the stricken language and delete "*economic*".

Page 13, line 24, delete "*security*".

Page 14, line 15, after "the" insert "*department of vocational rehabilitation and from*".

Page 21, delete lines 2 through 9.

Renumber the sections in sequence.

Further, amend the title as follows:

Page 1, line 4, delete "departments" and insert "department".

Page 1, line 5, delete "and vocational rehabilitation".

Page 1, line 10, delete "129A.01".

Page 1, line 12, after "Subdivision 8" delete the remaining language and insert a period.

Page 1, delete lines 13 through 15.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 61 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Jude	Neisen	Schulz
Adams	Enebo	Kaley	Nelsen, B.	Searle
Albrecht	Erickson	Kempe, R.	Niehaus	Searles
Anderson, D.	Esau	King	Novak	Stanton
Anderson, R.	Evans	Knickerbocker	Osthoff	Waldorf
Beauchamp	Ewald	Kostohryz	Pehler	Wenzel
Berkelman	Faricy	Kroening	Peterson	Wigley
Biersdorf	Fjoslien	Kvam	Pleasant	Williamson
Carlson, A.	Forsythe	Laidig	Prahl	Wynia
Carlson, D.	Friedrich	Lehto	Rose	
Carlson, L.	Hanson	McDonald	St. Onge	
Corbid	Heinitz	Metzen	Savelkoul	
Dean	Jacobs	Munger	Scheid	

Those who voted in the negative were:

Anderson, B.	Clark	Kahn	Norton	Stoa
Anderson, G.	Clawson	Kalis	Patton	Suss
Anderson, I.	Cohen	Kelly, R.	Petraleso	Swanson
Arlandson	Cummiskey	Kelly, W.	Reding	Tomlinson
Battaglia	Dahl	Langseth	Rice	Vanasek
Begich	Eckstein	Lemke	Samuelson	Voss
Berg	Ellingson	Mangan	Sarna	Welch
Berglin	Fudro	Mann	Sherwood	Wenstrom
Birnstihl	Fugina	McCarron	Sieben, H.	White
Brandl	George	McCollar	Sieben, M.	Speaker Sabo
Braun	Gunter	McEachern	Simoneau	
Brinkman	Hokanson	Moe	Skoglund	
Byrne	Jaros	Murphy	Smogard	
Casserly	Jensen	Nelson	Spanish	

The motion did not prevail and the amendment was not adopted.

Cummiskey moved to amend S. F. No. 202, as amended by the Zubay amendment, as follows:

Page 1 of the Zubay amendment, delete the first sentence and insert: "A joint conference of three house governmental operations committee members appointed by the speaker and three senate governmental operations committee members appointed pursuant to the rules of the senate shall meet to review a report submitted by the commissioner of economic security on or before January 1, 1978."

The motion prevailed and the amendment was adopted.

#### CALL OF THE HOUSE

On the motion of Sieben, H., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Clawson	Jude	Neisen	Sherwood
Adams	Cohen	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelson	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, I.	Ellingson	Kempe, R.	Novak	Spanish
Anderson, R.	Enebo	King	Osthoff	Stanton
Arlandson	Erickson	Knickerbocker	Patton	Stoa
Battaglia	Evans	Kostohryz	Pehler	Suss
Begich	Faricy	Kroening	Peterson	Swanson
Berg	Fjoslien	Kvam	Petrafeso	Tomlinson
Berglin	Forsythe	Laidig	Pleasant	Vanasek
Berkelman	Friedrich	Lehto	Prahl	Waldorf
Biersdorf	Fudro	Lemke	Reding	Welch
Birnstihl	Fugina	Mangan	Rice	Wenstrom
Brandl	George	Mann	Rose	Wenzel
Braun	Gunter	McCarron	St. Onge	White
Brinkman	Hanson	McCollar	Samuelson	Wieser
Byrne	Heinitz	McDonald	Sarna	Wigley
Carlson, A.	Hokanson	McEachern	Savelkoul	Williamson
Carlson, D.	Jacobs	Metzen	Scheid	Wynia
Carlson, L.	Jaros	Moe	Schulz	Zubay
Casserly	Jensen	Munger	Searle	Speaker Sabo
Clark	Johnson	Murphy	Searles	

Sieben, H., 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.

S. F. No. 202, A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the department of employment services and the governor's manpower office; providing for a legislative study of the transfer of certain other functions; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15.0411, Subdivision 2; 15A.081, Subdivision 1, as amended; 43.09, Subdivision 2a; 256.482, Subdivision 1; 256.736, Subdivisions 2, 3,

4, and 5; 256D.11, Subdivisions 1, 2, 6, 7, and 9; and 268.04, Subdivision 8.

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 86 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Kelly, R.	Patton	Suss
Anderson, B.	Cohen	Kelly, W.	Pehler	Swanson
Anderson, G.	Cummiskey	King	Petraleso	Tomlinson
Anderson, I.	Dahl	Kroening	Prahl	Vanasek
Arlandson	Eckstein	Langseth	Reding	Voss
Battaglia	Ellingson	Lemke	Rice	Waldorf
Begich	Enebo	Mangan	Samuelson	Welch
Berg	Fudro	Mann	Sarna	Wenstrom
Berglin	Fugina	McCarron	Scheid	White
Biersdorf	George	McCollar	Sherwood	Wieser
Birnstihl	Gunter	McEachern	Sieben, H.	Williamson
Brandl	Haugerud	Moe	Sieben, M.	Wynia
Braun	Hokanson	Munger	Simoneau	Zubay
Brinkman	Jacobs	Murphy	Skoglund	Speaker Sabo
Byrne	Jensen	Nelsen, M.	Smogard	
Carlson, L.	Johnson	Nelson	Spanish	
Casserly	Kahn	Norton	Stanton	
Clark	Kalis	Novak	Stoa	

Those who voted in the negative were:

Abeln	Erickson	Jude	Metzen	Savelkoul
Albrecht	Evans	Kaley	Neisen	Schulz
Anderson, D.	Ewald	Kempe, R.	Nelsen, B.	Searle
Anderson, R.	Faricy	Knickerbocker	Niehaus	Searles
Beauchamp	Fjoslien	Kostohryz	Osthoff	Wenzel
Berkelman	Forsythe	Kvam	Peterson	Wigley
Carlson, A.	Friedrich	Laidig	Pleasant	
Carlson, D.	Hanson	Lehto	Rose	
Den Ouden	Heintz	McDonald	St. Onge	

The bill was passed, as amended, and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Sieben, H., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Petraleso moved that rule 4.11 be suspended for the remainder of today's session. The motion did not prevail.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Arlandson; Waldorf; Kempe, R.; Cohen and Kempe, A., introduced:

H. F. No. 1672, A bill for an act relating to contracts for deeds; requiring certain disclosures; requiring registration or recording of contracts for deed; providing additional remedies for vendees; amending Minnesota Statutes 1976, Section 559.21; Chapters 507, by adding sections; and 559, by adding a section.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Laidig introduced:

H. F. No. 1673, A bill for an act relating to state government; providing for the regulation of professional wrestling; imposing a tax on the gross receipts from admission to professional wrestling exhibitions, and on the gross receipts from the lease or sale of radio, motion picture and television rights therein; providing penalties; amending Minnesota Statutes 1976, Sections 270.051, Subdivision 2; 341.01; 341.02; 341.04; 341.05; 341.07; 341.08; 341.09; 341.10; 341.12; 341.13; and 341.15.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Novak, Jaros and Sieben, M., introduced:

H. F. No. 1674, A bill for an act relating to crimes; lowering the age for juvenile court jurisdiction; mandatory minimum terms for certain felonies; redefining certain felonies; changing the length of terms of imprisonment for certain felonies; amending the value involved in certain felony property offenses; authorization for arrest without warrant for gross misdemeanors although not committed in a peace officers' presence; perscribing penalties; amending Minnesota Statutes 1976, Sections 260.015, Subdivision 2; 260.111, Subdivision 1; 260.193, Subdivision 5; 260.215, Subdivision 1; 609.11; 609.135, by adding a subdivision; 609.168; 609.185; 609.195; 609.225, by adding subdivisions; 609.25, Subdivision 2; 609.27, Subdivision 2; 609.275; 609.32, Subdivision 1; 609.343; 609.344; 609.345; 609.49; 609.52, Subdivision 3; 609.53; 609.551, Subdivision 1; 609.562; 609.563; 609.595, Subdivision 1; 609.625, Subdivision 1, and by adding subdivisions; 629.34; 629.35; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 609.15, Subdivision 2; and 609.63.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Sherwood, Johnson, Savelkoul, Kempe, A., and Arlandson introduced:

H. F. No. 1675, A bill for an act relating to highway traffic regulations; providing for mandatory chemical testing under certain circumstances; authorizing arrest for the violation of operating a motor vehicle while under the influence of an alcoholic beverage or other drug although the violation is not observed by the arresting officer; providing for revocation of drivers' licenses by the commissioner of public safety; providing for a limited right to counsel prior to chemical testing; procedures for revocations of drivers' licenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; and 169.127.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Stoa introduced:

H. F. No. 1676, A bill for an act relating to elections; limiting certain campaign expenditures; setting the amount of the income tax checkoff; amending Minnesota Statutes 1976, Sections 10A.27, Subdivisions 1 and 2; and 10A.31, Subdivisions 1, 2, and 3.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kelly, R.; McCollar; Ellingson; Kempe, A., and Abeln introduced:

H. F. No. 1677, A bill for an act relating to financial institutions; providing for reporting of investments in real estate mortgages by financial institutions; providing penalties.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kelly, R.; McCollar; Ellingson; Abeln and Friedrich introduced:

H. F. No. 1678, A bill for an act relating to insurance; limiting damages allowed for noneconomic detriment; amending Minnesota Statutes 1976, Section 65B.51, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kelly, W.; Stanton; Skoglund; Norton and Knickerbocker introduced:

H. F. No. 1679, A bill for an act relating to the state planning agency; establishing and empowering a Minnesota futures division; appropriating funds.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Voss, Casserly, Clawson, Laidig and Corbid introduced:

H. F. No. 1680, A bill for an act proposing an amendment to the Minnesota Constitution, Article V, Sections 1, 3, and 4, Article VIII, Section 2, and Article XI, Sections 6, 7, 8 and 10; eliminating the offices of state auditor and treasurer.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Searles, Vanasek, Evans, Adams and Casserly introduced:

H. F. No. 1681, A bill for an act relating to metropolitan government; providing for candidate screening committees for each metropolitan district; removing the city of New Prague from the metropolitan area and the metropolitan transit area; amending Minnesota Statutes 1976, Sections 473.123, Subdivisions 2, 3, and by adding a subdivision; 473.403; and 473F.02, Subdivisions 2 and 8.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Moe, Petrafeso, Wynia, Clawson and Carlson, A., introduced:

H. F. No. 1682, A bill for an act relating to coordination of transportation services in the seven county metropolitan area by the regulation of taxicab services.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Abeln; Skoglund; Kelly, W.; Prah and Tomlinson introduced:

H. F. No. 1683, A bill for an act relating to taxation; clarifying definitions of "sale" and "purchase"; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Jacobs and Kelly, W., introduced:

H. F. No. 1684, A bill for an act relating to taxation; providing for state income tax to be imposed on taxpayer's federal tax liability; removing agricultural electricity credit from the income tax return and providing for gasoline tax refund to be claimed on the return; amending Minnesota Statutes 1976, Sections 290.01, Subdivisions 1, 7, and by adding subdivisions; 290.03; 290.05; 290.06, by adding subdivisions; 290.07, Subdivisions 1 and 2; 290.32; 290.34, Subdivision 3; 290.37, Subdivisions 1 and 3; 290.38; 290.93, Subdivision 1; 290A.03, Subdivision 3; 296.18, Subdivisions 1, 1a, 2, and 3; 297A.25, Subdivision 1; and Chapter 290, by adding sections; repealing Minnesota Statutes 1976, Sections 290.01, Subdivisions 1a, 2, 3, 4, 5, 6, 8, 8a, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26; 290.011; 290.012; 290.02; 290.032; 290.04; 290.06, Subdivisions 1, 2b, 2c, 3a, 3b, 3c, 3d, 9 and 9a; 290.0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.07, Subdivisions 3, 4, 5, 5a, 6 and 7; 290.071; 290.072; 290.073; 290.075; 290.076; 290.077; 290.0781; 290.079; 290.08; 290.081; 290.085; 290.086; 290.087; 290.09; 290.095; 290.10; 290.101; 290.11; 290.12; 290.13; 290.131; 290.132; 290.133; 290.134; 290.135; 290.136; 290.137; 290.138; 290.139; 290.14; 290.15; 290.16; 290.17; 290.18; 290.19; 290.20; 290.21; 290.22; 290.23; 290.24; 290.25; 290.26; 290.27; 290.28; 290.281; 290.29; 290.30; 290.31; 290.311; 290.33; 290.35; 290.36; 290.361; 290.363; 290.39, Subdivision 2; 290.41; 290.501; 290.65; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; and 297A.35, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Jacobs; Vanasek; Kelly, W.; Savelkoul and Casserly introduced:

H. F. No. 1685, A bill for an act relating to taxation; redefining "net income" for corporation income tax purposes; clarifying kinds of persons exempt from income tax; changing certain exemption procedures; changing income tax carryover and carryback provisions; changing treatment of certain partnership income and expenses; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 19; 290.05, Subdivisions 1 and 2; 290.095, Subdivisions 3 and 9; 290.21, Subdivision 3; and 290.31, Subdivisions 2, 4, 6, 9, 10, 11, 21, and by adding a subdivision; repealing Minnesota Statutes 1976, Sections 290.09, Subdivision 28; and 290.095, Subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

Pehler and Kelly, W., introduced :

H. F. No. 1686, A bill for an act relating to taxation; clarifying definitions of "retail sale," "gross receipts" and "retailer" for sales tax purposes; removing professional auctioneers from occasional sale exemption; amending Minnesota Statutes 1976, Sections 297A.01, Subdivisions 4, 9 and 10; and 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Kelly, W.; Stanton; Casserly; Eken and Johnson introduced :

H. F. No. 1687, A bill for an act relating to taxation; providing for the preservation of agricultural land; providing for assessment of agricultural land designated for preservation according to its agricultural income potential value; providing for the deferral of special local assessments on agricultural land designated for preservation; requiring local comprehensive plans; providing for payment of back taxes when agricultural land ceases to be designated for preservation; providing for a withdrawal penalty; ending reduced assessment and special assessment deferral; repealing Minnesota Statutes 1976, Section 273.111.

The bill was read for the first time and referred to the Committee on Taxes.

Kelly, W.; Jacobs; Vanasek; Tomlinson and McCollar introduced :

H. F. No. 1688, A bill for an act relating to taxation; abolishing the property tax on homestead and multiple dwelling residential property; imposing the property tax on other real property as a state tax and removing the local property tax; providing for a local income tax to be imposed by municipalities, counties and special taxing districts; restructuring the distribution of local aids; transferring welfare authority and duties from the counties to the state; providing for complete funding of education by the state and abolishing school district levies; transferring public hospitals and parks from the jurisdiction of the counties to the cities; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 270.06; 270.07, Subdivisions 1 and 2; 270.10, Subdivision 2; 270.11, Subdivisions 2, 3, 4 and 7; 270.12, Subdivision 2; 270.13; 270.16; 270.17; 272.02, Subdivisions 1 and 2; 272.12; 272.14; 272.161; 272.20; 272.21; 272.23; 272.38; 272.39; 272.41; 272.435; 272.45; 272.46; 272.47; 272.59, Subdivision 1; 272.68, Subdivisions 1, 3 and 4; 273.01; 273.015, Subdivision 1; 273.02, Subdivisions 1, 2, 3 and

6; 273.03; 273.11, Subdivisions 2 and 5; 273.111, Subdivision 10; 273.112, Subdivision 8; 273.121; 273.13, Subdivision 4; 273.17, Subdivision 1; 273.18; 273.21; 273.38; 273.42; 274.01; 274.03; 274.04; 274.08; 274.09; 274.10, Subdivisions 1 and 3; 274.11; 274.12; 275.02; 275.28, Subdivision 1; 276.04; 276.05; 276.07; 277.01, Subdivision 1; 278.01; 278.03; 278.04; 278.05; 278.09; 278.10; 278.12; 279.01; 279.02; 279.05; 279.06; 279.07; 279.09; 279.10; 279.11; 279.12; 279.17; 279.22; 279.23; 279.25; 279.34; 279.37, Subdivisions 2, 3, 4, 6, 7 and 8; 280.02; 280.07; 280.10; 280.11; 280.27; 280.28; 280.29; 280.33; 280.36; 280.37; 280.38; 280.385; 280.40; 281.01; 281.02; 281.03; 281.05; 281.10; 281.11; 281.12; 281.13; 281.14; 281.15; 281.21; 281.22; 281.23; 281.24; 281.28; 281.29; 281.324; 281.325; 281.326; 281.327; 281.33; 281.37; 281.38; 281.40; 282.01, Subdivisions 1, 2, 3, 4, 5, 6, 7 and 8; 282.011, Subdivision 1; 282.012; 282.013; 282.016; 282.017; 282.02; 282.03; 282.031; 282.032; 282.033; 282.034; 282.035; 282.037; 282.04; 282.05; 282.07; 282.08; 282.14; 282.15; 282.151; 282.16; 282.17; 282.171; 282.18; 282.19; 282.221; 282.222, Subdivisions 1, 2 and 4; 282.223; 282.224; 282.226; 282.241; 282.251; 282.271; 282.281; 282.291; 282.301; 282.311; 282.321; 282.323, Subdivision 2; 282.324; 282.341; 282.36; 282.37; 283.02; 283.03; 283.05; 283.06; 283.07; 283.11; 284.01; 284.03; 284.05; 284.06; 284.07; 284.08; 284.09; 284.11; 284.12; 284.25, Subdivisions 5, 6 and 7; 284.251, Subdivisions 4 and 5; 284.28, Subdivisions 1, 2, 3, 6 and 7; 298.28, Subdivision 1; 298.244, Subdivision 1; 298.25; 298.281, Subdivisions 1, 2 and 5; 298.36; 298.37; 298.39; 298.396; 298.405, Subdivision 4; 298.46, Subdivisions 2, 3, 4 and 5; 298.64; 365.09; 365.18, Subdivision 2; 365.47; 365.48; 366.015, Subdivision 2; 366.27; 368.05; 368.85, Subdivisions 1, 2 and 6; 368.86, Subdivision 9; 370.19; 370.20; 371.11; 373.01, Subdivision 1; 373.053, Subdivision 5; 373.27, Subdivision 2; 373.31, Subdivision 2; 374.29; 375.167, Subdivision 1; 375.18, Subdivision 6; 375.23; 375.33, Subdivision 1; 376.19; 376.28; 376.31; 376.58, Subdivisions 1 and 2; 377.01; 377.02; 377.03; 377.04; 377.05; 378.52, Subdivisions 1 and 2; 379.06; 383.06; 397.08; 397.10; 397.101; 398.16; 398.33, Subdivision 1; 400.11; 401.10; 412.081; 412.091; 412.093, Subdivisions 5 and 6; 412.251; 414.021, Subdivision 3; 414.031, Subdivision 4; 414.032, Subdivision 4; 414.041, Subdivisions 3 and 4a; 414.067, Subdivisions 1 and 2; 422A.081; 423.27; 423.376, Subdivisions 1 and 3; 423.47; 423.807, Subdivisions 1, 2 and 3; 424.12, Subdivisions 1, 2 and 3; 424.30, Subdivision 1; 425.06; 426.055; 429.051; 429.061, Subdivisions 1, 2 and 3; 430.06; 435.17, Subdivision 2; 443.29; 444.075, Subdivisions 2 and 4; 444.20; 447.42, Subdivision 1; 447.45; 447.46; 447.47; 447.48; 447.49; 447.50; 448.03; 448.21; 448.22; 448.23; 448.24; 448.25; 448.54; 448.55; 448.56; 449.06; 449.08; 449.09; 449.10; 450.19; 450.23; 450.24; 458.14; 458.192, Subdivision 2; 458.193, Subdivision 5; 458.199; 459.06, Subdivision 1; 459.14, Subdivision 2; 462.15; 462.396, Subdivisions 1 and 2; 462.397, Subdivisions 1, 2 and 5; 462.445, Subdivision 4; 462.695, Subdivision 2; 463.06; 465.036; 465.46; 465.55; 466.09; 471.191, Subdivision 2; 471.24; 471.61, Subdivisions 1 and 2a; 471.67; 471.69; 471.90; 471.95; 472A.06; 473.08, Subdivisions 1 and 2; 473.249; 473.325, Subdivision 2; 473.425;

473.438, Subdivision 3; 473.443; 473.446, Subdivisions 1, 1a, 2a and 3; 473.447; 473.521, Subdivision 4; 473.541, Subdivisions 1 and 2; 473.547; 473.621, Subdivision 5; 473.626; 473.627; 473.661, Subdivisions 2 and 3; 473.665, Subdivision 5; 473.667, Subdivisions 3, 4, 6 and 9; 474.10, Subdivisions 1 and 4; 475.53, Subdivisions 1, 3, 4 and 5; 475.58, Subdivision 1; 475.61, Subdivisions 1, 2, 3 and 4; 475.62; 475.63; 475.64; 475A.03, Subdivision 4; 475A.04, Subdivision 1; and 475A.06, Subdivision 6; and Chapters 276, by adding a section; 393, by adding a section; and 477A, by adding sections; repealing Minnesota Statutes 1976, Sections 256.879; 270.12, Subdivision 3; 270.18; 270.19; 270.20; 270.21; 270.22; 270.23; 270.24; 270.25; 270.26; 270.41; 270.42; 270.43; 270.44; 270.45; 270.46; 270.47; 270.48; 270.49; 270.50; 270.51; 270.52; 270.53; 272.011; 272.11; 272.28; 272.29; 272.30; 272.67; 273.011; 273.012; 273.04; 273.05; 273.051; 273.052; 273.053; 273.054; 273.055; 273.056; 273.06; 273.061; 273.063; 273.064; 273.065; 273.072; 273.075; 273.1102; 273.1103; 273.122; 273.13, Subdivisions 3, 6, 6a, 7, 7a, 7b, 7c, 10, 11, 12, 14a, 15a, 16, 17, 17a, 17b, 18, 19, and 20; 273.132; 273.133; 273.134; 273.135; 273.136; 273.137; 273.138; 273.17, Subdivision 2; 274.05; 274.10, Subdivision 3; 274.13; 274.14; 274.16; 274.17; 274.18; 274.19; 275.01; 275.03; 275.07; 275.075; 275.08; 275.09; 275.091; 275.092; 275.10; 275.11; 275.124; 275.125; 275.14; 275.15; 275.16; 275.161; 275.23; 275.26; 275.27; 275.28, Subdivisions 2 and 4; 275.29; 275.31; 275.32; 275.33; 275.34; 275.35; 275.44; 275.45; 275.46; 275.47; 275.48; 275.49; 275.50; 275.51; 275.52; 275.53; 275.54; 275.55; 275.551; 275.552; 275.56; 275.561; 275.57; 275.58; 275.59; 276.01; 276.02; 276.03; 276.06; 276.08; 276.09; 276.10; 276.11; 276.12; 276.13; 276.14; 279.04; 280.001; 280.01; 280.03; 280.04; 280.05; 280.06; 280.08; 280.09; 280.12; 280.13; 280.25; 280.26; 281.25; 281.273; 281.274; 281.275; 281.276; 281.277; 282.03; 282.09; 282.10; 282.11; 282.13; 282.322; 282.35; 282.38, Subdivision 2; 284.02; 284.04; 284.27; 290.0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.066; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; 290A.01; 290A.02; 290A.03; 290A.04; 290A.05; 290A.06; 290A.07; 290A.08; 290A.09; 290A.10; 290A.11; 290A.12; 290A.13; 290A.14; 290A.15; 290A.16; 290A.17; 290A.18; 290A.19; 290A.20; 290A.21; 290A.22; 298.28, Subdivisions 1a and 2; 298.281, Subdivisions 3 and 4; 298.282; 298.46, Subdivision 6; 298.283; 298.47; 298.65; 365.105; 367.05, Subdivision 1; 368.86; 375.192; 376.49; 376.58, Subdivision 5; 378.52, Subdivision 2; 382.20; 384.06; 385.40; 393.01; 393.02; 393.03; 393.04; 393.05; 393.06; 393.07; 393.08; 393.09; 393.10; 393.11; 393.12; 412.131; 412.531; 326.04; 447.05; 447.06; 447.07; 447.10; 447.11; 447.12; 447.13; 447.14; 447.15; 447.16; 447.31; 447.32; 447.33; 447.331; 447.34; 447.345; 447.35; 447.36; 447.37; 447.41; 458.192, Subdivision 11; 459.06, Subdivisions 2 and 3; 462.545, Subdivisions 5, 6, and 7; 462.575, Subdivision 3; 462.585; 462.651, Subdivisions 1 and 4; 462.655; 462.691; 462.695, Subdivision 1; 471.1921; 471.475; 471.71; 471.72; 471.73; 471.74; 471.75; 471.76; 471.77; 471.78; 471.79; 471.80; 471.81; 471.82; 471.83;

472A.07; 472A.08; 473.219; 473.341; 473.629; 473.633; 473.635; 473F.01; 473F.02; 473F.03; 473F.04; 473F.05; 473F.06; 473F.07; 473F.08; 473F.09; 473F.10; 473F.11; 473F.12; 473F.13; 474.10, Subdivisions 2 and 3; 475.53, Subdivision 2; 477A.01; 477A.02; and 477A.03.

The bill was read for the first time and referred to the Committee on Taxes.

Pehler; Patton; Anderson, I.; Dahl and Nelsen, M., introduced:

H. F. No. 1689, A bill for an act relating to taxation; property tax status of property acquired by a municipality for airport purposes; amending Minnesota Statutes 1976, Section 272.68, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Laidig; Forsythe; Sieben, M.; Swanson and Erickson introduced:

H. F. No. 1690, A bill for an act relating to highway traffic regulations; requiring motorcycle helmets; amending Minnesota Statutes 1976, Section 169.974, Subdivisions 2, as amended and 4, as amended; repealing Laws 1977, Chapter 17, Sections 3 and 5.

The bill was read for the first time and referred to the Committee on Transportation.

Munger, Lehto and Jaros introduced:

H. F. No. 1691, A bill for an act relating to the Western Lake Superior Sanitary District; changing its name; authorizing establishment of a district water supply system; providing for its financing and operation; amending Laws 1971, Chapter 478, Sections 1; 2, Subdivisions 2, 3, 4 and by adding subdivisions; 3, as amended; 4, Subdivision 4; 6; 8, as amended; 9, Subdivisions 1 and 2; 11, Subdivision 1; 13, Subdivision 4; 14, as amended; 16, Subdivision 4; 17, Subdivisions 7, 9 and 12; 18; 19; 20, Subdivision 1; and 22.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Waldorf and Begich introduced:

H. A. No. 46, A proposal to study the expanding role of Regional Development Commissions.

The advisory was referred to the Committee on Local and Urban Affairs.

Anderson, G.; Sherwood; Wenstrom; Biersdorf and Munger introduced:

H. A. No. 47, A proposal to study wildlife land acquisition policies and procedures.

The advisory was referred to the Committee on Environment and Natural Resources.

Kroening; Kelly, R.; Jaros; Biersdorf and Arlandson introduced:

H. A. No. 48, A proposal to begin the study and formulation of a state housing policy.

The advisory was referred to the Committee on Commerce and Economic Development.

### 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. 15, A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

H. F. No. 26, A bill for an act relating to labor; granting public employees paid leaves of absence to engage in world athletic competition.

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. 967, A bill for an act relating to education; quality education council; expanding duties and functions; amending Minnesota Statutes 1976, Sections 3.925 and 3.927.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1102, A bill for an act relating to state agencies; revising procedures relating to the purchasing and furnishing of goods and services; amending Minnesota Statutes 1976, Sections 15.047; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 980, A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 848, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous

amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, by adding sections.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 856, A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 129, A bill for an act relating to education; directing the higher education coordinating board to monitor and study credit transferability, the acceptance of credits at full value, and the placing of certain credits on transcripts; amending Minnesota Statutes 1976, Section 136A.04; and Chapter 136A, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 82, A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; increasing the penal fine of misdemeanors; directing a court to require as a condition of a stay of imposition or execution of sentence restitution for property damage or loss or compensation for personal injuries; amending Minnesota Statutes 1976, Sections 412.231; 609.02, Subdivision 3; 609.03; 609.031; 609.032; 609.135, Subdivision 1; 609.27, Subdivision 2; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; 609.615; and 609.785.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 16, A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 293, A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain, operate and levy taxes for such purposes.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 259, A bill for an act relating to insurance; requiring timely refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1510, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals; creating a higher education consortium for southwestern Minnesota; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1582, A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48;

and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

The Senate has appointed as such committee Messrs. Schaaf, McCutcheon and Perpich.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File :

H. F. No. 987, A bill for an act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

The Senate has appointed as such committee Messrs. Stumpf, Dieterich and Sieloff.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File :

H. F. No. 315, A bill for an act relating to state government; state zoological board; providing for a member designated by the Dakota county board; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

The Senate has appointed as such committee Messrs. Vega, Knutson and Purfeerst.

House File No. 315 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1631, A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

The Senate has appointed as such committee Messrs. Moe, Lewis, Spear, Solon and Pillsbury.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 124, A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for battered women; appropriating money; amending Minnesota Statutes 1976, Section 256D.05, by adding a subdivision.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Lewis, Sikorski and Kirchner have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kahn moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 124. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1395, A bill for an act relating to education; public television and radio; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Solon, Humphrey and Mrs. Brataas have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Beauchamp moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1395. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 615.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 80.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 455.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1071.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 707.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 336.

PATRICK E. FLAHAVER, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 615, A bill for an act relating to education; higher education coordinating board; authorizing the board to contract for spaces for Minnesota residents in out of state schools of osteopathy and optometry; authorizing the board to explore the feasibility of a regional school of optometry; appropriating money.

The bill was read for the first time.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Johnson moved that the rule therein be suspended and an urgency be declared so that S. F. No. 615 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Johnson moved that the rules of the House be so far suspended that S. F. No. 615 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 615 was read for the second time.

S. F. No. 615, A bill for an act relating to education; higher education coordinating board; authorizing the board to contract for spaces for Minnesota residents in out of state schools of osteopathy and optometry; authorizing the board to explore the feasibility of a regional school of optometry; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eckstein	Kalis	Niehaus	Spanish
Anderson, R.	Eken	Kelly, R.	Norton	Stanton
Arlandson	Ellingson	Kelly, W.	Novak	Stoa
Battaglia	Enebo	Kempe, R.	Osthoff	Suss
Beauchamp	Erickson	King	Patton	Swanson
Begich	Esau	Knickerbocker	Pehler	Tomlinson
Berg	Evans	Kostohryz	Peterson	Vanasek
Berglin	Ewald	Kroening	Petrafaso	Voss
Berkelman	Faricy	Kvam	Pleasant	Waldorf
Biersdorf	Fjoslien	Laidig	Prahl	Welch
Birnstihl	Friedrich	Langseth	Reding	Wenstrom
Brandl	Fudro	Lehto	Rice	Wenzel
Braun	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Sarna	Wigley
Carlson, D.	Hanson	McCarron	Savelkoul	Williamson
Carlson, L.	Haugerud	McCollar	Scheid	Wynia
Casserly	Heinitz	McDonald	Schulz	Zubay
Clark	Hokanson	McEachern	Searle	Speaker Sabo
Clawson	Jacobs	Metzen	Searles	

The bill was passed and its title agreed to.

#### FIRST READING OF SENATE BILLS, Continued

S. F. No. 80, A bill for an act relating to ambulance services; reimbursing political subdivisions, non-profit hospitals or corporations for expenses of training volunteer ambulance attendants; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

The bill was read for the first time.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Vanasek moved that the rule therein be

suspended and an urgency be declared so that S. F. No. 80 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Vanasek moved that the rules of the House be so far suspended that S. F. No. 80 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 80 was read for the second time.

Vanasek moved to amend S. F. No. 80, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

**[144.808] [REIMBURSEMENT TO NONPROFIT AMBULANCE SERVICES.]** *Subdivision 1. Any political subdivision, or nonprofit hospital or nonprofit corporation operating a licensed ambulance service shall be reimbursed by the state board of health for the necessary expense of the initial training of a volunteer ambulance attendant upon successful completion by the attendant of an emergency care course which has been approved by the state board of health, pursuant to section 144.804. Reimbursable expense may include tuition, transportation, food, lodging, hourly payment for time spent in the training course, and other necessary expenditures, except that in no instance shall a volunteer ambulance attendant be reimbursed more than \$210.*

*Subd. 2. For purposes of this section, "volunteer ambulance attendant" means a person who provides emergency medical services for a licensed ambulance service without the expectation of remuneration and who does not depend in any way upon the provision of these services for the person's livelihood. An individual may be considered a volunteer ambulance attendant even though that individual receives an hourly stipend for each hour of actual service provision, except for hours on standby alert, even though this hourly stipend is regarded as taxable income for purposes of state or federal law, provided that this hourly stipend does not exceed \$500 in the year in which the individual received his training.*

*Subd. 3. Reimbursements authorized by subdivision 1 shall only be paid for volunteer ambulance attendants commencing and completing training after July 1, 1977.*

**Sec. 2. [APPROPRIATION.]** *For purposes of this act there is appropriated from the general fund to the state board of health \$225,000 for the biennium ending June 30, 1979."*

Further amend by striking the title and inserting:

"A bill for an act relating to ambulance services; reimbursing certain operators of licensed ambulance services for expenses of training volunteer ambulance attendants; defining "volunteer ambulance attendants"; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section."

The motion prevailed and the amendment was adopted.

S. F. No. 80, A bill for an act relating to ambulance services; reimbursing political subdivisions, non-profit hospitals or corporations for expenses of training volunteer ambulance attendants; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

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 1 nay as follows:

Those who voted in the affirmative were:

Abein	Cohen	Jensen	Munger	Sieben, H.
Adams	Corbid	Johnson	Murphy	Sieben, M.
Albrecht	Cummiskey	Jude	Neisen	Simoneau
Anderson, B.	Dahl	Kahn	Nelsen, B.	Skoglund
Anderson, D.	Dean	Kaley	Nelsen, M.	Smogard
Anderson, G.	Den Ouden	Kalis	Nelson	Spanish
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Stanton
Anderson, R.	Eken	Kelly, W.	Norton	Stoa
Arlandson	Erickson	Kempe, R.	Novak	Suss
Battaglia	Esau	King	Osthoff	Swanson
Beauchamp	Evans	Knickerbocker	Patton	Tomlinson
Begich	Ewald	Kostohryz	Pehler	Vanasek
Berg	Farley	Kroening	Peterson	Voss
Berglin	Fjoslien	Kvam	Petrafeso	Waldorf
Berkelman	Forsythe	Laidig	Pleasant	Welch
Biersdorf	Friedrich	Langseth	Prahl	Wenstrom
Birnstihl	Fudro	Lehto	Reding	Wenzel
Brandl	Fugina	Lemke	Rice	White
Braun	George	Mangan	Rose	Wieser
Byrne	Gunter	Mann	St. Onge	Wigley
Carlson, A.	Hanson	McCarron	Sarna	Williamson
Carlson, D.	Haugerud	McCollar	Savelkoul	Wynia
Carlson, L.	Heinitz	McDonald	Scheid	Zubay
Casserly	Hokanson	McEachern	Searle	Speaker Sabo
Clark	Jacobs	Metzen	Searles	
Clawson	Jaros	Moe	Sherwood	

Those who voted in the negative were:

Enebo

The bill was passed, as amended, and its title agreed to.

## FIRST READING OF SENATE BILLS, Continued

S. F. No. 455, A bill for an act relating to education; establishing pilot American Indian language and culture education programs; granting certain powers and duties to the state board of education; establishing a state American Indian language and culture education advisory task force; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision.

The bill was read for the first time.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Berglin moved that the rule therein be suspended and an urgency be declared so that S. F. No. 455 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Berglin moved that the rules of the House be so far suspended that S. F. No. 455 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 455 was read for the second time.

S. F. No. 455, A bill for an act relating to education; establishing pilot American Indian language and culture education programs; granting certain powers and duties to the state board of education; establishing a state American Indian language and culture education advisory task force; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	Cummiskey	George	Kostohryz
Adams	Brandl	Dahl	Hanson	Kroening
Anderson, B.	Braun	Dean	Haugerud	Kvam
Anderson, D.	Brinkman	Den Ouden	Hokanson	Laidig
Anderson, I.	Byrne	Eken	Jacobs	Langseth
Arlandson	Carlson, A.	Ellingson	Jaros	Lehto
Battaglia	Carlson, L.	Enebo	Johnson	Mangan
Begich	Casserly	Evans	Jude	Mann
Berg	Clark	Fjoslien	Kahn	McCarron
Berglin	Clawson	Forsythe	Kelly, W.	McCollar
Berkelman	Cohen	Fudro	Kempe, R.	McDonald
Biersdorf	Corbid	Fugina	King	Metzen

Moe	Novak	Sarna	Spanish	Wenzel
Munger	Pehler	Scheid	Stanton	White
Murphy	Petrafeso	Searles	Stoa	Wigley
Neisen	Pleasant	Sherwood	Suss	Williamson
Nelsen, B.	Prahl	Sieben, H.	Swanson	Wynia
Nelsen, M.	Reding	Sieben, M.	Tomlinson	Speaker Sabo
Nelson	Rice	Simoneau	Voss	
Niehaus	St. Onge	Skoglund	Welch	
Norton	Samuelson	Smogard	Wenstrom	

Those who voted in the negative were :

Albrecht	Ewald	Kaley	McEachern	Schulz
Carlson, D.	Friedrich	Kalis	Osthoff	Searle
Eckstein	Gunter	Kelly, R.	Peterson	Waldorf
Erickson	Heinitz	Knickerbocker	Rose	Wieser
Esau	Jensen	Lemke	Savelkoul	Zubay

The bill was passed and its title agreed to.

### FIRST READING OF SENATE BILLS, Continued

S. F. No. 1071, A bill for an act relating to appropriations; providing funds for the programs of the Minnesota International Center.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 707, A bill for an act relating to the governor's man-power office; providing for the employment and training of displaced homemakers; authorizing certain job training, counseling and placement activities; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 336, A bill for an act relating to Spanish-speaking people; creating a state board on affairs of the Spanish-speaking people; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1395:

Beauchamp, Faricy and Pehler.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 124:

Kahn, Samuelson and Stanton.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., for 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 consideration of Messages from the Senate, today, Saturday, May 21, 1977: H. F. No. 958 and S. F. Nos. 411 and 1015.

There being no objection the order of business reverted to Messages from the Senate.

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. 420, A bill for an act relating to education; Montessori schools; excluding Montessori schools from day care regulation; appropriating money; amending Minnesota Statutes 1976, Section 245.791.

PATRICK E. FLAHAVEN, Secretary of the Senate

Berglin moved that the House refuse to concur in the Senate amendments to H. F. No. 420, that the Speaker appoint a Conference Committee of 3 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.

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. 1030, A bill for an act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance

plans; eliminating certain open enrollment requirements for non-profit health service plans; revising the Minnesota comprehensive health insurance act of 1976; revising the Minnesota catastrophic health expense protection act of 1976; making necessary improvements and corrections; further prescribing the powers and duties of the commissioner of insurance; further prescribing the powers and duties of the commissioner of public welfare; amending Minnesota Statutes 1976, Chapter 62E, by adding a section; and Sections 62A.02, Subdivision 3; 62A.17, Subdivision 6; 62D.10, Subdivision 1; 62E.02, Subdivisions 2, 8, 11 and 21; 62E.03, Subdivision 2; 62E.04, Subdivision 4, and by adding a subdivision; 62E.06; 62E.08; 62E.09; 62E.10, Subdivisions 1, 3, and 7; 62E.11, Subdivision 5; 62E.13, Subdivisions 2 and 4; 62E.14, Subdivision 1; 62E.53; and 62E.54, Subdivision 1; repealing Minnesota Statutes 1976, Section 62E.16.

PATRICK E. FLAHAVEN, Secretary of the Senate

Swanson moved that the House refuse to concur in the Senate amendments to H. F. No. 1030, that the Speaker appoint a Conference Committee of 3 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.

Mr. Speaker:

I hereby announce that the Senate refuses to adopt the Conference Committee report on House File No. 586 and that the present Conference Committee has been discharged, and the Subcommittee on Committees has appointed a new Conference Committee consisting of three members on the part of the Senate and requests that the House appoint a like Committee to further consider the following House File No. 586.

H. F. No. 586, A bill for an act relating to taxation; information contained in tax returns; amending Minnesota Statutes 1976, Sections 290.081; 290.61; and 290A.17.

The Senate has appointed as such committee Messrs. McCutcheon, Merriam and Sieloff.

House File No. 586 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly, W., moved that the House accede to the request of the Senate and that the Speaker appoint a like Conference Committee of 3 members of the House on the disagreeing votes of the two Houses on H. F. No. 586. The motion prevailed.

## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 586:

Kelly, W., Skoglund and Savelkoul.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1030:

Swanson, Carlson, L., and Brinkman.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 420:

Berglin, Mangan and Kvam.

## SPECIAL ORDERS

H. F. No. 958, A bill for an act relating to agriculture; establishing a swine disease research center; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Fudro	Kroening	Patton
Adams	Carlson, L.	Fugina	Laidig	Pehler
Albrecht	Casserly	George	Langseth	Peterson
Anderson, B.	Clark	Gunter	Lehto	Petrafeso
Anderson, D.	Clawson	Hanson	Lemke	Pleasant
Anderson, G.	Cohen	Haugerud	Mangan	Prahl
Anderson, I.	Corbid	Heinitz	Mann	Reding
Anderson, R.	Cummiskey	Hokanson	McCollar	Rice
Arlandson	Dahl	Jacobs	McDonald	Rose
Battaglia	Dean	Jaros	McEachern	St. Onge
Beauchamp	Den Ouden	Jensen	Metzen	Samuelson
Begich	Eckstein	Johnson	Moe	Sarna
Berg	Eken	Jude	Munger	Savelkoul
Berglin	Ellingson	Kahn	Murphy	Scheid
Berkelman	Enebo	Kaley	Neisen	Schulz
Biersdorf	Erickson	Kalis	Nelsen, B.	Searle
Birnstihl	Evans	Kelly, R.	Nelsen, M.	Searles
Brandl	Ewald	Kelly, W.	Nelson	Sherwood
Braun	Faricy	Kempe, R.	Niehaus	Sieben, H.
Brinkman	Fjoslien	King	Norton	Sieben, M.
Byrne	Forsythe	Knickerbocker	Novak	Simoneau
Carlson, A.	Friedrich	Kostohryz	Osthoff	Skoglund

Smogard	Suss	Voss	Wenzel	Williamson
Spanish	Swanson	Waldorf	White	Wynia
Stanton	Tomlinson	Welch	Wieser	Zubay
Stoa	Vanasek	Wenstrom	Wigley	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 411 was reported to the House.

Moe moved to amend S. F. No. 411, the unofficial engrossment, as follows:

Page 1, line 17, delete "626.853" and insert "626.852".

Page 6, line 15, delete "626.853" and insert "626.852".

Page 6, line 19, delete "626.853" and insert "626.852".

Page 7, line 9, delete "626.853" and insert "626.852".

Page 7, line 16, delete "626.853" and insert "626.852".

Page 8, line 16, delete "626.853" and insert "626.852".

Page 9, line 8, delete "626.853" and insert "626.852".

Page 9, after line 14, insert a section to read:

"Sec. 8. Minnesota Statutes 1976, Section 626.846, is amended to read:

626.846 [ATTENDANCE, FORFEITURE OF POSITION.]  
Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any peace officer employed or elected on or after (JULY 1, 1967) *January 1, 1978*, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota (WITH A POPULATION OF MORE THAN 1,000 ACCORDING TO THE LAST FEDERAL CENSUS) shall attend a peace officers training course within 12 months of his appointment (EXCEPT AS PROVIDED IN SECTION 626.853).

Subd. 2. Every peace officer who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota (WITH A POPULATION OF MORE THAN 1,000 ACCORDING TO THE LAST FEDERAL CENSUS), on a temporary basis or for a probationary term, shall forfeit his position unless he has satisfactorily completed, within the time prescribed by the rules and regulations promulgated pursuant to sections 626.841 to (626.854) *626.852*, an approved peace officer training program (EXCEPT AS PROVIDED IN SECTION 626.853). Any other peace officer em-

ployed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses subject to the rules and regulations promulgated pursuant to sections 626.841 to 626.854.”.

Renumber the remaining sections in sequence.

Page 9, line 18, delete “626.853” and insert “626.852” and strike “except”.

Page 9, line 19, strike “the population limits in sections 626.846 and 626.853,”.

Page 9, line 22, delete “626.853” and insert “626.852”.

Page 11, line 8, delete “626.853” and insert “626.852”.

Page 11 and 12, strike section 12.

Renumber the sections that follow in sequence.

Page 12, line 19, after “626.844” insert “, 626.853”.

Further amend the title:

Page 1, line 3, after “licensing” insert “of all peace officers in the state”.

Page 1, line 9, delete “626.853;”.

Page 1, line 11, after “626.844” insert “, 626.853”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 56 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Kempe, R.	Osthoff	Spanish
Arlandson	Cummiskey	Kostohryz	Petraleso	Stoa
Battaglia	Ellingson	Kroening	Pleasant	Swanson
Beauchamp	Enebo	Lehto	Reding	Tomlinson
Berg	Fudro	McCarron	Rice	White
Berglin	Fugina	McEachern	Sarna	Williamson
Berkelman	George	Metzen	Scheid	Wynia
Brandl	Hokanson	Moe	Schulz	Speaker Sabo
Byrne	Jacobs	Neisen	Sieben, H.	
Carlson, L.	Jaros	Nelson	Sieben, M.	
Casserly	Kahn	Norton	Simoneau	
Clark	Kelly, R.	Novak	Skoglund	

Those who voted in the negative were:

Abeln	Clawson	Gunter	Mangan	Searle
Albrecht	Corbid	Haugerud	Mann	Searles
Anderson, B.	Dahl	Heinitz	McCollar	Sherwood
Anderson, D.	Dean	Jensen	McDonald	Smogard
Anderson, G.	Den Ouden	Johnson	Nelsen, B.	Stanton
Anderson, I.	Eckstein	Jude	Niehau	Suss
Anderson, R.	Eken	Kaley	Patton	Vanasek
Begich	Erickson	Kalis	Pehler	Waldorf
Biersdorf	Esau	Kelly, W.	Peterson	Welch
Birnstihl	Evans	King	Prahl	Wenstrom
Braun	Ewald	Kvam	Rose	Wenzel
Brinkman	Fjoslien	Laidig	St. Onge	Wieser
Carlson, A.	Forsythe	Langseth	Samuelson	Wigley
Carlson, D.	Friedrich	Lemke	Savelkoul	Zubay

The motion did not prevail and the amendment was not adopted.

S. F. No. 411, A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853.

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 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Fudro	Kostohryz	Patton
Adams	Clark	Fugina	Kroening	Pehler
Anderson, B.	Clawson	George	Kvam	Peterson
Anderson, G.	Cohen	Gunter	Laidig	Petrafeso
Anderson, I.	Corbid	Hanson	Langseth	Pleasant
Anderson, R.	Cummiskey	Haugerud	Lehto	Prahl
Arlandson	Dahl	Heinitz	Lemke	Reding
Battaglia	Dean	Hokanson	Mangan	Rice
Beauchamp	Den Ouden	Jacobs	Mann	Rose
Begich	Eckstein	Jaros	McCarron	St. Onge
Berg	Eken	Jensen	McCollar	Samuelson
Berglin	Ellingson	Johnson	McDonald	Sarna
Berkelman	Enebo	Jude	McEachern	Savelkoul
Biersdorf	Erickson	Kahn	Metzen	Scheid
Birnstihl	Esau	Kaley	Moe	Schulz
Brandl	Evans	Kalis	Munger	Searle
Brinkman	Ewald	Kelly, R.	Nelsen, B.	Searles
Byrne	Farcy	Kelly, W.	Nelson	Sherwood
Carlson, A.	Fjoslien	Kempe, R.	Norton	Sieben, H.
Carlson, D.	Forsythe	King	Novak	Sieben, M.
Carlson, L.	Friedrich	Knickerbocker	Osthoff	Simoneau

Skoglund	Suss	Waldorf	Wieser	Speaker Sabo
Smogard	Swanson	Welch	Wigley	
Spanish	Tomlinson	Wenstrom	Williamson	
Stanton	Vanasek	Wenzel	Wynia	
Stoa	Voss	White	Zubay	

Those who voted in the negative were:

Braun	Neisen	Niehaus
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The bill was passed and its title agreed to.

S. F. No. 1015, A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; increasing surcharges on certain building permits; requiring certain units of government to establish dilapidated building removal accounts; authorizing the commissioner of transportation to remove certain dilapidated buildings; appropriating money; amending Minnesota Statutes 1976, Section 16.866.

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 41 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Casserly	Hokanson	Osthoff	Stanton
Arlandson	Corbid	Jaros	Patton	Suss
Battaglia	Dahl	Jensen	Prahl	Swanson
Begich	Dean	Kahn	St. Onge	Voss
Berg	Eken	King	Samuelson	Wynia
Berglin	Ellingson	Kostohryz	Sarna	
Birnstihl	Fudro	Kroening	Scheid	
Byrne	Fugina	Norton	Simoneau	
Carlson, L.	Hanson	Novak	Spanish	

Those who voted in the negative were:

Abeln	Eckstein	Jude	Metzen	Smogard
Adams	Enebo	Kaley	Neisen	Stoa
Albrecht	Erickson	Kalis	Nelsen, B.	Tomlinson
Anderson, G.	Esau	Kelly, R.	Niehaus	Waldorf
Anderson, I.	Evans	Kelly, W.	Pehler	Welch
Anderson, R.	Ewald	Kempe, R.	Peterson	Wenstrom
Berkelman	Faricy	Knickerbocker	Pleasant	Wenzel
Biersdorf	Fjoslien	Kvam	Rose	White
Braun	Forsythe	Laidig	Savelkoul	Wieser
Brinkman	Friedrich	Langseth	Schulz	Wigley
Carlson, A.	George	Lemke	Searle	Williamson
Clark	Gunter	Mangan	Searies	Zubay
Clawson	Heinitz	Mann	Sieben, H.	Speaker Sabo
Cohen	Jacobs	McDonald	Sieben, M.	
Den Ouden	Johnson	McEachern	Skoglund	

The bill was not passed.

Haugerud was excused for the remainder of today's session.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1475

A bill for an act relating to taxation; providing changes in classification ratios and assessment procedures; increasing local government aids and certain tax credits; altering levy limits; imposing a minimum tax on certain types of income; establishing tax study committee; increasing the tax on taconite production and providing for the distribution of its proceeds; establishing a taconite area environmental protection and economic development fund and council; establishing a Northeast Minnesota economic protection fund; imposing a tailings tax; increasing the tax on unmined taconite; requiring owners and lessees of mineral rights to file exploration data with the commissioner of revenue; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 124.212, Subdivisions 10 and 11; 273.11, Subdivisions 1 and 2; 273.12; 273.13, Subdivisions 6, 7 and 14a; 273.132; 273.134; 274.01, Subdivision 1; 275.50, Subdivision 5; 275.51, by adding a subdivision; 275.52, Subdivisions 2, 3 and 4; 275.53, Subdivisions 1 and 3; 278.01; 278.05; 287.241, Subdivision 2; 290.012, Subdivision 2; 290.09, Subdivision 4; 290A.03, Subdivisions 3, 11 and 13; 290A.04, Subdivision 2, and by adding a subdivision; 294.26; 298.03; 298.22, Subdivision 1; 298.24, Subdivisions 1 and 2; 298.244, Subdivision 2; 298.25; 298.26; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; 375.192, by adding a subdivision; 477A.01, Subdivisions 1, 2, 4, 4a, 4b, and by adding a subdivision; 477A.03; and Chapters 3, 272, 287, 290, 298 and 477A, by adding sections; repealing Minnesota Statutes 1976, Sections 275.51, Subdivisions 3b and 3c; 287.241, Subdivisions 3 and 4; 290.09, Subdivision 26; 294.27; 294.28; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; 298.281; Extra Session Laws 1971, Chapter 31, Article XIII; Laws 1973, Chapter 601; Laws 1975, Chapter 437, Article VII; and Laws 1976, Chapter 149, Section 58.

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1475 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 1475 be further amended as follows:

Strike everything after the enacting clause and insert:

**"ARTICLE I**

Section 1. Minnesota Statutes 1976, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source.

For each of the taxable years beginning after December 31, 1960 and prior to January 1, 1971, the term "gross income" in its application to individuals, estates, and trusts, shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through December 31, 1970 for the applicable taxable year, with the modifications specified in this section.

For each of the taxable years beginning after December 31, 1970, the term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1970, shall be in effect for taxable years beginning after December 31, 1970 and prior to January 1, 1973.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1972, shall be in effect for taxable years beginning after December 31, 1972.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1973, shall be in effect for taxable years beginning after December 31, 1973.

(iv) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(v) *The Internal Revenue Code of 1954, as amended through December 31, 1976, shall be in effect for taxable years beginning after December 31, 1976.*

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any such other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for such reimbursed expenditure resulted in a tax benefit;

**((6) LOSSES WHICH DO NOT ARISE FROM EVENTS OR TRANSACTIONS WHICH ARE ASSIGNABLE TO MINNESOTA UNDER THE PROVISIONS OF SECTIONS 290.17 TO 290.20, INCLUDING ANY CAPITAL LOSS OR NET OPERATING LOSS CARRYFORWARDS OR CARRYBACKS RESULTING FROM SUCH LOSSES, AND INCLUDING ANY SUCH NONASSIGNABLE LOSSES WHICH OCCUR PRIOR TO THE TIME THE INDIVIDUAL BECOMES A RESIDENT OF THE STATE OF MINNESOTA;)**

**((7)) (6)** The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for such previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota

returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

((8)) (7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

((9)) (8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954, as amended through December 31, 1974, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1974, that was previously allowed as a deduction either under section 290.01, subdivision 20(b)(9) or under section 290.09, subdivision 24; and

((10)) (9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

((11)) (10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101; and

((12)) (11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income.

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income;

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to fifty per centum of such portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of such securities but includible in gross income for federal income tax purposes;

**((4) INCOME WHICH DOES NOT ARISE FROM EVENTS OR TRANSACTIONS WHICH ARE ASSIGNABLE TO MINNESOTA UNDER THE PROVISIONS OF SECTIONS 290.17 TO 290.20;)**

**((5)) (4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from such losses;**

**((6)) (5) If included in federal adjusted gross income, *the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether such amount is received as a refund or credited to another taxable year's income tax liability;***

**((7)) (6) The amount of any pension or benefit which is excluded from gross income under the provisions of section 290.08, subdivision 6; and**

**((8) THE AMOUNT OF COMPENSATION FOR PERSONAL SERVICES IN THE ARMED FORCES OF THE UNITED STATES OR THE UNITED NATIONS WHICH IS EXCLUDED FROM GROSS INCOME UNDER THE PROVISIONS OF SECTION 290.65; AND)**

**((9)) (7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1974, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter.**

**(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.**

**(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from such corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of such stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.**

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and said corporation is liquidated or the individual shareholder disposes of his stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, such shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that such reserve is distributed to shareholders such distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that such amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1(2) in computing Minnesota inheritance tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have such amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this para-

graph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 2. Minnesota Statutes 1976, Section 290.012, Subdivision 2, is amended to read:

Subd. 2. "Claimant" means the individual taxpayer whose income, together with that of his spouse, if any, brings him within the provisions of this section and section 290.06, subdivision 3d. *No claimant and spouse whose federal adjusted gross income, including the modifications increasing federal adjusted gross income as computed under section 290.01, subdivision 20, clause (a), exceed \$20,000 may qualify under this section.*

Sec. 3. Minnesota Statutes 1976, Section 290.031, Subdivision 4, is amended to read:

Subd. 4. [TAXABLE COMPENSATION.] "Taxable compensation" means the total wages, as defined in section 268.04, subdivision 25, but not limited as provided in clause (1) of said subdivision, paid by an employer, as defined in subdivision 3, to employees after (JUNE 30, 1973) *December 31, 1977*, excluding therefrom the first (\$100,000) *\$250,000* of compensation paid during an employer's fiscal or calendar taxable year. There shall be deducted in determining taxable compensation for any taxable year the sum of (\$100,000) *\$250,000* except that where the taxable year is a period of less than 12 months and in the case of taxable years ending on or before (MAY 31, 1974) *November 30, 1978* the deduction shall be proportionately reduced.

Sec. 4. Minnesota Statutes 1976, Section 290.06, Subdivision 2c, is amended to read:

Subd. 2c. [SCHEDULE OF RATES FOR INDIVIDUALS, ESTATES AND TRUSTS.] (a) For taxable years beginning after December 31, (1971) *1977*, the income taxes imposed by this chapter upon individuals, estates and trusts, other than those taxable as corporations, shall be computed by applying to their taxable net income in excess of the applicable credits allowed by section 290.21, the following schedule of rates:

- (1) On the first \$500, one and six-tenths percent;
- (2) On the second \$500, two and two-tenths percent;
- (3) On the next \$1,000, three and five-tenths percent;
- (4) On the next \$1,000, five and eight-tenths percent;
- (5) On the next \$1,000, seven and three-tenths percent;

- (6) On the next \$1,000, eight and eight-tenths percent;
- (7) On the next \$2,000, ten and two-tenths percent;
- (8) On the next \$2,000, eleven and five-tenths percent;
- (9) On the next \$3,500, twelve and eight-tenths percent;
- (10) On all over \$12,500, and not over \$20,000, fourteen percent;
- (11) (ON THE REMAINDER) *On all over \$20,000 and not over \$25,000, fifteen percent;*
- (12) *On all over \$25,000 and not over \$35,000, sixteen percent;*
- (13) *On all over \$35,000 and not over \$50,000, seventeen percent;*
- (14) *On the remainder, eighteen percent.*

(b) In lieu of a tax computed according to the rates set forth in clause (a) of this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year, reduced by the applicable credits allowed by section 290.21, is less than (\$10,000) \$20,000 shall be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision.

Sec. 5. Minnesota Statutes 1976, Section 290.06, Subdivision 3c, is amended to read:

Subd. 3c. [CREDITS AGAINST TAX.] Notwithstanding the provisions of subdivision 3a for taxable years which begin after December 31, (1971) 1977, the taxes due under the computation in accordance with section 290.06 shall be credited with the following amounts:

- (1) In the case of an unmarried individual, and, except as provided in paragraph 6, in the case of the estate of a decedent, (\$21) \$30, and in the case of a trust, \$5;
- (2) In the case of a married individual, living with husband or wife, and in the case of a head of a household, (\$42) \$60. If such husband and wife make separate returns the personal exemption may be taken by either or divided between them;
- (3) In the case of an individual, (\$21) \$30 for each person (other than husband or wife) dependent upon and receiving his

chief support from the taxpayer. One taxpayer only shall be allowed this credit with respect to any given dependent. In the case of the head of a household, a credit for one dependent shall be disallowed. A payment to a divorced or separated wife, other than a payment of the kind referred to in section 290.072, subdivision 3, shall not be considered a payment by the husband for the support of any dependent.

(4) (a) In the case of an unmarried individual who has attained the age of 65 before the close of his taxable year, an additional (\$21) \$30;

(b) (FOR TAXABLE YEARS WHICH BEGIN AFTER DECEMBER 31, 1974,) In the case of an unmarried individual who is blind at the close of the taxable year, an additional (\$25) \$30;

(c) In the case of a married individual, living with husband or wife, an additional (\$21) \$30 for each spouse who has attained the age of 65 before the close of the individual's taxable year, and an additional (\$25) \$30 for each spouse who is blind at the close of the individual's taxable year. If such husband and wife make separate returns, these credits may be taken by either or divided between them;

(d) For the purposes of sub-paragraphs (b) and (c) of paragraph (4), an individual is blind if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(e) (FOR TAXABLE YEARS WHICH BEGIN AFTER DECEMBER 31, 1974,) In the case of an unmarried individual who is deaf at the close of the taxable year, an additional (\$25) \$30.

(f) (FOR TAXABLE YEARS WHICH BEGIN AFTER DECEMBER 31, 1974,) In the case of a married individual, an additional (\$25) \$30 for each spouse who is deaf at the close of the taxable year. If the husband and wife make separate returns, these credits may be taken by either or divided between them.

(g) (FOR TAXABLE YEARS WHICH BEGIN AFTER DECEMBER 31, 1974,) In the case of an individual, an additional (\$25) \$30 for each person (other than a spouse) who is deaf and dependent upon and receiving his chief support from the taxpayer.

(h) For the purposes of subparagraphs (e), (f) and (g) of paragraph (4), an individual is deaf if the average loss in the

speech frequencies (500-2000 Hertz) in the better ear, unaided, is 92 decibels, American National Standards Institute, or worse.

(5) In the case of an insurance company, it shall receive a credit on the tax computed as above equal in amount to any taxes based on premiums paid by it during the period for which the tax under Extra Session Laws 1967, Chapter 32, is imposed by virtue of any law of this state, other than the surcharge on premiums imposed by Extra Session Laws 1933, Chapter 53, as amended;

((6) IF THE STATUS OF A TAXPAYER, INSOFAR AS IT AFFECTS THE CREDITS ALLOWED UNDER PARAGRAPHS 1, 2 AND 3 SHALL CHANGE DURING THE TAXABLE YEAR, OR IF THE TAXPAYER SHALL EITHER BECOME OR CEASE TO BE A RESIDENT OF THE STATE DURING SUCH TAXABLE YEAR, SUCH CREDIT SHALL BE APPORTIONED, IN ACCORDANCE WITH THE NUMBER OF MONTHS BEFORE AND AFTER SUCH CHANGE. FOR THE PURPOSE OF SUCH APPORTIONMENT, A FRACTIONAL PART OF A MONTH SHALL BE DISREGARDED UNLESS MORE THAN ONE-HALF OF THE MONTH, IN WHICH CASE IT SHALL BE CONSIDERED AS A MONTH. IN CASE OF DEATH DURING A TAXABLE YEAR, A CREDIT SHALL BE ALLOWED TO THE DECEDENT, IN PROPORTION TO THE NUMBER OF MONTHS BEFORE HIS DEATH, AND TO HIS ESTATE, IN PROPORTION TO THE NUMBER OF MONTHS AFTER HIS DEATH, AND IN ANY EVENT A MINIMUM CREDIT OF \$5 SHALL BE ALLOWED TO THE DECEDENT AND HIS ESTATE, RESPECTIVELY;)

((7)) (6) In the case of a non-resident individual, credits under paragraphs 1, 2, 3 and 4 shall be apportioned in the proportion of the gross income from sources in Minnesota to the gross income from all sources, and in any event a minimum credit of \$5 shall be allowed.

Sec. 6. Minnesota Statutes 1976, Section 290.08, Subdivision 6, is amended to read:

Subd. 6. [PENSIONS, BENEFITS, AND ALLOWANCES FROM STATE AND UNITED STATES.] *Notwithstanding the provisions of any other law to the contrary* amounts, including interest, *not in excess of \$7,200* received by any person from the United States or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer fireman's relief association, either as a refund of contributions to, or by way of payment as a pension, public employee retirement benefit, (UNEMPLOYMENT COMPENSATION BENEFIT, SOCIAL SECURITY BENEFIT OR RAILROAD RETIREMENT OR UNEMPLOYMENT COMPENSATION

**BENEFIT, FAMILY ALLOTMENT OR OTHER SIMILAR ALLOWANCE)** or any combination thereof; provided that the amount of exclusion provided for in this subdivision shall be reduced by social security and railroad retirement benefits plus any earned income as defined in section 37(e)(8)(B) of the Internal Revenue Code of 1954, as amended through December 31, 1976, which is received during the taxable year.

Sec. 7. Minnesota Statutes 1976, Section 290.081, is amended to read:

**290.081 [INCOME OF NONRESIDENTS, RECIPROCI-  
TY.]** (a) The compensation received for the performance of personal or professional services within this state by an individual who resides and has his place of abode and place to which he customarily returns at least once a month in another state, shall be excluded from gross income to the extent such compensation is subject to an income tax imposed by the state of his residence; provided that such state allows a similar exclusion of compensation received by residents of Minnesota for services performed therein, or

(b) Whenever a nonresident taxpayer has become liable for income taxes to the state where he resides upon his net income for the taxable year derived from the performance of personal or professional services within this state and subject to taxation under this chapter, there shall be allowed as a credit against the amount of income tax payable by him under this chapter, such proportion of the tax so paid by him to the state where he resides as his gross income subject to taxation under this chapter bears to his entire gross income upon which the tax so paid to such other state was imposed; provided, that such credit shall be allowed only if the laws of such state grant a substantially similar credit to residents of this state subject to income tax under such laws, or

(c) If any taxpayer who is a resident of this state, or a domestic corporation or corporation commercially domiciled therein, has become liable for taxes on or measured by net income to another state upon, *if the taxpayer is an individual or a resident estate or resident trust, any income, or if it is a corporation, upon* income derived from the performance of personal or professional services within such other state and subject to taxation under this chapter he or it shall be entitled to a credit against the amount of taxes payable under this chapter, of such proportion thereof, as such gross income subject to taxation in such state bears to his entire gross income subject to taxation under this chapter; provided (1) that such credit shall in no event exceed the amount of tax so paid to such other state on the gross income earned within such other state and subject to taxation under this chapter, and (2) that such credit shall not be allowed if such other state allows residents of this state a credit against the taxes imposed by such state for taxes payable under this

chapter substantially similar to the credit provided for by paragraph (b) of this section, and (3) the allowance of such credit shall not operate to reduce the taxes payable under this chapter to an amount less than would have been payable if the gross income earned in such other state had been excluded in computing net income under this chapter.

(d) The commissioner shall by regulation determine with respect to gross income earned in any other state the applicable clause of this section. When it is deemed to be in the best interests of the people of this state, the commissioner may determine that the provisions of clause (a) shall not apply.

(e) "Tax So Paid" as used in this section means taxes on or measured by net income payable to another state on income earned within the taxable year for which the credit is claimed, provided that such tax is actually paid in that taxable year, or subsequent taxable years.

(f) For the purposes of clause (a), whenever the Wisconsin tax on Minnesota residents which would have been paid Wisconsin without clause (a) exceeds the Minnesota tax on Wisconsin residents which would have been paid Minnesota without clause (a), or vice versa, then the state with the net revenue loss resulting from clause (a) shall receive from the other state the amount of such loss. This provision shall be effective for all years beginning after December 31, 1972. The data used for computing the loss to either state shall be determined on or before September 30 of the year following the close of the previous calendar year.

If an agreement cannot be reached as to the amount of the loss, the commissioner of revenue and the taxing official of the state of Wisconsin shall each appoint a member of a board of arbitration and these members shall appoint the third member of the board. The board shall select one of its members as chairman. Such board may administer oaths, take testimony, subpoena witnesses, and require their attendance, require the production of books, papers and documents, and hold hearings at such places as are deemed necessary. The board shall then make a determination as to the amount to be paid the other state which determination shall be final and conclusive.

Sec. 8. Minnesota Statutes 1976, Section 290.09, Subdivision 4, is amended to read:

Subd. 4. [TAXES.] Taxes paid or accrued within the taxable year, except (a) income or franchise taxes imposed by this chapter; (b) taxes assessed against local benefits of a kind deemed in law to increase the value of the property assessed; (c) inheritance, gift and estate taxes except as provided in section 290.077, subdivision 4; (d) cigarette and tobacco products excise

tax imposed on the consumer; (e) that part of Minnesota property taxes for which a credit or refund is claimed and allowed under section 290.0603 or 290.066; (f) federal income taxes, by corporations, national and state banks except as provided in section 290.18; (AND) (g) *mortgage registry tax*; (h) *real estate transfer tax*; (i) *federal telephone tax*; and (j) *federal transportation tax* ((G)) (k) tax paid by any corporation or national or state bank to any foreign country or possession of the United States to the extent that a credit against federal income taxes is allowed under the provisions of the Internal Revenue Code of 1954, as amended through December 31, (1974) 1976. If the taxpayer's foreign tax credit consists of both foreign taxes deemed paid and foreign taxes actually paid or withheld, it will be conclusively presumed that foreign taxes deemed paid were first used by the taxpayer in its foreign tax credit. Minnesota gross income shall include the amount of foreign tax paid which had been allowed as a deduction in a previous year, provided such foreign tax is later allowed as a credit against federal income tax. Income taxes permitted to be deducted hereunder shall, regardless of the methods of accounting employed, be deductible only in the taxable year in which paid. Taxes imposed upon a shareholder's interest in a corporation which are paid by the corporation without reimbursement from the shareholder shall be deductible only by such corporation.

Sec. 9. Minnesota Statutes 1976, Section 290.09, Subdivision 5, is amended to read:

Subd. 5. [LOSSES.] (a) General rule. There shall be allowed as a deduction any loss sustained during the taxable year and not compensated for by insurance or otherwise.

(b) Amount of deduction. For purposes of paragraph (a), the basis for determining the amount of the deduction for any loss shall be the adjusted basis provided in sections 290.14 and 290.15 for determining the loss from the sale or other disposition of property.

(c) Limitation of losses of individuals. In the case of an individual, the deduction under paragraph (a) shall be limited to

- (1) Losses incurred in a trade or business;
- (2) Losses incurred in any transaction entered into for profit, though not connected with a trade or business; and
- (3) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft *to the extent they are deductible pursuant to the provisions of section 165(c)(3) of the Internal Revenue Code of 1954, as amended through December 31, 1976*. No loss described in this paragraph shall be allowed if, at the time of the

filing of the return, such loss has been claimed for inheritance tax purposes.

(d) **Wagering losses.** Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

(e) **Theft losses.** For purposes of paragraph (a), any loss arising from theft shall be treated as sustained during the taxable year in which the taxpayer discovers such loss.

(f) **Capital losses.** Losses from sales or exchanges of capital assets shall be allowed only to the extent allowed in section 290.16.

(g) **Worthless securities.**

(1) **General rule.** If any security which is a capital asset becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this chapter, be treated as a loss from the sale or exchange, on the last day of the taxable year, of a capital asset.

(2) **Security defined.** For purposes of this paragraph, the term "security" means:

(A) A share of stock in a corporation;

(B) A right to subscribe for, or to receive, a share of stock in a corporation; or

(C) A bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form.

(3) **Securities in affiliated corporation.** For purposes of paragraph (1), any security in a corporation affiliated with a taxpayer which is a domestic corporation shall not be treated as a capital asset. For purposes of the preceding sentence, a corporation shall be treated as affiliated with the taxpayer only if:

(A) At least 95 percent of each class of its stock is owned directly by the taxpayer, and

(B) More than 90 percent of the aggregate of its gross receipts for all taxable years has been from sources other than royalties, rents (except rents derived from rental from properties to employees of the corporation in the ordinary course of its operating business), dividends, interest (except interest received on deferred purchase price of operating assets sold), annuities, and gains from sales or exchanges of stocks and securities. In

computing gross receipts for purposes of the preceding sentence, gross receipts from sales or exchanges of stock and securities shall be taken into account only to the extent of gains therefrom.

(h) Disaster losses. (1) Notwithstanding the provisions of (a), any loss

(A) attributable to a disaster which occurs during the period following the close of the taxable year and on or before the time prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

(B) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under section 1855-1855g of Title 42, U.S.C.A., at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such election may be made only if a similar election has been made under the provisions of Section 165(h) of the Internal Revenue Code of 1954, as amended through December 31, (1974) 1976 for federal income tax purposes. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this paragraph, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.

(2) The commissioner is authorized to prescribe regulations providing the time and manner of making an election to claim a disaster loss under this clause; provided, however, that such an election relating to a disaster loss occurring during the first three and one-half months of the year 1965 may be made no later than December 31, 1965.

(i) Election. In lieu of the deduction allowed by (a) or (h) any loss not compensated for by insurance or otherwise:

(1) Attributable to storm or other natural causes or fire, may, at the election of the taxpayer, be claimed as a deduction in the taxable year in which said loss is sustained or in the preceding taxable year.

(2) In the event that under the provisions of this paragraph, a taxpayer claims the same disaster loss deduction or a net operating loss deduction resulting from the inclusion of a casualty loss in the calculation of such deduction in different taxable years for state and federal purposes, appropriate modifications shall be allowed or required for taxable years affected in order to prevent duplication or omission of such deduction.

(3) The commissioner is authorized to prescribe regulations providing the time and manner to make an election to claim a

loss under the provisions of this paragraph and for the filing of an amended return or claim for refund.

Sec. 10. Minnesota Statutes 1976, Section 290.09, Subdivision 15, is amended to read:

Subd. 15. [STANDARD DEDUCTION.] In lieu of all deductions provided for in this chapter other than those enumerated in section 290.18, subdivision 2, and in lieu of the credits enumerated in section 290.21, subdivision 3, an individual may claim or be allowed a standard deduction as follows:

(a) If his adjusted gross income is \$10,000 or more, the standard deduction shall be \$1,000.

(b) If his adjusted gross income is less than \$10,000, the standard deduction shall be an amount equal to ten percent thereof; *in the case in which a standard deduction tax table is provided by the commissioner of revenue pursuant to the provisions of section 290.06, subdivision 2, the standard deduction shall be available to individuals with adjusted gross income of less than \$20,000 only through the use of such table.*

In the case of a husband and wife living together, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. For the purposes of this paragraph the determination of whether an individual is living with his spouse shall be made as of the last day of the taxable year unless the spouse dies during the taxable year in which case such determination shall be made as of the date of such spouse's death.

(c) *The commissioner of revenue may establish a standard deduction tax table incorporating the rates set forth in section 290.06, subdivision 2c, and the standard deduction. The tax of any individual taxpayer whose adjusted gross income is less than \$20,000 shall, if an election is made not to itemize nonbusiness deductions, be computed in accordance with tables prepared and issued by the commissioner of revenue. The tables shall be prepared to reflect the allowance of the standard deduction and the personal and dependent credits.*

Sec. 11. Minnesota Statutes 1976, Section 290.17, is amended to read:

290.17 [GROSS INCOME, ALLOCATION TO STATE.]  
Subdivision 1. [INCOME OF RESIDENT INDIVIDUALS, ESTATES, AND TRUSTS.] *The gross income of individuals during the period of time when they are residents of Minnesota and the gross income of resident estates and trusts shall be their gross income as defined in section 290.01, subdivision 20.*

*Subd. 2. [OTHER TAXPAYERS.] In the case of taxpayers not subject to the provisions of subdivision 1, items of gross income shall be assigned to this state or other states or countries in accordance with the following principles:*

(1) The entire income of all resident or domestic taxpayers from compensation for labor or personal services, or from a business consisting principally of the performance of personal or professional services, shall be assigned to this state, and the income of nonresident taxpayers from such sources shall be assigned to this state if, and to the extent that, the labor or services are performed within it; all other income from such sources shall be treated as income from sources without this state;

(2) Income from the operation of a farm shall be assigned to this state if the farm is located within this state and to other states only if the farm is not located in this state. Income and gains received from tangible property not employed in the business of the recipient of such income or gains, and from tangible property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, shall be assigned to this state if such property has a situs within it, and to other states only if it has no situs in this state. Income or gains from intangible personal property not employed in the business of the recipient of such income or gains, and from intangible personal property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, wherever held, whether in trust, or otherwise, shall be assigned to this state if the recipient thereof is domiciled within this state; income or gains from intangible personal property wherever held, whether in trust or otherwise shall be assigned to this state if the recipient of such income or gains is domiciled within this state, or if the grantor of any trust is domiciled within this state and such income or gains would be taxable to such grantor under sections 290.28 or 290.29;

(3) Income derived from carrying on a trade or business, including in the case of a business owned by natural persons the income imputable to the owner for his services and the use of his property therein, shall be assigned to this state if the trade or business is conducted wholly within this state, and to other states if conducted wholly without this state. This provision shall not apply to business income subject to the provisions of clause (1);

(4) When a trade or business is carried on partly within and partly without this state, the entire income derived from such trade or business, including income from intangible property employed in such business and including, in the case of a business owned by natural persons, the income imputable to the owner for his services and the use of his property therein, shall

be governed, except as otherwise provided in sections 290.35 and 290.36, by the provisions of section 290.19, notwithstanding any provisions of this section to the contrary. This shall not apply to business income subject to the provisions of clause (1). For the purposes of this clause, a trade or business located in Minnesota is carried on partly within and partly without this state if tangible personal property is sold by such trade or business and delivered or shipped to a purchaser located outside the state of Minnesota.

In determining whether or not intangible property is employed in a unitary business carried on partly within and partly without this state so that income derived therefrom is subject to apportionment under section 290.19 the following rules and guidelines shall apply.

(a) Intangible property is employed in a business if the business entity owning intangible property holds it as a means of furthering the business operation of which a part is located within the territorial confines of this state.

(b) Where a business operation conducted in Minnesota, is owned by a business entity which carries on business activity outside of the state different in kind from that conducted within this state, and such other business is conducted entirely outside the state, it will be presumed that the two business operations are unitary in nature, interrelated, connected and interdependent unless it can be shown to the contrary.

(5) All other items of gross income shall be assigned to the taxpayer's domicile.

*(c) Deductions for losses incurred in connection with income derived from sources outside the state which is included in an individual's gross income pursuant to section 290.17, subdivision 1, may be taken only to the extent of the amount of income derived from sources outside the state in the taxable year during which the loss was incurred.*

Sec. 13. Minnesota Statutes 1976, Section 290.37, Subdivision 1, is amended to read:

**290.37 [FILING REQUIREMENTS FOR INDIVIDUALS.]**  
Subdivision 1. [PERSONS MAKING RETURNS.] The following persons shall make a return for each taxable year, or fractional part thereof where permitted or required by law:

(a) A single individual with respect to his own taxable net income if that exceeds an amount on which a tax at the rates here-in provided would exceed the specified credits allowed, or if his gross income exceeds (\$1,000) \$1,500.

(b) A married individual if his own taxable net income or the combined taxable net income of himself and his spouse exceeds an amount on which a tax at the rates herein provided would exceed the specified credits allowed, or if his gross income or the combined gross income of himself and his spouse exceeds (\$1,800) \$2,300.

(c) An unmarried individual who has attained the age of 65 before the close of the taxable year with respect to his own taxable net income if that exceeds an amount on which a tax at the rates herein provided would exceed the specified credits allowed or if his gross income exceeds (\$1,800) \$2,300.

(d) A married individual living with husband or wife where one has attained the age of 65 before the close of the individual's taxable year if his own taxable net income or the combined taxable net income of himself and his spouse exceeds an amount on which a tax at the rates herein provided would exceed the specified credits allowed or if his gross income or the combined gross income of himself and his spouse exceeds (\$2,400) \$2,900.

(e) A married individual living with husband or wife and both spouse have attained the age of 65 if his own taxable net income or the combined taxable net income of himself and his spouse exceeds an amount on which a tax at the rates herein provided would exceed the specified credits allowed or if his gross income or the combined gross income of himself and his spouse exceeds (\$2,800) \$3,400.

(f) An unmarried individual who is blind at the close of the taxable year with respect to his own taxable net income if that exceeds an amount on which a tax at the rates herein provided would exceed the specified credits allowed or if his gross income exceeds (\$1,800) \$2,300; or (\$2,400) \$2,900 if the individual has also attained the age of 65 before the close of the taxable year.

(g) A married individual living with husband or wife and one is blind at the close of the taxable year with respect to his own taxable net income or the combined taxable net income of himself and his spouse exceeds an amount on which a tax at the rates herein provided would exceed the specified credits allowed or if his gross income or the combined gross income of himself and his spouse exceeds (\$2,400) \$2,900; or (\$2,800) \$3,400 if one has attained the age of 65 before the close of the taxable year and (\$3,300) \$3,800 if both have attained the age of 65 before the close of the taxable year.

(h) A married individual living with husband or wife where both are blind at the close of the taxable year with respect to his own taxable net income or the combined taxable net income of himself and his spouse exceeds an amount on which a tax at the rates herein provided would exceed the specified credits allowed or if his gross income or the combined gross income of himself

and his spouse exceeds (\$2,900) \$3,400; or (\$3,300) \$3,900 if one has attained the age of 65 before the close of the taxable year and (\$3,600) \$4,400 if both have also attained the age of 65 before the close of the taxable year.

(i) The personal representative of the estate of a decedent with respect to the taxable net income of such decedent for that part of the taxable year during which he was alive if such taxable net income exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed, or if such decedent's gross income for the aforesaid period exceeds (\$750) \$1,500.

(j) The personal representative of the estate of a decedent with respect to the taxable net income of such estate if that exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed, or if such estate's gross income exceeds (\$750) \$1,500.

(k) The trustee or other fiduciary of property held in trust with respect to the taxable net income of such trust if that exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed, or if the gross income of such trust exceeds \$750, if in either case such trust belongs to the class of taxable persons.

(l) The guardian of an infant or other incompetent person with respect to such infant's or other person's taxable net income if that exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed, or if the gross income of such infant or other incompetent person exceeds (\$1,000) \$1,500.

(m) Every corporation with respect to its taxable net income if in excess of \$500, or if its gross income exceeds \$5,000. The return in this case shall be signed by an officer of the corporation.

(n) The receivers, trustees in bankruptcy, or assignees operating the business or property of a taxpayer with respect to the taxable net income of such taxpayer if that exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed (or, if the taxpayer is a corporation, if the taxable net income exceeds \$500), or if such taxpayer's gross income exceeds \$5,000.

Such return shall (a) be verified or contain a written declaration that it is made under the penalties of criminal liability for wilfully making a false return, and (b) shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid.

For purposes of (a) through (n) the term "gross income" shall mean gross income as defined in section 61 of the Internal Revenue Code of 1954, as amended through December 31, 1974, modified and adjusted in accordance with the provisions of sections 290.08, 290.17 and 290.65.

Sec. 14. Minnesota Statutes 1976, Chapter 290, is amended by adding a section to read:

[290.091] [MINIMUM TAX ON PREFERENCE ITEMS.] *In addition to all other taxes imposed by chapter 290 there is hereby imposed for each taxable year beginning after December 31, 1976, a tax which, in the case of a resident individual, estate or trust, shall be equal to 40 percent of the amount of the taxpayer's minimum tax liability for tax preference items pursuant to the provisions of sections 56 to 58 and 443(d) of the Internal Revenue Code of 1954 as amended through December 31, 1976 except that for purposes of the tax imposed by this section, excess itemized deductions as defined in section 57(b) shall not include any deduction taken for Minnesota income tax paid. In the case of any other taxpayer the tax shall equal 40 percent of that federal liability, multiplied by a fraction the numerator of which is the amount of the taxpayer's preference item income allocated to this state pursuant to the provisions of sections 290.17, subdivision 2, to 290.20, and the denominator of which is the taxpayer's total preference item income for federal purposes.*

Sec. 15. [REPEALER.] *Minnesota Statutes 1976, Section 290.65, Subdivision 1, is repealed.*

Sec. 16. [EFFECTIVE DATE.] *The Internal Revenue Code updated provision in section 1 is effective for taxable years beginning after December 31, 1976. Section 3 is effective for wages paid after December 31, 1977. Section 14 is effective for taxable years beginning after December 31, 1976. The remainder of this article is effective for taxable years beginning after December 31, 1977.*

## ARTICLE II

Section 1. Minnesota Statutes 1976, Section 290A.01 is amended to read:

290A.01 [CITATION.] *Sections 290A.01 to 290A.21 may be cited as the "State of Minnesota (INCOME ADJUSTED HOMESTEAD CREDIT) Property Tax Refund Act."*

Sec. 2. Minnesota Statutes 1976, Section 290A.03, Subdivision 3, is amended to read:

Subd. 3. [INCOME.] *"Income" means the sum of the following:*

(a) federal adjusted gross income as defined in the Internal Revenue Code of 1954 as amended through December 31, (1974,) 1976; and

(b) *the sum of the following amounts to the extent not included in clause (a):*

(i) additions to federal adjusted gross income as provided in Minnesota Statutes, Section 290.01, Subdivision 20, Clause (a) (1), (a) (2), (a) (3), ((A) (4), (A) (8),) and (a) (10) (, AND);

(ii) all nontaxable income(, INCLUDING BUT NOT LIMITED TO THE AMOUNT OF);

(iii) recognized net long term capital gains (EXCLUDED FROM ADJUSTED GROSS INCOME,);

(iv) *dividends excluded from federal adjusted gross income under section 116 of the Internal Revenue Code of 1954;*

(v) cash public assistance and relief(, THE GROSS AMOUNT OF);

(vi) any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, *supplemental security income*, and veterans disability pensions), *which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;*

(vii) nontaxable interest received from the state or federal government or any instrumentality or political subdivision thereof(,);

(viii) worker's compensation(,);

(ix) unemployment benefits(,);

(x) nontaxable strike benefits(,); and

(xi) the gross (AMOUNT) amounts of ("LOSS OF TIME" INSURANCE) *payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise.* In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" shall mean federal adjusted gross income reflected in the fiscal year ending in the calendar year. "Income" does not include

(a) amounts excluded pursuant to the Internal Revenue Code, Sections 101(a), 102, 117, and 121;

(b) amounts of any pension or annuity which was exclusively funded by the claimant or spouse and which funding payments were not excluded from federal adjusted gross income in the years when the payments were made;

(c) gifts from nongovernmental sources (,);

(d) surplus food or other relief in kind supplied by a governmental agency (,); or

(e) relief granted under sections 273.012, subdivision 2 or 290A.01 to 290A.21.

Sec. 3. Minnesota Statutes 1976, Section 290A.03, Subdivision 5, is amended to read:

Subd. 5. [HOUSEHOLD INCOME.] "Household income" means all income received by all persons of a household in a calendar year while members of the household, *other than income of a dependent.*

Sec. 4. Minnesota Statutes 1976, Section 290A.03, Subdivision 7, is amended to read:

Subd. 7. [DEPENDENT.] "Dependent" means any person who is under 18 years of age at the end of the calendar year who receives more than 50 percent of his support from the claimant, or who is between 18 and 21 years of age and is a full time student who receives more than 50 percent of his support from the claimant. "*Dependent*" includes a parent of the claimant or spouse who lives in the claimant's homestead. "*Dependent*" includes a person over 18 years of age who lives in the claimant's homestead and who receives more than 50 percent of his support from the claimant.

Sec. 5. Minnesota Statutes 1976, Section 290A.03, Subdivision 8, is amended to read:

Subd. 8. [CLAIMANT.] "Claimant" means a person, *other than a dependent*, who filed a claim authorized by sections 290A.01 to 290A.21 and who was domiciled in this state during the calendar year for which the claim for relief was filed. In the case of a claim relating to rent constituting property taxes, the claimant shall have resided in a rented or leased unit on which ad valorem taxes or payments made in lieu of ad valorem taxes are payable (FOR NOT LESS THAN SIX MONTHS OF) *at some time during* the calendar year covered by the claim, except that a claimant who is disabled or who has attained the age of

65 on the date specified in section 290A.04, subdivision 1, may file a claim based on residence in a unit on which ad valorem taxes were not payable. In the case of a part year resident, the income and rental reflected in this computation shall be for the period of Minnesota residency only. Any rental expenses paid which may be reflected in arriving at federal adjusted gross income cannot be utilized for this computation. (MAXIMUM CREDIT ALLOWED UNDER THIS COMPUTATION WOULD BE AT A RATE OF ONE-TWELFTH OF THE MAXIMUM CREDIT ALLOWED PURSUANT TO SECTION 290A.04 PER MONTH OF RESIDENCY COMPUTED TO THE NEAREST FULL MONTH.) When two individuals of a household are able to meet the qualifications for a claimant, they may determine among them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final.

If a homestead is occupied by two or more (UNRELATED) renters, *who are not husband and wife*, the rent shall be deemed to be paid equally by each, and separate claims shall be filed by each. The income of each shall be his household income for purposes of computing the amount of credit to be allowed.

Sec. 6. Minnesota Statutes 1976, Section 290A.03, Subdivision 11, is amended to read:

Subd. 11. [RENT CONSTITUTING PROPERTY TAXES.] "Rent constituting property taxes" means (20) 22 percent of the gross rent actually paid in cash, or its equivalent, *or that portion of gross rent which is paid in lieu of property taxes*, in (1975) 1977 or any subsequent calendar year by a claimant solely for the right of occupancy of his Minnesota homestead in the calendar year, and which rent constitutes the basis, in the succeeding calendar year of a claim for relief under sections 290A.01 to 290A.21 by the claimant.

Sec. 7. Minnesota Statutes 1976, Section 290A.03, Subdivision 12, is amended to read:

Subd. 12. [GROSS RENT.] "Gross rent" means rental paid solely for the right of occupancy, at arms-length, of a homestead, exclusive of charges for any utilities, services, furniture, *or* furnishings (OR PERSONAL PROPERTY APPLIANCES) furnished by the landlord as a part of the rental agreement, whether expressly set out in the rental agreement or not. If the landlord and tenant have not dealt with each other at arms-length and the commissioner determines that the gross rent charged was excessive, he may adjust the gross rent to a reasonable amount for purposes of sections 290A.01 to 290A.21.

If the landlord does not supply the charges for any utilities, furniture, *or* furnishings (OR PERSONAL PROPERTY APPLIANCES) furnished by him, or if the charges appear to be

incorrect the commissioner may apply a percentage determined from samples of similar gross rents paid solely for the right of occupancy.

Any amount paid by a claimant residing in property assessed pursuant to section 273.133 for occupancy in that property shall be excluded from gross rent for purposes of this chapter. However, property taxes imputed to the homestead of the claimant pursuant to section 273.133 shall be included within the term "property taxes payable" as defined in subdivision 13, notwithstanding the fact that ownership is not in the name of the claimant.

Sec. 8. Minnesota Statutes 1976, Section 290A.03, Subdivision 13, is amended to read:

Subd. 13. [PROPERTY TAXES PAYABLE.] "Property taxes payable" means the property tax exclusive of special assessments, penalties, and interest payable on a claimant's homestead before reductions made pursuant to section 273.13, subdivisions 6 and 7, but after deductions made pursuant to sections 273.132 and 273.135, in (1976) 1977 or any calendar year thereafter. *No apportionment or reduction of the "property taxes payable" shall be required for the use of a portion of the claimant's homestead for a business purpose if the claimant does not deduct any business depreciation expenses for the use of a portion of the homestead in the determination of federal adjusted gross income.* For homesteads which are mobile homes as defined in section 168.011, subdivision 8, "property taxes payable" shall also include (20) 22 percent of gross rent paid in the preceding year for the site on which the homestead is located, exclusive of charges for utilities or services. When a homestead is owned by two or more persons as joint tenants or tenants in common, ("PROPERTY TAXES PAYABLE" IS THAT PART OF) *such tenants shall determine between them which tenant may claim the property taxes payable on the homestead (AS REFLECTS THE PERCENTAGE OF OWNERSHIP OF THE CLAIMANT AND SPOUSE).* *If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final.* Property taxes are considered payable in the year prescribed by law for payment of the taxes.

In the case of a claim relating to "property taxes payable", the claimant must have owned and occupied the homestead on January 2 of the year in which the tax is payable.

Sec. 9. Minnesota Statutes 1976, Section 290A.04, Subdivision 2, is amended to read:

Subd. 2. The (CREDIT) *refund* shall be paid to claimants whose property taxes payable exceed the following percentages of their income, up to the designated maximum credit amounts:

For claimants earning:

\$0 to (\$2,499) \$2,999, (1.0) 0.5 percent, up to \$475;

3,000 to 3,999, 0.6 percent, up to \$475;

4,000 to 4,999, 0.7 percent, up to \$475;

5,000 to 5,999, 0.8 percent, up to \$475;

6,000 to 6,999, 0.9 percent, up to \$475;

7,000 to 7,999, 1.0 percent, up to \$475;

8,000 to 8,999, 1.1 percent, up to \$475;

9,000 to 9,999, 1.2 percent, up to \$475;

10,000 to 10,999, 1.3 percent, up to \$475;

11,000 to 11,999, 1.4 percent, up to \$475;

(2,500) 12,000 to 19,999, 1.5 percent, up to \$475;

20,000 to 22,999, 1.6 percent, up to \$475;

23,000 to 25,999, 1.8 percent, up to \$425;

26,000 to 30,999, 2.0 percent, up to \$375;

31,000 to 35,999, 2.2 percent; up to \$350;

36,000 to 40,999, 2.4 percent, up to \$325;

41,000 to 44,999, 2.6 percent, up to \$325;

45,000 to 52,999, 2.8 percent, up to \$325;

53,000 to 65,999, 3.0 percent, up to \$325;

66,000 to 81,999, 3.2 percent, up to \$325;

82,000 to 99,999, 3.5 percent, up to \$325;

100,000 and over, 4.0 percent, up to \$325;

provided that maximum credits for incomes above \$20,000 decline according to the following schedule:

between \$20,000 and \$26,000 decline \$16.67 per \$1,000; between \$26,000 and \$36,000 decline \$5 per \$1,000.

(IN THE CASE OF A CLAIMANT WHO WAS DISABLED ON JUNE 1 OR WHO ATTAINED THE AGE OF 65 ON THE DATE SPECIFIED IN SUBDIVISION 1, THE CREDIT SHALL NOT BE LESS THAN THE CREDIT WHICH THE CLAIMANT'S HOUSEHOLD INCOME AS DEFINED IN SECTION 290A.03 AND PROPERTY TAX OR RENT CONSTITUTING PROPERTY TAX WOULD HAVE ENTITLED HIM TO RECEIVE UNDER MINNESOTA STATUTES 1974, SECTION 290.0618.)

The (CREDIT) *payment made to a claimant* shall be the amount of *refund* calculated pursuant to this subdivision, but not exceeding \$675, less the homestead credit given pursuant to section 273.13, subdivisions 6 and 7.

Sec. 10. Minnesota Statutes 1976, Section 290A.04, is amended by adding a subdivision to read:

*Subd. 2a. An additional refund shall be allowed each claimant who was not disabled or who had not attained the age of 65 by June 1 of the year in which the taxes were payable and whose claim is based on taxes paid on the home he owns in an amount equal to 35 percent of the amount by which property taxes payable and rent constituting property taxes exceed the sum of (a) the refund calculated pursuant to subdivision 2 and (b) the percentage of the claimant's household income specified in subdivision 2. The sum of the refunds provided in subdivision 2 and this subdivision shall not exceed the maximum amounts provided below.*

*For claimants earning:*

*\$ 0 to 19,999, up to \$800;*

*20,000 to 25,999, up to \$800;*

*26,000 to 35,999, up to \$650;*

*\$36,000 and over, up to \$325;*

*provided that maximum refunds for incomes above \$20,000 decline according to the following schedule:*

*between \$20,000 and \$26,000 decline \$25 per \$1,000; between \$26,000 and \$36,000 decline \$32.50 per \$1,000. A claimant who owns his own homestead part of the year and rents part of the year may add his rent constituting property taxes to the qualifying tax on his homestead and receive the additional refund provided in subdivision 2a.*

Sec. 11. Minnesota Statutes 1976, Section 290A.04, is amended by adding a subdivision to read:

*Subd. 2b. An additional refund shall be allowed each claimant who is disabled or has attained the age of 65 by June 1 of the year in which the taxes were payable in an amount equal to 50 percent of the amount by which property taxes payable or rent constituting property taxes exceed the sum of (a) the refund calculated pursuant to subdivision 2 and (b) the percentage of the claimant's household income specified in subdivision 2. The sum of the refunds provided in subdivision 2 and this subdivision shall not exceed the maximum amounts provided below.*

*For claimants earning:*

*\$ 0 to 19,999, up to \$800;*

*20,000 to 22,999, up to \$800;*

*23,000 to 25,999, up to \$763;*

*26,000 to 35,999, up to \$725;*

*36,000 and over, up to \$525;*

*provided that maximum refunds for incomes above \$20,000 decline according to the following schedule:*

*between \$20,000 and \$26,000 decline \$12.50 per \$1,000; between \$26,000 and \$36,000 decline \$20 per \$1,000.*

*In the case of a claimant who was disabled on June 1 or who attained the age of 65 on the date specified in subdivision 1, the refund shall not be less than the refund which the claimant's household income as defined in section 290A.03 and property tax or rent constituting property tax would have entitled him to receive under Minnesota Statutes 1974 Section 290.0618.*

Sec. 12. Minnesota Statutes 1976, Section 290A.05, is amended to read:

**290A.05 [COMBINED HOUSEHOLD INCOME.]** If a person occupies a homestead with another person or persons not related to the person as husband and wife, excluding (DEPENDENT CHILDREN) dependents, roomers or boarders on contract, and has property tax payable with respect to the homestead, the household income of the claimant or claimants for the purpose of computing the (CREDIT) refund allowed by section 290A.04 shall include the total income received by the other persons residing in the homestead. If a person occupies a

homestead with another person or persons not related as husband and wife or as (DEPENDENT CHILDREN) *dependents*, the property tax payable or rent constituting property tax shall be reduced as follows:

If the other person or persons are residing at the homestead under rental or lease agreement, the amount of property tax payable or rent constituting property tax shall be that portion not covered by the rental agreement.

Sec. 13. Minnesota Statutes 1976, Section 290A.08, is amended to read:

290A.08 [ONE CLAIMANT PER HOUSEHOLD.] Only one claimant per household per year is entitled to relief under sections 290A.01 to 290A.21. *Payment of the claim for relief may be made payable to the husband and wife as one claimant. The commissioner, upon written request, may issue separate checks, to the husband and wife for one-half of the relief provided the original check has not been issued or has been returned.*

Sec. 14. Minnesota Statutes 1976, Section 290A.10, is amended to read:

290A.10 [PROOF OF TAXES PAID.] Every claimant who files a claim for relief for property taxes payable shall include with his claim a property tax statement or a reproduction thereof in a form deemed satisfactory by the commissioner of revenue indicating that there are no delinquent property taxes on the homestead. Indication on the property tax statement from the county treasurer that there are no delinquent taxes on the homestead shall be sufficient proof. *Taxes included in a confession of judgment under section 279.37 shall not constitute delinquent taxes as long as the claimant is current on the payments required to be made under section 279.37.*

Sec. 15. Minnesota Statutes 1976, Section 290A.14, is amended to read:

290A.14 [PROPERTY TAX STATEMENT.] The county treasurer shall prepare and send a sufficient number of copies of the property tax statement to the owner, and to his escrow agent if the taxes are paid via an escrow account, to enable him to comply with the filing requirements of (LAWS 1975, CHAPTER 437, ARTICLE 1) *this chapter* and to retain one copy for his records. The property tax statement, in a form prescribed by the commissioner, shall indicate the manner in which the claimant may claim relief from the state and the amount of the tax for which the applicant may claim relief. The statement shall also indicate if there are delinquent property taxes on the property in the preceding year. *Taxes included in a confession of judgment under section 279.37 shall not constitute delinquent*

*taxes as long as the claimant is current on the payments required to be made under section 279.37.*

Sec. 16. Minnesota Statutes 1976, Section 290A.18, is amended to read:

290A.18 [RIGHT TO FILE CLAIM.] If a (CLAIMANT) *person* entitled to relief under sections 290A.01 to 290A.21 dies prior to *filing a claim* or receiving relief, the surviving spouse or dependent (CHILD) of the (CLAIMANT) *person* shall be entitled to *file the claim and receive (IT) relief*. If there is no surviving spouse or dependent (CHILD), the right to the credit shall lapse.

Sec. 17. Minnesota Statutes 1976, Section 290A.19, is amended to read:

290A.19 [LANDLORD TO FURNISH RENT CERTIFICATE; PENALTY.] The owner or managing agent of any property for which rent is paid for occupancy as a homestead shall furnish a certificate of rent paid to each *person who is a renter on December 31*, in the form prescribed by the commissioner. *If the renter moves prior to December 31, the obligation of the owner or managing agent shall be to either provide the certificate to the renter at the time he moves, upon the renter's request, or to mail the certificate to the forwarding address provided by the renter.* The certificate shall be made available to the renter not later than February 15 of the year following the year in which the rent was paid. Any owner or managing agent who willfully fails to furnish a certificate as provided herein shall be liable to the commissioner for a penalty of \$20 for each act or failure to act. The penalty shall be assessed and collected in the manner provided in chapter 290 for the assessment and collection of income tax.

Sec. 18. Minnesota Statutes 1976, Chapter 290A, is amended by adding a section to read:

[290A.23] [APPROPRIATION.] *There is appropriated from the general fund in the state treasury to the commissioner of revenue the amount necessary to make the payments required by chapter 290A.*

Sec. 19. Laws 1976, Chapter 334, Section 21, is amended to read:

Sec. 21. [EFFECTIVE DATE.] Sections 5, 6, 8, 10, 11, 13, 17 and 19 are effective the day following final enactment. (SECTIONS) *Section 12 (AND 15 ARE)* is effective for taxable years beginning after December 31, 1976. Sections 7, 9 and 20 are effective for taxes payable in 1977 and subsequent years. Section 16 shall be effective for claims filed in 1977 and subsequent

years. Section 14 is a declaration of law existing prior to enactment of Laws 1975, Chapter 349, Section 17, and is not a change in such preexisting law. Sections 1, 15 and 18 are effective for taxable years beginning after December 31, 1974. Sections 2, 3 and 4 are effective for taxable years beginning after December 31, 1976.

**Sec. 20. [REPEALER.]** *Minnesota Statutes 1976, Sections 273.011; 273.012; 290.0601, 290.0602; 290.0603; 290.0604; 290.-0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.-0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.066; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; and 290A.21 are repealed.*

**Sec. 21. [EFFECTIVE DATE.]** *Sections 13, 14 and 15 are effective for claims filed in 1977 and subsequent years. Section 16 is effective for claims based on rent paid in 1975 and subsequent years and property taxes payable in 1976 and subsequent years. Persons who file claims pursuant to section 16 prior to December 31, 1977 for previous years shall not be subject to the penalties provided in Minnesota Statutes, Section 290A.06. Section 19 is effective on the day after enactment, and claims allowable as a result of the changes made in section 19 shall not be subject to the penalties provided in Minnesota Statutes, Section 290A.06. The remainder of this article is effective for claims based on rent paid in 1977 and subsequent years and property taxes payable in 1978 and subsequent years.*

### Article III

**Section 1.** Minnesota Statutes 1976, Section 124.212, Subdivision 7b, is amended to read:

**Subd. 7b.** For the (1976-1977) 1978-1979 school year a district shall receive in foundation aid (THE LESSER OF (1) \$960) \$1,090 per pupil unit less (29) 28 mills times the (1974) 1976 adjusted assessed valuation of the district, (OR (2) THE AMOUNT THAT BEARS THE SAME RELATION TO THE DIFFERENCE IN (1) AS THE SUM OF THE GREATER SUM COMPUTED PURSUANT TO SUBDIVISION 6B, CLAUSE (2), AND THE GREATER OF (A) TWO-THIRDS OF THE DIFFERENCE THAT RESULTS WHEN SUCH GREATER SUM IS SUBTRACTED FROM \$960, OR (B) \$60, BEARS TO \$960) plus the amount of the agricultural tax credit by which 1977 payable 1978 property taxes in the district are reduced pursuant to section 273.132.

**Sec. 2.** Minnesota Statutes 1976, 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 (IT MAY CONSIDER) 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 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) the income which could be derived from its free market gross rental rate capitalized at a rate of nine percent.*

Sec. 3. Minnesota Statutes 1976, Section 256.82, is amended to read:

256.82 [PAYMENTS BY STATE.] Based upon estimates submitted by the county agency to the state agency, which shall state the estimated required expenditures for the succeeding month, upon the direction of the state agency payment shall be made monthly in advance by the state to the counties of all federal funds available for that purpose for such succeeding month, together with an amount of state funds equal to (50) 60 percent of the difference between the total estimated cost and the federal funds so available. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

Sec. 4. Minnesota Statutes 1976, Section 273.111, Subdivision 4, is amended to read:

Subd. 4. The value of any real estate described in subdivision 3 shall upon timely application by the owner, in the manner provided in subdivision 8, be determined solely with reference to its appropriate agricultural classification and value notwithstanding sections 272.03, subdivision 8 and 273.11. In determining such value for ad valorem tax purposes the assessor shall not consider any added values resulting from nonagricultural factors. (HOWEVER, AGRICULTURAL LAND WHICH THE ASSESSOR MAY DETERMINE TO BE ADAPTABLE FOR DEVELOPMENT AND WHICH ABUTS A LAKESHORE LINE SHALL NOT QUALIFY UNDER THE PROVISIONS OF LAWS 1969, CHAPTER 1039 FOR A DISTANCE WITHIN 20 RODS OF THE SHORELINE.)

Sec. 5. Minnesota Statutes 1976, Section 273.13, Subdivision 4, is amended to read:

Subd. 4. [CLASS 3.] (a) Tools, implements and machinery of an electric generating, transmission or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings, which are fixtures, all agricultural land, except as provided by classes 1, 3b, 3e, all buildings and structures assessed as personal property and situated upon land of the state of Minnesota or the United States government which is rural in character and devoted or adaptable to rural but not necessarily agricultural use shall constitute class 3 and shall be valued and assessed at 33 1/3 percent of the market value thereof, *except as provided in clause (b)*. All real property devoted to temporary and seasonal residential occupancy for recreational purposes, and which is not devoted to commercial purposes for more than 200 days in the year preceding the year of assessment, shall be class 3 property and assessed accordingly. For this purpose, property is devoted to commercial use on a specific day if it is used, or offered for use, and a fee is charged for such use.

(b) *For taxes assessed in 1977, payable in 1978, agricultural land and real property devoted to temporary and seasonal residential occupancy for recreation purposes which is classified as class 3 shall be assessed at 31 percent of its market value, and for taxes assessed in 1978, payable in 1979 and thereafter, it shall be assessed at 30 percent of its market value.*

Sec. 6. Minnesota Statutes 1976, Section 273.13, Subdivision 6, is amended to read:

Subd. 6. [CLASS 3B.] Agricultural land, except as provided by class 1 hereof, and which is used for the purposes of a homestead, shall constitute class 3b and shall be valued and assessed at (20) 18 percent of the market value thereof *in 1977, for taxes payable in 1978, and at 16 percent thereafter*. The property tax to be paid on class 3b property as otherwise determined

by law not exceeding 120 acres less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, (FOR ALL PURPOSES EXCEPT THE PAYMENT OF PRINCIPAL AND INTEREST ON NON-SCHOOL DISTRICT BONDED INDEBTEDNESS,) shall be reduced by 45 percent of the tax; provided that the amount of said reduction shall not exceed \$325. Valuation subject to relief *in 1977 for taxes payable in 1978* shall be limited to 120 acres of land, most contiguous surrounding, or bordering the house occupied by the owner as his dwelling place, and, such other structures as may be included thereon utilized by the owner in an agricultural pursuit. *For taxes levied in 1978 payable 1979 and subsequent years, valuation subject to relief shall be limited to 160 acres of land, most contiguous surrounding, or bordering the house occupied by the owner as his dwelling place, and such other structures as may be included thereon utilized by the owner in an agricultural pursuit.* If the market value is in excess of the homestead base value, the amount in excess of that sum shall be valued and assessed (AS PROVIDED FOR BY CLASS 3) *at 31 percent of its market value in 1977, for taxes payable in 1978, and at 30 percent thereafter.* The first \$12,000 market value of each tract of real estate which is rural in character and devoted or adaptable to rural but not necessarily agricultural use, used for the purpose of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law.

Agricultural land as used herein, and in section (124.03) *273.132*, shall mean contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land and land included in federal farm programs.

Real estate of less than ten acres used principally for raising poultry, livestock, fruit, vegetables or other agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

Sec. 7. Minnesota Statutes 1976, Section 273.13, Subdivision 7, is amended to read:

Subd. 7. [CLASS 3C, 3CC.] All other real estate and class 2a property, except as provided by classes 1 and 3cc, which is used for the purposes of a homestead, shall constitute class 3c, and shall be valued and assessed at (25) *22* percent of the market value thereof *in 1977, for taxes payable in 1978, and at 20 percent thereafter.* The property tax to be paid on class 3c property as otherwise determined by law, less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, (FOR ALL PURPOSES EXCEPT THE PAYMENT OF PRINCIPAL OR INTEREST ON NON-SCHOOL DISTRICT BONDED INDEBTEDNESS,) shall be reduced by 45 percent of the amount of such

tax; provided that the amount of said reduction shall not exceed \$325. If the market value is in excess of the sum of the homestead base value, the amount in excess of that sum shall be valued and assessed at (40) 36 percent of market value in 1977, for taxes payable in 1978, and at 33 1/3 percent thereafter. The first \$12,000 market value of each tract of such real estate used for the purposes of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law. (ALL) *Class 3cc property shall include only* real estate which is used for the purposes of a homestead by (a) any blind person, if such blind person is the owner thereof or if such blind person and his or her spouse are the sole owners thereof; or (BY) (b) any person (hereinafter referred to as veteran) who: (1) served in the active military or naval service of the United States and (WHO) (2) is entitled to compensation under the laws and regulations of the United States for permanent and total service-connected disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude motion without the aid of braces, crutches, canes, or a wheel chair, and (WHO) (3) with assistance by the administration of veterans affairs has acquired a special housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability; or (BY) (c) any person who: (1) is permanently and totally disabled and (WHO) (2) is receiving (i) aid from any state as a result of that disability, or (WHO IS RECEIVING) (ii) supplemental security income for the disabled, or (WHO IS RECEIVING) (iii) worker's compensation based on a finding of total and permanent disability, or (WHO IS RECEIVING) (iv) social security disability, or (WHO IS RECEIVING) (v) aid under the federal railroad retirement act of 1937, 45 United States Code Annotated, Section 228b(a)5; which aid is at least 90 percent of the total income of such disabled person from all sources (, SHALL CONSTITUTE). *Class 3cc (AND) property shall be valued and assessed at five percent of the market value thereof. Permanently and totally disabled for the purpose of this subdivision means a condition which is permanent in nature and totally incapacitates the person from working at an occupation which brings him an income. The property tax to be paid on class 3cc property as otherwise determined by law, less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, for all purposes (EXCEPT THE PAYMENT OF PRINCIPAL OR INTEREST ON NON-SCHOOL DISTRICT BONDED INDEBTEDNESS,) shall be reduced by 45 percent of the amount of such tax; provided that the amount of said reduction shall not exceed \$325. If the market value is in excess of the sum of (\$24,000) \$28,000, the amount in excess of that sum shall be valued and assessed at (33 1/3) 31 percent in 1977, for taxes payable in 1978 and 30 percent thereafter, in the case of agricultural land used for a homestead and (40) 36 percent in the case of all other real estate used for a homestead for taxes payable in 1978 and 33 1/3 percent for taxes payable in 1979 and subsequent years.*

Sec. 8. Minnesota Statutes 1976, Section 273.13, Subdivision 14a, is amended to read:

Subd. 14a. [BUILDINGS AND APPURTENANCES ON LAND NOT OWNED BY OCCUPANT.] The property tax to be paid in respect of the value of all buildings and appurtenances thereto owned and used by the occupant as a permanent residence, which are located upon land subject to property taxes and the title to which is vested in a person or entity other than the occupant, for all purposes (EXCEPT THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDED INDEBTEDNESS,) shall be reduced by 45 percent of the amount of the tax in respect of said value as otherwise determined by law, but not by more than \$325.

Sec. 9. *The 1976 adjusted assessed values determined under the provisions of section 124.212 shall be computed using the assessment ratios for taxes payable in 1978 provided by sections 5, 6 and 7. The 1977 adjusted assessed values determined under the provisions of section 124.212 shall be computed using the assessment ratios for taxes payable in 1979 provided by sections 5, 6 and 7. In the case of adjusted assessed values which are limited under the provisions of section 124.212, subdivision 11, clause (a), the recomputation provided in this section shall be made on the limited value.*

Sec. 10. Minnesota Statutes 1976, Section 273.132, is amended to read:

273.132 [STATE PAID AGRICULTURAL CREDIT.] The county auditor shall reduce the tax on all property receiving the homestead credit pursuant to section 273.13, subdivision 6, by an amount equal to the tax levy that would be produced by applying a rate of (12) 15 mills on the property. The county auditor shall reduce the tax on all other agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, by an amount that would be produced by applying a rate of ten mills on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner of revenue shall review such certifications to determine their accuracy. He may make such changes in the certification as he may deem necessary or return a certification to the county auditor for corrections.

Payment shall be made according to the procedure provided in section 273.13, subdivision 15a, for the purpose of replacing revenue lost as a result of the reduction of property taxes provided in this section. There is appropriated from the general

fund in the state treasury to the commissioner of revenue the amount necessary to make these payments.

Sec. 11. Minnesota Statutes 1976, Section 273.138, Subdivision 2, is amended to read:

Subd. 2. Each county government, city and township shall receive reimbursement in (1974) *1978* and subsequent years in an amount equal to the product of its total mill rate (IN LEVY YEAR 1972,) *for taxes payable in (1973) the calendar year in which the aid is to be paid,* times the total 1972 assessed value of real property exempted from taxation by section 272.02, subdivision 1 which was located within the territory of such governmental unit, *times 1.25*. For the purpose of this subdivision, the "total mill rate" of a county government, city or township includes mill rates for taxes levied by such governmental unit which were not levied on the entire taxable value of such governmental unit.

Sec. 12. Minnesota Statutes 1976, Section 275.125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In (1975) *1977*, a school district may levy for all general and special school purposes, an amount equal to the amount raised by *28 mills times* the (1974) *1976* adjusted assessed valuation of the district (TIMES THE NUMBER OF MILLS, NOT TO EXCEED 29, THAT BEARS THE SAME RELATION TO 29, AS THE GREATER SUM COMPUTED PURSUANT TO SECTION 124.212, SUBDIVISION 7B, CLAUSE (2), BEARS TO \$960).

(2) In (1976) *1978*, a school district may levy for all general and special school purposes, an amount equal to the amount raised by *27 mills times* the (1975) *1977* adjusted assessed valuation of the district (TIMES THE NUMBER OF MILLS, NOT TO EXCEED 29, THAT BEARS THE SAME RELATION TO 29, AS THE SUM OF THE GREATER SUM COMPUTED PURSUANT TO SECTION 124.212, SUBDIVISION 7B, CLAUSE (2), AND THE GREATER OF (A) FIVE-SIXTHS OF THE DIFFERENCE THAT RESULTS WHEN SUCH GREATER SUM IS SUBTRACTED FROM \$1015, OR (B) \$55, BEARS TO \$1015).

(3) For any district levying less than 95 percent of the maximum levy allowable in clauses (1) and (2), beginning with the levy certified in 1976, payable in 1977, the foundation aid to the district for the 1977-1978 school year, and for subsequent levies, foundation aid for subsequent school years, calculated pursuant to section 124.212, shall be reduced by 50 percent of the amount of the difference between the actual levy and the maximum levy allowable under clauses (1) and (2). In the application of this clause, the maximum levy allowable under clauses (1) and (2)

shall be reduced by any reduction of this levy which is required by section 275.125, subdivision 9 or any other law.

(4) (a) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held (IN A SINGLE) *to approve a levy increase which will commence in a specific school year. The question on the ballot shall (BE WHETHER A SPECIFIC MILLAGE WHICH WILL YIELD A SPECIFIC AMOUNT BASED ON THE MOST RECENT ASSESSED VALUATION MAY BE ADDED TO THAT AUTHORIZED BY CLAUSES (1) OR (2)) state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply.* If approved, the amount provided by the approved millage applied to each year's (ASSESSED) taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked by the voters of the district at a subsequent referendum (, WHICH).

(b) *A referendum on the question of revoking the increased levy amount authorized pursuant to clause (a) of this clause may be called by the school board and (WHICH) shall be called by the school board upon the written petition of qualified voters of the district (UNLESS THE PETITION FOR REVOCATION IS SUBMITTED IN THE SAME YEAR IN WHICH A LEVY HAS BEEN INCREASED BY THE VOTERS PURSUANT TO THIS CLAUSE). The amount approved by the voters of the district pursuant to clause (a) of this clause must be levied at least once before it is subject to a referendum on its revocation for subsequent years. Only one such revocation election may be held to revoke a levy for any specific year and for years thereafter.*

(c) A petition authorized by clauses (a) or (b) of this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or 10 percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board (UNLESS THE PETITION FOR REVOCATION IS SUBMITTED IN THE SAME YEAR IN WHICH A LEVY HAS BEEN INCREASED BY THE VOTERS PURSUANT TO THIS CLAUSE).

(d) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

(e) *Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.*

Sec. 13. [APPROPRIATION.] *The sum of \$11,000,000 is appropriated from the general fund to the commissioner of public welfare for the purpose of making the increased distributions required by section 3.*

Sec. 14. [EFFECTIVE DATE.] *Section 3 of this article is effective for payments made after December 31, 1977. Sections 4 and 10 are effective for taxes levied in 1977 payable in 1978 and thereafter.*

#### ARTICLE IV

Section 1. Minnesota Statutes 1976, Section 124.212, Subdivision 11, is amended to read:

Subd. 11. (a) The committee shall not increase the adjusted assessed valuation, exclusive of property valuation added, improved, reclassified, or reassessed since the prior assessment, of taxable property for 1962 or any subsequent year in any school district by more than eight percent over the certified valuation established for the year immediately preceding.

(b) The sales ratio studies, or any part thereof, or any copy of the same, or records accumulated in preparation thereof, which are prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids pursuant to this section *published by the department of revenue* shall not be admissible in evidence in any proceeding, except that in the case of property described in section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12 the sales ratio studies shall be admissible as a public record without the laying of a foundation in actions under chapter 278 and actions for review of the determination of the school aids payable under this section.

Sec. 2. Minnesota Statutes 1976, Chapter 272, is amended by adding a section to read:

[272.115] [CERTIFICATE OF VALUE TO BE FILED.] Subdivision 1. *Whenever any real estate is sold for a consideration in excess of \$1,000, whether by warranty deed, quitclaim deed, contract for deed or any other method of sale, the grantor, grantee or his legal agent shall file within 30 days from the date of the sale, a certificate of value with the county auditor in the county in which the property is located. Value shall, in the case of any deed not a gift, be the amount of the full actual considera-*

*tion thereof, paid or to be paid, including the amount of any lien or liens assumed. The certificate of value shall include the classification to which the property belongs for the purpose of determining the fair market value of the property.*

*Subd. 2. The certificate of value shall require such facts and information as may be determined by the equalization aid review committee to be reasonably necessary in the administration of the state education aid formulas. The form of the certificate of value shall be prescribed by the department of revenue which shall provide an adequate supply of forms to each county auditor.*

*Subd. 3. The county auditor shall transmit two true copies of the certificate of value to the assessor who shall insert the most recent market value and when available, the year of original construction of each parcel of property on both copies and shall transmit one copy to the department of revenue. Upon the request of a city council located within the county, a copy of each certificate of value for property located in that city shall be made available to the governing body of the city.*

*Subd. 4. Beginning with taxes payable in 1979, no purchaser under a contract for deed shall receive the homestead credit provided under section 273.13, subdivisions 6 and 7; the agricultural mill credit provided in section 273.132; or the taconite homestead credit provided in sections 273.134 to 273.136, unless a certificate of value has been filed with the county auditor on that contract for deed in accordance with this section.*

*This subdivision shall apply to any real estate taxes that are payable the year or years following the sale of the property. In the case of property sold under a contract for deed prior to 1978, this subdivision shall apply to real estate taxes payable in 1979 and subsequent years.*

**Sec. 3. Minnesota Statutes 1976, Section 375.192, is amended by adding a subdivision to read:**

*Subd. 3. Subject to the approval of the commissioner of revenue, the county board shall authorize the county auditor to grant the credits denied under section 2, subdivision 4 of this article, provided that a certificate of value has been filed with the county auditor. The county board shall not hear any requests under this subdivision after May 31 of the year in which the taxes are payable.*

**Sec. 4. Minnesota Statutes 1976, Section 273.11, Subdivision 2, is amended to read:**

**Subd. 2. (a)** *The assessor after determining the value of any property shall compare the value with that determined in the preceding assessment. Notwithstanding the provisions of*

section 273.17, the amount of the increase entered in the current assessment shall not exceed ten percent of the value in the preceding assessment or one-fourth of the total amount of the increase in valuation whichever is greater; the excess shall be entered in a subsequent year or years (**HOWEVER, NO INCREASE SHALL BE GREATER THAN TEN PERCENT OF THE PRECEDING VALUATION OR ONE-FOURTH OF THE TOTAL AMOUNT OF INCREASE IN VALUATION, WHICHEVER IS GREATER, NOTWITHSTANDING THE PROVISIONS OF SECTION 273.17**); *provided, however, that if the amount of the increase in market value is*

*(i) more than ten percent but no more than 20 percent, the excess shall be entered in the following year;*

*(ii) more than 20 percent but no more than 40 percent, ten percent shall be entered in each subsequent year until the amount remaining to be entered is less than 10 percent in which case the amount remaining will be entered in the next subsequent year; or*

*(iii) more than 40 percent, the excess shall be entered equally in the three subsequent years.*

(b) In the case of property described in section 273.13, subdivisions 6, 7, 7b, 10, 12, 17, 17b and 19, plus all agricultural property and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes which was not subject to the five percent limitation in valuation increase for the 1973 or the 1974 assessment that was previously provided pursuant to Minnesota Statutes 1974, Section 273.11, Subdivision 2, the value to be used for levying the 1976 taxes payable in 1977 shall be set at the average percent of market value used for the respective class of property in the 1976 tax levies in its assessment district if the market value as determined by the assessor pursuant to section 273.11, subdivision 1 exceeds by more than ten percent the limited market value established for that class of property. Such property shall subsequently increase in value for property tax purposes as prescribed in clause (a).

Sec. 5. Minnesota Statutes 1976, Section 275.07, is amended to read:

275.07 [CITY, TOWN, COUNTY, SCHOOL DISTRICT AND SPECIAL DISTRICT TAXES.] The taxes voted by cities, towns, and school districts shall be certified by the proper authorities to the county auditor on or before October tenth in each year. *If a city, town, county, school district or special district fails to certify its levy by that date, its levy shall be the amount levied by it for the preceding year. If the local unit notifies the commissioner of revenue before October tenth of its inability to certify its levy by that date, and the commissioner is satisfied that the delay is unavoidable and is not due to the negligence of the local unit's officials or staff, the commissioner*

*shall extend the time within which the local unit shall certify its levy.*

Sec. 6. Minnesota Statutes 1976, Section 276.01, is amended to read:

276.01 [DELIVERY OF LISTS TO TREASURER.] On or before (THE FIRST MONDAY IN JANUARY IN) *December 15* each year, the county auditor shall deliver the lists of the several districts of the county to the county treasurer, taking therefor his receipt, showing the total amount of taxes due upon the lists and showing, for qualified property, as defined in section 273.011, for which the credit provided for in section 273.012 is claimed, the base tax, as defined in section 273.011. Where the names of taxpayers appear in the property tax lists, the county auditor shall show the addresses of such taxpayers. Such lists shall be authority for the treasurer to receive and collect taxes therein levied.

In counties in which the auditor has elected to come under the provisions of section 273.03, subdivision 2, he shall, during the year in which such lists as provided for in section 275.28, subdivision 3, are in the possession of the county treasurer, have access thereto for the purposes of changing true and full valuations and the classifications of real estate contained therein which he would have been required to change or otherwise amend in the assessment books provided for in section 273.03, subdivision 1, except for his election to discontinue the preparation of such assessment books. The county auditor shall be the official custodian of such lists after the year during which they are in the county treasurer's possession.

Sec. 7. Minnesota Statutes 1976, Section 276.04, is amended to read:

276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.] On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to taxpayers statements of their personal property taxes due, such statements to be mailed not later than

February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than (MAY 15) *January 31*; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. The statement shall also include the base tax as defined in section 273.011, subdivision 4, for qualified property as defined in section 273.011 for which the credit provided for in section 273.012 is claimed. The statement shall show the amount attributable to section 273.132 as "state paid agricultural credit" and the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit." The commissioner of revenue shall provide each county auditor with the names of those persons in the assessor's district who have filed and qualified for the property tax credit pursuant to sections 273.011 and 273.012 and shall inform the assessor of the base tax of those persons. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

Sec. 8. Minnesota Statutes 1976, Section 278.01, is amended to read:

**278.01 [DEFENSE OR OBJECTION TO TAX ON LAND; SERVICE AND FILING.]** (a) Any person having any estate, right, title, or interest in or lien upon any parcel of land, who claims that such property has been partially, unfairly, or unequally assessed, or that such parcel has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied by serving copies of a petition for such determination upon the county auditor, county treasurer, and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court on or before the first day of June of the year in which such tax becomes payable.

(b) *Any person having any estate, right, title or interest in or lien upon any parcel which is classified as homestead under the provisions of section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12, who claims that said parcel has been assessed at a valuation which exceeds by ten percent or more the valuation which the parcel would have if it were valued at the average assessment/sales ratio for real property in the same class, in that portion of the county in which that parcel is located, for which the commissioner is able to establish and publish a sales ratio study as determined by the applicable real estate assessment/sales ratio study published by the commissioner of revenue, may have the*

*validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court on or before the first day of June of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor.*

Sec. 9. Minnesota Statutes 1976, Section 278.05, is amended to read:

278.05 [TRIAL OF ISSUES.] Such petition, without any answer, return, or other pleading thereto, shall stand for trial at any general term in session when the same is filed; or, if the court be not then in session, at the next general or special term appointed to be held in the county; and, if no such term be appointed to be held within 30 days thereafter, the same shall be brought to trial at any general term appointed to be held within the judicial district upon ten days notice. The attorney of the county in which these taxes are levied shall take charge of and prosecute such proceedings, but the county board may employ any other attorney to assist him. At the term at which such petition comes on for trial it shall take precedence of all other business before the court. The court shall without delay summarily hear and determine the claims, objections, or defenses made by the petition and shall direct judgment accordingly, and the trial thereof shall disregard all technicalities and matters of form not affecting the substantial merits.

Any time after the filing of the petition and before the trial of the issues raised thereby, when the defense or claim presented is that the property has been partially, unfairly, or unequally assessed, or that such parcel has been assessed at a valuation greater than its real or actual value, or that a parcel which is classified as homestead under the provisions of section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12, has been assessed at a valuation which exceeds by ten percent or more the valuation which the parcel would have if it were valued at the average assessment/sales ratio for real property in the same class in that portion of the county in which the parcel is located, for which the commissioner is able to establish and publish a sales ratio study, the attorney representing the state in the proceedings may serve on the petitioner, or his attorney, and file with the clerk of the district court, an offer to reduce the valuation of any tract or tracts to a valuation set forth in the offer. If, within ten days thereafter, the petitioner, or his attorney, shall give notice in writing to the county attorney that the offer is accepted, he may file same with proof of such notice, and thereupon the clerk shall enter judgment accordingly. Otherwise, the offer shall be deemed

withdrawn and evidence thereof shall not be given; and, if a lower valuation than specified in the offer be not found by the court, no costs or disbursements shall be allowed to the petitioner, but the costs and disbursements of the state, including interest at six percent on the tax based on the amount of such offer from and after the first day of November of the year such taxes are payable, shall be taxed in its favor and included in the judgment and when collected shall be credited to the county revenue fund, unless the taxes were paid in full before the first day of November of the year in which such taxes were payable, in which event interest shall not be taxable.

Sec. 10. Minnesota Statutes 1976, Section 287.241, Subdivision 2, is amended to read:

Subd. 2. No deed or instrument providing for the transfer of title to real estate as subject to the tax as provided in section 287.21 and no executory contract for the sale of land shall be recorded in the office of the county recorder or the registrar of titles unless such deed or instrument shall be accompanied by a *notice from the county auditor that a certificate of value (BY THE GRANTOR, GRANTEE OR HIS LEGAL AGENT CONCERNING THE PROPERTY TRANSFERRED OR TO BE TRANSFERRED. VALUE SHALL, IN THE CASE OF ANY DEED NOT A GIFT, BE THE AMOUNT OF THE FULL ACTUAL CONSIDERATION THEREOF, PAID OR TO BE PAID, INCLUDING THE AMOUNT OF ANY LIEN OR LIENS ASSUMED. SUCH CERTIFICATE OF VALUE SHALL INCLUDE THE CLASSIFICATION TO WHICH SUCH PROPERTY BELONGS FOR THE PURPOSE OF DETERMINING THE FAIR MARKET VALUE OF THE PROPERTY. IF THE TRANSFER, OR FRACTION THEREOF, IS TAX EXEMPT AS HEREIN PROVIDED, THE CERTIFICATE SHALL SPECIFY THE REASONS FOR THE EXEMPTION) was filed in his office as provided in section 272.115.*

Sec. 11. [REPEALER.] *Minnesota Statutes 1976, Section 287.241, Subdivisions 3 and 4 are hereby repealed.*

Sec. 12. [EFFECTIVE DATE.] *Section 4 shall be effective for assessment year 1978 and thereafter. Sections 1, 5, 6, 7, 8 and 9 shall be effective for taxable years 1977 payable 1978 and thereafter. Section 2, Subdivisions 1, 2 and 3; Sections 10 and 11 shall be effective January 1, 1978 and thereafter. Section 2, Subdivision 4 and Section 3 shall be effective January 1, 1979 and thereafter.*

## ARTICLE V

Section 1. Minnesota Statutes 1976, Section 275.50, Subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in (1975) 1977 payable in (1976) 1978 and thereafter, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any *tort* action (OTHER THAN AN ACTION ON AN EXPRESS CONTRACT OR DEFAULT ON AN EXPRESS CONTRACT), or to pay the costs of settlements out of court against the governmental subdivision in (ANY) a *tort* action (OTHER THAN AN ACTION ON AN EXPRESS CONTRACT) when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971;

(b) pay the costs of complying with any written lawful order *initially* issued *prior to January 1, 1977* by the state of Minnesota, or the United States, or any agency or subdivision thereof, which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivision thereof which is enforceable in a court of competent jurisdiction. The commissioner of revenue shall in consultation with other state departments and agencies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision;

(c) (PAY THE COSTS OF COMPLYING WITH ANY LAW ENACTED BY THE 1975 LEGISLATURE OR A SUBSEQUENT YEAR'S LEGISLATURE WHICH SPECIFICALLY AND DIRECTLY REQUIRES A NEW OR ALTERED ACTIVITY AFTER LEVY YEAR 1974, TAXES PAYABLE IN 1975, BUT ONLY TO THE EXTENT OF THE INCREASED COST FOR SUCH ACTIVITY AFTER LEVY YEAR 1974, TAXES PAYABLE IN 1975;)

((D) PAY THE COSTS OF AN EXPANDED COUNTY COURT SYSTEM TO THE EXTENT OF THE INCREASE IN COSTS OVER THE AMOUNT LEVIED IN SUPPORT OF A COUNTY COURT OR A PROBATE COURT IN LEVY YEAR 1974, TAXES PAYABLE IN 1975;)

((E) PAY AMOUNTS REQUIRED BY ANY PUBLIC PENSION PLAN TO THE EXTENT THAT OPERATION OF THE LAWS OF THE STATE OF MINNESOTA OR THE UNITED STATES GOVERNING SUCH FUND DIRECTLY

CAUSES THE LEVEL OF GOVERNMENTAL FINANCIAL SUPPORT TO EXCEED THE LEVEL OF SUCH SUPPORT PRIOR TO JULY 1, 1971, PROVIDED THAT SUCH INCREASES ARE NOT THE RESULT OF AMENDMENT BY ANY MEANS TO THE BENEFIT PLAN AFTER JULY 1, 1971 WHICH REQUIRED THE APPROVAL OF THE GOVERNING BODY OF THE GOVERNMENTAL SUBDIVISION;)

((F) PAY AMOUNTS REQUIRED TO BE LEVIED IN SUPPORT OF A VOLUNTEER FIREMEN'S RELIEF ASSOCIATION IF RESULTING FROM THE OPERATION OF SECTIONS 69.772 AND 69.773;)

((G) pay the costs to a governmental subdivision for their *minimum required* share of any program otherwise authorized by law, including the administrative costs of social services (AND) *but not administrative costs of public assistance programs* or of county welfare systems, for which matching funds have been appropriated by the state of Minnesota or the United States, but only to the extent that the costs to the governmental subdivision for the program exceed those expended in calendar year 1970, subject to rules promulgated by the commissioner of revenue pursuant to the administrative procedures act. *Amounts levied pursuant to this clause which are in excess of the amount necessary to meet the minimum required share of a program shall be deducted from the general levy made in the following year;*

((H) PAY EXPENSES REASONABLY AND NECESSARILY INCURRED IN PREVENTING, PREPARING FOR OR REPAIRING THE EFFECTS OF NATURAL DISASTER. "NATURAL DISASTER" AS USED HEREIN MEANS THE OCCURRENCE OR THREAT OF WIDESPREAD OR SEVERE DAMAGE, INJURY OR LOSS OF LIFE OR PROPERTY RESULTING FROM NATURAL CAUSES, INCLUDING AND LIMITED TO FIRE, FLOOD, EARTHQUAKE, WIND STORM, WAVE ACTION, OIL SPILL, OR OTHER WATER CONTAMINATION REQUIRING ACTION TO AVERT DANGER OR DAMAGE, VOLCANIC ACTIVITY, DROUGHT OR AIR CONTAMINATION. THE EMERGENCY SERVICES DIVISION OF THE STATE DEPARTMENT OF PUBLIC SAFETY SHALL FORMULATE STANDARDS BY WHICH AN OCCURRENCE OF ANY OF THE AFOREMENTIONED NATURAL PHENOMENA WOULD BE DEEMED A NATURAL DISASTER BY REASON OF THE LEVEL OF DAMAGE, INJURY OR LOSS OF LIFE OR PROPERTY THAT HAS OCCURRED OR WOULD OCCUR IF PREVENTATIVE ACTION WAS NOT TAKEN;)

((I) (d) pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law;

((J)) (e) pay the costs of principal and interest on bonded indebtedness, or, effective for taxes levied in 1973 and years thereafter, to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

((K)) (f) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency;

((L)) (g) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

((M)) (h) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

((N)) (i) pay the amounts required to compensate for a decrease in revenues from public service enterprises, municipal liquor stores, licenses, permits, fines and forfeits and no other, to the extent that the aggregate of revenues from these sources in the calendar year preceding the year of levy are less than the aggregate of revenues from these sources in calendar year 1971. "Revenues" from a public service enterprise or a municipal liquor store shall mean the net income or loss of such public service enterprise or municipal liquor store, determined by subtracting total expenses from total revenues, and before any contribution to or from the governmental subdivision. "Fines" for a municipal court means the net amount remaining after subtracting total municipal court expenses from total collections of municipal court fines. A governmental subdivision shall qualify for this special levy only if the decrease in aggregate revenues as computed herein and divided by the population of the governmental subdivision in the preceding levy year is equal to or greater than two percent of the per capita levy limitation for the preceding levy year;

((O)) (j) pay the amounts required to compensate for a decrease in mobile homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 273.13, subdivision 3, as amended, is less than the distribution of the mobile homes tax to the governmental subdivision pursuant to section 273.13, subdivision 3, in calendar year 1971;

((Q)) (k) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omis-

sion in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

((R)) (l) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

((S)) (m) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal board in levy year 1971 or a subsequent levy year, but only to the extent and for the levy years as provided by the board in its order pursuant to section 414.01, subdivision 15. Special levies authorized by the board shall not exceed 50 percent of the levy limit base of the governmental subdivision and may not be in effect for more than three years after the board's order;

((T)) (n) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the extension of such services are not paid for through bonded indebtedness or special assessments, and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) The increased expenditures necessary in preparation for the delivering of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) The amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiplying this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate par-

cels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and non-residential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and non-residential commercial development. *In the levy year following the levy year in which the special levy made pursuant to this clause is discontinued, one half of the amount of that special levy made in the preceding year shall be added to the permanent levy base of the governmental subdivision;*

((U)) (o) recover a loss or refunds in tax receipts incurred in non-special levy funds resulting from abatements or court action in the previous year pursuant to section 275.48;

(p) *pay amounts required by law to the paid to reduce unfunded accrued liability of public pension funds, including interest thereon, in accordance with the actuarial standards and guidelines specified in sections 69.71 to 69.776 and 356.215 reduced for levy year 1977 and subsequent years by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds.*

Sec. 2. Minnesota Statutes 1976, Section 275.51, is amended by adding a subdivision to read:

*Subd. 3d. The property tax levy limitation for governmental subdivisions in 1977 payable in 1978 and subsequent years shall be calculated as follows:*

(a) *The sum of the following amounts shall be computed:*

(1) *the property tax permitted to be levied in 1976 payable 1977 computed pursuant to Minnesota Statutes 1976, Section 275.51, Subdivision 3c, plus*

(2) *the amount of any state aids the governmental subdivision was entitled to receive in calendar year 1977 pursuant to sections 477A.01; 298.26; 298.28, subdivisions 1 and 1a; 298.281, subdivision 1; 298.282; and 294.26, plus*

(3) *the amount levied in 1976 payable 1977 pursuant to Minnesota Statutes 1976, Section 275.50, Subdivision 5, clauses (a), (c), (d), and (e), except for levies made to pay tort judgments and make settlements of tort claims or to pay the salaries and benefits of municipal and probate court judges, plus*

(4) *one half of the amount of the special levy authorized under section 275.50, subdivision 5, clause (n) shall be added to the permanent levy limit base of the governmental subdivision in the year following the year in which it has been discontinued as a special levy pursuant to the provisions of section 275.50, subdivision 5, clause (n).*

(b) *The sum computed in clause (a) shall be increased annually in the manner provided in section 275.52 to derive the levy limit base for successive years.*

(c) *For taxes levied in 1978 payable 1979 and subsequent years, the levy limit base is the levy limit base which was computed for the immediately preceding year under the provisions of this section increased according to the provisions of section 275.52. Any amount levied in 1976 payable 1977 under the provisions of section 275.50, subdivision 5, clauses (a), (c), (d) or (e) to meet the costs of programs, services or legal requirements which cease to exist in a subsequent year shall be subtracted from the levy limit base in the year in which the programs, services or legal requirements for which the levy was made cease to exist.*

(d) *The levy limit base shall be reduced by the total amount of state formula aids pursuant to section 477A.01 and taconite taxes and aids pursuant to sections 294.26; 298.26; 298.28, subdivision 1; and 298.282, to be paid in the calendar year in which property taxes are payable. The resulting figure is the amount of property taxes which a governmental subdivision may levy for all purposes other than those for which special levies and special assessments are made.*

Sec. 3. Minnesota Statutes 1976, Section 275.52, Subdivision 2, is amended to read:

Subd. 2. The levy limit base (PER CAPITA), as adjusted for previous increases pursuant to this section, may be increased each year by the governing body of the governmental subdivision affected thereby in the amount not to exceed (OF) six percent the previous year's levy limit base (PER CAPITA).

Sec. 4. Minnesota Statutes 1976, Section 275.52, Subdivision 3, is amended to read:

Subd. 3. If the population of any governmental subdivision (DECREASES) increases from one year to the next, the cur-

rent (LEVY) year's (POPULATION) *levy limit base* shall, for purposes of sections 275.50 to 275.56, be increased by an amount equal to (ONE-HALF OF THE DECREASE IN POPULATION FROM THE PRIOR LEVY YEAR, SUCH INCREASE TO BE EFFECTIVE FOR THE SAID ONE LEVY YEAR ONLY) *the levy limit base per capita for the previous year increased pursuant to subdivision 2 times the current year's population.*

Sec. 5. Minnesota Statutes 1976, Section 275.52, Subdivision 4, is amended to read:

Subd. 4. (FOR TAXES LEVIED IN 1975 PAYABLE IN 1976 AND SUBSEQUENT YEARS) The levy limit base of a governmental subdivision may be increased upon approval by the levy limit review board established in section 275.551, for the following reasons:

(a) Any governmental subdivision which spent money from its surplus funds for nonspecial levy purposes in calendar year 1971 may have its levy limit base increased by an amount not to exceed the amount of revenue it used from surplus funds for nonspecial levy purposes in calendar year 1971.

(b) Any governmental subdivision which has been required to provide new services because of changes in state law, whether or not the changed law directly mandates new services, may have its levy limit base increased by an amount not to exceed the amount required to finance the services, provided that the services may not be financed by special levies or special assessments.

(c) Any governmental subdivision which has been required to provide new or expanded services because of annexations, consolidations, mergers or new incorporations since 1970 may have its levy limit base increased by an amount not to exceed the amount required to finance the general operating costs involved in such services.

(d) *Any city or township having statutory city powers which has a levy limit base per capita that is below 80 percent of the arithmetic average of the levy limit bases per capita for cities and townships having statutory city powers in the same county may have its levy limit base increased by an amount not to exceed the amount required to bring its levy limit base per capita up to 80 percent of the arithmetic average of levy limit bases per capita for all cities and townships having statutory city powers in the county which are governed by the provisions of sections 275.50 to 275.59. On or before July 1 of 1977 and each subsequent year, the commissioner of revenue shall certify the average levy limit base per capita for each county for purposes of this clause. Provided that if a city or township having statutory powers has received a levy limit base adjustment from the levy limit review*

*board prior to June 1, 1977, that city or township may also qualify for a base adjustment in accordance with this clause.*

Any governmental subdivision which desires to have its levy limit base adjusted under the provisions of this subdivision shall apply to the commissioner of revenue, who shall submit all applications to the levy limit review board established in section 275.551. Applications shall be in the form and accompanied by the data required by the levy limit review board. Adjustments authorized by the levy limit review board shall become a permanent part of the levy limit base for the governmental subdivision. The levy limit review board may authorize only one levy limit base adjustment for any governmental subdivision under this subdivision.

Sec. 6. Minnesota Statutes 1976, Section 275.52, is amended by adding a subdivision to read:

*Subd. 5. For taxes levied in 1977 payable in 1978 or for taxes levied in 1978 payable in 1979 a city other than a city of the first class, town, or county not containing a city of the first class which, in the preceding levy year, levied at least 98 percent of its total limited levy amount, may determine to levy in excess of the limitation provided in sections 275.50 to 275.56 by not to exceed 10 percent of its levy limit base by passing a resolution setting forth the amount by which the levy limit is proposed to be exceeded. The resolution shall be published for four successive weeks in the official newspaper of the governmental subdivision or if there is no official newspaper, in a newspaper of general circulation therein, together with a notice fixing a date for a public hearing on the proposed increase which hearing shall be held not less than four weeks nor more than six weeks after the first publication of the resolution. Following the public hearing, the governing body may determine to take no further action, or in the alternative, adopt a resolution authorizing the levy as originally proposed, or adopt a resolution approving a levy in such lesser amount as it so determines. The resolution shall be published in the official newspaper of the governmental subdivision or if there is no official newspaper, in a newspaper of general circulation therein. If within 30 days thereafter, a petition signed by voters equal in number to five percent of the votes cast in the governmental subdivision in the last general election or 2,000 voters, whichever is less, requesting a referendum on the proposed resolution is filed with the clerk or recorder of the governmental subdivision if the governmental subdivision is a city or town, or with the county auditor if the governmental subdivision is a county, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at any such referendum. A levy increased pursuant to this subdivision, whether not challenged or approved at a referendum held at a*

*special or general election held prior to October 1 in any levy year, increases the allowable levy in that same levy year and provides a permanent adjustment to the levy limit base of the governmental subdivision for future levy years. There shall be no reduction in distributions of formula aids to the governmental subdivision as a result of the additional levy.*

Sec. 7. [REPEALER.] *Minnesota Statutes 1976, Section 275.51, Subdivisions 3b and 3c are repealed.*

Sec. 8. *Section 6 is effective the day following final enactment.*

## ARTICLE VI

Section 1. *Minnesota Statutes 1976, Section 275.53, Subdivision 1, is amended to read:*

**275.53 [GOVERNING CENSUS.]** Subdivision 1. For the purpose of determining the amount of tax that a governmental subdivision may levy in accordance with a per capita limitation established by this chapter *or the amount of aid that a city or township may receive pursuant to section 477A.01*, the population of the governmental subdivision shall be that established by the last state or federal census, or by a special census taken within the entire governmental subdivision pursuant to sections 275.50 to 275.56 or to any other law, by a census taken pursuant to subdivision 2, or by a population estimate made by the metropolitan council, by an order of the Minnesota municipal board pursuant to section 414.01, subdivision 14, or by an estimate made pursuant to subdivision 3, whichever is the most recent as to the stated date of count or estimate, up to and including October 1 of the current levy year. Population changes established after October 1 of the current levy year shall not be used in determining the levy limitation of a governmental subdivision for the current levy year under sections 275.50 to 275.56.

Sec. 2. *Minnesota Statutes 1976, Section 275.53, Subdivision 3, is amended to read:*

Subd. 3. (a) In lieu of passing a resolution pursuant to subdivision 2, the governing body of a governmental subdivision may pass by June 1 of any year a resolution containing an estimate of the current population of the subdivision. The resolution shall describe the criteria upon which the estimate is based, and shall state that the estimate is made for purposes of increasing that subdivision's tax levy pursuant to sections 275.50 to 275.56 *or local government aids pursuant to section 477A.01*. The resolution shall be in the form and accompanied by the data required by the state planning agency.

(b) The resolution shall then be submitted to the state planning agency. The agency shall determine, and inform the sub-

division in writing within 30 days of receipt of the resolution, whether the criteria and process described therein do or do not provide a reasonable basis for the population estimate. The estimate prepared by the subdivision shall be reviewed by the state planning agency with reference to county population estimates prepared by the state demographer. The state demographer's county population estimates will be used as a county control.

(c) If the agency determines that the criteria and process used by the subdivision do not provide a reasonable basis for the population estimate, the resolution shall be of no effect. If the agency determines that the criteria do provide a reasonable basis for the population estimate, the resolution shall be published at least once in a legal newspaper of general circulation in said subdivision. Said estimate may be used for computing the amount of ad valorem taxes the subdivision may levy, unless within 30 days following the publication of the resolution, 10 percent or more of the registered voters of the subdivision, or if the subdivision does not require voter registration, then 10 percent or more of its voters, who voted at the subdivision's last election, sign a petition demanding a special census, and submit the petition to the governing body of the subdivision.

(d) Attached to the petition shall be an affidavit executed by the circulator or circulators thereof, stating that he or they personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his or their presence and that he or they believe them to be genuine signatures of the persons whose names they purport to be. Each signature need not be notarized.

(e) Upon the receipt of a petition conforming to this subdivision, the governing body shall pass a resolution requesting the secretary of state to take a special census of the governmental subdivision. The census shall be taken and financed pursuant to the provisions of subdivision 2. Any population estimate made by the governing body of any governmental subdivision shall be superseded by any subsequent state or federal census taken pursuant to sections 275.50 to 275.56 or any other law, or by a population estimate made by the metropolitan council or the state demographer. The governing body of a governmental subdivision may not avail itself of the provisions of this subdivision during any year for which any state or federal census has been taken or for which the metropolitan council has made a population estimate of the subdivision.

Sec. 3. Minnesota Statutes 1976, Section 275.59, is amended to read:

275.59 [GOVERNMENTAL SUBDIVISIONS UNDER 2,500 POPULATION; EXEMPTION FROM LEVY LIMITS.] Commencing with levy year 1975 and thereafter, taxes payable in 1976 and thereafter, the provisions of sections 275.50 to 275.52

and 275.54 to 275.56 shall not apply to any city, statutory city or town with statutory city powers whose population according to the latest state or federal census is under 2,500.

Sec. 4. Minnesota Statutes 1976, Section 477A.01, Subdivision 1, is amended to read:

477A.01 [LOCAL GOVERNMENT AID.] Subdivision 1. The state shall distribute (\$42) \$52 for each person residing in the territory comprising each county for the calendar year (1976) 1978 and (\$45) \$59 for calendar year (1977) 1979 to the several taxing authorities, except school districts, with authority to impose taxes on property located in the county's territory. *For purposes of this subdivision the number of persons residing in a county shall be the 1970 federal census population.* For the purposes of subdivisions 1, 3, 4, 4a and 4b, the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, *excluding the city of New Prague*, and Washington shall be considered a single county. *That portion of the city of New Prague which is in Scott county shall be treated as if it is in LeSueur county.*

Sec. 5. Minnesota Statutes 1976, Section 477A.01, Subdivision 2, is amended to read:

Subd. 2. Every county government except that of a county containing a city of the first class shall receive a distribution equal to the distribution it was entitled to receive in (1975) *the preceding year* pursuant to Minnesota Statutes 1974, Section 477A.01.

Sec. 6. Minnesota Statutes 1976, Section 477A.01, Subdivision 4, is amended to read:

Subd. 4. The balance of the distributions in (1976) 1978 pursuant to subdivision 1, shall be divided among the several cities and towns in the county's territory in the proportion that the product of the city or town's 1970 federal census population *or the average of the city's or town's 1970 federal census population and its current population as determined under the provisions of section 275.53, whichever is greater;* times

(a) *In the case of a city or town outside the metropolitan area as defined in section 473.121, subdivision 2, or a city other than a city of the first class or town inside the metropolitan area, the sum of its average city or town mill rate for the three immediately preceding years divided by three; or*

(b) *In the case of a first class city located within the metropolitan area, the sum of (i) 60 percent of the dollar amount of its levy limitation and its special levies plus (ii) 40 percent of the dollar amount of its actual levy, divided by its taxable value adjusted for the contributions and distribution required by chap-*

ter 473F, for each of the three immediately preceding years divided by three, times its city or town (1974) 1976 aggregate sales ratio as determined by the commissioner of revenue bears to the sum of the product of that calculation for all cities and towns in the territory.

The balance of the distributions in (1977) 1979 pursuant to subdivision 1 shall be divided among the several cities and towns in the county's territory in the proportion that the product of the city or town's 1970 federal census population or the average of the city's or town's 1970 federal census population and its current population as determined under the provisions of section 275.53, whichever is greater; times

(a) In the case of a city or town outside the metropolitan area as defined in section 473.121, subdivision 2, or a city other than a city of the first class or town inside the metropolitan area, the sum of its average city or town mill rate for the three immediately preceding years divided by three; or

(b) In the case of a first class city located within the metropolitan area, the sum of (i) 60 percent of the dollar amount of its levy limitation and its special levies plus (ii) 40 percent of the dollar amount of its actual levy, divided by its taxable value adjusted for the contributions and distribution required by chapter 473F, for each of the three immediately preceding years divided by three, times its city or town (1975) 1977 aggregate sales ratio as determined by the commissioner of revenue bears to the sum of the product of that calculation for all cities and towns in the territory.

Sec. 7. Minnesota Statutes 1976, Section 477A.01, Subdivision 4a, is amended to read:

Subd. 4a. If the amount distributed to a city or town pursuant to subdivision 4 is less than the aids the city or town (RECEIVED) was entitled to receive in (1975) the preceding year, before corrections for prior year aid payments, pursuant to Minnesota Statutes 1974, Section 477A.01, the amount distributed to it shall be raised to the amount the city or town (RECEIVED) was entitled to receive in (1975) the preceding year, before corrections for prior year aid payments, and the distributions to the other cities and towns within the county's territory shall be proportionately reduced as necessary to supply the difference.

Sec. 8. Minnesota Statutes 1976, Section 477A.01, Subdivision 4b, is amended to read:

Subd. 4b. The commissioner of revenue shall make all necessary calculations and make payments directly to the affected taxing authorities in four (EQUAL PARTS) installments on March 15, July 15, September 15, and November 15 (IN 1976 AND 1977) annually.

Sec. 9. Minnesota Statutes 1976, Section 477A.01, is amended by adding a subdivision to read:

*Subd. 4c. For the purpose of the distributions based on populations provided in subdivisions 1 and 4, cities and towns having boundary changes resulting from Minnesota municipal board orders shall have their population counts modified to reflect such changes. The modified population counts shall be included in all Minnesota municipal board orders, a copy of which shall be forwarded to the commissioner of revenue.*

Sec. 10. Minnesota Statutes 1976, Section 477A.01, is amended by adding a subdivision to read:

*Subd. 4c. A taxing authority may object to the commissioner of revenue with respect to the amount of the distribution which it has been certified to receive pursuant to subdivision 4b. No objection raised after July 1, 1977 shall be raised later than 60 days after the taxing authority has received notice from the commissioner of the amount which it has been certified to receive.*

Sec. 11. Minnesota Statutes 1976, Section 477A.01, is amended by adding a subdivision to read:

*Subd. 4d. If, due to an error in the factors used to calculate a taxing authority's aid pursuant to subdivision 4, the amount indicated in the certification of the commissioner to the taxing authority for a year is less than the amount to which it is entitled pursuant to this section, the commissioner of revenue shall additionally distribute the amount necessary to make the full correct distribution to the taxing authority. The additional distribution shall be paid from the general fund and shall not diminish the distributions made to other taxing authorities under this section.*

Sec. 12. Minnesota Statutes 1976, Section 477A.03, is amended to read:

477A.03 [APPROPRIATION.] A sum sufficient to discharge the duties imposed by (LAWS 1975, CHAPTER 437, ARTICLE 3) sections 4 and 11 is annually appropriated from the general fund to the commissioner of revenue.

Sec. 13. Minnesota Statutes 1976, Chapter 477A, is amended by adding a section to read:

[477A.04] [ASSESSMENT DISPERSION PENALTY.]  
*Subdivision 1. To encourage the proper assessment of property an assessment dispersion penalty shall be imposed on assessment districts as provided in subdivision 2. Each city or town which employs a local assessor, either singly or jointly with other cities or towns, shall be considered an assessment district for*

*purposes of this section. Any two or more cities or towns which enter into an agreement pursuant to Minnesota Statutes, Section 471.59, for the assessment of property in the contracting units, shall for purposes of this section be a single assessment district. The balance of each county, including any city or town which contracts with the county for assessment of property therein, shall be deemed a single assessment district for purposes of this section.*

*The coefficient of dispersion shall be determined by the equalization aid review committee of the department of revenue. The coefficient of dispersion shall be determined on the assessor's market value before the limitation provided in Minnesota Statutes, Section 273.11, Subdivision 2. The population shall be the number of persons residing in the assessment district according to the 1970 federal census.*

*Subd. 2. Beginning in calendar year 1980 and subsequent years, an assessment district shall be penalized according to the following schedule:*

*(a) \$1 per capita if the coefficient of dispersion in assessments for the preceding year is more than 10 percent but less than 12.5 percent;*

*(b) \$3 per capita if the coefficient of dispersion in assessments for the preceding year is at least 12.5 percent but no more than 15 percent;*

*(c) \$5 per capita if the coefficient of dispersion in assessments for the preceding year is greater than 15 percent.*

*Subd. 3. The amount of penalty resulting from this section shall be deducted from the local government aid payments provided in section 477A.01.*

*Sec. 14. [EFFECTIVE DATE.] Section 10 is effective for objections to certifications made after June 1, 1977. Section 11 is effective for adjustments made after April 1, 1977. Section 13 is effective the day following final enactment.*

## ARTICLE VII

**Section 1.** Minnesota Statutes 1976, Chapter 290, is amended by adding a section to read:

**[290.067] [DEPENDENT CARE CREDIT.]** *Subdivision 1. [AMOUNT OF CREDIT.] A taxpayer may take as a credit against the tax due from him and his spouse, if any, under chapter 290 an amount equal to 50 percent of the dependent care credit for which he is eligible pursuant to the provisions of section 44A of the Internal Revenue Code of 1954, as amended*

through December 31, 1976, subject to the limitations provided in subdivision 2.

*Subd. 2. [LIMITATIONS.] The credit for expenses incurred for the care of each dependent shall not exceed \$150 in any taxable year, and the total credit for all dependents of a claimant shall not exceed \$300 in a taxable year. The total credit shall be reduced by five percent of the amount by which the combined federal adjusted gross income of the claimant and his spouse, if any, exceeds \$12,000. A married claimant shall file his income tax return for the year for which he claims the credit either jointly or separately on one form with his spouse. In the case of a married claimant only one spouse may claim the credit. No expense for which a medical expense deduction is claimed pursuant to section 290.09, subdivision 10, shall be claimed as a dependent care expense.*

*Subd. 3. [CREDIT TO BE REFUNDABLE.] If the amount of credit which a claimant would be eligible to receive pursuant to this subdivision exceeds his tax liability under Minnesota Statutes, Chapter 290, the excess amount of the credit shall be refunded to the claimant by the commissioner of revenue.*

*Subd. 4. [RIGHT TO FILE CLAIM.] The right to file a claim under this section shall be personal to the claimant and shall not survive his death, but such right may be exercised on behalf of a claimant by his legal guardian or attorney-in-fact. When a claimant dies after having filed a timely claim the amount thereof shall be disbursed to another member of the household as determined by the commissioner of revenue. If the claimant was the only member of his household, the claim may be paid to his personal representative, but if neither is appointed and qualified within two years of the filing of the claim, the amount of the claim shall escheat to the state.*

*Sec. 2. [APPROPRIATION.] A sum sufficient to pay the claims for credit to be given pursuant to section 1 shall be appropriated annually to the commissioner of revenue from the general fund in the state treasury.*

*Sec. 3. [REPEALER.] Minnesota Statutes 1976, Section 290.09, Subdivision 26, is repealed.*

*Sec. 4. [EFFECTIVE DATE.] This article is effective for taxable years beginning after December 31, 1976.*

## ARTICLE VIII

Section 1. Minnesota Statutes 1976, Chapter 3, is amended by adding a section to read:

[3.86] [TAX STUDY COMMISSION.] *Subdivision 1. [CREATION; PURPOSE.] A tax study commission is hereby created to examine the total tax structure and the revenue needs and the sources of revenue of this state and its political subdivisions.*

*Subd. 2. [DUTIES.] Together with its examination of the existing tax system, the commission shall:*

*(a) study and make recommendations regarding long range tax policy;*

*(b) analyze proposed tax legislation, with particular reference to analysis of revenue and distribution impact, local government financing and adherence to sound tax policy, and report its findings to the legislature; and*

*(c) file a report at least biennially with the legislature.*

*Subd. 3. [MEMBERSHIP.] The commission shall consist of seven members of the senate, including the chairman of the committee on taxes and tax laws, to be appointed by the committee on committees and seven members of the house of representatives, including the chairman of the committee on taxes, to be appointed by the speaker. Each of these people shall be a member of the commission only while that person is a member of the body from which that person was appointed. The first members of this commission shall be selected to serve for a term expiring on January 15 of the next biennial session of the legislature and until their successors are appointed. Subsequent members of the commission shall be appointed at the commencement of each biennial session of the legislature for a two year term beginning on January 16 of that year. Vacancies shall be filled in the same manner as the original appointment.*

*Subd. 4. [OFFICE; MEETINGS; OFFICERS.] The commission shall maintain an office in the capitol group of buildings in space which the commissioner of administration shall provide. The commission shall hold meetings at the times and places it may designate. It shall select a chairman, a vice chairman and other officers from its membership as it deems necessary.*

*Subd. 5. [STAFF.] The commission may employ the professional, clerical, and technical assistants it deems necessary in order to perform its duties.*

*Subd. 6. [ASSISTANCE OF OTHER AGENCIES.] The commission may request information from any state officer or agency in order to assist in carrying out the terms of this section and the officer or agency shall promptly furnish any data requested to the extent permitted by law.*

*Subd. 7. [RECORDS AND INFORMATION OF PREVIOUS TAX STUDY COMMISSION.] The records, information and other material in the possession of the tax study commission created pursuant to Extra Session Laws 1971, Chapter 31, Article 13, Section 1, shall be conveyed to the tax study commission created pursuant to this section.*

*Subd. 8. [EXPENSES AND REIMBURSEMENT OF MEMBERS AND STAFF.] The members of the commission and its assistants shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties. Reimbursement shall be made pursuant to the rules governing legislators and legislative employees.*

*Subd. 9. [COMMISSION EXPENSES AND REPORTS.] Expenses of the commission shall be approved by the chairman or other member as the rules of the commission may provide and the expenses shall then be paid in the same manner as other state expenses are paid. A general summary or statement of expenses incurred by the commission and paid shall be made to the legislature by November 15 of each even numbered year.*

*Subd. 10. [APPROPRIATION.] There is hereby appropriated for the biennium ending June 30, 1979, from the general fund, the sum of \$250,000 to pay the expenses incurred by the commission.*

*Sec. 2. [EFFECTIVE DATE.] This article is effective July 1, 1977.*

## ARTICLE IX

Section 1. Minnesota Statutes 1976, Chapter 298, is amended by adding a section to read:

[298.045] [DECLARATION OF ESTIMATED OCCUPATION TAX.] *Subdivision 1. [REQUIREMENTS OF DECLARATION.] Every person subject to the taxes imposed by sections 298.01 to 298.21 shall file with the commissioner of revenue a declaration of estimated tax for the calendar year based on the estimate of the mining and production of ores that will occur in that year. In making the declaration, each person shall aggregate total production from all of that person's natural ore mines located in Minnesota. The declaration shall contain any pertinent information the commissioner of revenue may by rule or form prescribe.*

*Subd. 2. [FILING REQUIREMENT FOR DECLARATION.] The declaration of estimated tax for that year shall be filed on March 15 of that year, except that the declaration for 1977 shall be filed in accordance with subdivision 3.*

*Subd. 3. [TIME FOR FILING DECLARATIONS FOR 1977.] The declaration of estimated tax required by this section for 1977 shall be filed on or before July 15, 1977. The amount of the estimated tax shall be paid in four equal installments on the following dates: July 15, September 15, and December 15, of 1977, and March 15, 1978.*

*Subd. 4. [EXTENSION OF TIME FOR FILING DECLARATIONS.] The commissioner may grant a reasonable extension of time for filing the declaration required by this section. No extension shall be for more than six months.*

*Subd. 5. [AMENDMENT.] An amendment of a declaration may be filed in any interval between installment dates prescribed for the year, but only one amendment may be filed in an interval.*

Sec. 2. Minnesota Statutes 1976, Chapter 298, is amended by adding a section to read:

[298.046] [INSTALLMENT PAYMENTS OF ESTIMATED OCCUPATION TAX.] *Subdivision 1. [AMOUNT AND TIME FOR PAYMENT OF EACH INSTALLMENT.] The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on the 15th day of March, June, September, and December of the calendar year for which the declaration is required.*

*Subd. 2. [AMENDMENT OF DECLARATION.] If an amendment of a declaration is filed, the amount of any remaining installments shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased by any amount computed by dividing:*

*(a) the difference between (i) the amount of estimated tax required to be paid before the date on which the amendment is made, and (ii) the amount of estimated tax which would have been required to be paid before that date if the new estimate had been made when the first estimate was made, by*

*(b) the number of installments remaining to be paid on or after the date on which the amendment is made.*

*Subd. 3. [INSTALLMENTS PAID IN ADVANCE.] At the election of the taxpayer, an installment of the estimated tax may be paid before the date prescribed for its payment.*

Sec. 3. Minnesota Statutes 1976, Chapter 298, is amended by adding a section to read:

[298.047] [FAILURE TO PAY ESTIMATED OCCUPATION TAX.] *Subdivision 1. [ADDITION TO THE TAX.] In the case of an underpayment of estimated tax by a taxpayer, except as provided in subdivision 4, there shall be added to the estimated tax for the calendar year a penalty of ten percent and interest at the rate specified in section 270.75 upon the amount of the underpayment determined under subdivision 2 for the period of the underpayment determined under subdivision 3.*

*Subd. 2. [AMOUNT OF UNDERPAYMENT.] For purposes of subdivision 1, the amount of the underpayment shall be the excess of:*

(a) *the amount of the installment that was due, over*

(b) *the amount, if any, of the installment paid on or before the last date prescribed for payment.*

*Subd. 3. [PERIOD OF UNDERPAYMENT.] The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:*

(a) *March 1 of the following calendar year; or*

(b) *with respect to any portion of the underpayment, the date on which the portion is paid. For purposes of this paragraph, a payment of estimated tax on an installment date shall be considered a payment of a previous underpayment only to the extent the payment exceeds the amount of the installment for that installment date.*

*Subd. 4. [EXCEPTION.] Notwithstanding the provisions of subdivisions 1 to 3, penalty and interest with respect to an underpayment of an installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were the lesser of:*

(a) (i) *in the case of a person subject to the tax imposed by section 298.01, subdivision 2, the tax as finally determined by the commissioner for the preceding calendar year if a tax liability existed for the preceding calendar year; or*

(ii) *in the case of a person subject to the tax imposed by section 298.01, subdivision 1, the tax shown on the aggregate returns of the taxpayer or a predecessor company for the preceding calendar year reduced by \$100,000, if a return was filed by the taxpayer for the preceding calendar year; or*

(iii) *in the case of a person subject to the tax imposed by section 298.01, subdivision 1, if that person or its predecessor company had a tax liability of less than \$100,000 in the preceding calendar year, its anticipated tax payment on its aggregate returns reduced by \$100,000; or*

(b) *an amount equal to the tax computed at the rates applicable to the calendar year but otherwise on the basis of the facts shown on the report of the taxpayer for, and the law applicable to, the preceding calendar year.*

**Subd. 5. [FAILURE TO FILE AN ESTIMATE.]** *In the case of a taxpayer who fails to file a declaration of estimated tax for a calendar year when one is required, the period of the underpayment shall run from the four installment dates as set forth in section 2, subdivision 1, to whichever of the periods set forth in subdivision 3, clauses (a) and (b), is the earlier.*

**Sec. 4. Minnesota Statutes 1976, Chapter 298, is amended by adding a section to read:**

**[298.048] [OVERPAYMENT OF ESTIMATED TAX.]** *Where the amount of an installment payment of estimated tax exceeds the amount determined to be the correct amount of the installment payment, the overpayment shall be credited against any unpaid installments. Where the total amount of the estimated tax payments and other payments, if any, exceeds by \$1 or more the taxes and any added penalties and interest as finally determined by the commissioner, the commissioner shall make and file an order determining the amount of the overpayment and credit it against occupation taxes otherwise payable by the person who has overpaid the amount so determined.*

**Sec. 5. [EFFECTIVE DATE.]** *This article is effective for any ores mined or produced in any year beginning after December 31, 1976.*

## ARTICLE X

**Section 1. Minnesota Statutes 1976, Section 273.02, Subdivision 4, is amended to read:**

**Subd. 4. [IRON ORE.]** *Newly discovered iron ore shall be entered on the assessment books for the six years immediately preceding the year of discovery and taxed as omitted property. The tax on such omitted property shall be determined by applying the rates of levy for the respective years in which the property was omitted. (THIS SUBDIVISION SHALL NOT APPLY TO ANY IRON ORE DISCOVERED IN THE COURSE OF MINING OPERATIONS, WHICH HAS NOT BEEN KNOWN TO EXIST BY DRILLINGS OR OPERATIONS IN PREVIOUS YEARS, PROVIDED THAT THE COMPANY THAT WOULD*

OTHERWISE BE TAXED THEREFOR IS NOT A COMPANY THAT WOULD BE DISQUALIFIED FROM RECEIVING DISCOUNT CREDITS PURSUANT TO SECTION 298.031, SUBDIVISION 3).

Sec. 2. Minnesota Statutes 1976, Section 273.134, is amended to read:

273.134 [TACONITE AND IRON ORE AREAS; TAX RELIEF AREA; DEFINITIONS.] For purposes of this section and section 273.135, "municipality" means (A) *any city, however organized*, or town, and the applicable assessment date is the date as of which property is listed and assessed for the tax in question.

For the purposes of section 273.135 "tax relief area" means the geographic area contained, within the boundaries of a school district which contains a municipality which meets the following qualifications:

(1) it is a municipality in which the assessed valuation of unmined iron ore on May 1, 1941, was not less than 40 percent of the assessed valuation of all real property and in which, as of the applicable assessment date, the assessed valuation of unmined iron ore is not more than 60 percent of the assessed valuation of all real property; or

(2) it is a municipality in which, (AS OF) *on January 1, 1977* or the applicable assessment date, there is a taconite concentrating plant or where taconite is mined or quarried or where there is located an electric generating plant which qualifies as a taconite facility.

Sec. 3. Minnesota Statutes 1976, Section 273.135, Subdivision 1, is amended to read:

273.135 [HOMESTEAD PROPERTY TAX RELIEF.] Subdivision 1. The property tax to be paid in respect to property taxable within a tax relief area on class 3b property not exceeding (80) *160* acres, on class 3c property, and on class 3cc property, as otherwise determined by law and regardless of the market value of the property, for all purposes shall be reduced in the amount prescribed by subdivision 2, subject to the limitations contained therein.

Sec. 4. Minnesota Statutes 1976, Section 273.135, Subdivision 2, is amended to read:

Subd. 2. The amount of the reduction authorized by subdivision 1 shall be

(a) in the case of property located within the boundaries of a municipality which meets the qualifications prescribed in section 273.134, (60) 66 percent of the amount of such tax, provided that the amount of said reduction shall not exceed (\$350) *the maximum amount specified in clause (e)*.

(b) in the case of property located within the boundaries of a school district which qualifies as a tax relief area but which is outside the boundaries of a municipality which meets the qualifications prescribed in section 273.134, (52) 57 percent of the amount of such tax, provided that the amount of said reduction shall not exceed (\$300) *the maximum amount specified in clause (e)*.

(c) in the case of property located within a school district which does not meet the qualifications of section 273.134 as a tax relief area, but which is located in a county with a population of less than 100,000 in which taconite is mined or quarried and wherein a school district is located which does meet the qualifications of a tax relief area, and provided that at least 90 percent of the area of the school district which does not meet the qualifications of section 273.134 lies within such county, (52) 57 percent of the amount of the tax on qualified property located in the school district that does not meet the qualifications of section 273.134, provided that the amount of said reduction shall not exceed (\$300) *the maximum amount specified in clause (e)*. The reduction provided by this clause shall only be applicable to property located within the boundaries of the county described therein.

(d) *in the case of property located within a school district which does not meet the qualifications of section 273.134 as a tax relief area, but which is located in a school district in a county containing a city of the first class and a qualifying municipality, but not in a school district containing a city of the first class or adjacent to a school district containing a city of the first class unless the school district so adjacent contains a qualifying municipality, 57 percent of the amount of the tax, but not to exceed the maximum specified in clause (e)*.

(e) *The maximum reduction for property described in clause (a) shall be \$385 and for property described in clauses (b), (c) and (d), \$330 for taxes payable in 1978. These maximum amounts shall increase by \$15 per year for taxes payable in 1979 and subsequent years.*

Sec. 5. Minnesota Statutes 1976, Section 294.26, is amended to read:

294.26 [DIVISION OF PROCEEDS OF TAX.] The proceeds of the taxes collected under sections 294.21 to 294.27 shall be (DISTRIBUTED IN ACCORDANCE WITH THE DETERMI-

NATION MADE BY THE COMMISSIONER OF REVENUE, TO) *deposited in* the general fund of the state (AND TO THE VARIOUS TAXING DISTRICTS IN WHICH SUCH RAILWAY OPERATIONS ARE CONDUCTED, IN THE FOLLOWING PROPORTIONS: 22 PERCENT THEREOF TO THE CITY OR TOWN; 50 PERCENT THEREOF TO THE SCHOOL DISTRICT; 22 PERCENT THEREOF TO THE COUNTY; SIX PERCENT THEREOF TO THE STATE. IF SUCH RAILROAD OPERATION, OR DIFFERENT STEPS THEREIN, ARE CARRIED ON IN MORE THAN ONE TAXING DISTRICT, THE COMMISSIONER SHALL APPORTION EQUITABLY THE PROCEEDS OF THE PART OF THE TAX GOING TO CITIES OR TOWNS AMONG SUCH SUBDIVISIONS, AND THE PART GOING TO SCHOOL DISTRICTS AMONG SUCH DISTRICTS, AND THE PART GOING TO COUNTIES AMONG SUCH COUNTIES, UPON THE BASIS OF ATTRIBUTING 40 PERCENT OF THE PROCEEDS OF THE TAX TO THE TERMINAL FACILITIES AT EACH END OF THE RAILWAY LINE OF A TACONITE RAILROAD COMPANY, AND THE REMAINING 20 PERCENT THEREOF TO THE RAILWAY TRACKAGE CONNECTING SUCH TERMINALS, AND WITH RESPECT TO EACH SUCH PORTION GIVING DUE CONSIDERATION TO THE RELATIVE EXTENT OF SUCH PORTION OF THE OPERATION PERFORMED IN EACH SUCH TAXING DISTRICT. IF ANY PART OF SUCH FACILITIES ARE LOCATED OUTSIDE THE LIMITS OF ANY ORGANIZED CITY OR TOWN, 70 PERCENT OF THE PORTION OF THE TAX WHICH WOULD BE DISTRIBUTED TO ANY SUCH GOVERNMENTAL UNIT, IF IT EXISTED AND THE FACILITIES WERE LOCATED THEREIN, SHALL BE ADDED TO THE PORTION DISTRIBUTED TO THE SCHOOL DISTRICT, AND 30 PERCENT THEREOF SHALL BE ADDED TO THE PORTION DISTRIBUTED TO THE COUNTY IN WHICH SUCH FACILITIES ARE LOCATED; ALSO, IF THE AMOUNT OTHERWISE DISTRIBUTABLE TO ANY CITY OR TOWN HEREUNDER WOULD EXCEED \$75 PER CAPITA OF THE POPULATION THEREOF, THE AMOUNT OF SUCH EXCESS SHALL BE ADDED TO THE PORTIONS DISTRIBUTED TO THE SCHOOL DISTRICT AND COUNTY IN WHICH SUCH FACILITIES ARE LOCATED IN THE PROPORTIONS ABOVE SET FORTH. THE COMMISSIONER'S ORDER MAKING SUCH APPORTIONMENT SHALL BE SUBJECT TO REVIEW BY THE TAX COURT OF APPEALS AT THE INSTANCE OF ANY OF THE INTERESTED TAXING DISTRICTS, IN THE SAME MANNER AS OTHER ORDERS OF THE COMMISSIONER. THE AMOUNT SO DISTRIBUTED SHALL BE DIVIDED AMONG THE VARIOUS FUNDS OF THE TAXING DISTRICT IN THE SAME PROPORTION AS THE GENERAL AD VALOREM PROPERTY TAX THEREOF.)

(THERE IS HEREBY APPROPRIATED TO SUCH PERSONS, CITY, TOWN, SCHOOL DISTRICT, OR COUNTY AS

ARE ENTITLED TO SUCH PAYMENT, FROM THE FUND OR ACCOUNT IN THE STATE TREASURY TO WHICH THE MONEY WAS CREDITED, AN AMOUNT SUFFICIENT TO MAKE THE PAYMENT AUTHORIZED HEREIN. THE COMMISSIONER OF REVENUE SHALL MAKE SUCH PAYMENTS ON MARCH 15 AND SEPTEMBER 15 ANNUALLY).

Sec. 6. Minnesota Statutes 1976, Chapter 298, is amended by adding a section to read:

[298.012] [DEFINITION OF CITY.] *For purposes of chapter 298, the word "city" includes any home rule charter city, statutory city, or any city however organized.*

Sec. 7. Minnesota Statutes 1976, Section 298.03, is amended to read:

298.03 [VALUE OF ORE; HOW ASCERTAINED.] The valuation of iron or other ores for the purposes of determining the amount of tax to be paid under the provisions of section 298.01 shall be ascertained by subtracting from the value of such ore, at the place where the same is brought to the surface of the earth, such value to be determined by the commissioner of revenue:

(1) The reasonable cost of supplies used and labor performed at the mine in separating the ore from the ore body, including hoisting, elevating, or conveying the same to the surface of the earth;

(2) If the ore is taken from an open pit mine, an amount for each ton of ore mined or produced during the year equal to the cost of removing the overburden, divided by the number of tons of ore uncovered, the number of tons of ore uncovered in each case to be determined by the commissioner of revenue;

(3) If the ore is taken from an underground mine, an amount for each ton of ore mined or produced during the year equal to the cost of sinking and constructing shafts and running drifts, divided by the number of tons of ore that can be advantageously taken out through such shafts and drifts, the number of tons of ore that can be advantageously taken out in each case to be determined by the commissioner of revenue;

(4) The amount of royalties paid on the ore mined or produced during the year;

(5) A percentage of the ad valorem taxes levied for such year against the realty in which the ore is deposited equal to the percentage that the tons mined or produced during such year bears to the total tonnage in the mine;

(6) In the case of taconite, semi-taconite and iron sulphide operations, the tax payable under (SECTIONS) *section 298.24 (AND), but not exceeding 25 cents per taxable ton, and that payable under section 298.35,* on the concentrates produced in said year and any taxes paid under Laws 1955, Chapters 391, 429, 514, 576 or 540, or any other law imposing on such taconite operations a specific tax for school or other governmental purposes;

(7) The amount or amounts of all the foregoing subtractions shall be ascertained and determined by the commissioner of revenue. Deductions for interest on plant investment shall not exceed the greater of (a) four percent of book value, or (b) the amount actually paid but not exceeding six percent of book value. No subtraction shall be allowed for shrinkage of iron ore (, EXCEPT THAT WHICH CAN BE MEASURED IN A MANNER DETERMINATED BY THE COMMISSIONER OF REVENUE. IN NO CASE SHALL THE SHRINKAGE SUBTRACTION EXCEED ONE-FOURTH OF ONE PERCENT OF THE VALUE OF THE ORE).

Sec. 8. Minnesota Statutes 1976, Section 298.22, Subdivision 1, is amended to read:

298.22 [IRON RANGE RESOURCES AND REHABILITATION.] Subdivision 1. (ON AND AFTER JULY 1, 1969, THERE IS HEREBY APPROPRIATED FROM THE GENERAL FUND FOR THE PURPOSES HEREINAFTER SET FORTH, FIVE PERCENT OF ALL AMOUNTS PAID AND CREDITED TO SAID FUND FROM THE PROCEEDS OF TAXES PAID UNDER THE PROVISIONS OF SECTIONS 298.01 TO 298.21.) The office of commissioner of iron range resources and rehabilitation is hereby created. The commissioner shall be appointed by the governor, with the advice and consent of the senate for a four year term which shall coincide with the term of the governor until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall take office immediately and shall carry on the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. The (SALARY OF THE) commissioner (, WHO) shall be in *the* unclassified service (, SHALL BE PAID FROM THE AMOUNTS APPROPRIATED BY THIS SECTION; PROVIDED, THAT SUCH SALARY SHALL BE REDUCED BY SUCH AMOUNT AS HE MAY RECEIVE FROM OTHER FUNDS), and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner who shall serve in the unclassified service at the pleasure of the commissioner. All expenses of the commissioner,

including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by (THIS) section 298.28, *subdivision 1*.

When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in (THIS) section 298.28, *subdivision 1* as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 9. Minnesota Statutes 1976, Section 298.22, Subdivision 2, is amended to read:

Subd. 2. There is hereby created the iron range resources and rehabilitation board, consisting of (SEVEN) *eleven* members, (THREE) *five* of whom shall be state senators appointed by the (COMMITTEE ON) *subcommittee on* committees of the *rules committee of the senate*, and (THREE) *five* of whom shall be representatives, appointed by the speaker of the house of representatives, their terms of office to commence on May 1, 1943, and continue until January 3rd, 1945, or until their successors are appointed and qualified. Their successors shall be appointed each two years in the same manner as the original members were appointed, in January of every second year, commencing in January, 1945. The (SEVENTH) *eleventh* member of said board shall be the commissioner of natural resources of the state of Minnesota. Vacancies on the board shall be filled in the same manner as the original members were chosen. All expenditures and projects made by the commissioner of iron range resources and rehabilitation shall first be submitted to said iron range resources and rehabilitation board which shall recommend approval or disapproval or modification of expenditures and projects for rehabilitation purposes as provided by this section, and the method, manner, and time of payment of all said funds proposed to be disbursed shall be first approved or disapproved by said board. The board shall biennially make its report to the governor and the legislature on or before November 15 of each even numbered year. The expenses of said board shall be paid by the state of Minnesota from the funds raised pursuant to this section.

Sec. 10. Minnesota Statutes 1976, Section 298.24, Subdivision 1, is amended to read:

298.24 [TAX ON TACONITE AND IRON SULPHIDES.]  
Subdivision 1. (a) There is hereby imposed upon taconite and iron sulphides, and upon the mining and quarrying thereof,

and upon the production of iron ore concentrate therefrom, and upon the concentrate so produced, a tax of (11.5 CENTS) \$1.25 per gross ton of merchantable iron ore concentrate (AS) produced therefrom (, PLUS ONE TENTH OF ONE CENT). *The tax on concentrates produced in 1978 and subsequent years shall be equal to \$1.25 multiplied by the steel mill products index during the production year, divided by the steel mill products index in 1977. The index stated in code number 1013, or any subsequent equivalent, as published by the United States Department of Labor, Bureau of Labor Statistics Wholesale Prices and Price Indexes for the month of January of the year in which the concentrate is produced shall be the index used in calculating the tax imposed herein. In no event shall the tax be less than \$1.25 per gross ton of merchantable iron ore concentrate.*

(b) *An additional tax is hereby imposed equal to 1.6 percent of the total tax imposed by clause (a) per gross ton for each one percent that the iron content of such product exceeds (55) 62 percent, when dried at 212 degrees Fahrenheit.*

(c) *The tax imposed by this subdivision shall be computed on the production for the current year or the average of the production for the current year and the previous two years, whichever is higher. This clause shall not apply in the case of the closing of a taconite facility if the property taxes on the facility would be higher if this clause and section 298.25 were not applicable.*

(d) *If the tax or any part of the tax imposed by this subdivision is held to be unconstitutional, a tax of \$1.25 per gross ton of merchantable iron ore concentrate produced shall be imposed.*

Sec. 11. Minnesota Statutes 1976, Section 298.24, Subdivision 2, is amended to read:

Subd. 2. (IF THE INDEX OF WHOLESALE PRICES FOR ALL COMMODITIES PREPARED FOR THE JOINT ECONOMIC COMMITTEE BY THE COUNCIL OF ECONOMIC ADVISERS AND DISTRIBUTED BY THE SUPERINTENDENT OF DOCUMENTS, GOVERNMENT PRINTING OFFICE, AS OF JANUARY OF ANY YEAR SHALL BE ABOVE 110, USING THE AVERAGE FOR THE YEARS 1957-1959 AS THE BASE OF 100, THE AMOUNT OF THE TAX PRESCRIBED BY SUBDIVISION 1 FOR SUCH YEAR SHALL BE INCREASED BY ONE TENTH OF ONE CENT PER GROSS TON FOR EACH POINT INCREASE IN SAID INDEX ABOVE 110. FOR ALL PURPOSES OF THIS COMPUTATION, A FRACTIONAL POINT INCREASE SHALL BE DISREGARDED IF LESS THAN ONE HALF POINT AND TREATED AS ONE FULL POINT, IF ONE HALF POINT OR MORE.) *There is hereby imposed upon taconite and iron sulphides, and upon the mining and quarrying thereof, and upon*

*the production of iron ore concentrate therefrom, and upon the tailings so produced an additional tax of 10 cents per 2,000 pounds of tailings produced. For the purposes of this subdivision tailings mean the solid and liquid waste materials resulting from the beneficiation process.*

*The tax imposed by this subdivision shall only apply to those tailings from a taconite facility which are not deposited on land in accordance with permits issued by the pollution control agency and the department of natural resources.*

*The proceeds of the tax imposed by this subdivision shall be deposited in the general fund of the state.*

Sec. 12. Minnesota Statutes 1976, Section 298.244, Subdivision 2, is amended to read:

Subd. 2. (a) For the purposes of this subdivision, the following terms shall have the meanings given them.

(1) "Agency" means the state board of health.

(2) "Municipality" means any city or any other governmental subdivision having the power or duty to provide drinking water and using Lake Superior as the source of the drinking water.

(3) "Eligible cost" includes all costs incurred by a municipality including acquisition of necessary real and personal property, engineering, system cleaning, construction, alteration, improvements, inspection, supervision of construction and all other costs related to the construction and establishment of a permanent water filtration or purification system. Such costs shall be eligible even if incurred prior to June 7, 1975.

(4) "Municipal water purification system" includes all properties, real or personal, determined by a municipality and the state to be necessary for the elimination of polluting or potentially injurious substances from water used for municipal water supply purposes.

(b) There is hereby appropriated from the general fund to the state board of health the sum of \$2,500,000 and an additional amount of \$1,750,000 for a grant program for the construction of water filtration and purification systems for those communities using Lake Superior as a drinking water source. The board of health shall establish a grant program to implement the provisions of this subdivision. This program shall include the disbursement of funds hereinafter described for the construction of the facilities, the creation of guidelines designed to assure that the funds will be disbursed in accord with the purposes of this subdivision, the continued surveillance of the

effectiveness of constructed facilities in cooperation with other related state agencies, and other duties of administration necessary to accomplish the purpose of this subdivision. Grants shall be made in accordance with the guidelines created under authority of this subdivision and shall not exceed 33 percent of the eligible project cost.

(c) A Lake Superior water filtration and purification fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts of the proceeds of moneys appropriated to the fund and disbursements of money appropriated from the fund to municipalities for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the construction of water filtration and purification systems, in accordance with the purpose of this subdivision. It is determined that state financial assistance for the construction of water filtration and purification facilities needed to fulfill the purposes of this subdivision is a public purpose and a proper function of state government.

(d) No recipient of financial assistance may receive more than 80 percent of the total amount of funds appropriated in this subdivision. Any recipient of financial assistance shall pursue its remedies under the permits granted to the discharges or subrogate to the state those remedies for purposes of obtaining reimbursement of the state funds expended for the purposes of this subdivision. The board of health shall at the time of any disbursement of funds under this subdivision enter into necessary agreements for reimbursement. Any amounts recovered pursuant to this subdivision shall be credited to and disbursed as provided in (SUBDIVISION 1, CLAUSE (1)) *section 298.28, subdivision 1, clause (4), part (a).*

(e) Prior to July 1, 1977, \$2,500,000 of the proceeds of the tax collected under section 298.243 shall be paid to the general fund of the state treasury from those funds distributed to the counties, except from the portion distributed to Itasca county, pursuant to subdivision 1, clause (1).

(f) This subdivision of *Laws 1975, Chapter 437, Article XI, Section 2* is effective on June 7, 1975. The \$2,500,000 in funds appropriated pursuant to this subdivision are available as of July 1, 1975. *The additional amount of \$1,750,000 appropriated pursuant to this subdivision shall be available July 1, 1977.*

(g) *The additional \$1,750,000 appropriated by this subdivision shall be repaid to the general fund from proceeds of the tax imposed by section 11.*

Sec. 13. Minnesota Statutes 1976, Section 298.25, is amended to read:

298.25 [TAXES ADDITIONAL TO OTHER TAXES.] The taxes imposed under (SECTIONS) *section* 298.24 (AND 298.241) shall be in addition to the occupation tax imposed upon the business of mining and producing iron ore and in addition to the royalty tax imposed upon royalties received for permission to mine and produce iron ore. Except as herein otherwise provided, such taxes shall be in lieu of all other taxes upon such taconite and iron sulphides, or the lands in which they are contained, or upon the mining or quarrying thereof, or the production of concentrate therefrom, or upon the concentrate produced, or upon the machinery, equipment, tools, supplies and buildings used in such mining, quarrying or production, or upon the lands occupied by, or used in connection with, such mining, quarrying or production facilities. If electric or steam power for the mining, transportation or concentration of such taconite or the concentrates produced therefrom is generated in plants principally devoted to the generation of power for such purposes, the plants in which such power is generated and all machinery, equipment, tools, supplies, transmission and distribution lines used in the generation and distribution of such power, shall be considered to be machinery, equipment, tools, supplies and buildings used in the mining, quarrying or production of taconite and taconite concentrates within the meaning of this section. If part of the power generated in such a plant is used for purposes other than the mining or concentration of taconite or the transportation or loading of taconite or the concentrates thereof, a proportionate share of the value of such generating facilities, equal to the proportion that the power used for such other purpose bears to the generating capacity of the plant, shall be subject to the general property tax in the same manner as other property; provided, power generated in such a plant and exchanged for an equivalent amount of power which is used for the mining, transportation or concentration of such taconite or concentrates produced therefrom, shall be considered as used for such purposes within the meaning of this section. Nothing herein shall prevent the assessment and taxation of the surface of reserve land containing taconite and not occupied by such facilities or used in connection therewith at the value thereof without regard to the taconite or iron sulphides therein, nor the assessment and taxation of merchantable iron ore or other minerals, or iron-bearing materials other than taconite or iron sulphides in such lands in the manner provided by law, nor the assessment and taxation of facilities used in producing sulphur or sulphur products from iron sulphide concentrates, or in refining such sulphur products, under the general property tax laws. Nothing herein shall except from general taxation or from taxation as provided by other laws any property used for residential or townsite purposes, including utility services thereto.

Sec. 14. Minnesota Statutes 1976, Section 298.26, is amended to read:

298.26 [TAX ON UNMINED IRON ORE OR IRON SULPHIDES.] In any year in which at least 1,000 tons of iron ore

concentrate is not produced from any 40-acre tract or governmental lot containing taconite or iron sulphides, a tax may be assessed upon the taconite or iron sulphides therein at the mill rate prevailing in the taxing district and spread against the assessed value of the taconite or iron sulphides, such assessed value to be determined in accordance with existing laws. The amount of the tax spread under authority of this section by reason of the taconite and iron sulphides in any tract of land shall not exceed (\$1) \$10 per acre.

Sec. 15. Minnesota Statutes 1976, Section 298.27, is amended to read:

298.27 [COLLECTION AND PAYMENT OF TAX.] The taxes provided by (SECTIONS) *section* 298.24 (, 298.241, AND 298.243) shall be collected and paid in the same manner as provided by law for the payment of the occupation tax, except that the report required by section 298.05 shall be filed on or before February 15 together with a remittance equal to 90 percent of the estimated tax required to be paid hereunder on or before April 15. On or before February 25, the commissioner of revenue shall make distribution of such estimated payment in the manner provided by (SECTIONS) *section* 298.28 (AND 298.244). The commissioner of revenue shall determine the amount of tax due on or before March 15. The tax found to be due shall be paid on or before April 15 following the production year. Reports shall be made and hearings held upon the determination of the tax in accordance with procedures established by the commissioner of revenue. The commissioner of revenue shall have authority to make reasonable regulations as to the form and manner of filing reports necessary for the determination of the tax hereunder, and by such regulations may require the production of such information as may be reasonably necessary or convenient for the determination and apportionment of the tax. All the provisions of the occupation tax law with reference to the assessment, determination, and collection of the occupation tax, including all provisions for appeals from or review of the orders of the commissioner of revenue relative thereto, are hereby made applicable to the taxes imposed by (SECTIONS) *section* 298.24 (, 298.241, AND 298.243,) except in so far as inconsistent herewith. If any person subject to (SECTIONS) *section* 298.24 (, 298.241, AND 298.243) shall fail to make the report provided for in this section at the time and in the manner herein provided, the commissioner of revenue shall in such case, upon such information as he may possess or obtain, ascertain the kind and amount of ore mined or produced and thereon find and determine the amount of the tax due from such person. There shall be added to the amount of tax due a penalty for failure to report on or before February 15, which penalty shall equal ten percent of the tax imposed and be treated as a part thereof.

If any person required to make an estimated tax payment at the time and in the manner herein provided, and fails to do so,

there shall be imposed a penalty equal to ten percent of the amount so due, which penalty shall be treated as part of the tax due.

In the case of any underpayment of the estimated tax payment required herein, there may be added and be treated as part of the tax due a penalty equal to ten percent of the amount so underpaid.

If any portion of the (TAX) *taxes* provided for in (SECTIONS) *section 298.24* (, 298.241, AND 298.243) is not paid before the fifteenth day of April of the year in which due and payable, a penalty of ten percent of such unpaid portion shall immediately accrue, and thereafter one percent per month shall be added to such tax and penalty while such tax remains unpaid.

Sec. 16. Minnesota Statutes 1976, Section 298.28, Subdivision 1, is amended to read:

298.28 [DIVISION OF PROCEEDS.] Subdivision 1. The proceeds of the (TAX) *taxes* collected under section 298.24, *except the tax collected under section 298.24, subdivision 2*, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) *2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", to the city or town (TO THE VARIOUS TAXING DISTRICTS) in which the lands from which taconite was mined or quarried were located (IN THE FOLLOWING MANNER AND PROPORTIONS: 11 1/2 PERCENT THEREOF TO THE CITY OR TOWN; 27 PERCENT THEREOF TO THE SCHOOL DISTRICT; 11 1/2 PERCENT THEREOF TO THE COUNTY; THREE PERCENT THEREOF TO THE STATE AND 47 PERCENT THEREOF, LESS ANY AMOUNT REQUIRED TO BE DISTRIBUTED UNDER SUBDIVISION 1A TO THE TACONITE PROPERTY TAX RELIEF ACCOUNT IN THE APPORTIONMENT FUND IN THE STATE TREASURY) or within which the concentrate was produced.* If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions (AS PROVIDED ABOVE, AND THE PART GOING TO SCHOOL DISTRICTS AMONG SUCH DISTRICTS, AND THE PART GOING TO COUNTIES AMONG SUCH COUNTIES,) upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court of ap-

peals at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton to the taconite municipal aid account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton to school districts to be distributed as follows:

(a) 6 cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (c), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 or in which is located property which is entitled to the reduction of tax pursuant to section 273.135, subdivision 2, clause (c). The 23 cents, less any amount distributed under part (c), shall be distributed in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its permitted levy for the prior year, computed pursuant to section 275.125, comprises of the sum of permitted levies for the prior year for all qualifying districts, computed pursuant to section 275.125. That portion of the amount so distributed to a school district which is not deducted from state aids in section 124.212, subdivision 8a, shall be included in computing the permissible levies under section 275.125. For purposes of distributions pursuant to this part, permitted levies for the prior year computed pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision 2a, clause (4).

(c) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrat-

ing taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) 4 cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 25.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) 1 cent per taxable ton to the state.

(7) 3 cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. Of this amount, one cent per taxable ton is to be used to provide environmental development grants to local governments located within any county in region 3 as defined in governor's executive order number 60 issued on June 12, 1970, which does not contain a municipality qualifying pursuant to section 273.134.

(8) the amounts determined under clauses (4)(a), (4)(c), and (5) shall be increased in 1979 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1.

(9) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (8) and parts (a), (b), (c), and (d) of this clause have been made shall be divided between the taconite environmental protection fund created in section 20 and the northeast Minnesota economic protec-

tion fund created in section 26 as follows: In 1978, 1979, 1980, 1981, and 1982, two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection fund; in 1983 and thereafter, one-half to each fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) In 1978 and each year thereafter, there shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977.

(b) In 1978 and each year thereafter, there shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

(c) In 1978 and each year thereafter, \$50,000 shall be distributed to the department of revenue for auditing and enforcing the production tax imposed by this article.

(d) In 1978 and 1979, \$150,000 shall be distributed to the department of revenue for the purpose of administering section 29. In 1980 and each year thereafter, \$100,000 shall be distributed to the department of revenue. (THE AMOUNT SO DISTRIBUTED SHALL BE DIVIDED AMONG THE VARIOUS FUNDS OF THE STATE, OR OF THE TAXING DISTRICTS IN THE SAME PROPORTION AS THE GENERAL AD VALOREM TAX THEREOF. IF IN ANY YEAR THE STATE SHALL NOT SPREAD ANY GENERAL AD VALOREM TAX LEVY AGAINST REAL PROPERTY, THE STATE'S PROPORTION OF THE TAX SHALL BE PAID INTO THE GENERAL FUND. THE AMOUNT DISTRIBUTED TO ANY CITY AND ONE-THIRD IN 1971 AND THAT PORTION NOT DEDUCTED FROM STATE AIDS IN SECTION 124.212, SUBDIVISION 8, THEREAFTER OF THE AMOUNT DISTRIBUTED TO ANY SCHOOL DISTRICT UNDER THE PROVISIONS HEREOF SHALL BE INCLUDED IN COMPUTING THE PERMISSIBLE LEVIES OF SUCH CITY OR SCHOOL DISTRICT UNDER SECTIONS 275.11 OR 275.125, PROVIDED, IN COMPUTING THE DEDUCTION FROM PERMISSIBLE LEVIES OF CITIES BY REASON HEREOF EFFECT SHALL BE GIVEN TO THE COST OF LIVING ADJUSTMENT ALLOWED BY SECTION 275.11, SUBDIVISION 2, REGARDLESS OF WHETHER OR NOT MORE THAN 25 PERCENT OF THE ASSESSED VALUATION CONSISTS OF IRON ORE.) On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue and with the county auditor of each county in which such taxpayer operates, and with the chief clerical officer of each school district (OR), city or town which is entitled to participate in the distribution of the tax, an estimate of the amount of tax which

would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. Such estimate shall list the taxing districts entitled to participate in the distribution of such tax, and the amount of the estimated tax which would be distributable to each such district in (SUCH) *the* next ensuing calendar year on the basis of the last percentage distribution certified by the commissioner of revenue. If there be no such prior certification, the taxpayer shall set forth its estimate of the proper distribution of such tax under the law, which estimate may be corrected by the commissioner if he deems it improper, notice of such correction being given by him to the taxpayer and the public officers receiving such estimate. The officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district (EXCEPT IN THE CASE OF SCHOOL DISTRICTS ONE-THIRD IN 1971 AND THAT PORTION NOT DEDUCTED FROM STATE AIDS IN SECTION 124.212, SUBDIVISION 8, THEREAFTER OF THE INDICATED AMOUNT IS TO BE USED) in computing (, PURSUANT TO SECTIONS 275.11 OR 275.125,) the permissible tax levy of such *county*, city or school district in the year in which such estimate is made, and payable in the next ensuing calendar year, *except that in 1978 and 1979 two cents per taxable ton, and in 1980 and thereafter, one cent per taxable ton of the amount distributed under clause (4)(c) shall not be deducted in calculating the permissible levy.* Such taxpayer shall then pay, at the times payments are required to be made pursuant to section 298.27, as the amount of tax payable under section 298.24, the greater of (a) the amount shown by such estimate, or (b) the amount due under said section as finally determined by the commissioner of revenue pursuant to law. If, as a result of the payment of the amount of such estimate, the taxpayer has paid in any calendar year an amount of tax in excess of the amount due in such year under section 298.24, after application of credits for any excess payments made in previous years, all as determined by the commissioner of revenue, the taxpayer shall be given credit for such excess amount against any taxes which, under said section, may become due from the taxpayer in subsequent years. In any calendar year in which a general property tax levy subject to sections (275.11) 275.50 to 275.59 or 275.125 has been made, if the taxes distributable to any such *county*, city or school district are greater than the amount estimated to be paid to any such *county*, city or school district in such year, the excess of such distribution shall be held in a special fund by the *county*, city or school district and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections (275.11) 275.50 to 275.59 or 275.125, of such *county*, city or school district payable in such year. If the amounts distributable to any such *county*, city or school district, after final determina-

tion by the commissioner of revenue under this section are less than the amounts indicated by such estimates, such county, city or school district may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections (275.11) 275.50 to 275.59 or 275.125 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby *annually* appropriated to such taxing districts as are stated herein (AND), to the taconite property tax relief account *and to the taconite municipal aid account* in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the taconite environmental protection fund, and to the northeast Minnesota economic protection fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 17. Minnesota Statutes 1976, Section 298.282, Subdivision 1, is amended to read:

298.282 [DISTRIBUTION OF TACONITE MUNICIPAL AID ACCOUNT; TACONITE MUNICIPAL AID; PAYMENT.] Subdivision 1. The amount deposited to the credit of the taconite municipal aid account in the apportionment fund of the state treasury as provided in section (298.281, SUBDIVISION 4) 298.28, subdivision 1, clause (2) shall be distributed as provided by this section, among the municipalities comprising a tax relief area under section 273.134, as amended hereby, each being herein referred to as a qualifying municipality.

Sec. 18. Minnesota Statutes 1976, Section 298.282, Subdivision 2, is amended to read:

Subd. 2. Each year commencing in 1977, and (THE) following *the* final determination of the amount of taxes payable under section (298.241) 298.24, the commissioner of revenue shall determine the amount in the taconite municipal aid account as of July 1 of such year and the amount to be distributed to each qualifying municipality during such year. The amount to be distributed to each qualifying municipality shall be determined by dividing the total amount in said account, after a reduction equal to the amount of the distribution in subdivision 5, as of July 1 by the total population according to the latest federal census of all qualifying municipalities to determine the per capita distributive share for such year and by multiplying the per capita distributive share by the population of such municipality. *If the distribution under this section, sections 273.133, 298.26 and 298.28, and chapter 477A, to any municipality would exceed that municipality's permissible levy for the prior year, computed pursuant*

to sections 275.50 to 275.59, the amount in excess of the permissible levy for the prior year shall reduce the amount distributed to the municipality under this section and this excess amount shall be distributed to the other qualifying municipalities on a per capita basis. Upon completion of such determination, the commissioner of revenue shall certify to the chief clerical officer of each qualifying municipality the amount which will be distributed to such municipality from the taconite municipal aid account that year.

Sec. 19. [CITATION.] Sections 19 to 24 shall be known as the taconite environmental protection fund act of 1977.

Sec. 20. [TACONITE AREA ENVIRONMENTAL PROTECTION FUND.] A fund called the taconite environmental protection fund is created for the purpose of reclaiming, restoring and enhancing those areas of northeast Minnesota adversely affected by the environmentally damaging operations involved in mining taconite and iron ore and producing iron ore concentrate and for the purpose of promoting the economic development of northeast Minnesota. The taconite environmental protection fund shall be used for the following purposes:

(a) to initiate investigations into matters the Iron Range Resources and Rehabilitation Board determines are in need of study and which will determine the environmental problems requiring remedial action;

(b) reclamation, restoration or reforestation of minelands not otherwise provided for by state law;

(c) local economic development projects including construction of sewer and water systems, and other public works;

(d) monitoring of mineral industry related health problems among mining employees.

The taconite environmental protection fund shall be administered by the commissioner of the Iron Range Resources and Rehabilitation board. The commissioner shall by September 1 of each year prepare a list of projects to be funded from the taconite environmental protection fund, with such supporting information including description of the projects, plans, and cost estimates as may be necessary. Upon recommendation of the Iron Range Resources and Rehabilitation Board, this list shall be submitted to the legislative advisory commission for its review. This list with the recommendation of the legislative advisory commission shall then be transmitted to the governor by November 1 of each year. By December 1 of each year, the governor shall approve or disapprove, or return for further consideration, each individual project. Funds for a project may be expended only upon approval of the project by the governor.

*Notwithstanding the above, in 1977 the commissioner, with the recommendation of the board, shall submit a list of projects to the legislative advisory commission by June 15. This list shall by July 1 be transmitted to the governor for approval. Funds may be expended upon approval by the governor.*

*There is hereby annually appropriated to the commissioner of the Iron Range Resources and Rehabilitation board such funds as are necessary to carry out the projects approved and such funds as are necessary for administration of this section. Annual administrative costs, not including detailed engineering expenses for the projects, shall not exceed five percent of the amount annually expended from the fund.*

*Funds for the purposes of this section are provided by section 298.28, Subdivision 1, Clause (9) relating to the taconite environmental protection fund.*

**Sec. 21. [INVESTMENT OF FUNDS; INCOME.]** *The fund established by section 20 shall be invested pursuant to law and the net interest and dividends arising from the investment shall be included and become part of the fund.*

**Sec. 22.** *There is hereby appropriated from the general fund to the taconite environmental protection fund on July 1, 1977, the sum of \$1,500,000. The taconite environmental protection fund shall reimburse the general fund plus interest at five percent on June 30, 1978.*

**Sec. 23. [APPROPRIATION.]** *If a taconite producer ceases beneficiation operations, either temporarily or permanently, and if the recipients of the taconite production tax as provided in section 298.28, subdivision 1, clauses (1) to (8), would receive decreased distributions as a result thereof, then the distribution to these recipients in each of the two years immediately following the year in which operations ceased shall be equal to the amount they received in the last full year before operations ceased. There is hereby appropriated from the taconite environmental protection fund to the commissioner of revenue the amount needed to make the above payments. If a taconite producer, which ceases beneficiation operations either temporarily or permanently, is required by a special law to make bond payments for a school district, the taconite environmental protection fund shall assume the payments of the taconite producer if the producer ceases to make the needed payments. There is hereby appropriated from the taconite environmental protection fund to the commissioner of revenue the amounts needed to make these school bond payments.*

**Sec. 24. [APPROPRIATION.]** *There is hereby appropriated from the general fund to the taconite environmental protection fund the amount needed to pay the payments authorized under section 23. The commissioner of finance shall transfer the*

*funds only if the taconite environmental protection fund does not have a sufficient balance to pay the payments. No funds may be transferred from the general fund after January 1, 1980. Any amount transferred to the taconite environmental protection fund shall be repaid to the general fund without interest as soon as practicable.*

**Sec. 25. [CITATION.]** *Sections 25 to 28 shall be known as the "northeast Minnesota economic protection fund act of 1977."*

**Sec. 26. [POLICY.]** *The legislature is cognizant of the severe economic dislocations and widespread unemployment that result when a single industry on which an area is largely dependent, experiences a drastic reduction in activity. The Northeast Minnesota economic protection fund is hereby created to be devoted to economic rehabilitation and diversification of industrial enterprises where these conditions ensue as the result of the decline of such a single industry.*

**Sec. 27.** *The funds provided by Minnesota Statutes, Section 298.28, Subdivision 1, Clause (9), relating to the northeast Minnesota economic protection fund shall not be expended prior to (a) a declaration by the governor to the effect that the economic situation of northeast Minnesota requires remedial action by the legislature as a result of a decline in mineral-related activities, and (b) an appropriation of the funds by the legislature. The governor shall recommend to the legislature those measures that he believes will be appropriate in order to accomplish the purpose of his declaration. The funds provided by this fund may be spent only in those areas that are tax relief areas as defined in Minnesota Statutes, Section 273.134. The funds provided by Minnesota Statutes, Section 298.28, Subdivision 1, Clause (9), for this fund shall not be expended for this purpose prior to January 1, 2002.*

**Sec. 28.** *The fund established by section 26 shall be invested pursuant to law and the net interest and dividends arising from the investment shall be included and become part of the fund; provided that the governor may authorize the state treasurer to borrow an amount not exceeding 50 percent of the amount in the fund for a period terminating no later than December 31, 2001. The state treasurer, pursuant to the authorization, shall issue notes pledging the full faith and credit of the state for the purpose of repayment, and the notes shall bear interest at five percent per annum until paid.*

**Sec. 29.** *Minnesota Statutes 1976, Chapter 298, is amended by adding a section to read:*

**[298.48] [MINERAL RIGHTS; EXPLORATION DATA; FILING REQUIREMENTS.]** *Subdivision 1. [ANNUAL FILING.] Every owner or lessee of mineral rights who, in respect thereto, has engaged in any exploration for or mining of tacho-*

nite, semi-taconite, or iron-sulphide shall, within six months of the effective date of this section, file with the commissioner of revenue all data of the following kinds in the possession or under the control of the owner or lessee which was acquired prior to January 1, 1977:

(a) Maps and other records indicating the location, character and extent of exploration for taconite, semi-taconite, or iron-sulphides;

(b) Logs, notes and other records indicating the nature of minerals encountered during the course of exploration;

(c) The results of any analyses of metallurgical tests or samples taken in connection with exploration;

(d) The ultimate pit layout and the supporting cross sections; and

(e) Any other data which the commissioner of revenue may determine to be relevant to the determination of the location, nature, extent, quality or quantity of unmined ores of said minerals. The commissioner of revenue shall have the power to compel submission of the data. The clerk of any court of record, upon demand of the commissioner, shall issue a subpoena for the production of any data before the commissioner. Disobedience of subpoenas issued under this section shall be punished by the district court of the district in which the subpoena is issued as for a contempt of the district court. By April 1 of each succeeding year every owner or lessee of mineral rights shall file with the commissioner of revenue all such data acquired during the preceding calendar year.

Subd. 2. [USE OF DATA.] Notwithstanding any other law to the contrary, the commissioner of revenue may use any data filed pursuant to subdivision 1 and any similar data otherwise obtained to the extent and in the manner he deems necessary to project the future availability, value, and utilization of the metallic mineral resources of this state. In making such projections the commissioner of revenue may consult with the commissioner of natural resources and may provide him with data as he deems appropriate.

Subd. 3. [PENALTIES.] Any owner or lessee of mineral rights who fails, neglects or refuses to make any filing required by this section is guilty of a gross misdemeanor.

Subd. 4. [CONFIDENTIAL NATURE OF INFORMATION.] The data filed pursuant to subdivision 1 shall be considered confidential for three years from the date it is filed with the commissioner. Nothing herein contained shall be construed to prohibit the commissioner from disclosing information or pub-

lishing statistics so classified as not to disclose the identity of particular data.

*Notwithstanding the other provisions of this subdivision, the commissioner, at his discretion, may furnish any information supplied under this section to the commissioner of natural resources or the director of the state planning agency. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.*

Sec. 30. [REPEALER.] *Minnesota Statutes 1976, Sections 294.27; 294.28; 298.244, Subdivision 1; 298.28, Subdivision 1a; and 298.281, are repealed.*

Sec. 31. [REPEALER.] *Minnesota Statutes 1976, Sections 298.241; and 298.243, are repealed.*

Sec. 32. [EFFECTIVE DATE.] *Sections 7, 10, 13, 15 and 31 are effective for iron ore concentrate produced in any year beginning after December 31, 1976. Sections 5, 8, 16, 17, 18 and 30 are effective for distributions made in any year after December 31, 1977. Sections 2, 6, 9, and 12 and 19 to 29 are effective the day after final enactment. Sections 1, 3, 4 and 14 are effective for property taxes levied in 1977 and thereafter, payable in 1978 and thereafter. Section 11 is effective for tailing produced after June 30, 1977.*

## ARTICLE XI

Section 1. [APPROPRIATION.] *The sum of \$300,000 is appropriated from the general fund to the commissioner of revenue to meet the cost of administration of this act."*

Further, strike the title and insert:

"A bill for an act relating to taxation; changing the definition of gross income for income tax purposes; increasing individual credits; restricting availability of low income credit; increasing rates; including certain amounts of public pensions and military pay in gross income; altering itemized deductions for taxes paid, casualty losses; changing provisions for allocation of gross income to this state; imposing a minimum tax on preference items; renaming the income adjusted homestead credit and increasing its benefits; removing non-school district debt limitation from property classifications; changing certain levy administration procedures; changing definitions of income, claimant, dependent, household income, property taxes payable, and rent constituting property taxes; increasing local government aids and changing distribution and appeal procedures; providing a dependent care income tax credit; changing property tax levy limits for local governmental subdivisions; redefining special levies; providing means of increasing levy limit bases; increasing school aids; de-

creasing assessment rates of certain classes of property; increasing state paid agricultural credit; providing means of assessment of agricultural land; increasing state share of AFDC costs; increasing attached machinery aids; decreasing employer's excise tax exemption; establishing a tax study commission; establishing procedures for declaration and payment of estimated occupation tax; changing taconite tax provisions; establishing taconite environmental and economic protection funds; appropriating money; amending Minnesota Statutes 1976, Sections 124.212, Subdivisions 7b and 10; 256.82; 273.02, Subdivision 4; 273.11, Subdivision 2; 273.111, Subdivision 4; 273.13, Subdivisions 4, 6, 7, and 14a; 273.132; 273.134; 273.135, Subdivisions 1 and 2; 273.138, Subdivision 2; 275.07; 275.125, Subdivision 2a; 275.50, Subdivision 5; 275.51, by adding a subdivision; 275.52, Subdivisions 2, 3, and 4, and by adding subdivisions; 275.53, Subdivision 1; 275.59; 276.01; 276.04; 278.01; 278.05; 287.241, Subdivision 2; 290.01, Subdivision 20; 290.012, Subdivision 2; 290.031, Subdivision 4; 290.06, Subdivisions 2c and 3c; 290.08, Subdivision 6; 290.081; 290.09, Subdivisions 4, 5, and 15; 290.17; 290.37, Subdivision 1; 290A.01; 290A.03, Subdivisions 3, 5, 7, 8, 11, 12 and 13; 290A.04, Subdivision 2, and by adding subdivisions; 290A.05; 290A.08; 290A.10; 290A.14; 290A.18; 290A.19; 294.26; 298.03; 298.22, Subdivisions 1 and 2; 298.24, Subdivisions 1 and 2; 298.244, Subdivision 2; 298.25; 298.26; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; 375.192, by adding a subdivision; 477A.01, Subdivisions 1, 2, 4, 4a, 4b, and by adding subdivisions; and Chapters 3, 272, 290, 290A, 298 and 477, by adding sections; and Laws 1976, Chapter 334, Section 21; repealing Minnesota Statutes 1976, Sections 273.011; 273.012; 275.51, Subdivisions 3b and 3c; 287.241, Subdivisions 3 and 4; 290.0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.066; 290.09, Subdivision 26; 290.65, Subdivision 1; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; 290A.21; 294.27; 294.28; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; and 298.281."

We request adoption of this report and repassage of the bill.

House Conferees: WILLIAM N. KELLY, ROBERT E. VANASEK, MARTIN O. SABO, IRVIN N. ANDERSON and JOEL JACOBS.

Senate Conferees: BILL MCCUTCHEON, DOUGLAS J. JOHNSON, MARVIN B. HANSON, EUGENE E. STOKOWSKI and COLLIN C. PETERSON.

Savelkoul moved to reject the Tax Conference Committee report and instruct the conferees to remove all income tax increases from the Conference Committee report.

A roll call was requested and properly seconded.

The question was taken on the motion by Savelkoul and the roll was called. There were 33 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Friedrich	McDonald	Searle
Anderson, D.	Erickson	Heinitz	Nelsen, B.	Searles
Anderson, R.	Esau	Kaley	Niehaus	Wenzel
Biersdorf	Evans	Kempe, R.	Peterson	Wigley
Carlson, A.	Ewald	Knickerbocker	Pleasant	Zubay
Carlson, D.	Fjoslien	Kvam	Rose	
Dean	Forsythe	Laidig	Savelkoul	

Those who voted in the negative were:

Abeln	Clawson	Jude	Nelsen, M.	Smogard
Adams	Cohen	Kahn	Nelson	Spanish
Anderson, B.	Corbid	Kalis	Norton	Stanton
Anderson, G.	Cummiskey	Kelly, R.	Novak	Stoa
Anderson, I.	Dahl	Kelly, W.	Osthoff	Suss
Arlandson	Eckstein	Kostohryz	Patton	Swanson
Battaglia	Eken	Kroening	Pehler	Tomlinson
Beauchamp	Ellingson	Langseth	Petrafeso	Vanasek
Begich	Enebo	Lehto	Prahl	Voss
Berg	Faricy	Lemke	Reding	Waldorf
Berglin	Fudro	Mangan	Rice	Welch
Berkelman	Fugina	Mann	St. Onge	Wenstrom
Birnstihl	George	McCarron	Samuelson	White
Brandl	Gunter	McCollar	Sarna	Wieser
Braun	Hanson	McEachern	Scheid	Williamson
Brinkman	Hokanson	Metzen	Sherwood	Wynia
Byrne	Jacobs	Moe	Sieben, H.	Speaker Sabo
Carlson, L.	Jaros	Munger	Sieben, M.	
Casserly	Jensen	Murphy	Simoneau	
Clark	Johnson	Neisen	Skoglund	

The motion did not prevail.

Kelly, W., moved that the report of the Conference Committee on H. F. No. 1475 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1475, A bill for an act relating to taxation; providing changes in classification ratios and assessment procedures; increasing local government aids and certain tax credits; altering levy limits; imposing a minimum tax on certain types of income; establishing tax study committee; increasing the tax on taconite production and providing for the distribution of its proceeds; establishing a taconite area environmental protection and economic development fund and council; establishing a Northeast Minnesota economic protection fund; imposing a tailings tax; increasing the tax on unmined taconite; requiring owners and lessees of mineral rights to file exploration data with the commissioner of revenue; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 124.212, Subdivisions 10 and 11; 273.11, Subdivisions 1 and 2; 273.12; 273.13, Subdivisions 6, 7 and 14a; 273.132; 273.134; 274.01, Subdivision 1; 275.50, Subdivision 5; 275.51, by adding a subdivi-

sion; 275.52, Subdivisions 2, 3 and 4; 275.53, Subdivisions 1 and 3; 278.01; 278.05; 287.241, Subdivision 2; 290.012, Subdivision 2; 290.09, Subdivision 4; 290A.03, Subdivisions 3, 11 and 13; 290A.04, Subdivision 2, and by adding a subdivision; 294.26; 298.03; 298.22, Subdivision 1; 298.24, Subdivisions 1 and 2; 298.244, Subdivision 2; 298.25; 298.26; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; 375.192, by adding a subdivision; 477A.01, Subdivisions 1, 2, 4, 4a, 4b, and by adding a subdivision; 477A.03; and Chapters 3, 272, 287, 290, 298 and 477A, by adding sections; repealing Minnesota Statutes 1976, Sections 275.51, Subdivisions 3b and 3c; 287.241, Subdivisions 3 and 4; 290.09, Subdivision 26; 294.27; 294.28; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; 298.281; Extra Session Laws 1971, Chapter 31, Article XIII; Laws 1973, Chapter 601; Laws 1975, Chapter 437, Article VII; and Laws 1976, Chapter 149, Section 58.

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 101 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kelly, R.	Nelson	Spanish
Adams	Corbid	Kelly, W.	Norton	Stanton
Anderson, B.	Cummiskey	Kempe, A.	Novak	Stoa
Anderson, G.	Dahl	Kempe, R.	Osthoff	Suss
Anderson, I.	Eken	King	Patton	Swanson
Arlandson	Ellingson	Kostohryz	Pehler	Tomlinson
Battaglia	Enebo	Kroening	Petrafeso	Vanasek
Beauchamp	Faricy	Langseth	Prahl	Voss
Begich	Fudro	Lehto	Reding	Waldorf
Berg	Fugina	Lemke	Rice	Welch
Berglin	George	Mangan	St. Onge	Wenstrom
Berkelman	Gunter	Mann	Samuelson	Wenzel
Birnstihl	Hanson	McCarron	Sarna	White
Brandl	Hokanson	McCollar	Scheid	Wieser
Braun	Jacobs	McEachern	Schulz	Williamson
Brinkman	Jaros	Metzen	Sherwood	Wynia
Byrne	Jensen	Moe	Sieben, H.	Speaker Sabo
Carlson, L.	Johnson	Munger	Sieben, M.	
Cassery	Jude	Murphy	Simoneau	
Clark	Kahn	Neisen	Skoglund	
Clawson	Kalis	Nelsen, M.	Smogard	

Those who voted in the negative were:

Albrecht	Den Ouden	Forsythe	McDonald	Searle
Anderson, D.	Eckstein	Friedrich	Nelsen, B.	Searles
Anderson, R.	Erickson	Heinitz	Niehaus	Wigley
Biersdorf	Esau	Kaley	Peterson	Zubay
Carlson, A.	Evans	Knickerbocker	Pleasant	
Carlson, D.	Ewald	Kvam	Rose	
Dean	Fjoslien	Laidig	Savelkoul	

The bill was repassed, as amended by Conference, and its title agreed to.

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 1300

A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 97.49, Subdivision 3; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section.

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1300 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 1300 be amended as follows:

Strike everything after the enacting clause and insert:

*"Section 1. [4.35] [TRAIL PLANNING.] The state planning agency, in cooperation with the commissioner of natural resources, metropolitan council, and commissioner of transportation, shall review and coordinate plans for trails acquisition and development and trail development grants pursuant to sections 2 of this act, 85.015, 85.016, 5 of this act, 473.147, and 473.301 to 473.341.*

*Sec. 2. [4.36] [GRANTS-IN-AID FOR RECREATIONAL BETTERMENT.] Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings set forth, except as otherwise expressly provided or indicated by the context.*

*(a) "Athletic courts" means special surface areas and supporting equipment or structures such as nets, hoops, and walls which can be used for active games that have definite boundaries and are played on a marked surface, limited to basketball, volleyball, handball and tennis.*

*(b) "Metropolitan council" and "metropolitan area" have the meanings given them in section 473.121.*

*(c) "Units of government" means any county, city and home rule charter city, town, school district, public post-secondary educational institution, special park district, or any elected park and*

*recreation board having control over parks, parkways, playgrounds, and trees in a city of the first class.*

*Subd. 2. [GRANTS FOR PARKS AND TRAILS.] The state planning agency shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be identical to that required by the legislative commission on Minnesota resources for grants-in-aid for recreation open space of regional significance. The program shall be administered so as to ensure the maximum possible use of available federal money.*

*Subd. 3. [GRANTS FOR TRAILS IN LOCAL PARKS.] The state planning agency shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for recreational trails in parks owned and operated by units of government. A grant shall not exceed 40 percent of the costs of the betterment of the trail. To be eligible for a grant, a unit of government must provide at least ten percent of the costs of the betterment of the trail.*

*Subd. 4. [GRANTS FOR LOCAL OUTDOOR ATHLETIC COURTS.] The state planning agency shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for local athletic courts. A grant shall not exceed 50 percent of the costs of the betterment of the athletic court. To be eligible for a grant, a unit of government must provide at least 50 percent of the costs of the betterment of the athletic court. In making grants the agency shall consider, among other factors, evidence of cooperation between units of government, local need and available financial resources, and court locations that encourage maximum use, patronage, and availability.*

*Subd. 5. [POWERS; RULES.] The director of the state planning agency shall have all powers necessary and convenient in order to establish programs for recreational betterment grants-in-aid for parks, trails, and athletic courts pursuant to this section including, but not limited to, the authority to adopt rules and regulations for the programs, pursuant to chapter 15,*

*and emergency rules and regulations to commence immediately the programs, pursuant to section 15.0412.*

Sec. 3. Minnesota Statutes 1976, Section 85.016, is amended to read:

85.016 [BICYCLE TRAIL PROGRAM.] The commissioner of natural resources shall (DEVELOP) *establish a program for (AN INTERCONNECTING STATEWIDE SYSTEM) the development of bicycle trails utilizing (BOTH) the state trails authorized by section 85.015, other state parks and recreation land, and state forests (AND EXISTING AND PROPOSED LOCAL BICYCLE TRAILS). "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264. The program shall be coordinated with the local park trail grant program established by the state planning agency pursuant to section 2 of this act, with the bicycle trail program established by the commissioner of transportation pursuant to section 5 of this act, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. (IN ADDITION) The commissioner shall provide technical assistance to local units of government in planning and developing bicycle (TRAIL SYSTEMS) trails in local parks. The (STATE) bicycle trail program shall, as a minimum, describe the location, design, construction, maintenance and land acquisition needs of each component trail and shall give due consideration to the model standards for the establishment of recreational vehicle lanes promulgated by the commissioner of transportation pursuant to section 160.262. (THE PROGRAM SHALL INCLUDE A PROPOSAL FOR A SYSTEM OF STATE AID TO LOCALITIES. THE PROPOSAL FOR A SYSTEM OF STATE AID TO LOCALITIES SHALL INCLUDE A PROVISION THAT THE AMOUNT OF AID APPORTIONED TO A LOCALITY WILL DEPEND, IN PART, UPON THE NUMBERS OF BICYCLES REGISTERED IN THE LOCALITY.)* The program shall be developed after consultation with the state trail council and regional and local units of government and bicyclists organizations.

Sec. 4. Minnesota Statutes 1976, Chapter 85, is amended by adding a section to read:

[85.017] [TRAIL REGISTRY.] *The commissioner of natural resources shall compile and maintain a current registry of cross-country skiing, hiking, horseback riding and snowmobiling trails in the state and shall publish and distribute the information in the manner prescribed in section 86A.11. The metropolitan council, the state planning agency, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner in preparing the registry.*

**Sec. 5. [160.265] [BICYCLE TRAIL PROGRAM.]** *Subdivision 1. [STATE BICYCLE TRAILS.] The commissioner of transportation shall establish a program for the development of bicycle trails primarily on existing road rights of way. "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264. The program shall include a system of bicycle trails to be established, developed, maintained, and operated by the commissioner of transportation and a system of state grants for the development of local bicycle trails primarily on existing road rights of way. The program shall be coordinated with the local park trail grant program established by the state planning agency pursuant to section 2 of this act, with the bicycle trail program established by the commissioner of natural resources pursuant to section 85.016, with the development of the state-wide transportation plan pursuant to section 174.03, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. The program shall be developed after consultation with the state trail council, local units of government, and bicyclist organizations. The program shall be administered in accordance with the provisions of sections 160.262 to 160.264 and standards promulgated pursuant thereto. The commissioner shall compile and maintain a current registry of bicycle trails in the state and shall publish and distribute the information contained in the registry in a form and manner suitable to assist persons wishing to use the trails. The metropolitan council, the commissioner of natural resources, the state planning agency, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner of transportation in preparing the registry. The commissioner shall have all powers necessary and convenient to establish the program pursuant to this section including but not limited to the authority to adopt rules pursuant to chapter 15.*

*Subd. 2. [LOCAL BICYCLE TRAIL GRANTS.] The commissioner shall provide technical assistance to local units of government in planning and developing bicycle trails. The commissioner shall make grants to units of government as defined in section 2, subdivision 1, for the betterment of public land and improvements needed for local bicycle trails. In making grants the commissioner shall consider, among other factors, the number of bicycles in the localities. A grant shall not exceed 75 percent of the costs of the betterment of the bicycle trail. To be eligible for a grant, a unit of government must provide at least 25 percent of the costs of the betterment of the trail. The commissioner may adopt emergency rules pursuant to section 15.0412 to commence the grant program immediately.*

**Sec. 6.** Minnesota Statutes 1976, Section 473.121, Subdivision 14, is amended to read:

Subd. 14. "Regional recreation open space" means (THE) land and water areas, or *interests therein, and facilities* determined by the metropolitan council to be of regional (SIGNIFICANCE) *importance* in providing for a balanced system of public outdoor recreation for the metropolitan area, including but not limited to park reserves, major linear parks *and trails*, (AND) large recreation parks, *and conservatories, zoos, and other special use facilities.*

Sec. 7. Minnesota Statutes 1976, Section 473.302, is amended to read:

473.302 [REGIONAL RECREATION OPEN SPACE SYSTEM; PURPOSE.] The legislature finds that the pressure of urbanization and development threatens (THE MOST) valuable (REMAINING LARGE) recreational open space areas in the metropolitan area at the same time as the need for such areas is increased. Immediate action is therefore necessary to provide funds to acquire, preserve, protect and develop regional recreational open space for public use.

Sec. 8. Minnesota Statutes 1976, Section 473.303, is amended by adding a subdivision to read:

*Subd. 6. [COMPENSATION.] Members and the chairman shall be compensated as provided for members of metropolitan commissions.*

Sec. 9. Minnesota Statutes 1976, Section 473.315, Subdivision 1, is amended to read:

473.315 [GRANTS.] Subdivision 1. The metropolitan council with the advice of the commission may make grants, from any funds available to it for recreation open space purposes, to any municipality, park district or county located wholly or partially within the metropolitan area to cover the cost, or any portion of the cost, of acquiring or developing regional recreation open space in accordance with the policy plan; and all such agencies may enter into contracts for this purpose or rights or interests therein. The cost of acquisition shall include any payments required for relocation pursuant to sections 117.50 to 117.56. (NO MORE THAN 80 PERCENT OF THE FUNDS AVAILABLE UNDER SECTIONS 473.301 TO 473.341 SHALL BE USED FOR ACQUISITION OF REGIONAL RECREATION OPEN SPACE AND NO MORE THAN 30 PERCENT SHALL BE USED FOR DEVELOPMENT OF REGIONAL RECREATION OPEN SPACE.)

Sec. 10. [BOND SALE.] *To provide the money appropriated in the following sections of this act, the commissioner of finance, upon request of the governor, shall sell and issue bonds of the state in the amount of \$61,500,000 in the manner*

and upon the terms prescribed by sections 16A.63 to 16A.67 and by the Minnesota Constitution, Article XI, Sections 4 to 7.

Sec. 11. [APPROPRIATIONS.] *The sums set forth in the following sections of this act are appropriated from the Minnesota state building fund to the agencies indicated for the acquisition and betterment of public outdoor recreation lands and capital improvements as more specifically described in the following sections of this act.*

Sec. 12. [PARK, TRAIL, AND ATHLETIC COURT GRANTS.] *Subdivision 1. The sums set forth in this section are appropriated to the state planning agency for the purposes indicated.*

[TOTAL APPROPRIATED ..... \$5,100,000]

Subd. 2. *Park and trail grants, pursuant to section 2, subdivision 2 ..... \$2,500,000*

*\$1,750,000 of this appropriation shall be used for grants for acquisition of parks and trails. \$750,000 of this appropriation shall be used for grants for betterment of parks, trails, conservatories, zoos and other special use facilities.*

Subd. 3. *Grants for trails within local parks, pursuant to section 2, subdivision 3 ..... \$1,300,000*

*\$650,000 of this appropriation shall be used for grants to units of government in the metropolitan area in accordance with priorities established by the metropolitan council and the agency. \$650,000 of this appropriation shall be used for grants to units of government outside the metropolitan area.*

Subd. 4. *Local athletic court grants, pursuant to section 2, subdivision 4 ..... \$1,300,000*

*\$650,000 of this appropriation shall be used for grants to units of government in the metropolitan area in accordance with priorities established by the metropolitan council and the agency. \$650,000 of this appropriation shall be used for grants to units of government outside the metropolitan area.*

Subd. 5. *Of the sums appropriated by this section, not more than five percent may be expended by the director for staff and independent professional services needed for the grant programs. The approved complement of the state planning agency is increased by three persons.*

Sec. 13. [NATURAL RESOURCES ACQUISITION AND BETTERMENT.] *Subdivision 1. The sums set forth in this*

section are appropriated to the commissioner of natural resources, except as otherwise indicated, for the purposes indicated in this section. All acquisition shall be in accordance with the policies established in sections 86A.01 to 86A.09. Lands acquired for a unit of the outdoor recreation system shall be suited to accomplish the purposes for which the unit is established and suited to be managed in accordance with the management principles applicable to the unit. Lands shall be acquired by the commissioner of administration for the commissioner of natural resources where provided by law. It shall be a condition of acceptance of the appropriations made in this section that the agency or entity receiving the appropriation shall submit work programs and semiannual progress reports in the form as may be determined by the legislative commission on Minnesota resources. None of the moneys provided in this section may be expended unless the commission has approved the pertinent work program.

[TOTAL APPROPRIATED: ..... \$25,300,000]

Subd. 2. For acquisition of state parks and recreation areas, as listed and described in sections 85.012 and 85.013 ..... \$7,783,000

First priority for acquisitions shall be given to land within existing statutory boundaries where the property is needed for immediate development in order to accomplish the purposes for which the unit is authorized, or where the anticipated use of the property is incompatible with the purposes for which the unit is authorized, or where the market value of comparable property in vicinity of the property to be acquired has risen more than ten percent in each of the previous two years.

Subd. 3. For acquisition of state trails, as listed and described in section 85.015, and pursuant to section 84.029, subdivision 2 ..... \$1,805,000

For betterment of the trails ..... \$1,800,000

No further expenditure of money for development of the Luce Line Trail shall be made until the commissioner of natural resources has prepared a comprehensive fiscal management plan covering all costs associated with development of the trail, submitted the plan to the house environment and natural resources committee, the house appropriations committee and the senate finance committee for the purpose of consultation, and received their recommendations thereon. The recommendations are advisory only.

Subd. 4. For betterment of public land and improvements needed for trails for skiing, hiking, and bicycling within state parks and recreation areas as listed and described in sections 85.012 and 85.013 and state forests, as listed and described in section 89.021 ..... \$1,105,000

Subd. 5. For acquisition of state forests, as listed and described in section 89.021 ..... \$2,760,000

Priority shall first be given to acquiring the remaining lands in the Sand Dunes and Memorial Hardwood state forests and then to lands particularly suited for use as state forest campgrounds or day use areas and to lands within state forests that possess outstanding natural or scenic values, forest growth, lake or river shoreland, or rare and distinctive species of flora and fauna native to the area, that should be preserved for the benefit of the public. If any parcel acquired for the Memorial Hardwood forest after the effective date of this act contains more than ten contiguous acres of tillable land adjacent to other tillable land or to a public road, the commissioner of natural resources shall declare that tillable land as surplus land to the commissioner of administration. The commissioner of administration shall offer the land for sale in the manner provided by law not less than six months after acquisition by the state and once thereafter in each of the next two years. Tillable land is land classified as class 1, 2, or 3 as defined by the United States soil conservation service. Notwithstanding any law to the contrary neither the state nor any of its subdivisions shall be required to construct or maintain any street, highway or other road to provide access to any parcel of land sold pursuant to this subdivision. None of the money appropriated by this subdivision shall be obligated or expended for the acquisition, development or maintenance of state forests without prior express approval of the legislative commission on Minnesota's resources.

Subd. 6. For acquisition of fishing management lands, comprising lands and riparian rights and other interests therein needed for management of waters for primary wildlife use and benefit and for access to fishing waters pursuant to section 97.48, subdivisions 8, 11 and 15 ..... \$1,008,000

Subd. 7. For acquisition of state wildlife management areas, acquired pursuant to section 97.48, subdivision 13 or section 97.481 ..... \$2,500,000

For betterment of these areas ..... \$500,000

Acquisition shall be limited to wildlife lands and waters that are of high priority because they are critical to the functioning of a unit already in public ownership, or are threatened with development that is incompatible with preservation of the area for wildlife management, or are situated in an area where the market value of comparable property has risen more than ten percent in each of the previous two years, and that can be acquired from a willing seller.

Subd. 8. For acquisition of wild, scenic and recreational rivers, designated pursuant to sections 104.25 to 104.40, and

canoe and boating routes, portages, and camp sites, as listed and described in section 85.32 ..... \$1,706,000

Subd. 9. For acquisition of scientific and natural areas designated pursuant to section 84.033 ..... \$538,000

Subd. 10. For costs of staff and independent professional services necessary to the acquisition and betterment of these lands and improvements ..... \$3,795,000

Sec. 14. [BICYCLE TRAIL GRANTS.] Subdivision 1. The sums set forth in this section are appropriated to the commissioner of transportation for the purposes indicated.

[TOTAL APPROPRIATED ..... \$3,800,000]

Subd. 2. For betterment of public land and improvements needed for state bicycle trails primarily on existing road rights of way pursuant to section 5, subdivision 1, of this act \$1,700,000

Subd. 3. Local bicycle trail grants, pursuant to section 5, subdivision 2, of this act ..... \$2,100,000

\$700,000 of this appropriation shall be used for grants to units of government in the metropolitan area, in accordance with the priorities established by the metropolitan council. \$1,400,000 of this appropriation shall be used for grants to units of government outside the metropolitan area.

Subd. 4. [GRANT PROGRAM ADMINISTRATION.] Of the amounts appropriated by subdivision 2, not more than 15 percent, and of the amounts appropriated by subdivision 3, not more than five percent, may be expended by the commissioner for staff and independent professional services needed for the grant program.

Sec. 15. [METROPOLITAN PARKS AND TRAILS.] Subdivision 1. The sums set forth in this section are appropriated to the director of the state planning agency for payment to the metropolitan council established under section 473.123. The money shall be paid to the metropolitan council upon receipt by the agency of a resolution of the council requesting payment.

[TOTAL APPROPRIATED ..... \$27,300,000]

Subd. 2. Parks and trails ..... \$24,000,000

This appropriation shall be used to pay the cost of the acquisition and betterment by the metropolitan council and local government units of regional recreation open space in accordance with the council's policy plan, as provided in sections 473.301 to 473.341. The money is available for payment of relocation

*costs and tax equivalents required in sections 473.315 and 473.341. Of the amount appropriated by this subdivision, the metropolitan council may expend no more than \$200,000 for the staff and independent professional services necessary for the acquisition and betterment of this open space and for the performance of duties of the metropolitan council under this section and sections 1, 12, and 14.*

*Subd. 3. Trails in parks . . . . . \$2,200,000*

*This appropriation shall be used to pay the cost of betterment by the metropolitan council and local government units of public land and improvements needed for trails situated within regional parks and park reserves in accordance with the council's policy plan, as provided in sections 473.301 to 473.341. None of the money may be used for acquisition of land, for relocation payments under section 473.315, or for tax equivalents under section 473.341.*

*Subd. 4. Trail corridors . . . . . \$1,100,000*

*This appropriation shall be used to pay the cost of acquisition and betterment by the metropolitan council and local government units of public land and improvements needed for regional trails and trail corridors situated outside of regional parks and park reserves, in accordance with the council's policy plan, as provided in sections 473.301 to 473.341. The money is available for payment of relocation costs and tax equivalents required in sections 473.315 and 473.341."*

Further, strike the title and insert:

"A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; and Chapter 85, by adding a section."

We request adoption of this report and repassage of the bill.

House Conferees: JAMES CASSERLY, WILLARD MUNGER and GARY LAIDIG.

Senate Conferees: JERALD C. ANDERSON, GERALD L. WILLET and WILLIAM G. KIRCHNER.

Casserly moved that the report of the Conference Committee on H. F. No. 1300 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1300, A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks,

trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 97.49, Subdivision 3; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section.

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 103 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Neisen	Simoneau
Adams	Dahl	Kelly, R.	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kelly, W.	Nelson	Smogard
Anderson, G.	Ellingson	Kempe, A.	Norton	Spanish
Arlandson	Enebo	Kempe, R.	Novak	Stanton
Battaglia	Evans	King	Osthoff	Stoa
Beauchamp	Ewald	Knickerbocker	Patton	Suss
Begich	Faricy	Kostohryz	Pehler	Swanson
Berg	Fjoslien	Kroening	Petrafeso	Tomlinson
Berglin	Forsythe	Laidig	Pleasant	Vanasek
Berkelman	Fudro	Langseth	Prahl	Voss
Birnstihl	George	Lehto	Reding	Waldorf
Brandl	Gunter	Mangan	Rice	Welch
Braun	Hanson	Mann	Sarna	Wenstrom
Byrne	Heinitz	McCarron	Savelkoul	Wenzel
Carlson, A.	Hokanson	McCollar	Scheid	White
Carlson, L.	Jacobs	McEachern	Searle	Williamson
Casserly	Jaros	Metzen	Searles	Wynia
Clark	Jensen	Moe	Sherwood	Speaker Sabo
Clawson	Johnson	Munger	Sieben, H.	
Cohen	Jude	Murphy	Sieben, M.	

Those who voted in the negative were:

Albrecht	Carlson, D.	Fugina	Niehaus	Wieser
Anderson, D.	Den Ouden	Kaley	Peterson	Wigley
Anderson, I.	Eckstein	Kalis	Rose	Zubay
Anderson, R.	Erickson	Lemke	St. Onge	
Biersdorf	Esau	McDonald	Samuelson	
Brinkman	Friedrich	Nelsen, B.	Schulz	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 398

A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chloro-fluorocarbon propellants; prescribing penalties.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 398 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that H. F. No. 398, be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [116D.21] [OZONE LAYER PRESERVATION.] Subdivision 1. Except as provided by subdivision 3, after July 1, 1979 no person shall sell or offer for sale in this state any pressurized container which contains as a propellant trichloromonofluoromethane, difluorodichloromethane, dichlorotetrafluoroethane, or any other saturated chlorofluorocarbon compound or other similar inert fluorocarbon compound that does not contain reactive carbon hydrogen bonds.

Subd. 2. Commencing October 31, 1977, no person shall sell or offer for sale at wholesale in this state a pressurized container using chlorofluorocarbon propellants unless the container has prominently displayed on the front panel this statement: "Warning: Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere."

Subd. 3. Nothing in this section prohibits the sale or use of refrigeration equipment containing chlorofluorocarbon compounds, or the sale of chlorofluorocarbon compounds for use in such equipment. This section shall not apply to the sale of chlorofluorocarbon compounds for the following essential medical uses:

- (a) metered-dose steroid human drugs for nasal inhalation;
- (b) metered-dose steroid human drugs for oral inhalation;
- (c) metered-dose adrenergic bronchodilator human drugs for oral inhalation;
- (d) contraceptive vaginal foams for human use; or
- (e) cytology fixatives; nor for other medical uses by or under the supervision of a licensed physician, dentist or veterinarian, or a hospital, nursing home or other health care institu-

tion licensed by the department of health. This section shall also not apply to the sale of chlorofluorocarbon compounds for use in the cleaning, maintenance, testing and repair of electronic equipment.

Subd. 4. A violation of this section is a misdemeanor.

Sec. 2. This act is effective the day following its final enactment."

We request adoption of this report and repassage of the bill.

House Conferees: ANN WYNIA, TOM STOA and WILLIAM DEAN.

Senate Conferees: HUBERT H. HUMPHREY III, GERALD L. WILLET and JOHN BERNHAGEN.

Wynia moved that the report of the Conference Committee on H. F. No. 398 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 398, A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; prescribing penalties.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	George	Lehto	Petrafeso
Adams	Casserly	Gunter	Lemke	Pleasant
Albrecht	Clark	Hanson	Mangan	Prahl
Anderson, B.	Clawson	Heinitz	Mann	Reding
Anderson, D.	Cohen	Hokanson	McCarron	Rice
Anderson, G.	Corbid	Jacobs	McCollar	Rose
Anderson, I.	Cummiskey	Jaros	McDonald	St. Onge
Anderson, R.	Dahl	Jensen	McEachern	Samuelson
Arlandson	Dean	Jude	Metzen	Sarna
Battaglia	Den Ouden	Kahn	Moe	Savelkoul
Beauchamp	Eckstein	Kaley	Munger	Scheid
Begich	Ellingson	Kalis	Murphy	Schulz
Berg	Enebo	Kelly, R.	Neisen	Searle
Berglin	Erickson	Kelly, W.	Nelsen, B.	Searles
Berkelman	Esau	Kempe, A.	Nelsen, M.	Sherwood
Biersdorf	Evans	Kempe, R.	Nelson	Sieben, H.
Birnstihl	Ewald	King	Niehaus	Sieben, M.
Brandl	Faricy	Knickerbocker	Norton	Simoneau
Braun	Fjoslien	Kostohryz	Novak	Skoglund
Brinkman	Forsythe	Kroening	Osthoff	Smogard
Byrne	Friedrich	Kvam	Patton	Spanish
Carlson, A.	Fudro	Laidig	Pehler	Stanton
Carlson, D.	Fugina	Langseth	Peterson	Stoa

Suss  
Swanson  
Tomlinson

Vanasek  
Waldorf  
Welch

Wenstrom  
Wenzel  
White

Wieser  
Wigley  
Williamson

Wynia  
Zubay  
Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 256

A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; amending Minnesota Statutes 1976, Sections 70A.02, Subdivision 2; and 70A.06, Subdivision 3.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 256 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 256 be amended as follows:

Page 2, reinstate the stricken numbers on lines 4, 8, 9, and 12 and strike the new numbers on lines 8, 9 and 12.

Page 2, after line 28, insert:

“Sec. 3. Minnesota Statutes 1976, Section 360.59, Subdivision 10, is amended to read:

Subd. 10. [CERTIFICATE OF INSURANCE.] Every owner of aircraft in this state when applying for registration, re-registration, or transfer of ownership shall supply any information the commissioner reasonably requires to determine that the aircraft is covered by an insurance policy with limits of not less than \$25,000 per passenger seat liability both for passenger bodily injury or death and for property damage; not less than \$25,000 for bodily injury or death to each non-passenger in any one accident; and not less than \$50,000 per occurrence for bodily injury or death to non-passengers in any one accident. The information shall include but is not limited to the name and address of the owner, the name of the insurer, the insurance policy number, the term of the coverage, policy limits and any other data the commissioner requires. No certificate of registration shall be issued pursuant to subdivision 3 in the absence of the information required by this subdivision or the commissioner. In the event of cancellation of the insurance the insurer

shall notify the department of transportation at least ten days prior to the date on which the insurance coverage is to be terminated. Unless proof of a new policy of insurance is filed with the department the registration certificate for the aircraft shall be revoked forthwith. *Provided, however, that nothing in this subdivision shall be construed to require an owner of aircraft to maintain passenger seat liability coverage on aircraft for which an experimental certificate has been issued by the Administrator of the Federal Aviation Administration pursuant to 14 C.F.R., sections 21.191 to 21.195 and 91.42, whereunder persons operating the aircraft are prohibited from carrying passengers in the aircraft. Whenever the aircraft becomes certificated to carry passengers, passenger seat liability coverage shall be required as provided in this subdivision.*

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing an exception from the requirement of passenger liability coverage on aircraft;"

Page 1, line 5, after "2," delete "and".

Page 1, line 5, before the period insert "; and 360.59, Subdivision 10".

We request adoption of this report and repassage of the bill.

House Conferees: ANN WYNIA, MAURICE D. MCCOLLAR and ROBERT ANDERSON.

Senate Conferees: HUBERT H. HUMPHREY III, GERRY SIKORSKI and WILLIAM G. KIRCHNER.

Wynia moved that the report of the Conference Committee on H. F. No. 256 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 256, A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; amending Minnesota Statutes 1976, Sections 70A.02, Subdivision 2; and 70A.06, Subdivision 3.

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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Arlandson	Berg	Birnstihl
Adams	Anderson, G.	Battaglia	Berglin	Brandl
Albrecht	Anderson, I.	Beauchamp	Berkelman	Braun
Anderson, B.	Anderson, R.	Begich	Biersdorf	Brinkman

Byrne	Friedrich	Kvam	Osthoff	Skoglund
Carlson, A.	Fudro	Laidig	Patton	Smogard
Carlson, D.	Fugina	Langseth	Pehler	Spanish
Carlson, L.	Gunter	Lehto	Peterson	Stanton
Casserly	Hanson	Lemke	Petrafeso	Stoa
Clark	Heinitz	Mangan	Pleasant	Suss
Clawson	Hokanson	Mann	Prahl	Swanson
Cohen	Jacobs	McCarron	Reding	Tomlinson
Corbid	Jaros	McCollar	Rice	Vanasek
Cummiskey	Jensen	McDonald	Rose	Waldorf
Dahl	Jude	McEachern	St. Onge	Welch
Dean	Kahn	Metzen	Samuelson	Wenstrom
Den Ouden	Kaley	Moe	Sarna	Wenzel
Eckstein	Kalis	Munger	Savelkoul	White
Ellingson	Kelly, R.	Murphy	Scheid	Wieser
Enebo	Kelly, W.	Neisen	Schulz	Williamson
Erickson	Kempe, A.	Nelsen, B.	Searle	Wynia
Esau	Kempe, R.	Nelsen, M.	Searles	Zubay
Evans	King	Nelson	Sherwood	Speaker Sabo
Ewald	Knickerbocker	Niehaus	Sieben, H.	
Faricy	Kostohryz	Norton	Sieben, M.	
Forsythe	Kroening	Novak	Simoneau	

Those who voted in the negative were:

Fjoslien

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 437

A bill for an act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.13, Subdivision 9; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3.

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 437 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 437 be amended as follows:

Page 2, line 32, after "1976," insert "including the amendments made to section 280A (relating to licensed day care centers) in H. R. 3477 as it passed the Congress on May 16, 1977,".

Page 3, line 1, delete "1975" and insert "1976".

Page 5, line 15, before the period insert ";

(13) *Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, as amended through December 31, 1976, if the nonprofit corporation is domiciled outside of Minnesota;*

(14) *Exempt-interest dividends, as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, as amended through December 31, 1976, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, as amended through December 31, 1976, except for that portion of such exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;*

(15) *The amount of any excluded gain realized by a trust on the sale or exchange of property as defined in section 641(c)(1)".*

Page 9, after line 18, insert:

"Sec. 2. Minnesota Statutes 1976, Section 290.032, is amended by adding a subdivision to read:

*Subd. 4. The provisions of section 402(e)(4)(L) of the Internal Revenue Code of 1954, as amended through December 31, 1976 (relating to an election on the taxation of lump-sum distributions), may be elected by the taxpayer for the purpose of computing the tax imposed by subdivision 1.*

Sec. 3. Minnesota Statutes 1976, Chapter 290, is amended by adding a section to read:

[290.013] [ITEMS NOT TO BE TAKEN INTO ACCOUNT REPEATEDLY.] *Except as distinctly expressed or manifestly intended, the same item, whether of income, deduction, credit, or otherwise, shall not be taken into account in a taxable year if previously taken into account in a prior taxable year where the reason for the subsequent consideration is solely based on updating a reference to the Internal Revenue Code to take account of an amendment in a later year."*

Delete page 13, line 4, to page 18, line 13.

Page 18, line 21, delete "1975" and insert "1976".

Page 18, line 24, delete "which permit" and insert "(relating to)".

Page 18, line 26, after "terminations" insert ")".

Page 21, line 25, delete "(a)" and insert "(A)".

Page 24, line 27, after "(a) (8)," strike "and".

Page 24, line 27, after "(a) (10)," insert "(a) (13), and (a) (14),".

Page 25, after line 20, insert:

"Sec. 14. [REPEALER.] *Minnesota Statutes 1976, Section 290.13, Subdivision 9, is repealed.*"

Page 25, line 21, delete "6" and insert "7".

Page 25, delete line 23.

Page 25, line 24, delete "beginning after December 31, 1976".

Page 25, line 26, delete "1975" and insert "1976".

Page 25, line 26, after the period insert "Section 2 is effective for taxable years beginning after December 31, 1975".

Renumber the sections accordingly.

Further, amend the title:

Line 10, after the semicolon, insert "290.032, by adding a subdivision;"

Line 11, delete "290.13, Subdivision".

Line 12, delete "9;"

Line 15, after "3" insert "and Chapter 290, by adding a section; repealing Minnesota Statutes 1976, Section 290.13, Subdivision 9".

We request adoption of this report and repassage of the bill.

House Conferees: WILLIAM N. KELLY, JOEL JACOBS and RAY O. PLEASANT.

Senate Conferees: WAYNE OLHOFT, DOUGLAS H. SILLERS and COLLIN C. PETERSON.

Kelly, W., moved that the report of the Conference Committee on H. F. No. 437 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 437, A bill for an act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.13, Subdivision 9; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Sieben, H.
Adams	Cohen	Jude	Nelsen, B.	Sieben, M.
Albrecht	Corbid	Kahn	Nelsen, M.	Simoneau
Anderson, B.	Cummiskey	Kaley	Nelson	Skoglund
Anderson, D.	Dahl	Kalis	Niehaus	Smogard
Anderson, G.	Dean	Kelly, R.	Norton	Spanish
Anderson, I.	Den Ouden	Kelly, W.	Novak	Stanton
Anderson, R.	Eckstein	Kempe, A.	Osthoff	Stoa
Arlandson	Ellingson	Kempe, R.	Patton	Suss
Battaglia	Enebo	King	Pehler	Swanson
Beauchamp	Erickson	Knickerbocker	Peterson	Tomlinson
Begich	Esau	Kostohryz	Petraieso	Vanasek
Berg	Evans	Kroening	Pleasant	Voss
Berglin	Ewald	Kvam	Prahl	Waldorf
Berkelman	Faricy	Langseth	Reding	Welch
Biersdorf	Fjoslien	Lehto	Rice	Wenstrom
Birnetihl	Forsythe	Lemke	Rose	Wenzel
Brandl	Fudro	Mangan	St. Onge	White
Braun	Fugina	McCarron	Samuelson	Wieser
Brinkman	Gunter	McCollar	Sarna	Wigley
Byrne	Hanson	McDonald	Savelkoul	Williamson
Carlson, A.	Heinitz	McEachern	Scheid	Wynia
Carlson, D.	Hokanson	Metzen	Schulz	Zubay
Carlson, L.	Jacobs	Moe	Searle	Speaker Sabo
Casserly	Jaros	Munger	Searles	
Clark	Jensen	Murphy	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 875

A bill for an act relating to the state housing finance agency; setting the amount of bonds and notes that may be outstanding; clarifying eligibility; providing for fund administration and repayment requirements; appropriating money; amending Minnesota Statutes 1976, Sections 462A.03, Subdivisions 7 and 13; 462A.05, Subdivisions 5 and 15; 462A.07, Subdivision 12, and by adding subdivisions; 462A.21, Subdivisions 4a and 4b, and by adding a subdivision; and 462A.22, Subdivision 1.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 875 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 875 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 462.555, is amended to read:

462.555 [MANNER OF BOND ISSUANCE; SALE.] Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding seven percent per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption (with or without premium) as (SUCH) *the* resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or private sale at not less than par. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to sections 462.415 to 462.711 shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforceability of any bonds of an authority or the security therefor, any (SUCH) bond reciting in substance that it has been issued by the authority to aid in financing a project, as herein defined, shall be conclusively deemed to have been issued for (SUCH) *that* purpose, and (SUCH) *the* project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provi-

sions of sections 462.415 to 462.711. *Notwithstanding any other provision of this section, an authority is authorized to execute a note secured by a first mortgage at a rate of interest in excess of seven percent per annum with the Minnesota housing finance agency, pursuant to chapter 462A, to finance a housing project which is subsidized in whole or in part with money provided by the federal government.*

*In cities of the first class, the governing body of the city must approve all notes executed with the Minnesota housing finance agency pursuant to this section, when the interest rate on the note exceeds seven percent.*

Sec. 2. Minnesota Statutes 1976, Section 462A.03, Subdivision 7, is amended to read:

Subd. 7. "Residential housing" means a specific work or improvement within this state undertaken primarily to provide residential care facilities for mentally ill, mentally deficient, physically handicapped, and drug dependent persons licensed or potentially eligible for licensure under rules promulgated by the commissioner of public welfare, or to provide dwelling accommodations for persons and families of low and moderate income and for (OTHERS) *other persons and families* when determined to be necessary in furtherance of the policy of *economic integration* stated in section 462A.02, subdivision 6, including land development and the acquisition, construction or rehabilitation of buildings and improvements thereto, for residential housing, and such other nonhousing facilities as may be incidental or appurtenant thereto.

Sec. 3. Minnesota Statutes 1976, Section 462A.03, Subdivision 13, is amended to read:

Subd. 13. "Eligible mortgagor" means a nonprofit or *co-operative housing* corporation, limited profit entity or a builder as (THE SAME ARE) defined by the agency in its rules, which sponsors or constructs residential housing as defined in subdivision 7, or a natural person of low or moderate income, except that the return to a limited dividend entity shall not exceed six percent of the capital contribution of the investors or such lesser percentage as the agency shall establish in its rules. Owners of existing residential housing occupied by renters shall be eligible for rehabilitation loans, only if, as a condition to the issuance of the loan, the owner agrees to conditions established by the agency in its rules relating to rental or other matters that will insure that the housing will be occupied by persons and families of low or moderate income. The agency shall require by rules that the owner give preference to those persons of low or moderate income who occupied the residential housing at the time of application for the loan.

Sec. 4. Minnesota Statutes 1976, Section 462A.05, Subdivision 3, is amended to read:

Subd. 3. It may agree to purchase, make, or otherwise participate in the making and enter into commitments for the purchase, making, or participation in the making of long term eligible mortgage loans to sponsors of residential housing for occupancy by persons and families of low and moderate income, or to persons and families of low and moderate income who may purchase (SUCH) residential housing. (SUCH) *The loans shall be made only upon determination by the agency that long term mortgage loans are not otherwise available, wholly or in part, from private lenders upon equivalent terms and conditions. In establishing maximum mortgage amounts and maximum purchase prices for single family dwellings, the agency shall take into account housing cost differences in the regions of the state.*

Sec. 5. Minnesota Statutes 1976, Section 462A.05, Subdivision 5, is amended to read:

Subd. 5. It may make temporary loans solely to "nonprofit" or "cooperative housing" sponsors as defined by the agency, with or without interest, and with such security for repayment, if any, as the agency determines reasonably necessary and practicable, solely from the housing development fund, in accordance with the provisions of section 462A.21, to defray development costs to sponsors of residential housing construction for occupancy by persons and families of low and moderate income which development costs are eligible or potentially eligible for construction loans or mortgages.

Sec. 6. Minnesota Statutes 1976, Section 462A.05, Subdivision 14, is amended to read:

Subd. 14. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participation in the making, of eligible loans for rehabilitation to persons and families of low and moderate income, and to owners of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. (SUCH) *The loans may be insured or uninsured and may be made with (SUCH) security, or may be uninsured, as the agency deems advisable. The loans may be in addition to or in combination with long term eligible mortgage loans under subdivision 3 of this section. They may be made in amounts sufficient to refinance existing indebtedness secured by the property, if (SUCH) refinancing is determined by the agency to be necessary to permit the owner to meet his housing cost without expending an unreasonable portion of his income thereon. No loan for rehabilitation shall be made unless the agency determines that (SUCH) the loan will be used primarily to make the housing more desirable to live in, to increase the market value of the housing, for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing, or*

to accomplish energy conservation related improvements. In unincorporated areas and municipalities not having (SUCH) codes and standards, the agency may, solely for the purpose of administering the provisions of this chapter, establish (SUCH) codes and standards. No loan for rehabilitation of any property shall be made in an amount which, with all other existing indebtedness secured by the property, would exceed its market value, as determined by the agency. No loan for rehabilitation of owner occupied residential housing shall be denied solely because the loan will not be used for placing (SUCH) *the* residential housing in full compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing. Rehabilitation loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 7. Minnesota Statutes 1976, Section 462A.05, Subdivision 15, is amended to read:

Subd. 15. It may make grants to persons and families of low and moderate income to pay or to assist in paying a loan made pursuant to subdivision 14, or to rehabilitate or to assist in rehabilitating existing residential housing owned or occupied by such persons or families. For the purposes of this section, persons of low and moderate income include administrators appointed pursuant to section 566.25, clause (c). No (SUCH) grant shall be made unless the agency determines that (SUCH) *the* grant will be used primarily to make the housing more desirable to live in, to increase the market value of the housing or for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing, *or to accomplish energy conservation related improvements*. In unincorporated areas and municipalities not having (SUCH) codes and standards, the agency may, solely for the purpose of administering this provision, establish (SUCH) codes and standards. No grant for rehabilitation of owner occupied residential housing shall be denied solely because the grant will not be used for placing (SUCH) *the* residential housing in full compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing (**, OR TO ACCOMPLISH ENERGY CONSERVATION RELATED IMPROVEMENTS**). The amount of any (SUCH) grant shall not exceed the lesser of (a) \$5,000, or (b) the actual cost of the work performed, or (c) that portion of the cost of rehabilitation which the agency determines cannot otherwise be paid by (SUCH) *the* person or family without spending an unreasonable portion of the income of (SUCH) *the* person or family thereon; *provided, however, that a grant may exceed \$5,000 by an amount, up to \$2,500, necessary to improve the accessibility of residential housing to a handicapped occupant*. In making (SUCH) grants, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion thereof will be repaid and shall

determine the appropriate security should (SUCH) repayment be required.

The agency may also make grants to rehabilitate or to assist in rehabilitating housing under this subdivision to persons of low and moderate income for the purpose of qualifying as foster parents.

Sec. 8. Minnesota Statutes 1976, Section 462A.05, is amended by adding a subdivision to read:

*Subd. 18. It may make loans solely to "non-profit" sponsors as defined by the agency, with or without interest, and with such security for repayment, if any, as the agency determines reasonably necessary and practicable, solely from the housing development fund in accordance with the provisions of section 18, to encourage innovations in the development or rehabilitation of single and multifamily residential housing including the demonstration of new techniques for energy efficient construction.*

*It shall promulgate rules, in accordance with the provisions of sections 15.0411 to 15.052, relating to the administration of the loans authorized by this subdivision. The rules may define types of projects eligible for loans, criteria for selecting between eligible loans, terms of the loans including interest rates and loan periods, and other characteristics that the agency deems necessary to administer the program.*

Sec. 9. Minnesota Statutes 1976, Chapter 462A, is amended by adding a section to read:

**[462A.065] [FINANCIAL INFORMATION.]** *Financial information, including but not limited to credit reports, financial statements and net worth calculations, received or prepared by the agency regarding any agency loan or grant and the name of each individual who is the recipient of an agency grant are private data on individuals, pursuant to section 15.162, subdivision 5a.*

Sec. 10. Minnesota Statutes 1976, Section 462A.07, is amended by adding a subdivision to read:

*Subd. 3a. It shall make available technical assistance to potential applicants to encourage applications for multifamily housing projects which afford residents participation in the ownership or management of the project.*

Sec. 11. Minnesota Statutes 1976, Section 462A.07, is amended by adding a subdivision to read:

*Subd. 5a. It may enter into agreements with housing and redevelopment authorities or other appropriate local governmental units to foster multifamily housing rehabilitation and shall act to develop the agreements. It may give advance reservations of mortgage financing and federal rent subsidies as part of the agreements, with the understanding that the agency will only approve the mortgage loans pursuant to normal procedures, and may adopt special procedures designed to meet problems inherent in a program of multifamily housing rehabilitation. The agreements may include the United States department of housing and urban development when desirable and appropriate.*

Sec. 12. Minnesota Statutes 1976, Section 462A.07, Subdivision 12, is amended to read:

Subd. 12. It may delegate, use or employ any federal, state, regional or local public or private agency or organization, including organizations of physically handicapped persons, upon (SUCH) terms (AS) it deems necessary or desirable, to assist in the exercise of any of the powers granted in (LAWS 1974, CHAPTER 441) sections 462A.01 to 462A.24 and to carry out the objectives of (LAWS 1974, CHAPTER 441,) sections 462A.01 to 462A.24 and may pay for (SUCH) the services from the housing development fund.

Sec. 13. Minnesota Statutes 1976, Section 462A.09, is amended to read:

**462A.09 [BONDS AND NOTES; RESOLUTIONS AUTHORIZING, ADDITIONAL TERMS, SALE.]** The notes and bonds of the agency shall be authorized by a resolution or resolutions adopted by the agency, shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, be in such denominations, be in such form, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America, at such place or places within or without the state, and be subject to such terms of redemption prior to maturity as such resolutions or certificates may provide. No note shall mature more than ten years from its date or from the date of any note refunded thereby. The maximum maturity of any bond, whether or not issued for the purpose of refunding, shall be 50 years from its date. The notes and bonds of the agency may be sold at public or private sale, at such price or prices as the agency shall determine; provided that in no event shall the net proceeds to the agency of any issuance of bonds be less than 98 percent of the face amount of the bonds. Prior to the sale of notes and bonds, the agency shall consult with the executive secretary of the state board of investment on the terms and conditions of the bonds and appropriate underwriting fees. The executive secretary of the state board of investment shall participate in the negotiations for the sale of bonds of the agency.

Sec. 14. Minnesota Statutes 1976, Section 462A.20, Subdivision 2, is amended to read:

Subd. 2. There shall be paid into the housing development fund:

(a) Any moneys appropriated and made available by the state for the purposes of the fund;

(b) Any moneys which the agency receives in repayment of advances made from the fund;

(c) Any other moneys which may be made available to the (AUTHORITY) agency for the purpose of the fund from any other source or sources;

(d) All fees and charges collected by the agency;

(e) All interest or other income not required by the provisions of a resolution or indenture securing notes or bonds to be paid into another special fund; *but the agency shall not expend money for its cost of general administration of agency programs in any fiscal year in excess of such limit for such fiscal year as may be established by law. "Cost of general administration of agency programs" does not include debt service, amortization of deferred financing costs, loan origination costs, professional and other contractual services, any deposit or expenditure required to be made by the provisions of a bond or note resolution or indenture, or any deposit or expenditure made to preserve the security for the bonds or notes.*

Sec. 15. Minnesota Statutes 1976, Section 462A.21, Subdivision 4a, is amended to read:

Subd. 4a. It may make rehabilitation grants and expenditures for correction of residential housing defects as provided in section 462A.05, subdivisions 15 and 16. *In order to insure the preservation of the maximum number of housing units with the money appropriated by the legislature, grants shall be recovered by the agency to the extent provided in this section to be used for future grants. Grants made under the terms of this subdivision shall contain a requirement that the grant be recovered by the agency in accordance with the following schedule:*

(1) *If the property is sold, transferred, or otherwise conveyed within the first three years after the date of a grant, the recipient shall repay the full amount of the grant;*

(2) *If the property is sold, transferred, or otherwise conveyed within the fourth year after the date of a grant, the recipient shall repay 75 percent of the amount of the grant;*

(3) *If the property is sold, transferred, or otherwise conveyed within the fifth year after the date of a grant, the recipient shall repay 50 percent of the amount of the grant;*

(4) *If the property is sold, transferred, or otherwise conveyed within the sixth year after the date of a grant, the recipient shall repay 25 percent of the amount of the grant;*

(5) *If the property is sold, transferred, or otherwise conveyed within the seventh year after the date of the grant, or thereafter, there is no repayment requirement; provided that no repayment is required to the extent that the grants are made to improve the accessibility of residential housing to a handicapped occupant.*

Sec. 16. Minnesota Statutes 1976, Section 462A.21, Subdivision 4b, is amended to read:

Subd. 4b. *It may establish loan funds and may make eligible loans from them, at rates of interest and with security as the agency deems advisable, if each loan is determined by the agency to be necessary to permit the occupant of residential housing financed wholly or in part by (ANY SUCH) the loan to meet his housing costs without expending an unreasonable portion of his income on them. It may combine loan funds established pursuant to legislative appropriations with loan funds established for the same or similar purposes pursuant to the sale of its notes or bonds, and such combined funds may be deposited with a trustee. Each combined fund, including loan and investment principal and income received therefrom, shall be administered, disbursed, and collected as provided in the appropriation act and the resolution or indenture securing the bonds or notes.*

Sec. 17. Minnesota Statutes 1976, Section 462A.21, is amended by adding a subdivision to read:

Subd. 8. *It may establish a home ownership assistance fund, on terms and conditions it deems advisable, to assist persons and families of low and moderate income in making down payments and paying installments of eligible loans for affordable residential housing and may use the assistance payments to provide additional security for eligible loans. Any assistance in making down payments shall not exceed \$1,000 and shall be repaid in full without interest. Any assistance for payment of installments of an eligible loan shall not exceed \$75 per month; shall be applied against the monthly installments of the eligible loan; shall decrease over the term of the assistance payments, which shall not exceed 15 years; and shall be repaid in full without interest not later than the date on which the eligible loan is fully repaid.*

Sec. 18. Minnesota Statutes 1976, Section 462A.21, is amended by adding a subdivision to read:

*Subd. 9. It may make loans to encourage innovations in the development or rehabilitation of single or multifamily residential housing pursuant to section 8. Loans pursuant to this subdivision shall only be made with money appropriated directly by the legislature specifically for this purpose.*

Sec. 19. Minnesota Statutes 1976, Section 462A.21, is amended by adding a subdivision to read:

*Subd. 10. Notwithstanding the repeal of section 462A.26 and the provisions of section 16A.28 or any other law relating to lapse of an appropriation, the appropriations made to the agency by the legislature in 1976 and subsequent years are available until fully expended, and the allocations provided in the appropriations remain in effect. Earnings from investments of any of the amounts appropriated to the agency are appropriated to the agency to be used for the same purposes as the respective original appropriations.*

Sec. 20. Minnesota Statutes 1976, Section 462A.22, Subdivision 1, is amended to read:

**462A.22 [BOND FUND.] Subdivision 1.** The aggregate principal amount of bonds and notes which are outstanding at any time, excluding the principal amount of any bonds and notes refunded by the issuance of new bonds or notes, shall not exceed the sum of:

(a) (\$100,000,000) \$175,000,000 issued for the purpose of providing funds for rehabilitation loans, or refunding bonds or notes issued for this purpose, plus

(b) (\$500,000,000) \$725,000,000 issued for other purposes specified in section 462A.08.

Sec. 21. Minnesota Statutes 1976, Section 462A.22, is amended by adding a subdivision to read:

*Subd. 1a. Not less than ten percent of the proceeds of the additional bonds authorized by this act for subdivision 1, paragraph (b) which are used for the purpose of providing for multifamily residential housing shall be allocated by the agency for eligible loans involving the rehabilitation of existing buildings.*

Sec. 22. Minnesota Statutes 1976, Section 462A.22, Subdivision 9, is amended to read:

**Subd. 9.** The agency shall also submit a biennial report of its activities, projected activities, receipts, and expenditures for the next biennium, to the governor and the legislature on or before January 15 in each odd-numbered year. *The report shall include the distribution of money under each agency program by*

county, except for counties containing a city of the first class, where the distribution shall be reported by municipality. Within cities of the first class, the distribution of agency money shall be reported by census tract.

Sec. 23. [EMERGENCY RULES.] For the purposes of implementing the provisions of section 17, the agency may adopt emergency rules under the provisions of section 15.0412, subdivision 5. No emergency rules may be adopted pursuant to this section after April 1, 1978.

Sec. 24. [REPEALER.] Minnesota Statutes 1976, Section 462A.26, is repealed.

Sec. 25. The approved complement of the Minnesota housing finance agency and the limit on its cost of general administration of agency programs shall be as follows for the fiscal year ending June 30, 1978.

Approved Complement	Cost Limit
90	\$1,851,000

Sec. 26. [APPROPRIATION.] Subdivision 1. The sums set forth in this section are appropriated from the general fund to the housing development fund created in Minnesota Statutes, Section 462A.20, for the purposes specified in this section and for the payment of related costs and expenses.

Subd. 2. For making rehabilitation grants to persons and families of low income, as provided in Minnesota Statutes, Section 462A.21, Subdivision 4a, of which not less than \$500,000 shall be used for improving accessibility of housing occupied by persons who are physically handicapped . . . . . \$21,500,000.

Subd. 3. For making low interest rate rehabilitation loans to persons and families of low and moderate income, as provided in Minnesota Statutes, Section 462A.21, Subdivisions 4b and 7 . . . . . \$10,000,000.

Subd. 4. For the home ownership assistance fund provided in sections 17 . . . . . \$7,500,000.

Subd. 5. For the innovative development and rehabilitation loans provided in section 18 and construction of innovative homes as provided in section 27 . . . . . \$1,000,000.

Sec. 27. There shall be allocated the sum of \$10,000 of the money appropriated in section 26, subdivision 5, for a feasibility study by the Minnesota housing finance agency in consultation with the Minnesota energy agency for the design and construction of single family homes as described in this section.

(a) *Up to \$490,000 of the funds appropriated in section 26, subdivision 5, may be expended for construction of single family homes which shall demonstrate new and innovative technologies for conserving energy including passive energy systems, use of underground construction, and solar energy heating and cooling systems. They may be constructed as to allow continued study of the technologies used.*

(b) *Section 16.821 to section 16.867 shall not apply to the construction of homes pursuant to this section. Notwithstanding section 16.07 or any provision of the law to the contrary, contracts may be negotiated for the design and construction of the single family homes by the Minnesota housing finance agency.*

(c) *Money may be expended pursuant to this section by the Minnesota housing finance agency, only after consultation with and after obtaining advice from the legislative commission on Minnesota resources. A proposal for the homes shall be submitted to the commission by September 1, 1977, and shall be acted upon by the commission by July 1, 1978. Construction plans for the homes shall be reviewed and approved by the Minnesota housing finance agency in consultation with the Minnesota energy agency.*

(d) *All money not expended in accordance with this section shall be used by the Minnesota housing finance agency for the purposes stated in sections 8 and 18.*

Sec. 28. [EFFECTIVE DATE.] *Sections 1 and 9 of this act are effective on the day following final enactment."*

Further amend the title by striking in its entirety and inserting:

"A bill for an act relating to housing; providing an exception to the interest limitation for borrowing by housing and redevelopment authorities; making certain changes in the laws relating to the operation of the housing finance agency; making cooperatives eligible for housing finance agency programs; establishing certain loan and assistance programs; increasing the bonding limitations of the agency; providing for a demonstration project for energy conserving construction; appropriating money; amending Minnesota Statutes 1976, Sections 462.555; 462A.03, Subdivisions 7 and 13; 462A.05, Subdivisions 3, 5, 14, 15, and by adding a subdivision; 462A.07, Subdivision 12, and by adding subdivisions; 462A.09; 462A.20, Subdivision 2; 462A.21, Subdivisions 4a, 4b, and by adding subdivisions; and 462A.22, Subdivisions 1 and 9, and by adding a subdivision; and Chapter 462A, by adding a section; repealing Minnesota Statutes 1976, Section 462A.26."

We request adoption of this report and repassage of the bill.

House Conferees: CARL KROENING, WALTER HANSON and DONALD FRIEDRICH.

Senate Conferees: FRANKLIN J. KNOLL, JERALD C. ANDERSON and GERALD L. WILLET.

Kroening moved that the report of the Conference Committee on H. F. No. 875 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 875, A bill for an act relating to the state housing finance agency; setting the amount of bonds and notes that may be outstanding; clarifying eligibility; providing for fund administration and repayment requirements; appropriating money; amending Minnesota Statutes 1976, Sections 462A.03, Subdivisions 7 and 13; 462A.05, Subdivisions 5 and 15; 462A.07, Subdivision 12, and by adding subdivisions; 462A.21, Subdivisions 4a and 4b, and by adding a subdivision; and 462A.22, Subdivision 1.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Neisen	Sieben, H.
Adams	Cohen	Johnson	Nelsen, B.	Sieben, M.
Albrecht	Cummiskey	Jude	Nelsen, M.	Simoneau
Anderson, B.	Dahl	Kahn	Nelson	Skoglund
Anderson, D.	Dean	Kaley	Niehaus	Smogard
Anderson, G.	Den Ouden	Kalis	Norton	Spanish
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Ellingson	Kelly, W.	Osthoff	Suss
Arlandson	Enebo	Kempe, A.	Patton	Swanson
Battaglia	Erickson	Kempe, R.	Pehler	Tomlinson
Beauchamp	Esau	King	Peterson	Vanasek
Begich	Evans	Knickerbocker	Petrafero	Voss
Berg	Ewald	Kostohryz	Pleasant	Waldorf
Berglin	Faricy	Kroening	Prahl	Welch
Berkelman	Fjoslien	Laidig	Reding	Wenstrom
Biersdorf	Forsythe	Langseth	Rice	Wenzel
Birnstihl	Friedrich	Lemke	Rose	White
Brandl	Fudro	Mangan	St. Onge	Wieser
Braun	Fugina	McCarron	Samuelson	Wigley
Brinkman	George	McCollar	Sarna	Williamson
Byrne	Gunter	McDonald	Savelkoul	Wynia
Carlson, A.	Hanson	McEachern	Scheid	Zubay
Carlson, D.	Heinitz	Metzen	Schulz	Speaker Sabo
Carlson, L.	Hokanson	Moe	Searle	
Casserly	Jacobs	Munger	Searles	
Clark	Jaros	Murphy	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 6

A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding a subdivision; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 6 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 6 be amended as follows:

Page 2, line 11, after "(4)" insert "*An age restriction applied uniformly and without exception to all individuals established by a bona fide apprenticeship program established pursuant to Minnesota Statutes, Chapter 178, which limits participation to persons who enter the program prior to some specified age and the trade involved in the program predominantly involves heavy physical labor or work on high structures. Neither shall*".

Page 2, line 14, delete "shall not".

Page 2, line 23, delete the period and insert a semicolon.

Page 2, after line 23, insert:

*"(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.*

*(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5."*

Page 3, after line 9, insert:

"Sec. 4. Minnesota Statutes 1976, Section 363.02, is amended by adding a subdivision to read:

*Subd. 7. [SUMMER YOUTH EMPLOYMENT PROGRAM.] The provisions of section 363.03, subdivision 1, with regard to age shall not apply to the state summer youth employment program administered by the commissioner of employment services."*

Renumber the sections in sequence.

Page 9, after line 6, insert:

*"(25) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363.03, subdivision 9."*

Page 10, after line 27, insert:

*"Sec. 12. [APPROPRIATIONS.] The following sums are appropriated from the general fund to the commissioner of human rights for the processing of age discrimination complaints as provided for by this act, to be available for the fiscal year ending June 30 in the year indicated. The approved complement of the department of human rights is increased by three persons.*

	1978	1979
	\$50,000	\$50,000"

Further, amend the title as follows:

Page 1, line 3, after the semicolon insert "requiring consultation between the department of human rights and the department of labor and industry; appropriating money;"

Page 1, line 6, strike "a subdivision" and insert "subdivisions".

We request adoption of this report and repassage of the bill.

House Conferees: STANLEY ENEBO, AL PATTON and PHYLLIS KAHN.

Senate Conferees: ALLAN SPEAR, JOHN KEEFFE and ROGER LAUFENBURGER.

Enebo moved that the report of the Conference Committee on H. F. No. 6 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 6, A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding a subdivision; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

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:

Abeln	Cohen	Johnson	Neisen	Sieben, M.
Adams	Corbid	Jude	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Dahl	Kaley	Nelson	Smogard
Anderson, D.	Dean	Kalis	Niehaus	Spanish
Anderson, G.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, I.	Eckstein	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, A.	Osthoff	Suss
Arlandson	Enebo	Kempe, R.	Patton	Swanson
Battaglia	Erickson	King	Pehler	Tomlinson
Beauchamp	Esau	Knickerbocker	Peterson	Vanasek
Begich	Evans	Kostohryz	Petrafeso	Voss
Berg	Ewald	Kroening	Pleasant	Waldorf
Berglin	Faricy	Kvam	Prahl	Welch
Berkelman	Fjoslien	Laidig	Reding	Wenstrom
Biersdorf	Forsythe	Langseth	Rice	Wenzel
Birnstihl	Friedrich	Lehto	Rose	White
Brandl	Fudro	Lemke	St. Onge	Wieser
Braun	Fugina	Mangan	Samuelson	Wigley
Brinkman	George	McCarron	Sarna	Williamson
Byrne	Gunter	McCollar	Savelkoul	Wynia
Carlson, A.	Hanson	McDonald	Scheid	Zubay
Carlson, D.	Heinitz	McEachern	Schulz	Speaker Sabo
Carlson, L.	Hokanson	Metzen	Searle	
Casserly	Jacobs	Moe	Searles	
Clark	Jaros	Munger	Sherwood	
Clawson	Jensen	Murphy	Sieben, H.	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 343

A bill for an act relating to obscenity; prohibiting the dissemination of obscene photographs or other similar visual representations which depict minors involved in scenes of patently offensive sexual conduct; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 343 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 343 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 617, is amended by adding a section to read:

[617.246] [PROHIBITING PROMOTION OF MINORS TO ENGAGE IN OBSCENE WORKS.] *Subdivision 1. [DEFINITIONS.] (a) For the purpose of this section, the terms defined in this subdivision shall have the meanings given them.*

*(b) "Minor" means any person who has not attained his or her 18th birthday.*

*(c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.*

*(d) "Sexual performance" means any play, dance or other exhibition presented before an audience or for purposes of visual or mechanical reproduction which depicts patently offensive sexual conduct as defined by clause (f).*

*(e) "An obscene work" is a picture, a film, photograph, negative, slide, drawing or similar visual representation depicting a minor, which taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value. In determining whether or not a work is an obscene work the trier of the fact must find: (i) that the average person, applying contemporary community standards would find that the work, taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person; and (ii) that the work depicts patently offensive sexual conduct specifically defined by clause (f); and (iii) that the work, taken as a whole, lacks serious literary, artistic, political or scientific value.*

(f) "Patently offensive sexual conduct" includes any of the following depicted sexual conduct if the depiction involves a minor:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(ii) Sadoomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(iii) Masturbation or lewd exhibitions of the genitals including any explicit, close up representation of a human genital organ.

(iv) Physical contact or simulated physical contact with the clothed or unclothed public areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Subd. 2. [USE OF MINOR.] It is unlawful for a person to knowingly promote, employ, use or permit a minor to engage in or assist others to engage in posing or modeling alone or with others in any sexual performance for purposes of preparing an obscene work.

A violation of this subdivision is a felony.

Subd. 3. [OPERATION OR OWNERSHIP OF BUSINESS.] A person who owns or operates a business in which an obscene work as defined in this section, is disseminated, and who knows the content and character of the obscene work disseminated, is guilty of a felony.

Subd. 4. [DISSEMINATION.] A person who, knowing its content and character, disseminates for profit an obscene work, as defined in this section, is guilty of a misdemeanor.

Sec. 2. [EFFECTIVE DATE.] This act is effective July 1, 1977."

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to obscenity; prohibiting the promotion or employment of minors as models alone or with others in sexual performances for purposes of preparing an obscene

work; prohibiting the ownership or operation of a business which disseminates certain obscene works; prohibiting the dissemination of certain obscene works; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section."

We request adoption of this report and repassage of the bill.

House Conferees: KEN NELSON, MARY FORSYTHE and JANET CLARK.

Senate Conferees: WAYNE OLHOFT, JOHN BERNHAGEN and JACK DAVIES.

Nelson moved that the report of the Conference Committee on H. F. No. 343 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 343, A bill for an act relating to obscenity; prohibiting the dissemination of obscene photographs or other similar visual representations which depict minors involved in scenes of patently offensive sexual conduct; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Hanson	Mangan	Reding
Adams	Clark	Heinitz	Mann	Rice
Albrecht	Clawson	Hokanson	McCarron	Rose
Anderson, B.	Cohen	Jacobs	McCollar	St. Onge
Anderson, D.	Corbid	Jaros	McDonald	Samuelson
Anderson, G.	Cummiskey	Jensen	McEachern	Sarna
Anderson, I.	Dahl	Johnson	Metzen	Savelkoul
Anderson, R.	Dean	Jude	Moe	Scheid
Arlandson	Den Ouden	Kahn	Munger	Schulz
Battaglia	Eckstein	Kaley	Murphy	Searle
Beauchamp	Ellingson	Kalis	Nelsen	Searles
Begich	Enebo	Kelly, R.	Nelsen, B.	Sherwood
Berg	Erickson	Kelly, W.	Nelsen, M.	Sieben, H.
Berglin	Esau	Kempe, A.	Nelson	Sieben, M.
Berkelman	Evans	Kempe, R.	Niehaus	Simoneau
Biersdorf	Ewald	King	Norton	Skoglund
Birnstihl	Faricy	Knickerbocker	Novak	Smogard
Brandl	Fjoslien	Kostohryz	Osthoff	Spanish
Braun	Forsythe	Kroening	Patton	Stanton
Brinkman	Friedrich	Kvam	Pehler	Stoa
Byrne	Fudro	Laidig	Peterson	Suss
Carlson, A.	Fugina	Langseth	Petrafeso	Swanson
Carlson, D.	George	Lehto	Pleasant	Tomlinson
Carlson, L.	Gunter	Lemke	Prahl	Vanasek

Voss  
Waldorf  
Welch

Wenstrom  
Wenzel  
White

Wieser  
Wigley  
Williamson

Wynia  
Zubay

Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 320

A bill for an act relating to labor; providing for reduction of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, Subdivision 9; 177.24; 177.28, Subdivision 4.

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 320 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 320 be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 177.23, Subdivision 9, is amended to read:

Subd. 9. “Gratuities” means (VOLUNTARY) monetary contributions received *directly or indirectly* by an employee from a guest, patron, or customer for services rendered *and includes an obligatory charge assessed to customers, guests or patrons which might reasonably be construed by the guest, customer, or patron as being a payment for personal services rendered by an employee and for which no clear and conspicuous notice is given by the employer to the customer, guest, or patron that the charge is not the property of the employee.*

Sec. 2. Minnesota Statutes 1976, Section 177.24, is amended to read:

177.24 [PAYMENT OF MINIMUM WAGES.] *Subdivision 1. Except as may otherwise be provided in sections 177.21 to 177.35, or by regulation issued pursuant thereto, every employer shall pay to each of his employees who is 18 years of age or older wages at a rate of not less than \$2.10 an hour and shall pay to*

each of his employees who is under the age of 18 wages at a rate of not less than \$1.89 an hour.

*Subd. 2. No employer shall directly or indirectly credit, apply or utilize gratuities towards payment of minimum wages except as provided for under section 177.28.*

*Subd. 3. For purposes of chapter 177, any gratuity received by an employee or deposited in or about a place of business for personal services rendered by an employee is the sole property of the employee. No employer shall require an employee to contribute or share a gratuity received by the employee with the employer or other employees or to contribute any or all of the gratuity to a fund or pool operated for the benefit of the employer or his employees, provided that nothing in this section shall prevent an employee from voluntarily, and upon an individual basis, sharing his gratuities with other employees. The agreement to share gratuities shall be made by the employees free of any employer participation.*

**Sec. 3. Minnesota Statutes 1976, Section 177.28, Subdivision 4, is amended to read:**

**Subd. 4. An employee who receives (\$20) \$35 or more per month in gratuities is a tipped employee. (HIS) An employer is entitled to a credit in an amount up to (25) 20 percent of the minimum wage which a tipped employee receives. (SAID) The credit against the wages due (FOR GRATUITIES RECEIVED BY A TIPPED EMPLOYEE) may not be taken unless at the time the credit is taken the employer has received a signed statement for that pay period from (EACH) the tipped employee (STATES) stating that he did receive and retain during (THE) that pay period all gratuities received by him in an amount equal to or greater than the credit applied against the wages due by his employer. (SUCH) The statements shall be maintained by the employer as a part of his business records.**

**Sec. 4. This act is effective September 15, 1977."**

Further, strike the title and insert:

"A bill for an act relating to labor; prohibiting mandatory tip pooling; providing for a change in the application of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, Subdivision 9; 177.24; 177.28, Subdivision 4."

We request adoption of this report and repassage of the bill.

House Conferees: LEO J. REDING, DOUGLAS J. ST. ONGE and JOHN T. ROSE.

Senate Conferees: JOHN MILTON, STEVE KEEFE and NANCY BRATAAS.

Reding moved that the report of the Conference Committee on H. F. No. 320 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 320, A bill for an act relating to labor; providing for reduction of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, Subdivision 9; 177.24; 177.28, Subdivision 4.

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 106 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kalis	Nelsen, M.	Skoglund
Adams	Cohen	Kelly, R.	Nelson	Smogard
Anderson, B.	Corbid	Kelly, W.	Norton	Stanton
Anderson, G.	Cummiskey	Kempe, A.	Novak	Stoa
Anderson, I.	Dahl	Kempe, R.	Osthoff	Suss
Arlandson	Dean	King	Patton	Swanson
Battaglia	Eckstein	Knickerbocker	Pehler	Tomlinson
Begich	Ellingson	Kostohryz	Peterson	Vanasek
Berg	Enebo	Kroening	Petrafeso	Voss
Berglin	Esau	Langseth	Prahl	Waldorf
Berkelman	Faricy	Lehto	Reding	Welch
Biersdorf	Fudro	Lemke	Rice	Wenstrom
Birnstihl	George	Mangan	Rose	Wenzel
Brandl	Gunter	Mann	St. Onge	White
Braun	Hanson	McCarron	Samuelson	Wieser
Brinkman	Hokanson	McCollar	Sarna	Williamson
Byrne	Jacobs	McEachern	Scheid	Wynia
Carlson, A.	Jaros	Metzen	Schulz	Speaker Sabo
Carlson, D.	Jensen	Moe	Sherwood	
Carlson, L.	Johnson	Munger	Sieben, H.	
Casserly	Jude	Murphy	Sieben, M.	
Clark	Kahn	Neisen	Simoneau	

Those who voted in the negative were:

Albrecht	Evans	Friedrich	McDonald	Searle
Anderson, D.	Ewald	Fugina	Nelsen, B.	Searles
Den Ouden	Fjoslien	Heinitz	Niehaus	Wigley
Erickson	Forsythe	Kaley	Pleasant	Zubay

The bill was repassed, as amended by Conference, and its title agreed to.

## 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. 447, A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate wishes to recall for further consideration H. F. No. 447:

H. F. No. 447, A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, D., moved that the House accede to the request of the Senate and that H. F. No. 447 be returned to the Senate for further consideration by the Senate. The motion prevailed.

The following conference committee reports were received.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 559

A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 559 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 559 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 124.48, is amended to read:

124.48 [INDIAN SCHOLARSHIPS.] The state board may award scholarships to any *Minnesota resident* student who (HAS) *is of one-fourth or more Indian (BLOOD) ancestry* and who, in the opinion of the board, has the capabilities to (PROFIT) *benefit* from education. (SCHOLARSHIP) *Scholarships* shall be for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools. Scholarships shall be used to defray tuition, incidental fees, *books, supplies, transportation, other related school costs* and the cost of board and room and shall be paid directly to the college or school concerned. The amount and type of each such scholarship shall be determined through the advice and counsel of the Minnesota Indian scholarship committee.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year he is eligible for additional scholarships, if additional training is necessary to reach his educational and vocational objective. Scholarships may not be given to any Indian student for more than four years of study.

Sec. 2. Minnesota Statutes 1976, Section 136A.121, is amended to read:

136A.121 [SCHOLARSHIPS AND GRANTS-IN-AID.] Subdivision 1. [ELIGIBILITY.] An applicant shall be eligible to compete for a scholarship under the provisions of sections 136A.09 to 136A.131 if the board finds that applicant:

- ((1)) IS A CITIZEN OF THE UNITED STATES;
- ((2)) (1) is a resident of the state of Minnesota;
- ((3)) (2) has met all the requirements for admission as a full time student to an eligible institution of his choice as defined in sections 136A.09 to 136A.131;
- ((4)) (3) has demonstrated capacity for superior achievement at the institutional level as measured by standards prescribed by the board;
- ((5)) (4) is a qualified applicant as defined herein.

Subd. 2. [ELIGIBILITY FOR GRANTS-IN-AID.] An applicant shall be eligible to compete for a grant-in-aid, regardless of the applicant's sex, creed, race, color, national origin, or ancestry, under the provisions of sections 136A.09 to 136A.131 if the board finds that applicant:

- ((1)) IS A CITIZEN OF THE UNITED STATES;
- ((2)) (1) is a resident of the state of Minnesota;
- ((3)) (2) is a graduate of a secondary school or its equivalent and has met all requirements for admission as a full time student to an eligible college or vocational school of his

choice as defined in sections 136A.09 to 136A.131 or has completed at least one academic year of study at a two year institution and seeks transfer to a four year eligible institution;

((4)) (3) has met such criteria pertaining to financial need as the board shall make by regulation.

Subd. 3. [ALLOCATION AND AMOUNT.] ((1)) Scholarships and grants-in-aid shall be awarded annually on a funds available basis to those (FIRST YEAR STUDENTS AND TRANSFER STUDENTS) *applicants for initial awards and applicants for renewal awards* who meet the board's requirements(;).

((2)) *Subd. 4.* A financial stipend shall accompany scholarship awards if the scholarship winner demonstrates financial need and will attend an eligible institution. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100 but in no event shall exceed one-half of the applicant's financial need or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicant's need, whichever is the lesser. Scholarship winners who do not demonstrate financial need under criteria prescribed by the board shall be awarded honorary scholarships(;).

((3)) *Subd. 5.* A financial stipend based on financial need shall accompany grants-in-aid. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100, but in no event shall exceed one-half of the applicant's financial need(;) or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicant's need, whichever is the lesser.

((4)) *Subd. 6.* In dispensing available funds in a given year, priority shall be given on the following basis:

Renewal scholarships and grants-in-aid.

Thereafter, until the funds are exhausted, to (FIRST YEAR AND TRANSFER) *applicants for initial awards*, on the basis of their rank in the case of scholarships, and on the basis of need with (FIRST YEAR AND TRANSFER) *all applicants* treated as a single pool of applicants in the case of grants-in-aid, as determined by standards prescribed by the board.

*Subd. 7.* Only first year students shall be eligible to apply for and receive initial scholarship awards. Only first year and transfer students who meet the board's requirements shall be eligible to apply for and receive initial grants-in-aid for the 1977-1978 school year. First year students, transfer students who meet the board's requirements and second year students who did not

*receive a grant-in-aid award upon entrance to post-secondary education shall be eligible to apply for and receive initial grants-in-aid for the 1978-1979 school year and subsequent school years.*

((5)) *Subd. 8.* Each scholarship or grant-in-aid shall be awarded for one academic year but shall be renewable until a total of eight semesters or twelve quarters or their equivalent have been covered, or a baccalaureate degree obtained, whichever occurs first (;).

((6)) *Subd. 9.* Each scholarship or grant-in-aid shall be renewable, contingent on continued residency in Minnesota (, UNITED STATES CITIZENSHIP), satisfactory academic standing and recommendation of the college or vocational school and, in the case of financial assistance, evidence of continued need (;).

((7)) *Subd. 10.* The student must apply for renewal of his scholarship or grant-in-aid each year (;).

*Subd. 11.* *The deadline for the board to accept applications for state scholarships and grants-in-aid shall be not earlier than February 15.*

((8)) *Subd. 12.* The student must continue to attend an eligible institution (;).

((9)) *Subd. 13.* All scholarship winners shall be notified of their award by the board and shall be given appropriate evidence of the award (;).

((10)) *Subd. 14.* All grant-in-aid recipients shall be duly notified thereof by the board (;).

((11)) *Subd. 15.* Financial scholarships and grants-in-aid awarded under the terms of sections 136A.09 to 136A.131 shall be applied to educational costs in the following order: tuition, fees, books, supplies and other expenses. Unpaid portions of such awards shall revert to the board scholarship or grant-in-aid account.

Sec. 3. Minnesota Statutes 1976, Section 136A.144, is amended to read:

136A.144 [EMERGENCY SCHOLARSHIP FUND; FOREIGN STUDENTS; AWARD.] The state of Minnesota shall establish an emergency scholarship fund to be awarded to public and private institutions of higher education in Minnesota which are eligible for the state grant-in-aid program as defined in this chapter, and which have foreign students enrolled, for the purpose of enabling them to achieve and maintain a desirable cultural mix in their student populations, and of assisting their bona fide foreign students to meet unexpected financial needs.

The formula for apportioning available emergency scholarship funds to the institutions shall be established by the higher education coordinating board, which shall take into consideration full-time equivalent fall term enrollments and the total cost of education of foreign students at each participating institution. *Each institution wishing to receive funds to assist foreign students shall submit to the board in accordance with policies and procedures established by the board an estimate of the amount of funds needed by the institution and the amount allocated to any institution shall not exceed the estimate of need submitted by the institution. Any funds which would be allocated to an institution according to the formula but which exceed the estimate of need by the institution or the actual need of the institution may be re-allocated by the board to other institutions for which the estimate of need exceeds the amount of allocation under the formula.* The amounts awarded to individual students with emergency financial needs shall be determined by the participating institution based on guidelines reflecting the total cost of education at each institution and resources available to each potential recipient.

Sec. 4. Minnesota Statutes 1976, Section 136A.16, Subdivision 3, is amended to read:

Subd. 3. The board shall be authorized to make (OR TO GUARANTEE) loans in amounts not to exceed the maximum amount provided in the higher education act of 1965 and any amendments thereof and the board shall be authorized to establish procedures determining the loan amounts for which students are eligible.

Sec. 5. Minnesota Statutes 1976, Section 136A.16, Subdivision 4, is amended to read:

Subd. 4. The board shall have the right to contract with or to enter into agreements with eligible lenders for purposes of (GUARANTEEING) *making* loans to residents in accordance with the policies, rules, and regulations of the board.

Sec. 6. Minnesota Statutes 1976, Section 136A.16, Subdivision 6, is amended to read:

Subd. 6. The board shall be empowered to charge for insurance on each (GUARANTEEED) loan a premium, payable each year in advance, in an amount not to exceed the premium in the federal regulations which govern the vocational and higher education loan program. Premium fees shall be available to the board without fiscal year limitation for the purposes of making (AND GUARANTEEING) loans and meeting expenses incurred in administering the program.

Sec. 7. Minnesota Statutes 1976, Section 136A.16, Subdivision 7, is amended to read:

Subd. 7. The board (IS DESIGNATED THE STATE AGENCY TO) *may* apply for, receive, accept, and disburse federal funds, as well as funds from other public and private sources, made available to the state for (USE AS RESERVES TO GUARANTEE STUDENT) loans or as administrative moneys to operate student loan programs. In making application for federal funds, it may comply with all requirements of such federal law and such rules and regulations to enable it to receive, accept, and administer such funds.

Sec. 8. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.162] [CLASSIFICATION OF DATA.] *All data on applicants for financial assistance collected and used by the higher education coordinating board for the purposes of the scholarship, grant-in-aid and loan programs administered by that board shall be classified as private data on individuals pursuant to section 15.162, subdivision 5a. Exceptions to this classification are the names and addresses of scholarship, grant-in-aid and loan program recipients.*

Sec. 9. Minnesota Statutes 1976, Section 136A.17, Subdivision 3, is amended to read:

Subd. 3. The board may loan (AND GUARANTEE THE LOAN OF) money(.) upon such terms and conditions as the board may prescribe.

Sec. 10. Minnesota Statutes 1976, Section 136A.17, Subdivision 4, is amended to read:

Subd. 4. No loan (OR GUARANTEE OF A LOAN) shall be made in excess of the maximum provided by pertinent federal laws and regulations and the aggregate unpaid principal amount of loans to any individual student shall not exceed the maximum provided in pertinent federal laws and regulations.

Sec. 11. Minnesota Statutes 1976, Section 136A.17, Subdivision 5, is amended to read:

Subd. 5. The board may (INSURE) *make* loans for vocational study to an individual student for a maximum of three academic years or their equivalent and loans for higher education to an individual student for a maximum of eight academic years of study or their equivalent.

Sec. 12. Minnesota Statutes 1976, Section 136A.17, Subdivision 6, is amended to read:

Subd. 6. No loans made (OR GUARANTEED) by the board shall be made at an annual rate of interest in excess of the maxi-

imum prescribed in the National Vocational Student Loan Insurance Act of 1965 and the Higher Education Act of 1965, and any amendments thereof.

Sec. 13. Minnesota Statutes 1976, Section 136A.17, Subdivision 7, is amended to read:

Subd. 7. The benefits of the loan (INSURANCE) program will not be denied any student because of his family income or lack of need if his adjusted annual family income at the time the note is executed is less than the maximum prescribed in the applicable federal regulations.

Sec. 14. Minnesota Statutes 1976, Section 136A.17, Subdivision 8, is amended to read:

Subd. 8. The repayment procedures applicable for loans made (OR GUARANTEED) by the board shall be consistent with federal regulations governing interest payments under the National Vocational Student Loan Insurance Act of 1965 and the Higher Education Act of 1965.

Sec. 15. Minnesota Statutes 1976, Section 136A.171, is amended to read:

**136A.171 [REVENUE BONDS; ISSUANCE; PROCEEDS.]** The higher education coordinating board is hereby authorized to issue revenue bonds (IN AN AGGREGATE AMOUNT NOT TO EXCEED \$90,000,000) for the purpose of obtaining funds for loans made in accordance with the provisions of this chapter. *The aggregate amount of revenue bonds, issued directly by the board, outstanding at any one time, not including refunding bonds, shall not exceed \$125,000,000.* Proceeds from the issuance of bonds may be held and invested by the board pending disbursement in the form of loans. All interest and profits from such investments shall inure to the benefit of the board and shall be available to the board for *the same purposes as the proceeds from the sale of revenue bonds including but not limited to costs incurred in administering loans under this chapter and (FOR) loan reserve funds.*

Sec. 16. Minnesota Statutes 1976, Section 136A.233, is amended to read:

**136A.233 [WORK-STUDY GRANTS.]** Subdivision 1. Notwithstanding the provisions of sections 136A.09 to 136A.131, the higher education coordinating board may offer work-study grants to *eligible* post-secondary institutions according to the full time equivalent enrollment of all eligible post-secondary institutions that apply to participate in the program. *Each institution wishing to receive a work-study grant shall submit to the board in accordance with policies and procedures established by*

*the board an estimate of the amount of funds needed by the institution and the amount allocated to any institution shall not exceed the estimate of need submitted by the institution. Any funds which would be allocated to an institution according to full time equivalent enrollment but which exceed the estimate of need by the institution or the actual need of the institution may be reallocated by the board to other institutions for which the estimate of need exceeds the amount of allocation according to enrollment.* (**“ELIGIBLE POST-SECONDARY INSTITUTION” MEANS ANY POST-SECONDARY INSTITUTION ELIGIBLE FOR PARTICIPATION IN THE MINNESOTA STATE SCHOLARSHIP AND GRANT PROGRAM AS SPECIFIED IN SECTION 136A.101, SUBDIVISION 4.**)

Subd. 2. For purposes of (THIS SUBDIVISION) *sections 136A.231 to 136A.235*, the following words have the meanings ascribed to them:

(a) *“Eligible student” means a Minnesota resident enrolled or intending to enroll full time in a Minnesota post-secondary institution.*

(b) *“Financial need” means the need for financial assistance in order to attend a post-secondary institution as determined by a post-secondary institution according to guidelines established by the higher education coordinating board.*

(c) *“Eligible employer” means any eligible post-secondary institution and any nonprofit, nonsectarian agency located in the state of Minnesota and also includes a handicapped person or a person over 65 who employs a student to provide personal services in or about the residence of the handicapped person or the person over 65.*

(d) *“Eligible post-secondary institution” means any post-secondary institution eligible for participation in the Minnesota state scholarship and grant program as specified in section 136A.101, subdivision 4.*

Subd. 3. Work-study payments shall be made to eligible students by post-secondary institutions as follows:

(a) Students shall be selected for participation in the program by the post-secondary institution on the basis of student financial need.

(b) No eligible student shall be employed under the state work-study program during the period when he or she is not a full time student; *provided, with the approval of the institution, a full time student who becomes a part-time student during an academic year may continue to be employed under the state work-study program for the remainder of the academic year.*

(c) Students will be paid for hours actually worked and the maximum hourly rate of pay shall not exceed the maximum hourly rate of pay permitted under the federal college work-study program.

(d) Minimum pay rates will be determined by an applicable federal or state law.

(e) Not less than 20 percent of the compensation paid to the student under the state work-study program shall be paid by the eligible employer.

(f) (NOT MORE THAN 50 PERCENT OF THE INSTITUTION'S WORK-STUDY ALLOCATION SHALL BE USED TO EMPLOY STUDENTS BY THE POST-SECONDARY INSTITUTIONS UNDER THE PROVISIONS OF THIS PROGRAM) *Each post-secondary institution receiving funds for state work-study grants shall make a reasonable effort to place work-study students in employment with eligible employers outside the institution.*

(g) The percent of the institution's work-study allocation provided to graduate students shall not exceed the percent of graduate student enrollment at the participating institution.

**Sec. 17. Subdivision 1.** *There is hereby created a part-time student grant-in-aid program under the supervision of the higher education coordinating board.*

*Subd. 2. Institutions eligible for attendance by recipients of part-time student grants-in-aid shall be those institutions approved by the higher education coordinating board as eligible institutions for the state grant-in-aid program in accordance with Minnesota Statutes, Section 136A.101.*

*Subd. 3. Any student attending an eligible institution less than full-time and pursuing a program or course of study leading to a degree, diploma or certificate shall be eligible for a part-time student grant-in-aid.*

*Subd. 4. A recipient of a part-time grant-in-aid shall be selected by the post-secondary education institution of attendance in accordance with guidelines, criteria, policies and procedures established by the higher education coordinating board.*

*Subd. 5. The amount of any part-time student grant-in-aid award shall be based on the need of the applicant determined by the institution in accordance with policies established by the higher education coordinating board but the amount of an award shall not exceed the cost of tuition and required fees paid or to be paid by the student or the cost of tuition and fees for a*

*comparable program at the university of Minnesota, whichever is the lesser.*

*Subd. 6. Part-time student grants-in-aid shall be awarded for a single term as defined by the institution in accordance with guidelines and policies of the higher education coordinating board. Awards shall not be renewable but the recipient of an award may apply for additional awards for subsequent terms.*

*Subd. 7. Funds appropriated for part-time student grants-in-aid shall be allocated among eligible institutions by the higher education coordinating board according to a formula which takes into account the number of part-time students enrolled in each institution and other relevant factors determined by the board.*

*Sec. 18. [APPROPRIATION.] There is hereby appropriated from the general fund to the higher education coordinating board the sum of \$250,000 for the year ending on June 30, 1978 and the sum of \$500,000 for the year ending on June 30, 1979 for part-time student grants-in-aid in accordance with section 17 of this act. Any balance remaining after the first year of the biennium shall not cancel but shall carry over to the second year of the biennium.*

*Sec. 19. Subdivision 1. The program of grants for nursing students authorized by Minnesota Statutes, Section 148.286 shall be discontinued when commitments to nursing students made on or before June 30, 1977 have been fulfilled by the state board of nursing. The board of nursing shall continue to administer grants under commitments made on or before June 30, 1977, but the board of nursing shall not make any additional awards or commitments to students after June 30, 1977.*

*Subd. 2. Beginning on July 1, 1977, the higher education coordinating board shall administer a program of grants to nursing students.*

*Subd. 3. Grants to nursing students under the program authorized by subdivision 2 of this section shall be administered according to the terms and conditions of the state grant-in-aid program under Minnesota Statutes, Sections 136A.095 to 136A.131. Criteria for student eligibility and selection and terms of grants to nursing students, including the amount of grants and renewal of grants, shall be the same as for the state grant-in-aid program except that (1) in order to be eligible for a nursing grant, an applicant must be enrolled as a full time student in a nursing education program of an eligible college or vocational school for the purpose of meeting educational requirements prerequisite to licensure as a registered nurse or a licensed practical nurse as defined in Minnesota Statutes, Section 148.171 to*

148.299, and (2) a nursing student shall be eligible to apply for a nursing grant for any year of the student's nursing program.

*Subd. 4. A student who receives a nursing grant under subdivisions 2 and 3 shall not be eligible to receive a state scholarship or state grant-in-aid award for the same year.*

Sec. 20. *This act is effective the day following final enactment."*

Further, amend the title by striking it in its entirety and inserting:

"A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 124.48; 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section."

We request adoption of this report and repassage of the bill.

House Conferees: PETER FUGINA, CARL KROENING and RAY FARICY.

Senate Conferees: TIMOTHY PENNY, ROGER MOE and DOUGLAS SILLERS.

Fugina moved that the report of the Conference Committee on H. F. No. 559 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 559, A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sieben, H.
Adams	Corbid	Jude	Neisen	Sieben, M.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Dahl	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Dean	Kalis	Nelson	Smogard
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, I.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, R.	Ellingson	Kempe, A.	Novak	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	King	Patton	Swanson
Beauchamp	Esau	Knickerbocker	Pehler	Tomlinson
Begich	Evans	Kostohryz	Peterson	Vanasek
Berg	Ewald	Kroening	Petrafeso	Voss
Berglin	Faricy	Kvam	Pleasant	Waldorf
Berkelman	Fjoslien	Laidig	Prahl	Welch
Biersdorf	Forsythe	Langseth	Reding	Wenstrom
Birnstihl	Friedrich	Lehto	Rice	Wenzel
Brandl	Fudro	Lemke	Rose	White
Braun	Fugina	Mangan	St. Onge	Wieser
Brinkman	George	Mann	Samuelson	Wigley
Byrne	Gunter	McCarron	Sarna	Williamson
Carlson, A.	Hanson	McCollar	Savelkoul	Wynia
Carlson, D.	Heinitz	McDonald	Scheid	Zubay
Carlson, L.	Hokanson	McEachern	Schulz	Speaker Sabo
Casserly	Jacobs	Metzen	Searle	
Clark	Jaros	Moe	Searles	
Clawson	Jensen	Munger	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1631

A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1631 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 1631 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [CORRECTIONS.] Subdivision 1. [COMMISSIONER OF ADMINISTRATION; BUILDINGS.] \$20,800,000 or as much thereof as necessary is appropriated from the Minnesota state building fund to the commissioner of administration

to design, construct and equip a new high security detention facility for adult felons.

Subd. 2. [COMMISSIONER OF ADMINISTRATION; ARCHITECTURAL PLANS.] \$100,000 or as much thereof as necessary is appropriated from the Minnesota state building fund to the commissioner of administration to develop architectural plans for reducing the capacity of the present prison to less than 300 beds.

Subd. 3. [COMMISSIONER OF ADMINISTRATION; HEATING.] \$50,000 or as much thereof as necessary is appropriated from the general fund to the commissioner of administration to study and make recommendations concerning the use at the facility of solar heating, heat from lighting, body heat, or heat derived from other sources not presently in widespread use. The commissioner shall use state employees to make the study and develop the recommendations, insofar as practicable.

Subd. 4. [FACILITY SITE.] The facility shall be located at site 1E described in the February 1, 1977 "Master plan for a high security facility" reported by the corrections department to the legislature.

Sec. 2. [UNIVERSITY OF MINNESOTA.] \$12,965,232 or as much thereof as necessary is appropriated from the Minnesota state building fund to the regents of the university of Minnesota to construct and equip a pharmacy and nursing facility at the twin city campus. Construction and purchase of equipment shall not begin until \$8,265,368 is available for the project from federal funds.

Sec. 3. [LAW SCHOOL.] \$500,000 of the sum appropriated by Laws 1975, Chapter 436, Section 1, Subdivision 1, shall be supplied by \$500,000 of the proceeds of bonds issued pursuant to this act. That part of the bond issue is for the purpose of construction of a law school building as set forth in Laws 1975, Chapter 436, Section 1, Subdivision 1.

Sec. 4. [MANKATO STATE UNIVERSITY CAMPUS.] Notwithstanding Laws 1976, Chapter 348, Section 4, Subdivision 5, Clause (c) (1), the commissioner of administration is directed to proceed with the consolidation of the Highland and Valley campuses at Mankato state university. The commissioner shall take all necessary steps to implement the consolidation except that any measures requiring additional state funds beyond the amounts appropriated by Laws 1976, Chapter 348, Section 4, Subdivision 5, shall be deferred until legislative review, approval, and additional appropriation. The commissioner shall report on progress to the legislature no later than January 15, 1978.

Sec. 5. [DEPARTMENT OF ADMINISTRATION.] \$500,000 is appropriated from the state building fund to the commis-

sioner of administration to make state facilities barrier free for the handicapped.

Sec. 6. [BONDS AUTHORIZED.] To provide the moneys appropriated from the Minnesota state building fund in this act, upon written request of the commissioner of administration the commissioner of finance shall sell and issue Minnesota state building bonds in the amount of \$34,866,000, in the manner and upon the terms and conditions prescribed by Minnesota Statutes, Sections 16A.63, 16A.64 and 16A.65, and by the Constitution, Article XI, Sections 4 to 7. The proceeds of the bonds other than accrued interest and premium, are appropriated and shall be credited to the Minnesota state building fund.

Sec. 7. The allotment free balance remaining in the appropriation made by Laws 1971, Chapter 963, Section 5, Clause (a), is reappropriated to the commissioner of administration for land acquisition in the capitol area, including improvements and preparation of sites for construction.

The balance of funds appropriated by Laws 1976, Chapter 331, Section 7, Subdivision 8, shall not cancel until June 30, 1978.

Sec. 8. Not later than June 1, 1981 the state of Minnesota shall cause the power plant at the Minnesota state prison, Stillwater, Minnesota, to comply with federal and state air emission rules and regulations by either modifying or eliminating the use of potentially polluting facilities.

Sec. 9. There is appropriated to the commissioner of administration from the general fund the sum of \$105,000 for the administration of this act.

Sec. 10. The sum of \$400,000 is appropriated from the general fund to the commissioner of administration for a building contingent account for the fiscal year ending June 30, 1978.

Sec. 11. Subdivision 1. The head of each department, agency, or system, including the university of Minnesota, owning or operating any state owned buildings, facilities, and grounds shall complete a survey of the accessibility of their buildings, facilities and grounds by the handicapped and elderly. The various departments, agencies, and systems shall conduct the survey with their own staff in consultation with the council for the handicapped and their representatives but shall not employ outside assistance or consultants. The surveys shall contain information requested by the commissioner of administration and the results shall be reported on forms supplied by the commissioner. These reports shall be submitted to the commissioner of administration on or before November 1, 1977.

Subd. 2. The commissioner of administration shall review the reports submitted and prepare a report to the legislature.

Subd. 3. The commissioner of administration shall, on or before February 1, 1978, file a report with the committee on finance of the senate and the committee on appropriations of the house of representatives. The report shall include but not be limited to an identification of projects and costs necessary to make state owned buildings, facilities, and grounds accessible to the handicapped and elderly.

Subd. 4. This section is effective the day following enactment.

Sec. 12. [REVIEW OF BUILDING PLANS.] Neither the commissioner of administration nor the board of regents of the university of Minnesota shall prepare final plans and specifications for any building authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 13. [METHODS OF ACQUISITIONS.] Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.

Sec. 14. [PUBLIC LAND AND BUILDINGS.] There is appropriated from the general fund to the commissioner of administration for:

- a. an office space study at Duluth ..... \$25,000
- b. capitol remodeling ..... \$100,000
- c. improvements to capitol area grounds, including landscaping, exterior signage, and modification of various parking areas. .... \$151,300

Of this appropriation, \$21,000 is available for exterior signage in the capitol area as described by section 15.50, subdivision 2. The remainder shall be used in the area bounded by University Avenue, Park Street, Fuller Avenue, and Rice Street.

The amount allocated for construction of the park shall not be expended without approval of the required street vacations by the St. Paul planning commission and the St. Paul city coun-

cil. The commissioner of administration shall landscape this area in accordance with plans approved by the capitol area architectural and planning board. This appropriation shall not cancel but shall remain available until the project is completed.

Sec. 15. The commissioner of administration may establish a service center in regional development commission district 3. The state planning agency and the regional development commission of region 3 shall cooperate with the commissioner in establishing the service center. The commissioner shall determine which state agencies shall be included in the service center. The commissioner may determine equitable methods of sharing space, personnel and equipment for the agencies he selects to participate in the service center. The commissioner may enter into a rental lease for a base term of five years with a five year leasehold renewal option for the purpose of acquiring suitable space for the service center."

Further, amend the title as follows:

Page 1, line 5, after "buildings;" insert "capitol area grounds improvements; authorizing the establishment of a service center;"

We request adoption of this report and repassage of the bill.

House Conferees: HAROLD DAHL, WILLIAM DEAN, PAUL MCCARRON, JOHN ARLANDSON and RICHARD WELCH.

Senate Conferees: ROGER MOE, ROBERT LEWIS, ALLAN SPEAR, SAM SOLON and GEORGE PILLSBURY.

Dahl moved that the report of the Conference Committee on H. F. No. 1631 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1631, A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

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 108 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Adams	Battaglia	Biersdorf	Carlson, A.	Corbid
Anderson, B.	Beauchamp	Birnstihl	Carlson, L.	Cummiskey
Anderson, D.	Begich	Brandl	Casserly	Dahl
Anderson, G.	Berg	Braun	Clark	Dean
Anderson, I.	Berglin	Brinkman	Clawson	Eckstein
Arlandson	Berkelman	Byrne	Cohen	Ellingson

Enebo	Kaley	McCollar	Rose	Stoa
Erickson	Kelly, R.	McEachern	St. Onge	Suss
Esau	Kelly, W.	Metzen	Samuelson	Swanson
Evans	Kempe, A.	Moe	Sarna	Tomlinson
Ewald	Kempe, R.	Munger	Scheid	Vanasek
Forsythe	King	Murphy	Schulz	Voss
Fudro	Knickerbocker	Neisen	Searle	Waldorf
George	Kostohryz	Nelson	Searles	Welch
Gunter	Kroening	Norton	Sherwood	Wenstrom
Hanson	Laidig	Novak	Sieben, H.	Wenzel
Hokanson	Langseth	Osthoff	Sieben, M.	White
Jacobs	Lehto	Patton	Simoneau	Wynia
Jaros	Lemke	Pehler	Skoglund	Zubay
Jensen	Mangan	Petrafeso	Smogard	Speaker Sabo
Johnson	Mann	Prahl	Spanish	
Jude	McCarron	Rice	Stanton	

Those who voted in the negative were:

Abein	Fjoslien	McDonald	Pleasant	Williamson
Albrecht	Friedrich	Nelsen, B.	Reding	
Anderson, R.	Fugina	Nelsen, M.	Savelkoul	
Carlson, D.	Heinitz	Niehaus	Wieser	
Den Ouden	Kalis	Peterson	Wigley	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 451

A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes 1976, Sections 47.51; 47.52; 47.53; 47.54; and 47.55.

May 19, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 451 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 451 be further amended as follows:

Page 1, line 20, after "from" insert "*the closest points of*".

Page 1, line 20, delete "*structure*" and insert "*structures*".

Page 2, line 25, before "With" insert "(a)".

Page 3, line 2, delete "*, notwithstanding municipal boundaries,*".

Page 3, line 4, delete "*point*" and insert "*points*".

Page 3, line 5, delete "*structure*" and insert "*structures*".

Page 3, line 5, after "*within*" insert "*25 miles of its principal office measured in a straight line from the closest points of the closest structures involved, if the detached facility is within*".

Page 3, line 6, delete "*provided such*" and insert "*or if the detached facility is in a municipality having a population of more than 10,000, according to the last previous United States census, or if the detached facility is located in a municipality having a population of 10,000 or less and all the banks having a principal office in the municipality have consented in writing to the establishment of the facility*".

Page 3, delete line 7.

Page 3, line 8, delete "*bank*" and after the period insert "*(b)*".

Page 3, line 10, delete the new language.

Page 3, delete line 11.

Page 3, line 12, delete "*bank is located*" and insert "*and*".

Page 3, line 13, delete "*and*".

Page 3, delete line 14.

Page 3, line 15, delete the new language.

Page 3, line 17, delete the new language and strike "*The preceding*" and insert "*This clause*".

Page 4, line 5, strike "*of*", delete "*\$1,000*" and insert "*equal to the actual costs incurred by the commissioner in approving or disapproving the application*".

Page 5, line 5, strike "*at his office*".

Page 5, line 15, after the period insert "*The hearing shall be conducted by the commissioner in accordance with the provisions of the administrative procedures act, Minnesota Statutes, Sections 15.0411 to 15.052, governing contested cases, including the provisions of the act relating to judicial review of agency decisions.*".

Page 6, line 6, strike "*one*" and insert "*two*".

Page 6, line 7, strike "facility" and insert "facilities".

We request adoption of this report and repassage of the bill.

**House Conferees: JOHN CORBID, MICHAEL GEORGE, WALTER HANSON, BERNARD BRINKMAN and DOUGLAS EWALD.**

**Senate Conferees: JACK I. KLEINBAUM, SAM SOLON, OTTO T. BANG, JR., WINSTON W. BORDEN and JACK DAVIES.**

Corbid moved that the report of the Conference Committee on H. F. No. 451 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

Kelly, W., was excused for the remainder of today's session.

#### CALL OF THE HOUSE

On the motion of Brandl and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Cohen	Jaros	Munger	Sieben, M.
Adams	Corbid	Jensen	Murphy	Simoneau
Albrecht	Cummiskey	Johnson	Neisen	Skoglund
Anderson, B.	Dahl	Jude	Nelsen, B.	Smogard
Anderson, D.	Dean	Kahn	Nelsen, M.	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Battaglia	Ellingson	Kempe, A.	Patton	Swanson
Beauchamp	Enebo	Kempe, R.	Pehler	Tomlinson
Begich	Erickson	King	Peterson	Vanasek
Berg	Esau	Knickerbocker	Petrafeso	Waldorf
Berglin	Ewald	Kostohryz	Pleasant	Welch
Berkelman	Faricy	Kroening	Prahl	Wenstrom
Biersdorf	Fjoslien	Kvam	Reding	Wenzel
Birnstihl	Forsythe	Laidig	Rice	White
Brandl	Friedrich	Lehto	Rose	Wigley
Braun	Fudro	Mangan	St. Onge	Williamson
Brinkman	Fugina	Mann	Samuelson	Wynia
Byrne	George	McCarron	Sarna	Zubay
Carlson, A.	Gunter	McCollar	Scheid	Speaker Sabo
Carlson, D.	Hanson	McDonald	Schulz	
Carlson, L.	Heinitz	McEachern	Searle	
Cassery	Hokanson	Metzen	Searles	
Clark	Jacobs	Moe	Sherwood	

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 451, A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes 1976, Sections 47.51; 47.52; 47.53; 47.54; and 47.55.

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.

Anderson, I., moved that those not voting be excused from voting. The motion did not prevail.

There were 69 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Nelsen, M.	Stoa
Arlandson	Corbid	Johnson	Nelson	Suss
Beauchamp	Cummiskey	Kahn	Norton	Swanson
Berg	Dean	Kaley	Patton	Tomlinson
Berkelman	Eckstein	King	Pehler	Voss
Biersdorf	Ellingson	Knickerbocker	Pleasant	Waldorf
Brandl	Enebo	Kvam	Reding	Wenstrom
Braun	Ewald	Laidig	Rose	Wieser
Brinkman	Forsythe	McCarron	Samuelson	Wigley
Carlson, A.	Friedrich	McDonald	Scheid	Williamson
Carlson, D.	George	Moe	Searles	Wynia
Carlson, L.	Hanson	Munger	Sherwood	Zubay
Casserly	Heinitz	Murphy	Sieben, M.	Speaker Sabo
Clark	Hokanson	Nelsen, B.	Stanton	

Those who voted in the negative were:

Adams	Clawson	Jude	McEachern	Savelkoul
Albrecht	Dahl	Kalis	Metzen	Schulz
Anderson, B.	Den Ouden	Kelly, R.	Neisen	Searle
Anderson, D.	Erickson	Kempe, A.	Niehaus	Sieben, H.
Anderson, G.	Esau	Kempe, R.	Novak	Simoneau
Anderson, I.	Faricy	Kostohryz	Osthoff	Skoglund
Anderson, R.	Fjoslien	Kroening	Peterson	Smogard
Battaglia	Fudro	Lehto	Petrafeso	Spanish
Begich	Fugina	Lemke	Prahl	Vanasek
Berglin	Gunter	Mangan	Rice	Welch
Birnstihl	Jacobs	Mann	St. Onge	Wenzel
Byrne	Jaros	McCollar	Sarna	White

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 315

A bill for an act relating to state government; state zoological board; providing for a member designated by the Dakota county board; amending Minnesota Statutes 1976, Section 85A.-01, Subdivision 1.

May 21, 1977

The Honorable Martin O. Sabo  
 Speaker of the House of Representatives  
 The Honorable Edward J. Gearty  
 President of the Senate

We, the undersigned conferees for H. F. No. 315 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 315 be further amended as follows:

Page 1, lines 17, 18 and 19, delete the new language and insert "*In consultation with the Dakota county board the governor shall appoint a resident of Dakota county to the zoo board as a voting member.*".

Amend the title:

Line 3, delete "designated by the" and insert "residing in".

Line 4, delete "board".

We request adoption of this report and repassage of the bill.

House Conferees: RAY KEMPE and SHIRLEY HOKANSON.

Senate Conferees: CONRAD M. VEGA, HOWARD A. KNUTSON and CLARENCE M. PURFEERST.

Kempe, R., moved that the report of the Conference Committee on H. F. No. 315 be adopted and that the bill be repassed as amended by the Conference Committee.

Voss moved that the House refuse to adopt the Conference Committee report on H. F. No. 315, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Voss motion that the House refuse to adopt the Conference Committee report and the roll was called. There were 71 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Adams	Arlandson	Biersdorf	Carlson, D.	Clawson
Anderson, B.	Battaglia	Birnstihl	Carlson, L.	Cummiskey
Anderson, D.	Berg	Brandl	Casserly	Dean
Anderson, G.	Berkelman	Byrne	Clark	Den Ouden

Eckstein	Jensen	Moe	Rice	Tomlinson
Ellingson	Johnson	Murphy	Scheid	Vanasek
Enebo	Jude	Neisen	Schulz	Voss
Erickson	Kahn	Nelsen, M.	Searle	Welch
Faricy	Kalis	Nelson	Simoneau	Wynia
Fjoslien	Kostohryz	Norton	Skoglund	Zubay
Friedrich	Kroening	Osthoff	Spanish	Speaker Sabo
Fugina	Lehto	Patton	Stanton	
George	Lemke	Pehler	Stoa	
Jacobs	Mann	Petrafeso	Suss	
Jaros	McCarron	Pleasant	Swanson	

Those who voted in the negative were:

Abeln	Evans	Knickerbocker	Niehaus	Sherwood
Albrecht	Ewald	Kvam	Novak	Sieben, H.
Anderson, I.	Fudro	Laidig	Peterson	Sieben, M.
Anderson, R.	Gunter	Mangan	Prahl	Waldorf
Beauchamp	Heinitz	McCollar	Reding	Wenstrom
Begich	Kaley	McDonald	Rose	Wenzel
Braun	Kelly, R.	McEachern	St. Onge	White
Carlson, A.	Kempe, A.	Metzen	Sarna	Wieser
Cohen	Kempe, R.	Munger	Savelkoul	Wigley
Dahl	King	Nelsen, B.	Searles	Williamson

The motion prevailed.

#### CALL OF THE HOUSE LIFTED

Osthoff moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1610

A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes; amending Minnesota Statutes 1976, Sections 161.125, Subdivision 1; 219.40; and 299D.03, Subdivision 5; repealing Minnesota Statutes 1976, Sections 161.125, Subdivision 2; 161.50; 219.401; and 299D.03, Subdivision 4.

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1610 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 1610, be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [TRANSPORTATION; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the trunk highway fund, or any other fund designated, to the commissioner of transportation for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1977", "1978", and "1979", wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS Available for the year Ending June 30,

	1978	1979
\$	\$	\$

Sec. 2. PERSONNEL POLICY

The commissioner of transportation shall control employment of full-time employees to not exceed 4,871 during fiscal 1978 and 4,837 during fiscal 1979. None of the restrictions in this section apply to seasonal or temporary employment.

The commissioner of transportation shall continue productivity improvement efforts to reduce the number of full-time employees.

The commissioner of transportation shall set position levels for each organizational unit of the department as the work program requires, identify surplus positions, and schedule personnel reductions, first making use of reductions through normal attrition and transfers to other departments.

Sec. 3. HIGHWAYS

Subdivision 1. Planning and Programming .....	3,253,444	3,297,332
Subd. 2. Highway Development ...	156,610,945	156,610,945

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to

	1978	1979
	\$	\$
land owners for lands acquired for highway right of way, payment to lessees, interest subsidies, and relocation expenses.		
Subd. 3. Highway Safety Devices, per Section 219.40 .....	600,000	600,000
Subd. 4. Highway Development Support .....	46,676,695	46,766,149

Design of bridges not funded by the bridge bonding program which have an estimated project cost of less than \$200,000 shall be performed in house by the transportation department. The maximum use of standardized bridges is encouraged.

Subd. 5. Research and Standards ..	1,053,373	1,067,876
Subd. 6. Highway Maintenance		
(a) Maintenance Operations .....	68,029,518	69,687,845

Preventive maintenance of the trunk highway system shall be continued at a level at least equal to that currently provided.

(b) Equipment .....	7,662,343	5,587,120
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Of the amount appropriated in the first year \$400,000 is appropriated from the state airports fund.

Subd. 7. Aids and Assistance  
to Local Governments

(a) State Aid Administration .....	313,313	318,602
(b) County State Aid Distribution .	80,839,800	81,130,800

This appropriation is from the county state-aid highway fund.

(c) Municipal State Aid		
-------------------------	--	--

	1978	1979
	\$	\$
Distribution .....	25,002,000	25,092,000

This appropriation is from the municipal state-aid street fund.

If an appropriation in either (b) or (c) is insufficient to exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of clause (b) or (c), as appropriate.

#### Subd. 8. General Administrative Support

(a) Administrative Support .....	6,036,211	6,101,002
(b) Program Management .....	642,855	652,292
(c) Legal Services .....	555,450	564,192

This appropriation is for the purchase of legal services from or through the attorney general.

#### Subd. 9. Bicycle Trail Program

(a) Development and Grants .....	445,000	445,000
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This appropriation is for the development of bicycle trails primarily on existing road rights of way, as provided in the outdoor recreation bonding act of 1977. This appropriation is from the general fund.

(b) Administration .....	55,000	55,000
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(c) The unexpended balance of the appropriation made by Laws 1976, Chapter 199, Section 18, Subdivision 3 is re-

	1978	1979
	\$	\$

appropriated to the department of transportation for the biennium ending June 30, 1979.

Subd. 10. Principal and Interest on Highway Debt .....	13,104,550	11,607,450
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Principal, interest and debt service costs on state trunk highway fund debt shall be paid from this appropriation rather than from a statutory appropriation for the same purpose. If this appropriation is insufficient to pay all principal and interest coming due in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then pay that amount pursuant to the statutory appropriation.

Subd. 11. Sound Enforcement Study .....	38,000	-0-
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This appropriation is to the commissioner of public safety for the sound enforcement study required by this act.

#### Sec. 4. AERONAUTICS

##### Subdivision 1. Airport Development and Assistance

(a) Construction Grants .....	6,674,923	6,074,923
(b) Maintenance Grants .....	1,001,407	1,001,407

If the appropriation in (a) and (b) above for either year is insufficient, the appropriation for the other year is available for it.

Reimbursements from municipalities for striping runways shall be deposited in the state airport fund.

(c) Navigational Aids .....	595,149	595,149
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	1978	1979
	\$	\$

The appropriations in (a), (b), and (c) are from the state airports fund and shall be expended only for grant-in-aid programs for airports that are not state owned. These appropriations are to be expended in accordance with Minnesota Statutes, Section 360.305, Subdivision 4, Clauses (1), (2), (4) and (5).

The commissioner of transportation may transfer unencumbered balances among the appropriations in (a), (b), and (c) with the approval of the governor after consultation with the legislative advisory commission.

(d) Construction and Maintenance Support .....	402,598	405,362
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Notwithstanding the provisions of Minnesota Statutes, Section 360.021, Subdivision 1, or any other law to the contrary, the commissioner of transportation shall acquire no additional state airports, nor shall he establish any additional state-owned airports during the biennium ending June 30, 1979.

No money shall be expended by the commissioner of transportation under the appropriations made in this subdivision, or any other law, for land acquisition, or for the construction, improvement, maintenance of airports, except for maintenance of the state owned airport at Pine Creek, or for air navigation facilities for an airport, unless the governmental unit involved has or is establishing a zoning authority for that airport, and the authority has made a good faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with Minnesota Statutes, Sections 360.061 to 360.074.

The commissioner of transportation shall make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.

	1978	1979
	\$	\$
Subd. 2. Safety Education and Aviation Regulation		
(a) Safety Education .....	53,360	53,692
(b) Aviation Regulation .....	354,134	231,390
Subd. 3. Administrative Support .....	248,545	254,197

For 1977 - \$34,233

The appropriation for 1977 is from the state airports fund; \$15,000 is for operation of aircraft and relocation costs and \$19,233 is for transfer to the general fund in reimbursement for the cost of a legislative audit.

Subd. 4. Start up costs, air transportation revolving account .....	50,000
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The commissioner of transportation is authorized to establish an air transportation revolving account within the trunk highway fund. The commissioner shall charge users of any air transportation services provided by the department for all direct and indirect operating costs, excluding salaries and initial cost of acquisition of aircraft. All receipts for these services shall be deposited in the air transportation revolving account and are appropriated to the commissioner to pay all direct and indirect air service operating expenses, excluding salaries.

This appropriation is to the commissioner from the state airports fund for initial air service operating capital, to be deposited in the air transportation revolving account.

This account is available until June 30, 1979 and shall not be used for purchase of aircraft.

Subd. 5. Principal and Interest on Aeronautics Debt. ....	477,610	476,010
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1978

1979

\$

\$

This appropriation is from the state airports fund.

Principal, interest, and debt service costs on state aeronautics fund debt shall be paid from this appropriation rather than from a statutory appropriation for the same purpose. If this appropriation is insufficient to pay all principal and interest coming due in the year in which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then pay that amount pursuant to the statutory appropriation.

Sec. 5. TRANSIT AND RAIL SERVICE IMPROVEMENT

Subdivision 1. Transit Improvement

(a) Planning and Programming	221,560	229,141
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This appropriation is for carrying out the department's transit responsibilities under this act.

(b) Public Transit Assistance and Transportation Management Grants and Expenses	38,400,000
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Of the appropriation in (b), \$38,150,000 is from the general fund, and \$250,000, representing costs of public transit research and departmental administration, is from the trunk highway fund.

Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Of this appropriation, \$9,600,000 is for public transit subsidy program grants pursuant to section 21 of which \$3,300,000 is available for payment pursuant to contracts with the Twin Cities

1978

1979

\$

\$

area metropolitan transit commission for the period from July 1, 1977 to December 31, 1977; \$900,000, is available for payment pursuant to contracts with the Twin Cities metropolitan transit commission after December 31, 1977 for planning and general administration only; and \$4,000,000 is available for payment to eligible recipients outside the metropolitan area; \$900,000 is available for payment to private operators within the metropolitan area; and \$500,000 is available for ongoing paratransit services in the metropolitan area.

\$13,700,000 is for performance funding payments by the commissioner under contracts made pursuant to sections 21 and 46.

\$8,400,000 is for social fare reimbursement grants pursuant to section 21.

\$1,200,000 is for special services for the handicapped grants, for payment by the commissioner to the Twin Cities metropolitan transit commission pursuant to section 21.

\$4,500,000 is for paratransit service demonstration grant programs, for payment by the commissioner under contracts made pursuant to section 22, provided that no more than \$1,000,000 is available for payment to the Twin Cities metropolitan transit commission. This amount is available until expended.

\$750,000 is for regular route transit demonstration program grants, for payment by the commissioner under contracts made pursuant to section 23. This amount is available until expended. The unencumbered balance of the appropriation made by Laws 1975, Chapter 203, Section 11, Subdivision 2, shall not cancel but is available for the biennium ending June 30, 1979.

	1978	1979
\$		\$

\$100,000 is for public transit research and technical and professional assistance pursuant to section 20, subdivisions 3 to 5. From this amount and the appropriation in (a) the commissioner may establish unclassified positions which are in addition to the approved complement of the department of transportation.

\$150,000 is for costs of administration of the programs described in sections 18 to 24 and section 46.

The commissioner of transportation may transfer appropriations among the appropriations in (b), except the appropriations for special services for the handicapped, public transit research, and department of transportation administrative costs, with the approval of the governor after consultation with the legislative advisory commission.

Subd. 2. Rail Service Improvement

(a) Planning and Programming ...	198,593	199,589
(b) Rail Service Improvement Grants .....	3,000,000	

The appropriation in (b) is from the general fund to the rail service improvement account.

(c) Rail Passenger Service Grant ..	650,000
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(d) The sum of \$650,000 is appropriated to a special contingent account for the second year of the biennium, for the purposes of subdivision 2, clause (c). This money is not available for expenditure until authorized by the governor, in accordance with the provisions of Minnesota Statutes, Section 3.30.

The commissioner of transportation shall report to the legislature by January 1, 1978 on the expenditure of money from the appropriation in (c) above, showing the terms of the contract,

	1978	1979
	\$	\$
<p>the number of riders each month during fiscal years 1976, 1977, and the first quarter of fiscal year 1978, the amount of federal subsidy, the amount of state subsidy, and the amount of each subsidy per passenger. In addition, the commissioner shall include a detailed accounting of expenditures under the contract during fiscal years 1976, 1977, and the first quarter of fiscal year 1978 by line item object of expenditure, such as personnel costs, equipment, maintenance, and overhead.</p>		

The appropriations in (c) and (d) are from the general fund.

#### Sec. 6. TRANSPORTATION REGULATION

Subdivision 1. Common Carrier Rate Regulation .....	77,360	78,696
Subd. 2. Common Carrier Route and Schedule Approval .....	423,363	399,321
Subd. 3. Rail Crossing and Safety Standards .....	45,973	46,685

#### Sec. 7. TRANSFERS

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund made in this act and may change the composition of budgetary programs and activities in order to be consistent with the functional organization of the new department.

No transfer shall be made from the appropriation for highway development in section 3, subdivision 2, except to the appropriation for highway maintenance in section 3, subdivision 6, nor shall any transfer be made from highway maintenance, except with the approval of the

1978

1979

\$

\$

governor after consultation with the legislative advisory commission. No transfer shall be made from the appropriation for debt service in section 3, subdivision 10, to any other appropriation.

Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives. The commissioner of transportation shall keep records and report to the legislature by January 1, 1979 on the relationship between the appropriations made by this act and the purposes for which the money is expended and encumbered.

#### Sec. 8. CONTINGENT APPROPRIATION

The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the trunk highway fund to the appropriation for highway development or for highway maintenance in order to meet an emergency or to take advantage of an unanticipated receipt of income to the trunk highway fund. The amount transferred is appropriated for the purpose of the account to which it is transferred.

#### Sec. 9. REIMBURSEMENT

Subdivision 1. The sums of \$1,058,637 for the first year and \$944,641 for the second year are appropriated from the state airports fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1978 and January 1, 1979, respectively, in order to reimburse the trunk highway fund for expenses not related to trunk highways.

These represent amounts appropriated out of the trunk highway fund for aero-

	1978	1979
	\$	\$
nautics purposes as follows: section 4, subdivision 1, clause (d), and subdivisions 2 and 3.		

Subd. 2. The sums of \$1,271,849 for the first year and \$1,008,432 for the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1978 and January 1, 1979, respectively, in order to reimburse the trunk highway fund for expenses not related to trunk highways.

These represent amounts appropriated out of the trunk highway fund for general fund purposes as follows: section 3, subdivision 9, clause (b); section 5, subdivision 1, clause (a) and the administrative portion of clause (b), and subdivision 2, clause (a); and section 6.

Sec. 10. [COMPUTER SYSTEM DEVELOPMENT.] *In all cases where an appropriation made in this act includes money for computer system development, development shall not proceed beyond PRIDE phase I until the project has been reviewed and approved by the commissioners of administration and finance. All approved projects shall be reported to the chairmen of the house appropriation committee and senate finance committee to receive their recommendation on the project. A recommendation is advisory only. In the case of rejected projects, the commissioner of finance shall cancel the unencumbered balance of the appropriation allotted for development of the project.*

Sec. 11. Minnesota Statutes 1976, Section 16.72, Subdivision 5, is amended to read:

Subd. 5. [MONEYS COLLECTED.] All moneys collected by the commissioner of administration as rents, charges, or fees in connection with and for the use of any parking lot or facility are appropriated to the commissioner of administration for the purpose of operating, maintaining, and improving parking lots or facilities owned or operated by the state of Minnesota and to carry out the purposes of this section, *except as provided in section 12.*

Sec. 12. Minnesota Statutes 1976, Section 16.72, is amended by adding a subdivision to read:

Subd. 8. *The commissioner of administration shall impose a surcharge of 25 percent for vehicles occupied by only one per-*

son parking in a state parking facility in the capitol area, as described by section 15.50, subdivision 2. The revenue from this additional charge shall be placed by the commissioner in a special account. For the benefit of employees employed in the capitol area, the money in the account shall be used by the commissioner to acquire or lease commuter vans pursuant to section 16.756 and, within such limits and upon such conditions as the commissioner determines to be necessary, to reimburse state departments or agencies for costs resulting from agreements with the metropolitan transit commission or other operators pursuant to section 37. The commissioner may adopt rules necessary to administer the provisions of sections 11, 12 and 37.

Sec. 13. Minnesota Statutes 1976, Section 161.125, Subdivision 1, is amended to read:

161.125 [SOUND ABATEMENT ALONG HIGHWAYS.] Subdivision 1. The commissioner of transportation shall (CAUSE TO BE CONSTRUCTED AND MAINTAINED ADEQUATE AND EFFECTIVE ACCOUSTICAL BARRIERS OR IMPLEMENT OTHER), in accordance with the department's program, implement sound abatement (PROGRAMS IN) measures within or along the perimeter of any interstate or trunk highway within incorporated areas located within the metropolitan area or in any municipality whenever the noise level attributable to vehicular traffic at the abutting residential property line is in excess of the federal noise standards. The commissioner shall utilize available federal matching funds in constructing and maintaining the accoustical barriers.

Sec. 14. Minnesota Statutes 1976, Section 161.125, is amended by adding a subdivision to read:

Subd. 3. [SOUND ABATEMENT MEASURES.] For the purpose of this section, sound abatement measures include but are not limited to the following:

(a) traffic management measures, including reduced speed limits or exclusion and rerouting of excessively noisy vehicles;

(b) design and construction measures, including use of sound absorbing road surface materials, landscaping and planning, acquisition of buffer zones or noise insulation of buildings on abutting property;

(c) enforcement of the motor vehicle source noise limits of the pollution control agency and of the federal bureau of motor carrier safety; and

(d) other measures designed for the purpose of reducing motor vehicle source noise or reducing the effects of that noise. The commissioner of public safety shall cooperate with the

commissioner of transportation in implementing any sound abatement measures that include law enforcement activities.

Sec. 15. [SOUND ENFORCEMENT STUDY; REPORT.] *The commissioner of public safety in cooperation with the pollution control agency and the commissioner of transportation, after appropriate research and testing shall, if possible, acquire a directional noise monitoring device that is effective in measuring the noise level of individual motor vehicles and can be operated from a stationary or moving patrol car by a single law enforcement officer for the purpose of enforcing motor vehicle source noise standards. The commissioner of public safety and the commissioner of transportation shall jointly submit a report of the findings of this research and testing to the legislature no later than December 31, 1977. This report shall include:*

(a) *an analysis of alternative types of noise monitoring devices and a description of the cost and capabilities of each type; and*

(b) *an analysis and estimate of the number and the cost of additional state patrol officers, or other enforcement officers, noise monitoring devices and other facilities necessary to achieve effective enforcement of state motor vehicle source noise limits within incorporated areas on interstate highways and on other trunk highways in the state.*

Sec. 16. [COMPLETION OF ACOUSTICAL BARRIERS.] *Notwithstanding any other provisions of this act, the commissioner of transportation may complete the construction of any acoustical barrier authorized by law prior to the effective date of this act for which construction began or a contract was let or federal design approval or a resolution of a city council requesting construction was received on or before June 30, 1977, and for that purpose may expend money authorized for expenditure for sound abatement measures.*

Sec. 17. Minnesota Statutes 1976, Section 169.86, is amended by adding a subdivision to read:

*Subd. 6. [ARTICULATED BUSES.] Articulated buses operated by public transit operators may exceed the length and weight limitations of this chapter, subject only to an annual permit from the commissioner for such operation, and shall not be subject to any city ordinance or to any permit from any local road authority. The application for a permit shall contain such information as may be required by the commissioner.*

Sec. 18. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.21] [PUBLIC TRANSIT ASSISTANCE AND TRANSPORTATION MANAGEMENT; PURPOSE.] *It is the purpose*

of sections 18 to 24 to increase vehicle occupancy, to reduce the use of vehicles occupied by only one person and the congestion, pollution, energy consumption, highway damage, and other costs associated with such use and to increase the efficiency and productivity of and benefit from public investments in road space and transportation and transit facilities and systems in the state.

Sec. 19. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.22] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 18 to 24 the following terms have the meaning given them.*

*Subd. 2. "Commuter van" has the meaning given it in section 221.011, subdivision 22, clause (1).*

*Subd. 3. "Metropolitan council" means the council established by section 473.123.*

*Subd. 4. "Metropolitan transit commission" means the commission established by section 473.404.*

*Subd. 5. "Operating deficit" means the amount by which the total prudent operating expenses incurred in the operation of the public transit system exceeds the amount of operating revenue derived therefrom and the amount of any social fare reimbursement pursuant to section 21, subdivision 4.*

*Subd. 6. "Paratransit" means the transportation of passengers by motor vehicle or other means of conveyance by persons operating on a regular and continuing basis and the transportation or delivery of packages in conjunction with an operation having the transportation of passengers as its primary and predominant purpose and activity, but excluding regular route transit. "Paratransit" includes transportation by car pool and commuter van, point deviation and route deviation services, shared-ride taxi service, dial-a-ride service, and other similar services.*

*Subd. 7. "Public transit" or "transit" means general or specific transportation service provided to the public on a regular and continuing basis. "Public transit" or "transit" includes paratransit and regular route transit.*

*Subd. 8. "Regular route transit" means transportation of passengers for hire by a motor vehicle or other means of conveyance by any person operating on a regular and continuing basis as a common carrier on fixed routes and sched-*

*ules. "Regular route transit" does not include transportation of children to or from school or of passengers between a common carrier terminal station and a hotel or motel, transportation by common carrier railroad or common carrier railroads or by taxi, transportation furnished by a person solely for his or its employees or customers, or paratransit.*

Sec. 20. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.23] [GENERAL POWERS AND DUTIES.] *Subdivision 1. [GENERAL.] The commissioner shall have all powers necessary and convenient to carry out the provisions of sections 18 to 24 including the power to: (a) review applications for financial assistance, execute contracts, and obligate and expend program funds, upon conditions and limitations as the commissioner deems necessary for purposes of program and project implementation, operation, and evaluation, (b) accept and disburse federal funds available for the purposes of sections 18 to 24, and (c) act upon request as the designated agent of any eligible person for the receipt and disbursal of federal funds. The commissioner shall perform the duties and exercise the powers under sections 18 to 24 in coordination with and in furtherance of state-wide, regional, and local transportation plans and transportation development programs.*

*Subd. 2. [FINANCIAL ASSISTANCE.] The commissioner shall seek out and select eligible recipients of financial assistance under sections 18 to 24. The commissioner shall establish by rule the procedures and standards for review and approval of applications for financial assistance submitted to the commissioner pursuant to sections 18 to 24. Any applicant shall provide to the commissioner any financial or other information required by the commissioner to carry out his duties. The commissioner may require local contributions from applicants as a condition for receiving financial assistance. The commissioner shall not approve any grant unless: (1) the application for the grant has been reviewed and approved by the appropriate regional development commission or the metropolitan council only for consistency with regional transportation plans and development guides; and (2) in the case of a project to be operated in the metropolitan area, the application has been reviewed by the metropolitan transit commission for consistency with its transportation development program. Any regional development commission that has not adopted a transportation plan may review but may not approve or disapprove of any application.*

*Subd. 3. [TECHNICAL AND PROFESSIONAL ASSISTANCE.] The commissioner shall offer, use, and apply the information developed pursuant to sections 18 to 24 to assist and advise political subdivisions and recipients of financial assistance in the planning, promotion, development, operation, and evaluation of programs and projects to accomplish the purposes*

*of sections 18 to 24. The commissioner shall seek out and select eligible recipients of such technical and professional assistance.*

*Subd. 4. [RESEARCH; EVALUATION.] The commissioner shall conduct research and shall study, analyze, and evaluate concepts, techniques, programs, and projects to accomplish the purposes of sections 18 to 24, including traffic operations improvements, preferential treatment and other encouragement of transit and paratransit services and high-occupancy vehicles, improvements in the management and operation of regular route transit services, special provision for pedestrians and bicycles, management and control of parking, changes in work schedules, and reduction of vehicle use in congested and residential areas. The commissioner shall examine and evaluate such concepts, techniques, programs, and projects now or previously employed or proposed in this state and elsewhere. The commissioner or an independent third party under contract to the commissioner shall monitor and evaluate the management and operation of public transit systems, services, and projects receiving financial or professional and technical assistance under sections 18 to 24 or other state programs to determine the manner in which and the extent to which such systems, services, and projects contribute or may contribute to the purposes of sections 18 to 24. The commissioner shall develop and promote proposals and projects to accomplish the purposes of sections 18 to 24 and shall actively solicit such proposals from municipalities, counties, legislatively established transit commissions and authorities, regional development commissions, the metropolitan council, and potential vendors. In conducting such activities the commissioner shall make the greatest possible use of already available research and information. The commissioner shall use the information developed under sections 18 to 24 in developing or revising the state transportation plan.*

*Subd. 5. [REPORTS.] By November 1, 1977, and thereafter in odd-numbered years the commissioner shall report to the appropriate committees of the legislature describing the intended activities under sections 18 to 24 for the biennium. By November 15, 1978, and thereafter in even-numbered years the commissioner shall report to the legislature on progress in achieving the purposes of sections 18 to 24. The report shall include a summary and evaluation of the results of the programs and the financial, technical, and professional assistance provided under sections 18 to 24; a description of the efforts of the commissioner to propose, advocate, and promote projects to accomplish the purposes of sections 18 to 24; an analysis of the role of private providers in the delivery of public transit services and recommendations for funding private and public providers and for coordinating the delivery of transit services by private and public providers; and the commissioner's findings, conclusions, and recommendations respecting the manner in which and the extent to which the programs, projects, and research under sections 18 to 24 contribute or may contribute to the purposes of sections 18 to 24.*

Sec. 21. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.24] [PUBLIC TRANSIT SUBSIDY PROGRAM.]  
*Subdivision 1. [ESTABLISHMENT; PURPOSE.] A public transit subsidy program is established to provide financial assistance from the state to eligible recipients. The purpose of the public transit subsidy program shall be to supplement local effort in financing public transit systems in order to preserve and develop public transit and a balanced transportation system in the state.*

*Subd. 2. [ELIGIBILITY; APPLICATIONS.] Any legislatively established public transit commission or authority, any county or statutory or home rule charter city providing financial assistance to or operating public transit, any private operator of regular route transit, or any combination thereof is eligible to receive financial assistance through the public transit subsidy program.*

*Subd. 3. [FINANCIAL ASSISTANCE.] Payment of financial assistance shall be by contract between the commissioner and an eligible recipient. The commissioner shall determine the operating deficit of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles, provided that any financial assistance received from any agency of the federal government for the operation of a public transit system shall be treated as revenue for the purposes of determining the operating deficit. Where more than one county or municipality contributes assistance to the operation of a public transit system the commissioner shall identify one as lead agency for the purpose of receiving moneys under this section. Payments shall not exceed two-thirds of the operating deficit of a public transit system, except that payments to eligible recipients who are private operators in the transit taxing district defined in section 473.446, subdivision 2, may be up to 100 percent of the operating deficit. Payments to the metropolitan transit commission shall be based upon a performance funding system established by the commissioner or otherwise provided by law.*

*Subd. 4. [SOCIAL FARE REIMBURSEMENT.] The commissioner shall reimburse the metropolitan transit commission and any private operators in the transit taxing district defined in section 473.446, subdivision 2 for the difference between the full fare otherwise charged by the commission or private operator and the fare actually charged for any regular route transit service passenger pursuant to the social fare provisions of section 36, subdivision 3. Reimbursement shall be paid monthly upon a report by the commission or private operator of the number of reduced fare passengers carried for the preceding calendar month in each reduced fare category and the total amount*

*that otherwise would have been charged for the service by the commission or private operator on a full fare basis.*

Sec. 22. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

**[174.25] [PARATRANSIT SERVICE DEMONSTRATION GRANT PROGRAM.]** *Subdivision 1. [PURPOSE.] A paratransit service demonstration grant program is established to plan, promote, demonstrate, and evaluate the effectiveness, cost, and efficiency of paratransit as a means of accomplishing the following objectives:*

*(a) to provide transportation services in those areas inefficiently or inadequately served by regular route transit;*

*(b) to provide transportation services which improve the accessibility and productivity of regular route transit;*

*(c) to provide transportation services for persons who because of age or incapacity are unable to drive a private automobile or use existing modes of public transit.*

**Subd. 2. [ELIGIBILITY; APPLICATIONS.]** *Any public or private agency, entity, or person is eligible to receive financial assistance through the paratransit service demonstration program. Applications for grants shall be approved or denied by the commissioner within 120 days of receipt.*

Sec. 23. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

**[174.26] [REGULAR ROUTE TRANSIT DEMONSTRATION GRANT PROGRAM.]** *Subdivision 1. [PURPOSE.] A regular route transit demonstration program is established to demonstrate new regular route transit services and to improve the patronage and productivity of existing regular route transit services.*

**Subd. 2. [ELIGIBILITY.]** *Any eligible applicant under section 21, subdivision 2, operating, intending to operate, or assisting in the operation of regular route transit service is eligible to receive financial assistance through the regular route transit demonstration program.*

Sec. 24. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

**[174.27] [PUBLIC EMPLOYER COMMUTER VAN PROGRAMS.]** *Any statutory or home rule charter city, county,*

*school district, independent board or agency may acquire or lease commuter vans, enter into contracts with another public or private employer to acquire or lease such vans, or purchase such a service for the use of its employees. The governing body of any such city, county, or school district may by resolution establish a commuter van revolving fund to be used to acquire or lease commuter vans for the use of its employees. Any payments out of the fund shall be repaid to the fund out of revenues derived from the use by the employees of the city, county, or school district, of the vans so purchased or leased. For the purpose of establishing the fund any city, county, or school district is authorized to make a one time levy not to exceed one tenth of a mill in excess of all taxing limitations, without affecting the amount or rate of taxes which may be levied by the city, county, or school district for other purposes or by any local governments in the area. Any city, county, or school district which establishes a commuter van acquisition program or contracts for this service is authorized to levy a tax not to exceed 1/100 mill for the purpose of paying the administrative and promotional costs of the program which levy shall be in excess of all taxing limitations, without affecting the amount or rate of taxes which may be levied by the city, county, or school district for other purposes or by a local government in the area. The governing body of any city, county, or school district may by resolution terminate the commuter van revolving fund and use the funds for other purposes authorized by law.*

**Sec. 25. [EMERGENCY RULES.]** *The commissioner of transportation may exercise emergency rulemaking authority as provided in section 15.0412, subdivision 5, to implement the provisions of sections 18 to 24. The commissioner shall solicit information and opinions from outside the department as provided in section 15.0412, subdivision 6, prior to adopting these rules. Notwithstanding the provisions of section 15.0412, subdivision 5, any rules adopted under this section shall be effective until permanent rules are adopted pursuant to chapter 15 or until July 1, 1978, whichever occurs first. This section shall expire on July 1, 1978.*

**Sec. 26.** Minnesota Statutes 1976, Section 174.50, Subdivision 7, is amended to read:

**Subd. 7.** The commissioner of transportation shall develop rules, standards and criteria, including bridge specifications, in cooperation with road authorities of political subdivisions, for use in the administration of funds appropriated to the commissioner and for the administration of grants to subdivisions. (DESIGNS OF BRIDGES UNDER THE TRUNK HIGHWAY SYSTEM, WHICH HAVE AN ESTIMATED PROJECT COST OF LESS THAN \$200,000, SHALL BE PERFORMED IN-HOUSE BY THE TRANSPORTATION DEPARTMENT.) The maximum use of standardized bridges is encouraged. Funds appropriated to the commissioner from the Minnesota state trans-

portation fund shall be segregated from the highway tax user distribution fund and other funds created by article XIV of the constitution.

Sec. 27. Minnesota Statutes 1976, Section 219.40, is amended to read:

219.40 [DETERMINATION; ORDER; FLAGMEN OR SAFETY DEVICE.] If a complaint is made under section 219.39, the commissioner shall determine whether the crossing is dangerous and may with or without a hearing require the railroad company complained of to provide flagmen at such crossing, or to adopt such safety devices as the commissioner may deem necessary for the proper protection of the crossing, or may require the removal of any structure, embankment or other obstruction to the view, or may require the crossing complained of or other crossing in the vicinity thereof closed, or it may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state transportation department interested, on such terms and conditions as may seem just and equitable. Where the railroad has been constructed or the grade thereof lowered after the laying out of the highway and the railroad tracks are seven feet or more below the natural surface of the ground, the commissioner may require the maintenance of an overhead bridge with suitable approaches and require the complaining city, town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing; provided, that no highway shall be laid out over any railroad so as to cross at the same grade until such crossing has been approved by the commissioner. If the complainant or the railroad files exceptions to an order of the commissioner made under this section without a hearing, the commissioner shall convene a hearing on the original complaint. If the commissioner or his designee after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as defined by rule of the commissioner, of said safety device, gates, or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, he may in the same order direct that the costs thereof be divided between the railroad company and the public authority involved on such basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the commissioner or his designee on the basis of benefit to the users of each; or the commissioner or his designee may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where a state trunk highway is involved, the state's share of the costs shall be paid from any funds available to the department of transportation. In all other cases the

public's share of the costs shall be paid from available funds or from the (MINNESOTA) *trunk* highway (SAFETY ACCOUNT) *fund*, if ordered by the commissioner or his designee, or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for such costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created.

Sec. 28. Minnesota Statutes 1976, Section 299D.03, Subdivision 5, is amended to read:

Subd. 5. [FINES AND FORFEITED BAIL MONEY.] All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by such employees, shall be paid by the justice of the peace, or such other person or officer collecting such fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of such receipts shall be credited to the general revenue fund of the county. The other five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to (A SEPARATE ACCOUNT) *the trunk highway fund*. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall (NEXT) be paid from (SUCH ACCOUNT) *appropriations for that purpose*. (THEREAFTER COMMENCING JULY 1, 1973, THE SUM OF \$50,000 SHALL BE CREDITED ON THE FIRST DAY OF EACH MONTH FROM SUCH ACCOUNT TO THE MINNESOTA HIGHWAY SAFETY ACCOUNT, WHICH SUM SHALL BE DISBURSED ONLY AS PROVIDED FOR IN SECTIONS 219.40 AND 219.401. THEREAFTER ON THE FIRST DAY OF EACH CALENDAR MONTH THE MONEY REMAINING IN SUCH ACCOUNT, NOT NEEDED FOR THE PURPOSES SPECIFIED IN THIS SUBDIVISION, SHALL BE CREDITED TO THE TRUNK HIGHWAY FUND.)

Sec. 29. Minnesota Statutes 1976, Section 473.121, Subdivision 18, is amended to read:

Subd. 18. "Operator" means any person engaged or seeking to engage in the business of providing public transit (, BUT DOES NOT INCLUDE PERSONS ENGAGED PRIMARILY

IN THE TRANSPORTATION OF CHILDREN TO OR FROM SCHOOL, IN OPERATING TAXICABS, IN OPERATING BUSES, LIMOUSINES, OR OTHER MEANS FOR THE TRANSPORTATION OF PASSENGERS BETWEEN A COMMON CARRIER TERMINAL STATION AND A HOTEL OR MOTEL, IN OPERATING A COMMON CARRIER RAILROAD OR COMMON CARRIER RAILROADS, OR A PERSON FURNISHING TRANSPORTATION SOLELY FOR HIS OR ITS EMPLOYEES OR CUSTOMERS).

Sec. 30. Minnesota Statutes 1976, Section 473.121, is amended by adding a subdivision to read:

*Subd. 18a. "Paratransit" has the meaning given in section 19, subdivision 6.*

Sec. 31. Minnesota Statutes 1976, Section 473.121, Subdivision 19, is amended to read:

*Subd. 19. "Public transit" or "transit" means transportation of passengers for hire within the transit area by means (, WITHOUT LIMITATION,) of a (STREET RAILWAY, ELEVATED RAILWAY, SUBWAY, UNDERGROUND RAILROAD,) motor (VEHICLES, BUSES) vehicle or other means of conveyance by any person operating as a common carrier on (A REGULAR ROUTE OR) fixed routes (, OR ANY COMBINATION THEREOF; PROVIDED, HOWEVER, THAT) and schedules. "Public transit" shall not include transportation of children to or from school or of passengers between a common carrier terminal station and a hotel or motel, transportation by a common carrier railroad or common carrier railroads or by taxi, transportation furnished by a person solely for his or its employees or customers, or paratransit.*

Sec. 32. Minnesota Statutes 1976, Section 473.121, Subdivision 20, is amended to read:

*Subd. 20. "Public transit system" or "transit system" means, without limitation, a combination of property, structures, improvements, equipment, plants, parking or other facilities, and rights, or any thereof, used or useful for the purposes of public transit.*

Sec. 33. Minnesota Statutes 1976, Section 473.402, is amended to read:

**473.402 [LEGISLATIVE DETERMINATION, POLICY, PURPOSE AND GOALS.] Subdivision 1.** The legislature finds and determines that (NEARLY HALF THE PEOPLE OF THE STATE LIVE IN THE METROPOLITAN TRANSIT AREA HEREINAFTER ESTABLISHED. THE POPULATION OF THAT AREA IS GROWING FASTER THAN IN ANY

OTHER AREA OF THE STATE, AND IT IS CONTINUALLY VISITED BY LARGE NUMBERS OF PEOPLE FROM OTHER PARTS OF THE STATE, RESULTING IN A HEAVY AND STEADILY INCREASING CONCENTRATION OF RESIDENT AND TRANSIENT POPULATION AND CREATING SERIOUS PROBLEMS OF PUBLIC TRANSIT AND PUBLIC HIGHWAY TRAFFIC IN THE AREA. THE PRESENT PUBLIC TRANSIT SYSTEMS IN THE AREA CONSIST LARGELY OF BUS LINES USING THE PUBLIC HIGHWAYS AND STREETS. THESE SYSTEMS ARE INADEQUATE TO MEET THE NEEDS FOR PUBLIC TRANSIT IN THE AREA. A MAJOR PART OF THE TRANSPORTATION OF PEOPLE IN THE AREA IS PROVIDED BY PRIVATE MOTOR VEHICLES. ALL OF THE FOREGOING ADDS HEAVILY TO THE TRAFFIC LOAD ON THE STATE HIGHWAYS WHICH CONSTITUTE THE MAIN ROUTES OF TRAVEL TO, FROM, AND THROUGH THE AREA, AGGRAVATING THE CONGESTION AND DANGER OF ACCIDENTS THEREON, POLLUTING THE SURROUNDING AIR, INTENSIFYING THE WEAR AND TEAR ON THOSE HIGHWAYS AND STREETS, INCREASING THE COST OF MAINTENANCE THEREOF, AND THE NUMBER, SIZE, AND COST OF NEW HIGHWAYS THAT MUST BE CONSTRUCTED IN THE AREA. THESE EFFECTS WILL PROGRESSIVELY GROW WORSE AS THE POPULATION OF THE AREA INCREASES, IMPOSING SERIOUS HANDICAPS ON THE BUSINESS, INDUSTRY, PROPERTY DEVELOPMENT, RECREATION, AND OTHER BENEFICIAL ACTIVITIES OF THE RESIDENTS OF THE AREA AND VISITORS THERETO, AND CAUSING SEVERE AND WIDESPREAD HARM TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE AREA AND THE ENTIRE STATE. IT IS BEYOND THE CAPACITY OF THE PRESENT OPERATORS OF PUBLIC TRANSIT SYSTEMS AND OTHER EXISTING PUBLIC AND PRIVATE AGENCIES UNASSISTED TO MAKE ADEQUATE PROVISION FOR PUBLIC TRANSIT IN THE AREA OR FOR DEALING EFFECTIVELY WITH THE AFORESAID PROBLEMS AND CONDITIONS THEREIN. THE LEGISLATURE THEREFORE DECLARES AS THE PUBLIC POLICY OF THE STATE THAT), for the protection and advancement of the public health, safety, and welfare of the metropolitan (TRANSIT) area and the entire state, and in order to provide for adequate public transit and *paratransit* within the area (, REDUCE THE TRAFFIC CONGESTION AND HAZARDS ON THE STATE AND OTHER HIGHWAYS AND STREETS THEREIN, AND RELIEVE THE OTHER HARMFUL CONDITIONS AFORESAID) *to increase vehicle occupancy, and to reduce the use of vehicles occupied by only one person and the congestion, energy consumption, highway damage, pollution, waste, and other costs associated with such use,* there is (URGENT) need for the establishment of (THAT) *the transit area* (AS) herein defined, for the creation of a metropolitan transit commission therefor with the powers and duties herein prescribed, for the implementation of a comprehensive transporta-

tion policy plan for the area and for the other measures herein provided (FOR).

*Subd. 2. The metropolitan transit commission, in addition to other duties and purposes, shall have the following performance goals:*

*(a) To increase the number of persons riding and the rate at which persons are diverted from driving to riding;*

*(b) To achieve the fullest and most efficient use of public resources and investments in public transit and paratransit;*

*(c) To increase service levels within geographic areas and on routes and route segments characterized by high density of demand for service, transit dependent population, and little or no subsidy per passenger.*

Sec. 34. Minnesota Statutes 1976, Section 473.405, Subdivision 1, is amended to read:

Subdivision 1. [LEGAL STATUS; GENERAL POWERS.]

(a) The transit area, with the commission as its governing body, shall be a public corporation and a political subdivision of the state. All the powers vested and obligations or duties imposed upon the commission and acts of the commission by sections 473.401 to 473.451 shall be deemed to be those of the transit area wherever necessary or appropriate, and shall be exercised, performed, and discharged in behalf of the area by the commission in its name as a public corporation and with like force and effect as if done in the name of the area, and for all such purposes, the commission shall have the same status and powers as the area, all subject to the provisions of section 473.449. The chairman and secretary of the commission shall have such powers as are delegated to them by the commission.

(b) The commission shall have the power to plan, engineer, construct, equip, and operate transit and paratransit systems, (TRANSIT) projects, or any parts thereof, including (TRANSIT) road lanes or rights of way, terminal facilities, maintenance and garage facilities, ramps, parking areas, and any other facilities useful for or related to any public transit or paratransit system or project. The commission may acquire by purchase, lease, gift, or condemnation proceedings any real or personal property, franchises, easements, or other rights of any kind for such purposes, or which may be necessary or proper for the discharge of its powers and duties. The commission shall have the power to acquire by purchase, lease, gift, or condemnation proceedings any existing public transit system or any part thereof, including all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and

papers, documents and records belonging to any operator of a public transit system within the transit area, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The (COMMISSIONER) *commission* may not acquire any existing public transit system until such acquisition has been approved by a majority of the metropolitan council. The commission may hold, use, improve, operate, maintain, lease, exchange, transfer, sell, or otherwise dispose of any of its property or rights to others and may contract with any operator or other persons for the use by any such operator or person of any such property or facilities under its control.

The commission, if it proceeds to acquire any existing public transit system or any part thereof by condemnation, shall have the power to take control of and operate such system immediately following the filing and approval of the initial petition for condemnation, if the commission, in its discretion, determines such action to be necessary. This power shall include the possession of all right, title and other powers of ownership in all properties and facilities described in the petition. Such action shall be taken by resolution which shall be effective upon service of a copy thereof on the condemnee and the filing of the resolution in the condemnation action. In the determination of the fair value of the existing public transit system, there shall not be included any value attributable to expenditures for improvements made by the transit commission.

The commission may continue or terminate within three months of acquisition any advertising contract in existence by and between any advertiser and a transit system that the commission has acquired. If the commission determines to terminate such advertising contract, it shall acquire all of the advertiser's rights under the contract by purchase or eminent domain proceedings as provided by law.

The commission may sue and be sued and may enter into contracts which may be necessary or proper. The commission may accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity for such purposes, may enter into any agreement required in connection therewith, may comply with any federal or state laws or regulations applicable thereto, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. The commission may establish an executive committee, a finance committee, and such other committees of its members as it deems necessary or proper in furtherance of the provisions of sections 473.401 to 473.451, and may authorize them to exercise in the intervals between commission meetings any powers of the commission except those expressly required by law to be exercised by the commission.

Sec. 35. Minnesota Statutes 1976, Section 473.405, Subdivision 2, is amended to read:

Subd. 2. [MANAGEMENT CONTRACTS.] Notwithstanding any of the other provisions of sections 473.401 to 473.451, the commission shall have powers, in lieu of directly operating any public transit system, or any part thereof, to enter into management contracts with any persons, firms, or corporations for the management of said system for such period or periods of time, and under such compensation and other terms and conditions as shall be deemed advisable and proper by the commission and such persons, firms, or corporations.

Such persons, firms, or corporations entering into management contracts with the commission may employ necessary personnel for the operation and maintenance of said system as well as perform consulting and supervisory services for the commission. An incentive fee may be included in any management contract that is negotiated. The employees of any public transit system operated pursuant to the provisions of this subdivision shall, in case of any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, have the right, for the purpose of resolving such dispute, either to engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law.

Whenever the commission shall directly operate any public transit system, or any part thereof, or enter into any management contract or other arrangement for the operation thereof, the commission shall take such action as may be necessary to extend to employees of affected public transit systems in the area, in accordance with seniority, the first opportunity for reasonably comparable employment in any available non-supervisory jobs in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits, and rights and privileges pertaining thereto.

The commission may enter into an agreement specifying fair and equitable arrangements to protect the interests of employees who may be affected if the commission should acquire any interest in or purchase any facilities or other property of a (PRIVATE) *privately owned and operated* transit system, or construct, improve, or reconstruct any such facilities or other such property acquired from any such system, or provide by contract or otherwise for the operation of (MASS) transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing transit system. Such agreement, specifying the terms and conditions of the protective arrangements, shall comply with any applicable requirements of sections 473.401 to 473.451, and with the requirements of any federal law or regulation if federal aid is involved. Such an agreement may provide for final and binding arbitration of any dispute.

Sec. 36. Minnesota Statutes 1976, Chapter 473, is amended by adding a section to read:

[473.408] [FARE POLICY.] *Subdivision 1. [DEFINITIONS.] "Off-peak hours" means the time from 9:00 a.m. to 3:30 p.m. and 6:30 p.m. until the last bus on Monday through Friday of each week and all day Saturday, Sunday, and holidays designated by the commission.*

*Subd. 2. [FARE POLICY.] Fares and fare collection systems shall be established and administered to accomplish the following purposes:*

*(a) To encourage and increase transit and paratransit ridership with an emphasis on regular ridership;*

*(b) To restrain increases in the average operating subsidy per passenger;*

*(c) To ensure that no riders on any route pay more in fares than the average cost of providing the service on that route;*

*(d) To ensure that operating revenues are proportioned to the cost of providing the service so as to reduce any disparity in the subsidy per passenger on routes in the transit system; and*

*(e) To implement the social fares as set forth in subdivision 3.*

*Subd. 3. [SOCIAL FARES.] In off-peak hours the commission and other operators shall charge the following reduced fares for transit service:*

*(a) ten cents plus any zone charges for all persons under the age of 18 holding an identification card issued by the commission;*

*(b) free fares for all persons 65 years of age and over holding a medicare card or other identification card authorized or approved by the commission; and*

*(c) not more than one-half of the full fare for all handicapped persons, as defined by the commission.*

*Subd. 4. [DOWNTOWN CIRCULATION FARES.] The commission and other operators may charge not less than ten cents for service on any route providing circulation service in a downtown area or community activity center. The commission and other operators shall not contribute more than 50 percent of the operating deficit of any such route that is confined to a downtown area or community activity center.*

*Subd. 5. [OTHER REDUCED FARES PROHIBITED; EXCEPTION.] Except for the advance sale of service through special passes or for other special promotional efforts, and except as provided in subdivisions 3 and 4, the commission and other operators shall not grant any reduced fares for regular route bus service.*

Sec. 37. Minnesota Statutes 1976, Chapter 473, is amended by adding a section to read:

[473.409] [AGREEMENTS WITH COMMISSION; ENCOURAGEMENT OF TRANSIT USE.] *A state department or agency, including the legislative branch, any local governmental unit, the metropolitan council, or other metropolitan commission may enter into an agreement with the transit commission and other operators for the purpose of encouraging the use of transit by its employees residing in the metropolitan area. The agreement may provide for, among other things: (a) the advance purchase of tokens, tickets or other devices from the commission or other operator for use in lieu of fares on vehicles operated by the commission or other operator; and (b) special transit service for employees to and from their place of employment, at fares to be agreed upon by the contracting parties. The tokens, tickets, or other devices or services may be made available to employees at reduced rates. Any such agreement and arrangement by a state department or agency shall be submitted to the commissioner of administration for approval before execution. Any operating deficits or subsidy resulting from such agreements shall be assumed by the contracting department, agency, governmental unit, council, or other commission, unless otherwise provided in the agreement.*

Sec. 38. Minnesota Statutes 1976, Section 473.411, Subdivision 1, is amended to read:

473.411 [TRANSPORTATION DEVELOPMENT PROGRAM.] Subdivision 1. [DEVELOPMENT PROGRAM.] **The commission shall prepare and submit in the manner provided in and satisfying the requirements of section 473.161, a transportation development program, providing for the implementation of the policy plan adopted by the council. In preparing the program, the commission shall consult with counties and municipalities in the metropolitan area, the state transportation department and the state planning agency, and for that purpose may create such advisory committees as may be necessary.**

Such program shall provide for coordination of routes and operations of all publicly and privately owned transportation facilities within the transit area to the end that combined efficient and rapid transportation may be provided for the use of the public in the entire area. The commission may designate a

segment of the system planned as a pilot or demonstration transportation project using, without limitation, new technology including airborne systems, or traditional systems of evolved or modern form. The transportation development program shall include the general alignment and profile, approximate points of access, facility classification, approximate cost, relation to other existing and planned transportation routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. The program shall be accompanied with a statement of need for the proposed construction or improvement, a description of alternate routes which were considered, and an explanation of the advantages and disadvantages in the selection of any route considered. The transportation development program shall also contain a description of the type of right of way or routes required; the type of transit service to be provided in each portion of the system; designation of transit mode; and appropriate general operating criteria. *The program shall also contain an operational improvement program which shall at least describe performance objectives and standards which the commission proposes to achieve in satisfying policies, purposes, and goals established by the legislature and the council; identify performance indicators by which to monitor and assess progress in achieving the objectives and standards; and establish a route deficit limit.* The program may include such other information as the council or the commission deems necessary.

Sec. 39. Minnesota Statutes 1976, Section 473.411, Subdivision 3, is amended to read:

Subd. 3. [COMBINATION OF MASS TRANSIT AND PUBLIC HIGHWAY SYSTEMS; SERVICES OF DEPARTMENT OF TRANSPORTATION.] The (MASS) *public* transit system (SPECIFIED IN SUBDIVISION 1) shall be designed *and operated*, as far as practicable, so as to provide, in combination with public highways, adequate means and facilities of maximum attainable efficiency for public transportation to, from, and within the metropolitan transit area, and to relieve the congestion, traffic hazards, and other objectionable conditions aforesaid on the public highways caused by lack of adequate provisions for public transit. (IN PLANNING, DESIGNING, AND CONSTRUCTING THE MASS TRANSIT SYSTEM) The commission may make use of engineering and other technical and professional services, including regular staff and qualified consultants, which the commissioner of transportation can furnish, upon fair and reasonable reimbursement for the cost thereof; provided, that the commission shall have final authority over the employment of any services from other sources which it may deem necessary for such purposes. The commissioner of transportation may furnish all engineering, legal, and other services, if so requested by the commission and upon fair and reasonable reimbursement for the cost thereof by the commission, which the commission requests for the purposes stated in this subdivi-

sion, including the acquisition by purchase, condemnation, or otherwise in the name of the commission of all lands, waters, easements, or other rights or interests in lands or waters required by the commission.

Sec. 40. Minnesota Statutes 1976, Section 473.413, Subdivision 6, is amended to read:

Subd. 6. [SUCCESSION TO POWERS OF DEPARTMENT OF PUBLIC SERVICE.] There shall be transferred to and vested in the transit commission all of the powers and functions of the Minnesota department of public service with respect to any public transit system or part thereof which (SHALL HAVE) *has been or is* acquired or constructed by and is owned and operated by or under the authority of the transit commission. (WHENEVER AND SO LONG AS SUCH PUBLIC TRANSIT SYSTEM OR SYSTEMS IN THE AGGREGATE SERVE IN EXCESS OF 50 PERCENT OF THE PERSONS USING PUBLIC TRANSIT SYSTEMS IN THE TRANSIT AREA AS DETERMINED BY THE DEPARTMENT OF PUBLIC SERVICE, ALL OF THE POWERS AND FUNCTIONS OF THE DEPARTMENT OF PUBLIC SERVICE OVER ALL PUBLIC TRANSIT SYSTEMS IN THE TRANSIT AREA SHALL BE TRANSFERRED TO AND VESTED IN THE TRANSIT COMMISSION. WITH RESPECT TO A PUBLIC TRANSIT SYSTEM OR ANY PART THEREOF OVER WHICH THE TRANSIT COMMISSION SHALL EXERCISE THE POWERS AND FUNCTIONS OF THE DEPARTMENT OF PUBLIC SERVICE AS HEREINBEFORE PROVIDED THE EXERCISE OF SUCH POWERS AND FUNCTIONS BY THE TRANSIT COMMISSION SHALL BE EXCLUSIVE AND) The department of public service shall not have authority to exercise (SUCH) *the* powers and functions (WITH RESPECT THERETO) *so transferred*. (AN APPEAL FROM ANY ORDER OR DECISION OF THE TRANSIT COMMISSION MAY BE TAKEN BY ANY PARTY AGGRIEVED THEREBY IN LIKE MANNER AND WITH LIKE EFFECT AS PROVIDED BY LAW FOR APPEALS IN CORRESPONDING CASES FROM THE ORDERS OR DECISIONS OF THE DEPARTMENT OF PUBLIC SERVICE.)

Sec. 41. Minnesota Statutes 1976, Section 473.413, Subdivision 8, is amended to read:

Subd. 8. [COMMISSION; INSURANCE.] The commission may provide for self-insurance or may otherwise provide for the insurance of any of its property, rights, or revenue, worker's compensation, public liability, or any other risk or hazard arising from its activities, and may provide for insuring any of its officers or employees against any such risk or hazard at the expense of the commission. *If the commission provides for self insurance against its liability and the liability of its officers, employees and agents for damages resulting from its torts and*

*those of its officers, employees and agents, including its obligation to pay basic economic loss benefits under sections 65B.41 to 65B.71, it shall be entitled to deduct from such damages and basic economic loss benefits all money paid or payable to the persons seeking damages and benefits from all governmental entities providing medical, hospital and disability benefits.*

Sec. 42. Minnesota Statutes 1976, Section 473.415, is amended to read:

**473.415 [LABOR PROVISIONS.]** If the commission acquires an existing transit system, the commission shall assume and observe all existing labor contracts and pension obligations. All employees of such system except executive and administrative officers who are necessary for the operation thereof by the commission shall be transferred to and appointed as employees of the commission for the purposes of the transit system, subject to all the rights and benefits of sections 473.401 to 473.451. Such employees shall be given seniority credit and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transit system. The commission shall assume the obligations of any transit system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. The commission and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired (TRANSPORTATION) system and the participating employees through their representatives transferred to the trust fund to be established, maintained and administered jointly by the commission and the participating employees through their representatives. No employee of any acquired (TRANSPORTATION) system who is transferred to a position with the commission shall by reason of such transfer be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employee of such acquired (TRANSPORTATION) system.

Sec. 43. Minnesota Statutes 1976, Section 473.445, Subdivision 1, is amended to read:

**473.445 [COMMISSION; ANNUAL REPORTS.]** Subdivision 1. The commission on or before November 30 of each year shall prepare a report for the preceding fiscal year, also, so far as practicable, for the further time up to the preparation of the report, containing, in addition to such other matters as the commission may deem proper, the following:

(a) the activities of the commission during the period covered by the report;

(b) the financial condition of public transit systems under the control of the commission;

(c) a complete financial accounting of the financial accounts and affairs of the commission during the fiscal year;

(d) recommendations for improvements of or additions to the (MASS) transit *and paratransit* facilities of the area to provide adequate, speedy, and efficient means of transporting people therein;

(e) recommendations for any needed legislation in furtherance of the aforesaid purposes.

Sec. 44. Minnesota Statutes 1976, Section 473.446, Subdivision 1, is amended to read:

473.446 [TRANSIT TAX LEVIES.] Subdivision 1. [AMOUNT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, the metropolitan transit commission (MAY) *shall levy each year* upon all taxable property within the metropolitan transit taxing district, defined herein, a transit tax (, WHICH SHALL NOT IN ANY YEAR EXCEED THE SUM) *consisting of* (THE FOLLOWING):

(a) An amount equal to 1.72 mills times the assessed value of all such property (SOME OR ALL OF), the proceeds of which (MAY) *shall be used* (TO PROVIDE FOR THE FULL AND TIMELY PAYMENT OF ITS CERTIFICATES OF INDEBTEDNESS AND OTHER OBLIGATIONS OF THE COMMISSION TO WHICH COLLECTIONS OF THE WHEELAGE TAX AND REPLACEMENT PROPERTY TAX UNDER SECTION 473.443 HAVE BEEN PLEDGED, PLUS ANY AMOUNT NEEDED FOR COMPLIANCE WITH ANY FINAL JUDGMENT OF A COURT OF COMPETENT JURISDICTION REQUIRING PAYMENT OF ANY AMOUNT OF THE WHEELAGE TAX LEVIED BY THE COMMISSION FOR 1971 AND PRIOR YEARS; PLUS) *for payment of the expenses of operating regular route bus service;*

(b) (SUCH) *An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged* (, PROVIDED THAT THE AMOUNT OF PRINCIPAL AND INTEREST TO COME DUE ON SUCH OBLIGATIONS SHALL NOT EXCEED \$3,000,000 IN ANY YEAR; PLUS AN ADDITIONAL AMOUNT NOT TO EXCEED \$2,000,000 IN ANY ONE YEAR TO BE USED EXCLUSIVELY TO PROVIDE FOR THE FULL AND TIMELY PAYMENT OF CERTIFICATES OF INDEBTEDNESS AND OTHER OBLIGATIONS ISSUED FOR THE PURPOSES OF THE BUS SERVICE EXPENSION REPORT AS ADOPT-

ED BY THE METROPOLITAN TRANSIT COMMISSION ON FEBRUARY 20, 1974, TO WHICH PROPERTY TAXES UNDER THIS SECTION HAVE BEEN PLEDGED); and

(c) (NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROVIDING FUNDING FOR THE PRELIMINARY ENGINEERING, CONSULTANT STUDIES, OR CONSTRUCTION OF A REGIONAL FIXED GUIDEWAY SYSTEM) *An additional amount necessary to provide full and timely payment of bonds in the principal amount of \$9,000,000 which the commission is authorized to sell for the purpose of purchasing buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements.*

Sec. 45. [SAINT PAUL DOWNTOWN PEOPLE MOVER.]  
Subdivision 1. [FEASIBILITY STUDY; CONDITIONS OF EXPENDITURE BY THE COMMISSION.] *The Twin Cities metropolitan transit commission shall expend no public money for any expenses related to the Saint Paul downtown people mover project except as provided in this subdivision. The commission may spend up to \$150,000 for a preliminary engineering study of the project under a joint powers agreement with the city of Saint Paul, provided that the commission and the city shall first amend the joint powers agreement under which the study is to be undertaken to*

(a) *remove the chief administrator of the commission from the steering committee charged with directing the study, include as members of that committee the commissioner of the department of transportation and the chairman of the transportation advisory board of the metropolitan council and permit one state senator appointed by the majority leader of the senate and one state representative appointed by the speaker of the house to serve as nonvoting members of the committee;*

(b) *require that all third party contracts for consultants be approved by a majority of the steering committee with no veto power by the city of Saint Paul;*

(c) *require that the preliminary engineering study include a feasibility study consisting of (1) an analysis of the prudent and feasible alternatives to a fixed guideway transportation system that will achieve the development and other goals of the people mover project, (2) a study of the potential people mover ridership, (3) a review of the economic development assumptions used in predicting the economic benefits of the project, and (4) formulation of a specific plan setting forth the sources and method of payment of operating deficits and capital cost overruns of the project;*

(d) *provide for access to information for the metropolitan council at every stage of the study; and*

(e) require submission of the completed study to the metropolitan council for review pursuant to subdivision 2.

**Subd. 2. [EVALUATION BY THE METROPOLITAN COUNCIL.]** *The metropolitan council shall independently evaluate the preliminary engineering study upon its completion. The council shall submit a report of its findings to the legislature and to the steering committee created under the joint powers agreement no later than 30 days following the submission to the council of the completed study. The report shall include the council's findings with respect to the reasonableness, accuracy and reliability of the assumptions and conclusions of the study. The council shall give particular attention to the matters required to be included in the feasibility study. The council shall contract with an independent private consultant to carry out the duties imposed by this section.*

**Sec. 46. [PERFORMANCE FUNDING.]** *Subdivision 1. [DEFINITIONS.] For the purpose of this section the following terms have the meanings given them in this subdivision.*

(a) "Commissioner" means the commissioner of transportation.

(b) "Contract" means a contract made pursuant to section 21.

(c) "Subsidy per passenger" means the amount calculated pursuant to subdivision 3, clause (b) plus the amount paid under any contract pursuant to subdivision 2, divided by the number of passengers carried on regular route bus service operated by the commission during that year, excluding passengers carried on demonstration routes for which assistance is received pursuant to section 23.

(d) "Municipality" means any statutory or home rule charter city, county or town.

(e) "Route" means any route on which the commission operates regular route bus service.

(f) "Revenue attributable to the route" means the total of: (i) the fare actually paid on the route; (ii) amounts reimbursed pursuant to section 21, subdivision 4 attributable to service on the route; and (iii) all payments received by the commission from municipalities for retention of service on the route.

(g) "Route deficit" means the difference between the actual operating cost of any route and the revenue attributable to the route divided by the number of passengers carried on that route including transfers.

**Subd. 2. [BASIS AND FORM OF CONTRACT.]** *Any contract entered into by the commissioner and the commission which*

*provides financial assistance to the commission during any year subsequent to December 31, 1977, shall provide for payment to the commission of an amount which, when added to the amount calculated under subdivision 3, clause (b), and divided by the passengers carried during that period, will provide the commission with a 48 cent subsidy per passenger in calendar year 1978 and a 49 cent subsidy in the first half of 1979. In addition the commissioner shall provide assistance by contract with the commission for general administrative and planning expenses.*

**Subd. 3. [COMPUTATION OF SUBSIDY PER PASSENGER.]** (a) **[DUTIES OF THE COMMISSION.]** *After the close of each month, the commission shall report to the commissioner the number of passengers carried during that month on regular route bus service operated by the commission. The commissioner shall use these figures reported by the commission in computing payments due under any contract entered into pursuant to this section. The commission shall make available to the commissioner any information required to permit the commissioner to carry out his duties under this section.*

(b) **[DUTIES OF THE COMMISSIONER.]** *The commissioner shall calculate the total amount of money received by the commission from all sources to pay the expenses of operating regular route bus service during the calendar year and shall include the following items in that amount:*

(i) *grants from the federal government pursuant to 49 U.S.C. 1604;*

(ii) *proceeds of any property tax levied by the commission under section 473.446, clause (a);*

(iii) *financial assistance received from political subdivisions, public agencies other than the department of transportation, or private entities or persons whether received as a grant, payment of a contractual obligation or otherwise. The commissioner shall exclude from that amount any revenue received by the commission from fares paid for regular route bus service and money paid by the commissioner to reimburse the commission for providing reduced fare service pursuant to section 36 or to permit the commission to operate demonstration services pursuant to section 23. The commissioner shall periodically examine the commission's data concerning the number of passengers carried on regular route bus service and the procedures for collecting that data.*

**Subd. 4. [PROCEDURE FOR MONTHLY PAYMENT.]** *Sums owed under any contract made pursuant to this section shall be paid monthly in a manner determined by the commissioner consistent with subdivisions 1 to 3.*

Sec. 47. Minnesota Statutes 1976, Section 473.141, Subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the precinct for which he is appointed and shall not during his term of office hold the office of metropolitan council member, or be a member of another metropolitan commission, *the metropolitan airports commission or the metropolitan sports facilities commission* or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 5. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council.

Sec. 48. *Notwithstanding the provisions of section 473.141, subdivision 5, the terms of office of all members of the metropolitan transit commission who were not appointed by the metropolitan council shall terminate on July 1, 1977. Successors to those members shall be appointed by the council to terms ending on the first Monday in January, 1979. Thereafter, successors to those members shall be appointed to terms as provided in section 473.141, subdivision 5.*

Sec. 49. [REPEALER.] *Minnesota Statutes 1976, Sections 161.125, Subdivision 2; 161.50; 174.06, Subdivision 4; 219.401; 473.121, Subdivision 17; 473.411, Subdivision 2; 473.421; 473.422; 473.423; 473.424; 473.425; 473.437; 473.443; 473.445, Subdivision 2; 473.446, Subdivisions 4 and 5; 473.447 and Laws 1974, Chapter 534, as amended by Laws 1975, Chapter 203, are repealed.*

Sec. 50. [EFFECTIVE DATE.] *Section 45 is effective the day following final enactment."*

Further, delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes with certain conditions; amending Minnesota Statutes 1976, Sections 16.72, Subdivision 5, and by adding a subdivision; 161.125, Subdivision 1, and by adding a subdivision; 169.86, by adding a subdivision; 174.50, Subdivision 7; 219.40; 299D.03, Subdivision 5; 473.121, Subdivisions 18, 19, 20, and by adding a subdivision; 473.402; 473.405, Subdivisions 1 and 2; 473.411, Subdivisions 1 and 3; 473.413, Subdivision 8; 473.415; 473.445, Subdivision 1; 473.446, Subdivision 1; and 473.141, Subdivision 4; and Chapters 174 and 473, by adding sections; repealing Minnesota Statutes 1976, Sections 161.125, Subdivision 2; 161.50; 174.06, Subdivision 4; 219.401; 473.121, Subdivision 17; 473.411, Subdivision 2; 473.421; 473.422; 473.423; 473.424; 473.425; 473.437; 473.443; 473.445, Subdivision 2; 473.446, Subdivisions 4 and 5; 473.447; and Laws 1974, Chapter 534, as amended."

We request adoption of this report and repassage of the bill.

House Conferees: PHYLLIS KAHN, PETE PETRAFESO, DELBERT ANDERSON and JOHN CORBID.

Senate Conferees: JACK KLEINBAUM, DAVID SCHAAF, CLARENCE PURFEERST, EDWARD GEARTY and HARMON OGDahl.

Kahn moved that the report of the Conference Committee on H. F. No. 1610 be adopted and that the bill be repassed as amended by the Conference Committee.

Voss moved that the House refuse to adopt the Conference Committee report on H. F. No. 1610, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion by Voss that the House refuse to adopt the Conference Committee report and the roll was called. There were 59 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeln	Fjoslien	Kaley	Neisen	Sieben, M.
Albrecht	Forsythe	Kempe, A.	Nelsen, B.	Suss
Anderson, G.	Friedrich	Kempe, R.	Niehaus	Swanson
Battaglia	Fugina	King	Novak	Vanasek
Biersdorf	George	Knickerbocker	Peterson	Voss
Braun	Gunter	Kostohryz	Pleasant	Wenzel
Brinkman	Heinitz	Kvam	Rose	White
Carlson, D.	Hokanson	Laidig	Savelkoul	Wieser
Carlson, L.	Jacobs	Mangan	Scheid	Wigley
Den Ouden	Jensen	Mann	Searle	Williamson
Erickson	Johnson	McCollar	Searles	Zubay
Ewald	Jude	McDonaid	Sieben, H.	

Those who voted in the negative were:

Adams	Carlson, A.	Esau	Moe	Sherwood
Anderson, B.	Casserly	Faricy	Munger	Simoneau
Anderson, D.	Clark	Fudro	Nelsen, M.	Skoglund
Anderson, I.	Clawson	Hanson	Nelson	Smogard
Arlandson	Cohen	Jaros	Norton	Stanton
Beauchamp	Corbid	Kahn	Osthoff	Stoa
Begich	Cummiskey	Kalis	Patton	Tomlinson
Berg	Dahl	Kelly, R.	Pehler	Waldorf
Berglin	Dean	Kroening	Petraieso	Welch
Berkelman	Eckstein	Langseth	Prahl	Wenstrom
Birnstihl	Eken	Lehto	Reding	Wynia
Brandl	Ellingson	Iemke	Rice	Speaker Sabo
Byrne	Enebo	McEachern	Sarna	

The motion did not prevail.

The question recurred on the motion by Kahn that the Conference Committee report on H. F. No. 1610 be adopted. The motion prevailed.

H. F. No. 1610, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes; amending Minnesota Statutes 1976, Sections 161.125, Subdivision 1; 219.40; and 299D.03, Subdivision 5; repealing Minnesota Statutes 1976, Sections 161.125, Subdivision 2; 161.50; 219.401; and 299D.03, Subdivision 4.

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 89 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cohen	Jensen	Nelsen, B.	Sherwood
Anderson, D.	Corbid	Johnson	Nelsen, M.	Simoneau
Anderson, G.	Cummiskey	Kahn	Nelson	Skoglund
Anderson, I.	Dahl	Kalis	Norton	Smogard
Arlandson	Dean	Kelly, R.	Osthoff	Spanish
Battaglia	Eckstein	Kempe, A.	Patton	Stanton
Beauchamp	Eken	King	Pehler	Stoa
Begich	Ellingson	Kroening	Petrafeso	Suss
Berg	Enebo	Laidig	Prahl	Tomlinson
Berglin	Erickson	Langseth	Reding	Vanasek
Brandl	Evans	Lehto	Rice	Waldorf
Braun	Faricy	Lemke	St. Onge	Welch
Byrne	Fjoslien	Mann	Samuelson	Wenstrom
Carlson, A.	Fudro	McEachern	Sarna	White
Carlson, D.	Fugina	Moe	Savelkoul	Williamson
Carlson, L.	Gunter	Munger	Schulz	Wynia
Casserly	Hanson	Murphy	Searle	Speaker Sabo
Clark	Jaros	Neisen	Searles	

Those who voted in the negative were:

Abeln	Forsythe	Kempe, R.	Metzen	Sieben, M.
Adams	Friedrich	Knickerbocker	Niehaus	Swanson
Albrecht	George	Kostohryz	Novak	Voss
Biersdorf	Heinitz	Kvam	Peterson	Wieser
Brinkman	Hokanson	Mangan	Pleasant	Wigley
Den Ouden	Jacobs	McCarron	Rose	Zubay
Esau	Jude	McCollar	Scheid	
Ewald	Kaley	McDonald	Sieben, H.	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 613

A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office

of the governor; coordinating volunteer programs throughout the state; appropriating money.

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 613 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 613 be amended as follows:

Page 1, line 12, after "office." insert "The office shall be under the supervision and administration of an executive director to be appointed by the governor and hereinafter referred to as "director". The director shall be regarded as an employee of the governor."

Page 1, line 17, delete "office" and insert "director".

Page 1, line 19, delete "office" and insert "director".

Page 1, line 23, delete "office" and insert "director" and after "accept" insert "and disburse".

Page 2, line 3, delete "office" and insert "director".

Page 2, line 5, delete "office" and insert "director".

Page 2, delete lines 7 to 14 and insert:

"Subd. 5. The governor shall appoint an advisory committee of not more than 21 members, at least one member from each economic development region, to advise and make recommendations to him and the director of volunteer services. Notwithstanding this numerical limitation, members currently serving on an advisory group to the governor's office of volunteer services shall complete their prescribed terms of office; thereafter, appointments of successors shall be made so as to be consistent with the numerical limitation contained in this section. Membership terms, compensation, removal and filling of vacancies of members of the advisory committee shall be as provided in section 15.059; provided, that members shall not be eligible for a per diem.

Sec. 2. The office and position of executive director created pursuant to this act shall be deemed to supersede and replace the

“governor’s office of volunteer services” created pursuant to executive order of the governor.”.

Page 2, line 16, delete “office” and insert “director”.

Renumber the sections in order.

We request adoption of this report and repassage of the bill.

House Conferees: JANET CLARK, PAUL MCCARRON and DONALD SAMUELSON.

Senate Conferees: JEROME HUGHES, EMILY ANNE STAPLES and NANCY BRATAAS.

Clark moved that the report of the Conference Committee on H. F. No. 613 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 613, A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

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 112 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sieben, M.
Adams	Corbid	Jude	Neisen	Skoglund
Anderson, B.	Cummiskey	Kahn	Nelsen, B.	Smogard
Anderson, D.	Dahl	Kaley	Nelsen, M.	Spanish
Anderson, G.	Den Ouden	Kalis	Nelson	Stanton
Anderson, I.	Eckstein	Kelly, R.	Norton	Stoa
Anderson, R.	Eken	Kempe, A.	Osthoff	Suss
Arlandson	Ellingson	Kempe, R.	Patton	Swanson
Battaglia	Enebo	King	Pehler	Tomlinson
Beauchamp	Evans	Knickerbocker	Petrafaso	Vanasek
Begich	Ewald	Kostohryz	Pleasant	Voss
Berg	Faricy	Kroening	Prahl	Welch
Biersdorf	Forsythe	Langseth	Reding	Wenstrom
Birnstihl	Friedrich	Lehto	Rice	Wenzel
Brandl	Fudro	Lemke	St. Onge	White
Braun	Fugina	Mangan	Samuelson	Wieser
Brinkman	George	Mann	Sarna	Williamson
Byrne	Gunter	McCarron	Savelkoul	Wynia
Carlson, A.	Hanson	McCollar	Scheid	Zubay
Carlson, L.	Hokanson	McEachern	Schulz	Speaker Sabo
Casserly	Jacobs	Metzen	Searles	
Clark	Jaros	Moe	Sherwood	
Clawson	Jensen	Munger	Sieben, H.	

Those who voted in the negative were:

Albrecht	Fjoslien	Niehaus	Searle	Wigley
Erickson	Heinitz	Peterson	Waldorf	
Esau	Kvam	Rose		

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 562

A bill for an act relating to motor vehicles; requiring informational labels on new pickup trucks; providing penalties.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 562 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 562 be further amended as follows:

Page 1, line 17, delete "that" and insert "and in the same manner as".

Page 1, line 18, delete "by 15 USC 1232".

Page 2, line 2, after the period insert "Sections 1 and 2 shall not apply to trucks for which the annual sales in Minnesota of the previous model year were less than 200."

Page 2, delete line 5 and insert "built after December 31, 1978."

We request adoption of this report and repassage of the bill.

House Conferees: NORMAN R. PRAHL, JOHN S. BIERSDORF and RUSSELL P. STANTON.

Senate Conferees: BOB LESSARD, ROGER LAUFENBURGER and MEL FREDERICK.

Prahl moved that the report of the Conference Committee on H. F. No. 562 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 562, A bill for an act relating to motor vehicles; requiring informational labels on new pickup trucks; providing penalties.

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 102 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Munger	Skoglund
Adams	Cummiskey	Johnson	Neisen	Smogard
Anderson, I.	Dahl	Jude	Nelsen, M.	Spanish
Arlandson	Dean	Kahn	Nelson	Stanton
Battaglia	Eckstein	Kaley	Norton	Stoa
Beauchamp	Eken	Kalis	Novak	Suss
Begich	Ellingson	Kelly, R.	Osthoff	Swanson
Berg	Enebo	Kempe, A.	Pehler	Tomlinson
Berglin	Erickson	Kempe, R.	Petrafaso	Voss
Biersdorf	Esau	King	Prahl	Waldorf
Birnstihl	Faricy	Kostohryz	Reding	Welch
Brandl	Forsythe	Kroening	St. Onge	Wcnstrom
Braun	Fudro	Langseth	Samuelson	Wenzel
Brinkman	Fugina	Lehto	Sarna	White
Byrne	George	Lemke	Scheid	Williamson
Carlson, A.	Gunter	Mangan	Schulz	Wynia
Carlson, D.	Hanson	McCarron	Searles	Zubay
Carlson, L.	Heinitz	McCollar	Sherwood	Speaker Sabo
Casserly	Hokanson	McEachern	Sieben, H.	
Clark	Jacobs	Metzen	Sieben, M.	
Clawson	Jaros	Moe	Simoneau	

Those who voted in the negative were:

Albrecht	Evans	Kvam	Peterson	Wieser
Anderson, D.	Ewald	McDonald	Pleasant	Wigley
Anderson, G.	Fjoslien	Nelsen, B.	Rose	
Anderson, R.	Friedrich	Niehaus	Savelkoul	
Den Ouden	Knickerbocker	Patton	Searle	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1582

A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

May 21, 1977

The Honorable Martin O. Sabo  
 Speaker of the House of Representatives  
 The Honorable Edward J. Gearty  
 President of the Senate

We, the undersigned conferees for H. F. No. 1582 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from the second Schaaf amendment which appears on pages 2762 to 2768 of the temporary senate journal for May 20, 1977, and that the House concur in the other Senate amendments.

We request adoption of this report and repassage of the bill.

House Conferees: STEVE NOVAK, PHYLLIS KAHN and DONALD MOE.

Senate Conferees: DAVID D. SCHAAF, BILL MCCUTCHEON and GEORGE F. PERPICH.

Novak moved that the report of the Conference Committee on H. F. No. 1582 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1582, A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berg	Clark	Erickson	Hanson
Adams	Berglin	Clawson	Esau	Heinitz
Albrecht	Biersdorf	Cohen	Evans	Hokanson
Anderson, B.	Birnstihl	Corbid	Ewald	Jacobs
Anderson, D.	Brandl	Cummiskey	Faricy	Jaros
Anderson, G.	Braun	Dahl	Fjoslien	Jensen
Anderson, I.	Brinkman	Dean	Forsythe	Johnson
Anderson, R.	Byrne	Den Ouden	Friedrich	Jude
Arlandson	Carlson, A.	Eckstein	Fudro	Kahn
Battaglia	Carlson, D.	Eken	Fugina	Kaley
Beauchamp	Carlson, L.	Ellingson	George	Kalis
Begich	Casserly	Enebo	Gunter	Kelly, R.

Kempe, A.	McCollar	Patton	Schulz	Tomlinson
Kempe, R.	McDonald	Pehler	Searle	Vanasek
King	McEachern	Peterson	Searles	Voss
Knickerbocker	Metzen	Petrafeso	Sherwood	Waldorf
Kostohryz	Moe	Pleasant	Sieben, H.	Welch
Kroening	Munger	Prahl	Sieben, M.	Wenstrom
Kvam	Neisen	Reding	Simoneau	Wenzel
Laidig	Nelsen, B.	Rice	Skoglund	White
Langseth	Nelsen, M.	Rose	Smogard	Wieser
Lehto	Nelson	St. Onge	Spanish	Wigley
Lemke	Niehaus	Samuelson	Stanton	Williamson
Mangan	Norton	Sarna	Stoa	Wynia
Mann	Novak	Savelkoul	Suss	Zubay
McCarron	Osthoff	Scheid	Swanson	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

### MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 971, A bill for an act relating to insurance; providing financial requirements for nonprofit health service plan corporations; amending Minnesota Statutes 1976, Section 62C.-09, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 971 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 971, A bill for an act relating to insurance; providing financial requirements for nonprofit health service plan corporations; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Neisen	Sieben, M.
Adams	Cummiskey	Jude	Nelsen, B.	Simoneau
Albrecht	Dahl	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kaley	Nelson	Smogard
Anderson, D.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, I.	Eken	Kempe, A.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Suss
Arlandson	Enebo	King	Patton	Swanson
Battaglia	Erickson	Knickerbocker	Pehler	Tomlinson
Beauchamp	Esau	Kostohryz	Peterson	Vanasek
Begich	Evans	Kroening	Petrafeso	Voss
Berg	Ewald	Kvam	Pleasant	Waldorf
Berglin	Faricy	Laidig	Prahl	Welch
Biersdorf	Fjoslien	Langseth	Reding	Wenstrom
Birnstihl	Forsythe	Lehto	Rice	Wenzel
Brandl	Friedrich	Lemke	Rose	White
Braun	Fudro	Mangan	St. Onge	Wieser
Brinkman	Fugina	Mann	Samuelson	Wigley
Byrne	George	McCarron	Sarna	Williamson
Carlson, A.	Gunter	McCollar	Savelkoul	Wynia
Carlson, D.	Hanson	McDonald	Scheid	Zubay
Carlson, L.	Heinitz	McEachern	Schulz	Speaker Sabo
Cassery	Hokanson	Metzen	Searle	
Clark	Jacobs	Moe	Searles	
Clawson	Jaros	Munger	Sherwood	
Cohen	Jensen	Murphy	Sieben, H.	

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:

H. F. No. 1475, A bill for an act relating to taxation; changing the definition of gross income for income tax purposes; increasing individual credits; restricting availability of low income credit; increasing rates; including certain amounts of public pensions and military pay in gross income; altering itemized deductions for taxes paid, casualty losses; changing provisions for allocation of gross income to this state; imposing a minimum tax on preference items; renaming the income adjusted homestead credit and increasing its benefits; removing non-school district debt limitation from property classifications; changing certain levy administration procedures; changing definitions of income, claimant, dependent, household income, property taxes payable, and rent constituting property taxes; increasing local government aids and changing distribution and appeal procedures; providing a dependent care income tax credit; changing property tax levy limits for local governmental subdivisions; redefining special levies; providing means of increasing levy limit bases; increasing school aids; decreasing assessment rates of certain classes of property; increasing state paid agricultural credit; providing means of assessment of agricultural land; increasing state share of AFDC costs; increasing attached machinery aids;

decreasing employer's excise tax exemption; establishing a tax study commission; establishing procedures for declaration and payment of estimated occupation tax; changing taconite tax provisions; establishing taconite environmental and economic protection funds; appropriating money; amending Minnesota Statutes 1976, Sections 124.212, Subdivisions 7b and 10; 256.82; 273.02, Subdivision 4; 273.11, Subdivision 2; 273.111, Subdivision 4; 273.13, Subdivisions 4, 6, 7, and 14a; 273.132; 273.134; 273.135, Subdivisions 1 and 2; 273.138, Subdivision 2; 275.07; 275.125, Subdivision 2a; 275.50, Subdivision 5; 275.51, by adding a subdivision; 275.52, Subdivisions 2, 3, and 4, and by adding subdivisions; 275.53, Subdivision 1; 275.59; 276.01; 276.04; 278.01; 278.05; 287.241, Subdivision 2; 290.01, Subdivision 20; 290.012, Subdivision 2; 290.031, Subdivision 4; 290.06, Subdivisions 2c and 3c; 290.08, Subdivision 6; 290.081; 290.09, Subdivisions 4, 5, and 15; 290.17; 290.37, Subdivision 1; 290A.01; 290A.03, Subdivisions 3, 5, 7, 8, 11, 12 and 13; 290A.04, Subdivision 2, and by adding subdivisions; 290A.05; 290A.08; 290A.10; 290A.14; 290A.18; 290A.19; 294.26; 298.03; 298.22, Subdivisions 1 and 2; 298.24, Subdivisions 1 and 2; 298.244, Subdivision 2; 298.25; 298.26; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; 375.192, by adding a subdivision; 477A.01, Subdivisions 1, 2, 4, 4a, 4b, and by adding subdivisions; and Chapters 3, 272, 290, 290A, 298 and 477, by adding sections; and Laws 1976, Chapter 334, Section 21; repealing Minnesota Statutes 1976, Sections 273.011; 273.012; 275.51, Subdivisions 3b and 3c; 287.241, Subdivisions 3 and 4; 290.0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.066; 290.09, Subdivision 26; 290.65, Subdivision 1; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; 290A.21; 294.27; 294.28; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; and 298.281.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, 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. 1236, A bill for an act relating to water; requiring that new domestic wells be registered with the local soil and water conservation district; requiring that the commissioner of natural resources be notified of the appropriation of water

for domestic use; requiring pumping tests and monitoring on large wells, and providing for exceptions; changing criteria for issuance of groundwater appropriation permits; creating a water planning board in the executive branch; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1 and 1a; 105.44, Subdivision 8, and by adding subdivisions; and 105.45.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Birnstihl moved that the House concur in the Senate amendments to H. F. No. 1236 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1236, A bill for an act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1, 1a and by adding a subdivision; 105.415; 105.44, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 10; 105.462; 105.482, Subdivisions 3 and 5; 156A.07, Subdivision 4; and Chapter 105, 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 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	George	Langseth	Peterson
Adams	Casserly	Gunter	Lehto	Petrufeso
Albrecht	Clark	Hanson	Lemke	Prahl
Anderson, B.	Clawson	Hokanson	Mangan	Reding
Anderson, D.	Cohen	Jacobs	Mann	Rice
Anderson, G.	Corbid	Jaros	McCarron	St. Onge
Anderson, I.	Cummiskey	Jensen	McCollar	Samuelson
Arlandson	Dean	Johnson	McEachern	Sarna
Battaglia	Den Ouden	Jude	Metzen	Savelkoul
Begich	Eken	Kahn	Munger	Scheid
Berg	Ellingson	Kaley	Murphy	Schulz
Berglin	Enebo	Kalis	Neisen	Searle
Berkelman	Erickson	Kelly, R.	Nelsen, B.	Searles
Biersdorf	Esau	Kempe, A.	Nelsen, M.	Sherwood
Birnstihl	Evans	Kempe, R.	Nelson	Sieben, H.
Brandl	Ewald	King	Niehaus	Sieben, M.
Braun	Farcy	Knickerbocker	Norton	Simoneau
Brinkman	Forsythe	Kostohryz	Novak	Skoglund
Byrne	Friedrich	Kroening	Osthoff	Smogard
Carlson, A.	Fudro	Kvam	Patton	Spanish
Carlson, D.	Fugina	Laidig	Pehler	Stanton

Stoa	Vanasek	Wenstrom	Wigley	Speaker Sabo
Suss	Voss	Wenzel	Williamson	
Swanson	Waldorf	White	Wynia	
Tomlinson	Welch	Wieser	Zubay	

Those who voted in the negative were:

Anderson, R. Eckstein Fjoslien Heinitz Rose

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. 1630, A bill for an act relating to claims against the state; appropriating money for the payment thereof; establishing procedures for consideration of certain claims.

PATRICK E. FLAHAVERN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

McCarron moved that the House concur in the Senate amendments to H. F. No. 1630 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1630, A bill for an act relating to claims against the state; appropriating money for the payment thereof; establishing procedures for consideration of certain claims.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Clark	Erickson	Hanson
Adams	Berkelman	Clawson	Esau	Heinitz
Albrecht	Biersdorf	Cohen	Evans	Hokanson
Anderson, B.	Birnstihl	Corbid	Ewald	Jacobs
Anderson, D.	Brandl	Cummiskey	Faricy	Jaros
Anderson, G.	Braun	Dahl	Fjoslien	Jensen
Anderson, I.	Brinkman	Dean	Forsythe	Johnson
Anderson, R.	Byrne	Den Ouden	Friedrich	Jude
Arlandson	Carlson, A.	Eckstein	Fudro	Kahn
Battaglia	Carlson, D.	Eken	Fugina	Kaley
Begich	Carlson, L.	Ellingson	George	Kalis
Berg	Casserly	Enebo	Gunter	Kelly, R.

Kempe, A.	McCollar	Osthoff	Schulz	Tomlinson
Kempe, R.	McDonald	Patton	Searle	Vanasek
King	McEachern	Pehler	Searles	Voss
Knickerbocker	Metzen	Peterson	Sherwood	Waldorf
Kostohryz	Moe	Petrafeso	Sieben, H.	Welch
Kroening	Munger	Pleasant	Sieben, M.	Wenstrom
Kvam	Murphy	Prahl	Simoneau	Wenzel
Laidig	Neisen	Reding	Skoglund	White
Langseth	Nelsen, B.	Rice	Smogard	Wieser
Lehto	Nelsen, M.	Rose	Spanish	Wigley
Lemke	Nelson	St. Onge	Stanton	Williamson
Mangan	Niehaus	Samuelson	Stoa	Wynia
Mann	Norton	Sarna	Suss	Zubay
McCarron	Novak	Savelkoul	Swanson	Speaker Sabo

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. 180, A bill for an act relating to health; appropriating money to fund a program of graduate training in family practice for physicians.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Lemke moved that the House concur in the Senate amendments to H. F. No. 180 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 180, A bill for an act relating to health; appropriating money to fund a program of graduate training in family practice for physicians.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Braun	Casserly
Adams	Anderson, R.	Berglin	Brinkman	Clark
Albrecht	Arlandson	Berkelman	Byrne	Clawson
Anderson, B.	Battaglia	Biersdorf	Carlson, A.	Cohen
Anderson, D.	Beauchamp	Birnstihl	Carlson, D.	Corbid
Anderson, G.	Begich	Brandl	Carlson, L.	Cummiskey

Dahl	Hokanson	Mangan	Pleasant	Stoa
Dean	Jacobs	Mann	Prahl	Suss
Den Ouden	Jaros	McCarron	Reding	Swanson
Eckstein	Jensen	McCollar	Rice	Tomlinson
Eken	Johnson	McDonald	Rose	Vanasek
Ellingson	Jude	McEachern	St. Onge	Voss
Enebo	Kahn	Metzen	Samuelson	Waldorf
Erickson	Kaley	Moe	Sarna	Welch
Esau	Kalis	Munger	Savelkoul	Wenstrom
Evans	Kelly, R.	Murphy	Scheid	Wenzel
Ewald	Kempe, A.	Neisen	Schulz	White
Faricy	Kempe, R.	Nelsen, B.	Searle	Wieser
Fjoslien	King	Nelsen, M.	Searles	Wigley
Forsythe	Knickerbocker	Nelson	Sherwood	Williamson
Friedrich	Kostohryz	Niehaus	Sieben, H.	Wynia
Fudro	Kroening	Norton	Sieben, M.	Zubay
Fugina	Kvam	Novak	Simoneau	Speaker Sabo
George	Laidig	Osthoff	Skoglund	
Gunter	Langseth	Pehler	Smogard	
Hanson	Lehto	Peterson	Spanish	
Heintz	Lemke	Petrafeso	Stanton	

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. 1283, A bill for an act relating to economic development; industrial development bonds; removing requirement of approval by commissioner of economic development; amending Minnesota Statutes 1976, Section 474.01, Subdivision 7, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

White moved that the House concur in the Senate amendments to H. F. No. 1283 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1283, A bill for an act relating to economic development; industrial development bonds; removing requirement of approval by commissioner of economic development; amending Minnesota Statutes 1976, Section 474.01, Subdivision 7, and by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eckstein	Kalis	Niehaus	Spanish
Anderson, R.	Eken	Kelly, R.	Norton	Stanton
Battaglia	Ellingson	Kempe, A.	Novak	Stoa
Beauchamp	Enebo	Kempe, R.	Osthoff	Suss
Begich	Erickson	King	Patton	Swanson
Berg	Esau	Knickerbocker	Pehler	Tomlinson
Berglin	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petraleso	Voss
Biersdorf	Faricy	Kvam	Prahl	Waldorf
Birnstihl	Fjoslien	Laidig	Reding	Welch
Brandl	Forsythe	Langseth	Rice	Wenstrom
Braun	Friedrich	Lehto	Rose	Wenzel
Brinkman	Fudro	Lemke	St. Onge	White
Byrne	Fugina	Mangan	Samuelson	Wieser
Carlson, A.	George	Mann	Sarna	Wigley
Carlson, D.	Gunter	McCarron	Savelkoul	Williamson
Carlson, L.	Hanson	McCollar	Scheid	Wynia
Casserly	Heinitz	McEachern	Schulz	Zubay
Clark	Hokanson	Metzen	Searle	Speaker Sabo
Clawson	Jacobs	Moe	Searles	

Those who voted in the negative were:

Arlandson      McDonald      Pleasant

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. 823, A bill for an act relating to public health; permitting plastic well casings; amending Minnesota Statutes 1976, Chapter 156A, by adding a section.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Smogard moved that the House concur in the Senate amendments to H. F. No. 823 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 823, A bill for an act relating to public health; permitting plastic well casings in certain counties; amending Minnesota Statutes 1976, Chapter 156A, 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 108 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Hokanson	Moe	Sieben, M.
Albrecht	Clawson	Jacobs	Murphy	Simoneau
Anderson, B.	Cohen	Johnson	Neisen	Skoglund
Anderson, D.	Corbid	Jude	Nelsen, B.	Smogard
Anderson, G.	Cummiskey	Kahn	Nelsen, M.	Spanish
Anderson, R.	Dahl	Kaley	Nelson	Stanton
Arlandson	Dean	Kalis	Niehau	Stoa
Battaglia	Den Ouden	Kelly, R.	Norton	Tomlinson
Beauchamp	Eckstein	Kempe, A.	Novak	Vanasek
Begich	Eken	Kempe, R.	Patton	Voss
Berg	Ellingson	King	Pehler	Waldorf
Berglin	Erickson	Knickerbocker	Pleasant	Welch
Berkelman	Esau	Kostohryz	Reding	Wenstrom
Biersdorf	Evans	Kroening	Rice	Wenzel
Birnstihl	Ewald	Kvam	Rose	White
Brandl	Fjoslien	Langseth	St. Onge	Wieser
Braun	Forsythe	Lemke	Samuelson	Wigley
Brinkman	Friedrich	Mangan	Scheid	Wynia
Carlson, A.	Fudro	Mann	Schulz	Zubay
Carlson, D.	Fugina	McCollar	Searles	Speaker Sabo
Carlson, L.	George	McDonald	Sherwood	
Casserly	Gunter	Metzen	Sieben, H.	

Those who voted in the negative were:

Adams	Hanson	McEachern	Sarna	Williamson
Anderson, I.	Heinitz	Munger	Savelkoul	
Byrne	Jaros	Osthoff	Searle	
Enebo	Jensen	Peterson	Suss	
Faricy	Lehto	Prahl	Swanson	

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. 462, A bill for an act relating to public health; requiring the provision of health record information to certain persons; requiring the transfer of health records under certain conditions; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

McCollar moved that the House concur in the Senate amendments to H. F. No. 462 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 462, A bill for an act relating to public health; requiring the provision of health record information to certain persons; requiring the transfer of health records under certain conditions; amending Minnesota Statutes 1976, Chapter 144, 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 126 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Nelsen, B.	Simoneau
Adams	Cummiskey	Jude	Nelsen, M.	Skoglund
Albrecht	Dahl	Kahn	Nelson	Smogard
Anderson, B.	Dean	Kaley	Niehaus	Spanish
Anderson, D.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, G.	Eckstein	Kempe, A.	Novak	Stoa
Anderson, I.	Eken	Kempe, R.	Osthoff	Suss
Arlandson	Ellingson	King	Pehler	Swanson
Battaglia	Enebo	Knickerbocker	Peterson	Tomlinson
Beauchamp	Erickson	Kostohryz	Petrafeo	Vanasek
Begich	Esau	Kroening	Pleasant	Voss
Berg	Evans	Kvam	Prahl	Waldorf
Berglin	Ewald	Langseth	Reding	Welch
Berkelman	Faricy	Lehto	Rice	Wenstrom
Biersdorf	Fjosilen	Lemke	Rose	Wenzel
Birnstihl	Forsythe	Mangan	St. Onge	White
Brandl	Friedrich	Mann	Samuelson	Wieser
Braun	Fudro	McCarron	Sarna	Wigley
Brinkman	Fugina	McCollar	Savelkoul	Williamson
Byrne	Gunter	McDonald	Scheid	Wynia
Carlson, A.	Hanson	McEachern	Schulz	Zubay
Carlson, D.	Heinitz	Metzen	Searle	Speaker Sabo
Carlson, L.	Hokanson	Moe	Searles	
Casserly	Jacobs	Munger	Sherwood	
Clark	Jaros	Murphy	Sieben, H.	
Clawson	Jensen	Neisen	Sieben, M.	

Those who voted in the negative were:

Anderson, R. George Kalis

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. 611, A bill for an act relating to retirement; date for payment of monthly annuities and benefits; additional lump sum payments to certain retirees, disabilitants and surviving spouses; amending Minnesota Statutes 1976, Chapter 356, by adding a section; Sections 352.01, Subdivision 21; and 354.46, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Reding moved that the House concur in the Senate amendments to H. F. No. 611 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 611, A bill for an act relating to retirement; date for payment of monthly annuities and benefits; additional lump sum payments to certain retirees, disabilitants and surviving spouses; amending Minnesota Statutes 1976, Chapter 356, by adding a section; Sections 352.01, Subdivision 21; and 354.46, Subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kahn	Nelsen, B.	Sieben, H.
Adams	Dahl	Kaley	Nelsen, M.	Sieben, M.
Albrecht	Dean	Kalis	Nelson	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eckstein	Kempe, A.	Norton	Smogard
Anderson, I.	Eken	Kempe, R.	Novak	Spanish
Anderson, R.	Ellingson	King	Osthoff	Stanton
Arlandson	Erickson	Knickerbocker	Patton	Stoa
Battaglia	Esau	Kostohryz	Pehler	Suss
Beauchamp	Evans	Kroening	Peterson	Swanson
Begich	Faricy	Kvam	Petrafeso	Tomlinson
Berglin	Fjoslien	Laidig	Pleasant	Vanasek
Berkelman	Forsythe	Langseth	Prahl	Voss
Biersdorf	Fudro	Lehto	Reding	Waldorf
Birnstihl	Fugina	Lemke	Rice	Welch
Brandl	George	Mangan	Rose	Wenstrom
Braun	Gunter	Mann	St. Onge	Wenzel
Brinkman	Hanson	McCarron	Samuelson	White
Byrne	Heinitz	McCollar	Sarna	Wieser
Carlson, D.	Hokanson	McDonald	Savelkoul	Wigley
Carlson, L.	Jacobs	McEachern	Scheid	Williamson
Casserly	Jaros	Metzen	Schulz	Wynia
Clark	Jensen	Munger	Searle	Zubay
Clawson	Johnson	Murphy	Searles	Speaker Sabo
Corbid	Jude	Neisen	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 772, A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Casserly moved that the House concur in the Senate amendments to H. F. No. 772 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 772, A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Ewald	Kempe, A.	Nelsen, B.
Adams	Carlson, A.	Faricy	Kempe, R.	Nelsen, M.
Albrecht	Carlson, D.	Fjoslien	King	Nelson
Anderson, B.	Carlson, L.	Friedrich	Knickerbocker	Niehaus
Anderson, D.	Casserly	Fudro	Kostohryz	Norton
Anderson, G.	Clark	Fugina	Kvam	Novak
Anderson, I.	Clawson	George	Laidig	Osthoff
Anderson, R.	Cohen	Gunter	Langseth	Patton
Arlandson	Corbid	Hanson	Lehto	Pehler
Battaglia	Cummiskey	Heinitz	Lemke	Peterson
Beauchamp	Dahl	Hokanson	Mangan	Petrafeso
Begich	Dean	Jacobs	Mann	Pleasant
Berg	Den Ouden	Jaros	McCarron	Prahl
Berglin	Eckstein	Jensen	McDonald	Rice
Berkelman	Eken	Johnson	McEachern	Rose
Biersdorf	Ellingson	Jude	Metzen	St. Onge
Birnstihl	Enebo	Kahn	Moe	Samuelson
Brandl	Erickson	Kaley	Munger	Sarna
Braun	Esau	Kalis	Murphy	Savelkoul
Brinkman	Evans	Kelly, R.	Neisen	Scheid

Schulz	Simoneau	Suss	Welch	Williamson
Searle	Skoglund	Swanson	Wenstrom	Wynia
Searles	Smogard	Tomlinson	Wenzel	Zubay
Sherwood	Spanish	Vanasek	White	Speaker Sabo
Sieben, H.	Stanton	Voss	Wieser	
Sieben, M.	Stoa	Waldorf	Wigley	

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. 585, A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Casserly moved that the House concur in the Senate amendments to H. F. No. 585 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 585, A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

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 120 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Heinitz	McCollar	Searles
Adams	Clawson	Hokanson	McDonald	Sherwood
Albrecht	Cohen	Jacobs	McEachern	Sieben, H.
Anderson, B.	Corbid	Jaros	Moe	Sieben, M.
Anderson, D.	Cummiskey	Jensen	Munger	Simoneau
Anderson, G.	Dahl	Johnson	Murphy	Shoglund
Anderson, I.	Dean	Jude	Neisen	Spanish
Anderson, R.	Den Ouden	Kahn	Nelsen, B.	Stanton
Arlandson	Eckstein	Kalis	Nelsen, M.	Stoa
Battaglia	Eken	Kelly, R.	Nelson	Suss
Beauchamp	Ellingson	Kempe, A.	Norton	Swanson
Begich	Enebo	Kempe, R.	Novak	Tomlinson
Berg	Erickson	King	Osthoff	Vanasek
Berglin	Evans	Knickerbocker	Pehler	Voss
Berkelman	Ewald	Kostohryz	Petrufeso	Waldorf
Biersdorf	Faricy	Kroening	Prahl	Welch
Birnstihl	Fjoslien	Kvam	Reding	Wenstrom
Brandl	Forsythe	Laidig	Rice	Wenzel
Brinkman	Friedrich	Langseth	Rose	White
Byrne	Fudro	Lehto	St. Onge	Wieser
Carlson, A.	Fugina	Lemke	Samuelson	Wigley
Carlson, D.	George	Mangan	Sarna	Wynia
Carlson, L.	Gunter	Mann	Scheid	Zubay
Cassery	Hanson	McCarron	Schulz	Speaker Sabo

Those who voted in the negative were:

Braun	Niehaus	Peterson	Savelkoul	Williamson
Kaley	Patton	Pleasant	Searle	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1276, A bill for an act relating to public welfare; providing for pilot dental health programs; providing an appropriation; amending Laws 1976, Chapter 305, Section 9; repealing Laws 1976, Chapter 305, Section 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Clark moved that the House concur in the Senate amendments to H. F. No. 1276 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1276, A bill for an act relating to public welfare; providing for pilot dental health programs; providing money; repealing Laws 1976, Chapter 305, Section 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 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Metzen	Searle
Adams	Cohen	Jaros	Moe	Searles
Albrecht	Corbid	Jensen	Munger	Sherwood
Anderson, B.	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, D.	Dahl	Jude	Neisen	Sieben, M.
Anderson, G.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, R.	Eckstein	Kalis	Nelson	Spanish
Arlandson	Eken	Kelly, R.	Norton	Stanton
Battaglia	Ellingson	Kempe, A.	Novak	Stoa
Beauchamp	Enebo	Kempe, R.	Osthoff	Suss
Begich	Erickson	King	Patton	Swanson
Berg	Esau	Knickerbocker	Pehler	Tomlinson
Berglin	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petrafeso	Voss
Biersdorf	Farcy	Kvam	Pleasant	Welch
Birnstihl	Fjoslien	Laidig	Prahl	Wenstrom
Brandl	Forsythe	Langseth	Reding	Wenzel
Braun	Friedrich	Lehto	Rice	White
Brinkman	Fudro	Lemke	Rose	Wieser
Byrne	Fugina	Mangan	St. Onge	Wigley
Carlson, A.	George	Mann	Samuelson	Williamson
Carlson, D.	Gunter	McCarron	Sarna	Wynia
Carlson, L.	Hanson	McCollar	Savelkoul	Zubay
Casserly	Heinitz	McDonald	Scheid	Speaker Sabo
Clark	Hokanson	McEachern	Schulz	

Those who voted in the negative were:

Niehaus

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1060, A bill for an act relating to education; loans to medical students; changing requirements for loan forgiveness and limitations on loan amounts; amending Minnesota Statutes 1976, Section 147.30.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Kalis moved that the House concur in the Senate amendments to H. F. No. 1060 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1060, A bill for an act relating to education; loans to medical students; changing requirements for loan forgiveness and limitations on loan amounts; amending Minnesota Statutes 1976, Section 147.30 and 147.31.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Neisen	Sieben, M.
Adams	Corbid	Jude	Neisen, B.	Simoneau
Albrecht	Cummiskey	Kahn	Neisen, M.	Skoglund
Anderson, B.	Dahl	Kaley	Neisen	Smogard
Anderson, D.	Dean	Kalis	Niehaus	Spanish
Anderson, G.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, I.	Eckstein	Kempe, A.	Novak	Stoa
Anderson, R.	Eken	Kempe, R.	Osthoff	Suss
Arlandson	Ellingson	King	Patton	Swanson
Battaglia	Enebo	Knickerbocker	Pehler	Tomlinson
Beauchamp	Erickson	Kostohryz	Peterson	Vanasek
Begich	Esau	Kroening	Petrafaso	Voss
Berg	Evans	Kvam	Pleasant	Waldorf
Berglin	Ewald	Laidig	Prahl	Welch
Berkelman	Faricy	Langseth	Reding	Wenstrom
Biersdorf	Fjoslien	Lehto	Rice	Wenzel
Birnstihl	Forsythe	Lemke	Rose	White
Brandl	Friedrich	Mangan	St. Onge	Wieser
Braun	Fudro	Mann	Samuelson	Wigley
Brinkman	Fugina	McCarron	Sarna	Williamson
Byrne	George	McCollar	Savelkoul	Wynia
Carlson, A.	Hanson	McDonald	Scheid	Zubay
Carlson, D.	Heinitz	McEachern	Schulz	Speaker Sabo
Carlson, L.	Hokanson	Metzen	Searle	
Cassery	Jacobs	Moe	Searles	
Clark	Jaros	Munger	Sherwood	
Clawson	Jensen	Murphy	Sieben, H.	

The bill was repassed, as amended by the Senate, and its title agreed to.

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 167, A bill for an act relating to public welfare; providing liability insurance to all foster boarding homes licensed by the department of public welfare; appropriating money; amending Minnesota Statutes 1976, Chapter 245, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Swanson moved that the House concur in the Senate amendments to H. F. No. 167 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 167, A bill for an act relating to public welfare; providing liability insurance to all foster boarding homes licensed by the department of public welfare; appropriating money; amending Minnesota Statutes 1976, Chapter 245, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Neisen	Sieben, M.
Adams	Corbid	Johnson	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dahl	Kahn	Nelson	Smogard
Anderson, D.	Dean	Kaley	Niehaus	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Eken	Kempe, A.	Osthoff	Suss
Arlandson	Ellingson	Kempe, R.	Patton	Swanson
Battaglia	Enebo	King	Pehler	Tomlinson
Beauchamp	Erickson	Knickerbocker	Peterson	Vanasek
Begich	Esau	Kostohryz	Petrafeso	Voss
Berg	Evans	Kroening	Pleasant	Waldorf
Berglin	Ewald	Kvam	Prahl	Welch
Berkelman	Faricy	Laidig	Reding	Wenstrom
Biersdorf	Fjoslien	Lehto	Rice	Wenzel
Birnstihl	Forsythe	Lemke	Rose	White
Brandl	Friedrich	Mangan	St. Onge	Wieser
Braun	Fudro	Mann	Samuelson	Wigley
Brinkman	Fugina	McCarron	Sarna	Williamson
Byrne	George	McCollar	Savelkoul	Wynia
Carlson, A.	Gunter	McDonald	Scheid	Zubay
Carlson, D.	Hanson	McEachern	Schulz	Speaker Sabo
Carlson, L.	Heinitz	Metzen	Searle	
Casserly	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 938, A bill for an act relating to Ramsey county; providing for construction of necessary highway improvements; apportioning costs; prescribing certain limitations; amending Laws 1974, Chapter 435, Section 1.0209, as amended.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Hanson moved that the House concur in the Senate amendments to H. F. No. 938 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 938, A bill for an act relating to Ramsey county and the city of Saint Paul; providing for construction of necessary highway improvements; apportioning costs; prescribing certain limitations; amending Laws 1974, Chapter 435, Section 1.0209, as amended.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Fugina	Langseth	Peterson
Adams	Casserly	George	Lehto	Petrafaso
Albrecht	Clark	Gunter	Lemke	Pleasant
Anderson, B.	Clawson	Hanson	Mangan	Prahl
Anderson, D.	Cohen	Heinitz	Mann	Reding
Anderson, G.	Corbid	Hokanson	McCarron	Rice
Anderson, I.	Cummiskey	Jacobs	McCollar	Rose
Anderson, R.	Dahl	Jaros	McDonald	St. Onge
Arlandson	Dean	Jensen	McEachern	Samuelson
Battaglia	Den Ouden	Johnson	Metzen	Sarna
Beauchamp	Eckstein	Jude	Moe	Savelkoul
Begich	Eken	Kahn	Munger	Scheid
Berg	Ellingson	Kaley	Murphy	Schulz
Berglin	Enebo	Kalis	Neisen	Searle
Berkelman	Erickson	Kelly, R.	Nelsen, B.	Searles
Biersdorf	Esau	Kempe, A.	Nelsen, M.	Sherwood
Birnstihl	Evans	Kempe, R.	Nelson	Sieben, H.
Brandl	Ewald	King	Niehaus	Sieben, M.
Braun	Faricy	Knickerbocker	Norton	Simoneau
Brinkman	Fjoslien	Kostohryz	Novak	Skoglund
Byrne	Forsythe	Kroening	Osthoff	Smogard
Carlson, A.	Friedrich	Kvam	Patton	Spanish
Carlson, D.	Fudro	Laidig	Pehler	Stanton

Stoa	Vanasek	Wenstrom	Wigley	Speaker Sabo
Suse	Voss	Wenzel	Williamson	
Swanson	Waldorf	White	Wynia	
Tomlinson	Welch	Wieser	Zubay	

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. 1215, A bill for an act relating to environmental protection; prohibiting transportation of radioactive wastes into Minnesota for purposes of storage or disposal; providing exceptions; prescribing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Hanson moved that the House concur in the Senate amendments to H. F. No. 1215 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1215, A bill for an act relating to environmental protection; prohibiting the construction or operation of radioactive waste management facilities within Minnesota; prohibiting transportation of radioactive wastes into Minnesota for purposes of storage or disposal; providing exceptions; prescribing penalties.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Clawson	Evans	Jacobs
Adams	Berkelman	Cohen	Ewald	Jaros
Albrecht	Biersdorf	Corbid	Faricy	Jensen
Anderson, B.	Birnstihl	Cummiskey	Fjoslien	Johnson
Anderson, D.	Brandl	Dahl	Forsythe	Jude
Anderson, G.	Braun	Dean	Friedrich	Kahn
Anderson, I.	Brinkman	Den Ouden	Fudro	Kaley
Anderson, R.	Byrne	Eckstein	Fugina	Kalis
Arlanson	Carlson, A.	Eken	George	Kelly, R.
Battaglia	Carlson, D.	Ellingson	Gunter	Kempe, A.
Beauchamp	Carlson, L.	Enebo	Hanson	Kempe, R.
Begich	Casserly	Erickson	Heinitz	King
Berg	Clark	Esau	Hokanson	Knickerbocker

Kostohryz	Moe	Petrafeso	Sherwood	Waldorf
Kroening	Munger	Pleasant	Sieben, H.	Welch
Kvam	Murphy	Prahl	Sieben, M.	Wenstrom
Laidig	Neisen	Reding	Simoneau	Wenzel
Langseth	Nelsen, B.	Rice	Skoglund	White
Lehto	Nelsen, M.	Rose	Smogard	Wieser
Lemke	Nelson	St. Onge	Spanish	Wigley
Mangan	Niehau	Samuelson	Stanton	Williamson
Mann	Norton	Sarna	Stoa	Wynia
McCarron	Novak	Savelkoul	Suss	Zubay
McCollar	Osthoff	Scheid	Swanson	Speaker Sabo
McDonald	Patton	Schulz	Tomlinson	
McEachern	Pehler	Searle	Vanasek	
Metzen	Peterson	Searles	Voss	

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. 723, A bill for an act relating to economic development; providing grants to community development corporations; setting out criteria for making such grants; appropriating funds; amending Minnesota Statutes 1976, Chapter 362, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Berglin moved that the House concur in the Senate amendments to H. F. No. 723 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 723, A bill for an act relating to economic development; providing grants to community development corporations; setting out criteria for making such grants; amending Minnesota Statutes 1976, Chapter 362, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Arlandson	Berg	Birnstihl
Adams	Anderson, G.	Battaglia	Berglin	Brandl
Albrecht	Anderson, I.	Beauchamp	Berkelman	Braun
Anderson, B.	Anderson, R.	Begich	Biersdorf	Brinkman

Byrne	Forsythe	Kroening	Patton	Spanish
Carlson, A.	Friedrich	Laidig	Pehler	Stanton
Carlson, D.	Fudro	Langseth	Peterson	Stoa
Carlson, L.	Fugina	Lehto	Petrafeso	Suss
Casserly	George	Lemke	Pleasant	Swanson
Clark	Gunter	Mangan	Prahl	Tomlinson
Clawson	Hanson	Mann	Reding	Vanasek
Cohen	Heinitz	McCarron	Rice	Voss
Corbid	Hokanson	McCollar	Rose	Waldorf
Cummiskey	Jacobs	McDonald	St. Onge	Welch
Dahl	Jaros	McEachern	Samuelson	Wenstrom
Dean	Jensen	Metzen	Sarna	Wenzel
Den Ouden	Johnson	Moe	Savelkoul	White
Eckstein	Jude	Munger	Scheid	Wieser
Eken	Kahn	Murphy	Schulz	Wigley
Ellingson	Kaley	Neisen	Searle	Williamson
Enebo	Kalis	Nelsen, B.	Searles	Wynia
Erickson	Kelly, R.	Nelsen, M.	Sherwood	Zubay
Esau	Kempe, A.	Nelson	Sieben, H.	Speaker Sabo
Evans	Kempe, R.	Niehaus	Sieben, M.	
Ewald	King	Norton	Simoneau	
Faricy	Knickerbocker	Novak	Skoglund	
Fjoslien	Kostohryz	Osthoff	Smogard	

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. 1040, A bill for an act relating to finance; deleting obsolete provisions; changing and clarifying cross-references; authorizing commissioner of finance to transfer money to revolving funds in certain cases; transferring air travel account from commissioner of administration to commissioner of finance; codifying certain provisions formerly in session laws; appropriating money; amending Minnesota Statutes 1976, Sections 12.24, Subdivision 2; 15.50, Subdivision 5; 16.172; 16.80, Subdivision 1; 16A.126; 16A.17, Subdivision 9; 18.69; 43.43, Subdivision 2; 121.48, Subdivision 2; 124.212, Subdivision 19; 136.11, Subdivision 5; 136.144; 136.37; 136.55, Subdivision 2; and Chapters 16A, by adding a section; and 243, by adding a section; repealing Minnesota Statutes 1976, Sections 16.02, Subdivision 21; 16.026, Subdivision 5; and 16A.05; and Laws 1945, Chapter 575, Sections 19 and 21.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

King moved that the House concur in the Senate amendments to H. F. No. 1040 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1040, A bill for an act relating to finance; deleting obsolete provisions; changing and clarifying cross-references; authorizing commissioner of finance to transfer money to revolving funds in certain cases; transferring air travel account from commissioner of administration to commissioner of finance; codifying certain provisions formerly in session laws; appropriating money; amending Minnesota Statutes 1976, Sections 12.24, Subdivision 2; 15.50, Subdivision 5; 16.172; 16.80, Subdivision 1; 16A.126; 16A.17, Subdivision 9; 18.69; 43.43, Subdivision 2; 121.48, Subdivision 2; 124.212, Subdivision 19; 136.11, Subdivision 5; 136.144; 136.37; 136.55, Subdivision 2; and Chapters 16A, by adding sections; and 243, by adding a section; repealing Minnesota Statutes 1976, Sections 16.02, Subdivision 21; 16.026, Subdivision 5; and 16A.05; and Laws 1945, Chapter 575, Sections 19 and 21.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Neisen	Sieben, M.
Adams	Corbid	Johnson	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dahl	Kahn	Nelson	Smogard
Anderson, D.	Dean	Kaley	Niehaus	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Eken	Kempe, A.	Osthoff	Suss
Arlandson	Ellingson	Kempe, R.	Patton	Swanson
Battaglia	Enebo	King	Pehler	Tomlinson
Beauchamp	Erickson	Knickerbocker	Peterson	Vanasek
Begich	Esau	Kostohryz	Petrafeso	Voss
Berg	Evans	Kroening	Pleasant	Waldorf
Berglin	Ewald	Kvam	Prahl	Welch
Berkelman	Faricy	Laidig	Reding	Wenstrom
Biersdorf	Fjoslien	Langseth	Rice	Wenzel
Birnstihl	Forsythe	Lehto	Rose	White
Brand	Friedrich	Lemke	St. Onge	Wieser
Braun	Fudro	Mangan	Samuelson	Wigley
Brinkman	Fugina	Mann	Sarna	Williamson
Byrne	George	McCarron	Savelkoul	Wynia
Carlson, A.	Gunter	McCollar	Scheid	Zubay
Carlson, D.	Hanson	McDonald	Schulz	Speaker Sabo
Carlson, L.	Heinitz	McEachern	Searle	
Cassery	Hokanson	Metzen	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 242, A bill for an act relating to the department of public service; providing for its proper operation; prescribing certain powers, functions and duties; making certain corrections and improvements; revising procedures for regulation of certain activities; reducing certain fees; increasing certain penalties; amending Minnesota Statutes 1976, Sections 216A.02; 216A.03, Subdivision 5; 216A.05, Subdivision 1; 216A.07; 216B.16, Subdivision 2; 216B.53; 231.16; 232.04; 232.06, Subdivision 4; 237.-22; 237.29, Subdivision 1; 239.02; 239.07; 239.08; 239.10; 239.-12; 239.23; 239.24; and 239.44; repealing Minnesota Statutes 1976, Sections 239.20 and 239.45; and Laws 1975, Chapter 87, Section 5.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Novak moved that the House concur in the Senate amendments to H. F. No. 242 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 242, A bill for an act relating to the department of public service; providing for its proper operation; prescribing certain powers, functions and duties; making certain corrections and improvements; revising procedures for regulation of certain activities; reducing certain fees; increasing certain penalties; amending Minnesota Statutes 1976, Sections 216A.02; 216A.03, Subdivision 5; 216A.05, Subdivision 1; 216A.07; 216B.16, Subdivision 2; 216B.53; 231.16; 232.04; 232.06, Subdivision 4; 237.22; 237.29, Subdivision 1; 239.02; 239.07; 239.08; 239.10; 239.12; 239.23; 239.24; and 239.44; repealing Minnesota Statutes 1976, Section 239.20; and Laws 1975, Chapter 87, Section 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abein	Battaglia	Brinkman	Corbid	Erickson
Adams	Begich	Byrne	Cummiskey	Esau
Albrecht	Berg	Carlson, A.	Dahl	Evans
Anderson, B.	Berglin	Carlson, D.	Dean	Ewald
Anderson, D.	Berkelman	Carlson, L.	Den Ouden	Faricy
Anderson, G.	Biersdorf	Cassery	Eckstein	Fjoslien
Anderson, I.	Birnstihl	Clark	Eken	Forsythe
Anderson, R.	Brandl	Clawson	Ellingson	Friedrich
Arlandson	Braun	Cohen	Enebo	Fudro

Fugina	King	Murphy	Rose	Stoa
George	Knickerbocker	Neisen	St. Onge	Suss
Gunter	Kostohryz	Nelsen, B.	Samuelson	Swanson
Hanson	Kroening	Nelsen, M.	Sarna	Tomlinson
Heinitz	Kvam	Nelson	Savelkoul	Vanasek
Hokanson	Laidig	Niehaus	Scheid	Voss
Jacobs	Langaeth	Norton	Schulz	Waldorf
Jaros	Lehto	Novak	Searle	Welch
Jensen	Lemke	Osthoff	Searles	Wenstrom
Johnson	Mangan	Patton	Sherwood	Wenzel
Jude	Mann	Pehler	Sieben, H.	White
Kahn	McCarron	Peterson	Sieben, M.	Wieser
Kaley	McCollar	Petrafaso	Simoneau	Wigley
Kalis	McDonald	Pleasant	Skoglund	Williamson
Kelly, R.	McEachern	Prahl	Smogard	Wynia
Kempe, A.	Metzen	Reding	Spanish	Zubay
Kempe, R.	Munger	Rice	Stanton	Speaker Sabo

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. 962, A bill for an act relating to appropriations; abolishing open appropriations for various purposes; providing direct appropriations for debt service and for other purposes previously supported by open appropriations; amending Minnesota Statutes 1976, Sections 16.023; 16A.27; 43.12, Subdivision 11; 84B.07; 136A.08, Subdivisions 1 and 2; 176.183, Subdivision 2; 192.52; 268.06, Subdivision 25; 299D.03, Subdivision 1; 351.11; 352E.02; 481.15, Subdivision 2; and Laws 1973, Chapter 567, Section 7; repealing Minnesota Statutes 1976, Sections 124.23; 136.508; 261.233; 352E.05; 355.31 to 355.39.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Arlandson moved that the House concur in the Senate amendments to H. F. No. 962 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 962, A bill for an act relating to appropriations; abolishing open appropriations for various purposes; providing direct appropriations for debt service and for other purposes previously supported by open appropriations; amending Minnesota Statutes 1976, Sections 16.023; 16A.27; 84B.07; 136A.08, Subdivisions 1 and 2; 176.183, Subdivision 2; 192.52; 299D.03, Subdivision 1; 351.11; 352E.02; 481.15, Subdivision 2; and Laws 1973, Chapter 567, Section 7; repealing Minnesota Statutes 1976, Sections 124.23; 136.508; 352E.05; 355.31 to 355.39.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Moe	Searles
Adams	Cohen	Jaros	Munger	Sherwood
Albrecht	Corbid	Jensen	Murphy	Sieben, H.
Anderson, B.	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, D.	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, G.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, I.	Den Ouden	Kaley	Nelson	Srnogard
Anderson, R.	Eckstein	Kalis	Niehaus	Spanish
Arlandson	Eken	Kelly, R.	Norton	Stanton
Battaglia	Ellingson	Kempe, A.	Novak	Stoa
Beauchamp	Enebo	Kempe, R.	Osthoff	Suss
Begich	Erickson	King	Patton	Swanson
Berg	Esau	Knickerbocker	Pehler	Tomlinson
Berglin	Evans	Kostohryz	Peterson	Vanasek
Berkelman	Ewald	Kroening	Petrafeso	Voss
Biersdorf	Faricy	Kvam	Prahl	Waldorf
Birnstihl	Fjoslien	Laidig	Reding	Welch
Brandl	Forsythe	Langseth	Rice	Wenstrom
Braun	Friedrich	Lehto	Rose	Wenzel
Brinkman	Fudro	Lemke	St. Onge	White
Byrne	Fugina	Mangan	Samuelson	Wieser
Carlson, A.	George	Mann	Sarna	Wigley
Carlson, D.	Gunter	McCarron	Savelkoul	Williamson
Carlson, L.	Hanson	McCollar	Scheid	Wynia
Casserly	Heinitz	McDonald	Schulz	Zubay
Clark	Hokanson	McEachern	Searle	Speaker Sabo

Those who voted in the negative were:

Pleasant

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. 1416.

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. 1416

A bill for an act relating to the organization and operation of state government; appropriating money for welfare, correc-

tions, health, and other purposes, including appropriations for the departments of public welfare, vocational rehabilitation, corrections, corrections ombudsman, health, health related boards, and public assistance programs; and repealing Minnesota Statutes 1976, Section 261.233.

May 20, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1416 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 1416, be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [WELFARE, CORRECTIONS, HEALTH; APPROPRIATIONS.] The sums set forth in the columns designated “APPROPRIATIONS” are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1977”, “1978”, and “1979”, wherever used in this act, mean that the appropriation or appropriations listed thereunder shall be available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS

Available for the Year  
Ending June 30,

	1978	1979
\$		\$

Sec. 2. COMMISSIONER OF  
PUBLIC WELFARE

Subdivision 1. Program and Administrative Support .....	20,102,385	20,279,520
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Approved Complement — 202.75

The amounts that may be expended from this appropriation for each activity are as follows:

Special County Aids

\$3,000,000	\$3,000,000
-------------	-------------

	1978	1979
	\$	\$
County Administrative Cost Reimbursement		

\$12,100,000	\$12,184,700
--------------	--------------

Administrative Support

\$5,002,385	\$5,094,820
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All payments from money appropriated for equalization aid shall be based upon a formula that includes four factors: recipient rate, per capita income, per capita taxable value, and per capita expenditures for welfare.

Salary expenditures for computation of equalization aid shall not be included for purposes of computing county per capita welfare costs or in county welfare costs.

Notwithstanding any law to the contrary, initial payments for equalization aid to counties shall be made on or before October 1, 1977, for fiscal year 1978 and on or before October 1, 1978, for fiscal year 1979. Final payments shall be made before October 1 of the following fiscal year.

For the purposes of equalization aid, welfare costs shall be deemed to include all forms of public assistance and the administrative costs thereof, to-wit: medical assistance, aid to dependent children, Minnesota supplemental assistance, payments to the commissioner of public welfare for care and treatment of patients in state institutions, medical relief, hospital charges, maintenance of children not under state guardianship, general assistance, and all administrative costs except university hospitals care, care of children under state guardianships, and poor burials.

No county shall be entitled to the benefits of this act if it has transferred any money available for welfare purposes to

	1978	1979
	\$	\$

any other county funds, except that where money is otherwise unavailable, a transfer may be made to the general revenue fund of the county for payment of rent of office space for the county welfare board. A transfer shall be made only with the approval of the governor after consultation with the Minnesota public relief advisory committee. Transfer of money for payment of rent shall not be considered an expenditure for equalization aid reimbursement. Any federal money received in lieu of taxes because of federal grants shall be available for welfare purposes.

No county shall receive from state money paid for equalization aid an amount in excess of 75 percent of its cost of welfare as defined in this subdivision.

Notwithstanding any law to the contrary, the formula used in this subdivision for equalizing welfare costs shall be used for computing distressed county aid for daytime activity centers and community mental health centers.

Any money appropriated by this subdivision for the Red Lake Band of Chippewa Indians in excess of the county costs for this purpose shall cancel to the general fund.

Reimbursements for general relief — Indians and the Red Lake Band of Chippewa Indians shall be prorated if the appropriation made in this subdivision is insufficient to provide full reimbursement.

Estimated federal money to be deposited in the general fund that is earned by the various accounts of the department of public welfare is detailed on the worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance. If federal money anticipated is less than shown on

	1978	1979
	\$	\$

the official worksheets, the commissioner of finance shall reduce the amount available from the specific appropriation by a like amount. The reductions shall be noted in the budget document submitted to the 71st legislature in addition to an estimate of similar federal money anticipated for the 1979-1981 biennium.

Not more than \$5,000 annually is appropriated from salary savings to be used for the payment of interview expenses of job applicants, pursuant to section 245.035.

Notwithstanding any state law to the contrary, the commissioner of public welfare shall not adjust the budget standards for any categorical aid program in excess of the amount authorized by the legislature, unless federal statute or regulation require it.

Recipients of Minnesota supplemental assistance living in nonmedical congregate care or foster care shall receive the same personal needs allowance as recipients of medical assistance residing in intermediate care facilities.

The commissioner of public welfare shall adjust the benefits payable to the aged, blind and disabled recipients pursuant to Minnesota Statutes, Sections 256D.36 and 256D.37 who do not reside in congregate care or foster care facilities in an amount equivalent to the cost of living adjustments in the federal supplemental security income program.

In determining the amount of the public assistance grants, the commissioner shall effect a five percent increase on July 1, 1977 and a five percent increase on July 1, 1978.

Subd. 2. Community Services	40,688,976	43,330,283
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	1978	1979
	\$	\$

The amounts that may be expended from this appropriation for each activity are as follows:

**Community Mental Health Centers**

\$16,327,237    \$16,903,172

**Daytime Activity Centers**

\$ 7,961,500    \$ 8,684,888

**Day Care**

\$ 1,078,117    \$ 1,139,303

**Cost of Care—**

**Emotionally Disturbed**

\$ 1,016,600    \$ 1,089,596

**Mentally Retarded**

\$ 3,565,460    \$ 3,781,188

**Residential Services—**

**Mentally Ill**

\$ 876,000    \$ 910,000

**Mentally Retarded**

\$ 616,481    \$ 678,705

**Chemically Dependent**

\$ 3,917,790    \$ 4,495,918

**Vocational Rehabilitation of the Blind**

\$ 2,780,480    \$ 2,879,451

Notwithstanding any other law, no client receiving aid from services for the blind for purposes of vocational rehabilitation shall be required to main-

1978

1979

\$

\$

tain grade point ratios or other scholastic requirements in excess of the educational or vocational institutions requirements for all students attending such institutions.

#### Foster Grandparents

\$ 350,000    \$ 400,000

#### Program Support

\$ 2,199,311    \$ 2,368,062

The appropriation for Community Mental Health Centers provides for a 50 percent matching, except for counties affected by equalization aid, of local community mental health centers approved expenditures.

Any conditions imposed by the granting agency upon the local vendor of nutritional services shall not be more restrictive than state law or federal regulation.

Notwithstanding any law to the contrary, county boards may select the appropriate contiguous region to associate with for community mental health services.

The Daytime Activity Centers appropriation provides for a 60 percent matching, except for counties affected by equalization aid payments, of local daytime activity centers approved expenditures.

Up to \$25,000 of the appropriation for foster grandparents may be retained by the Minnesota board on aging as a fee for administrative services and expenses, pursuant to Minnesota Statutes, Section 256.976.

Of the sum of \$775,000 appropriated from the general fund by Laws 1976,

	1978	1979
	\$	\$

Chapter 125, Section 10, Subdivision 3, for residential and aftercare treatment programs or facilities for native Americans, up to \$500,000 of the unexpended balance is hereby reappropriated to the commissioner of public welfare for the purposes of Laws 1976, Chapter 125, Section 3.

Subd. 3. Income Maintenance	252,026,604	265,826,134
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Approved Complement — 215

The amounts that may be expended from this appropriation for each activity are as follows:

Aid to Families with Dependent Children, Medical Assistance, and Minnesota Supplemental Assistance

\$214,233,076	\$225,392,098
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General Assistance and General Assistance

Medical Care

\$ 31,421,600	\$ 34,004,551
---------------	---------------

Centralized Disbursement

\$ 5,101,021	\$ 5,155,648
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Support

\$ 1,270,907	\$ 1,273,837
--------------	--------------

General Assistance deficiency

\$ 2,413,669 for 1977
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If the appropriation for aid to families with dependent children, medical assistance, Minnesota supplemental assistance and general assistance medical care is insufficient for either year, the appropriation for the other year shall be available therefore by direction of the

1978

1979

\$

\$

governor after consulting with the legislative advisory commission.

Notwithstanding the provisions of any other law, the commissioner of public welfare may utilize the money provided in this subdivision, pursuant to the approval of the governor, to pay a portion of the cost of day care and vocational training programs. The portion of the cost not paid by federal money shall be paid equally from state and local money. The cases selected by the commissioner for the new programs, on the average, shall not have a greater cost than if they remained in this program. The commissioner shall develop criteria, selection principles, and other rules to carry out the intent of this provision.

The commissioner of public welfare shall provide supplementary grants, not to exceed \$150,000 per year, for aid to families with dependent children and shall include the following costs in determining the amount of the supplementary grants: major home repairs, repair of major home appliances, utility repairs, supplementary dietary needs not covered by medical assistance, and replacement of essential household furnishings and essential major appliances.

The amount appropriated for implementation of Minnesota Statutes, Section 245.0313 shall be available only if matched by federal money. If the cost of care in state institutions falls below the projections used for implementation of Minnesota Statutes, Section 245.0313, any excess appropriation shall revert to the general fund.

Notwithstanding any law to the contrary, counties may retain one half of the non-federal share of medical assistance collections from estates which are directly attributable to county effort.

The commissioner of public welfare shall develop a proposal for containment

1978

1979

\$

\$

of medical costs including proposed rules requiring specific recipients to be charged a nominal amount toward cost of medical services provided under medical assistance and general assistance medical care. Such proposal shall be submitted to and acted upon by the 1978 legislature before becoming effective. The payments shall not be required from recipients of (1) supplemental aid as defined in section 256D.35, subdivision 4, (2) the welfare allowance for clothing and personal needs pursuant to section 256B.35, or (3) the special personal allowance pursuant to section 256B.36. Recipients of assistance pursuant to section 256.73 shall not be required to make any payments for services provided pursuant to section 256B.02, subdivision 8, clauses (1), (2), (3), (4), (5) and (9). The amount of payments required shall not exceed those allowed by 45 Code of Federal regulations section 249.40 as of October 1, 1976.

The commissioner of public welfare is authorized to make the adjustments he deems necessary in the medical assistance, catastrophic health, and general assistance medical payments to assure expenditures do not exceed the appropriations for such programs. The initial adjustment shall be to eliminate inequities, and any adjustments thereafter shall be on a nondiscriminatory basis.

Provided that medical assistance may include personal care services in a recipient's home rendered by an individual, not a member of the family, who is qualified to provide the services, when the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse.

Subd. 4. Residential Services . . . . . 99,434,468 98,233,726

Approved Complement —  
 State Hospitals — 5454

	1978	1979
	\$	\$
Nursing Homes — 617		
Support — 49.5		

The amounts that may be expended from this appropriation for each activity are as follows:

#### State Hospitals

##### Current Expense

\$11,094,984    \$11,818,036

##### Salaries

\$75,519,420    \$75,560,469

##### Repairs, replacements, and road maintenance

\$ 1,318,514

##### Special Equipment

\$ 601,750

#### Nursing Homes

##### Current Expense

\$ 1,409,750    \$ 1,554,314

##### Salaries

\$ 7,905,271    \$ 7,912,884

##### Repairs, replacements, and road maintenance

\$ 128,810

##### Special Equipment

\$ 69,607

	1978	1979
	\$	\$
Support		
	\$ 1,386,362	\$ 1,388,023

The commissioner of public welfare is authorized to fill up to 100 human services technician positions in the state hospitals in addition to the legislative complement enumerated in section 2, subdivision 4 for the purpose of alleviating recruitment delays in direct patient care, as salary savings become available to fund such positions.

\$100,000 of the appropriation for state hospitals is available to develop plans for a new security facility for 150 to 160 residents to be located on the St. Peter state hospital campus. The commissioner of public welfare shall submit the plan to the legislature by January 16, 1978.

Any unexpended balance remaining in the first year for special equipment and repairs and replacements shall not cancel but shall be available for the second year of the biennium.

A special account in the department of public welfare may be established from this appropriation to pay for special costs relating to the mental health commitment act and review boards for veterans hospitals.

All new positions granted in these appropriations for hospitals and nursing homes shall be direct patient care positions.

As the hospital population decreases, the supportive staff complement shall be reduced in direct proportion.

The commissioner of public welfare shall equitably distribute the positions authorized by the legislature between the state hospitals consistent with the over all program of the department.

	1978	1979
\$		\$

The information for the budgets for the nursing homes, and hospitals shall be submitted to the 1979 legislature on an individual hospital basis together with a summary budget in the same format as the legislature appropriated money.

Positions and administrative money may be transferred between the various activities within each subdivision in this section.

Subd. 5. 1977 employee compensa- tion plan .....	9,504,889	11,035,991
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This appropriation shall be added to the subdivisions in this section in the following amounts:

	1978	1979
For subdivision 1. \$ 400,000		\$ 463,000
For subdivision 2. 246,523		285,912
For subdivision 3. 298,366		347,079
For subdivision 4. 8,560,000		9,940,000

**Sec. 3. COMMISSIONER OF VOCATIONAL REHABILITATION**

Subdivision 1. Vocational Rehabili- tation Services .....	2,227,870	2,292,921
Subd. 2. Sheltered Employment and Work Activity .....	2,290,717	3,136,477
Subd. 3. General Support .....	168,934	172,251

Funds received from worker's compensation carriers for services provided by the department of rehabilitation for the benefit of injured workers, shall be deposited in the accounts of the department of rehabilitation, and reported in the same ratio to state and federal funds expended. Should such deposits exceed the amount shown on worksheets of the

	1978	1979
	\$	\$

conferees of the Senate and House of Representatives, the commissioner of finance shall reduce the amounts available from the general appropriation for the department of rehabilitation by the amount of such excess. The federal share of these recoupments shall be deposited as required by federal law, regulation and guideline.

Subd. 4. The commissioner of vocational rehabilitation may expend money received from school districts, governmental subdivisions, mental health authorities, and private nonprofit organizations for the purpose of conducting joint or cooperative vocational rehabilitation programs, and this money is appropriated for these purposes.

Subd. 5. The number of state funded positions shall not exceed the number shown on official worksheets.

Subd. 6. 1977 employee compensation plan .....	21,123	21,123
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This appropriation shall be added to the subdivisions in this section in the following amounts:

	1978	1979
For subdivision 1.	\$19,732	\$19,732
For subdivision 2.	1,391	1,391

**Sec. 4. COMMISSIONER OF CORRECTIONS**

Subdivision 1. General Support .....	4,389,045	4,407,367
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Approved Complement —

99.7 for 1978

97.7 for 1979

	1978	1979
	\$	\$

The amounts that may be expended from this appropriation for each activity are as follows:

County Probation Reimbursement

\$ 1,154,609 \$ 1,339,955

Notwithstanding any law to the contrary, any surplus money in the county probation reimbursement appropriation occurring as a result of an excess appropriation shall cancel to the general fund.

On or before October 30 of each year, each county or group of counties shall submit to the commissioner of corrections an estimate of the cost for county probation reimbursement. Reimbursement shall be made on the basis of the estimate submitted or the actual expenditure, whichever is less.

Subsidy Programs

\$ 490,000 \$ 340,000

Support

\$2,744,436 \$2,727,412

County Probation Reimbursement deficiency

\$ 284,000 for 1977

This appropriation includes money for training of group home parents in county homes.

No new program may be implemented unless a statistical evaluation of its objectives and accomplishments accompanies the development of the program.

Subd. 2. Special Services .....	2,498,141	2,302,121
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Approved Complement — 42.3

	1978	1979
\$		\$

The amounts that may be expended from this appropriation for each activity are as follows:

#### Health Care

\$ 1,884,902    \$ 1,705,973

\$72,000 of this appropriation is available as the state's share for providing a secure holding area at the St. Paul-Ramsey Hospital.

\$778,000 of this appropriation is available to establish, staff, equip, maintain and operate a psychiatric unit at one of the adult correctional institutions for the care and treatment of inmates who become mentally ill.

Any person confined in a state correctional institution for adults who had been adjudicated to be mentally ill and in need of treatment, may be committed to the commissioner of corrections and placed in the psychiatric unit established pursuant to this subdivision.

#### Education

\$ 384,357    \$ 359,357

#### Support

\$ 228,882    \$ 236,791

The health care appropriation shall be used to provide professional health care to persons confined in institutions under the control of the commissioner of corrections, and to cover costs of their care in hospitals and other medical facilities not under the control of the commissioner of corrections, including the secure treatment unit operated by the St. Paul-Ramsey Hospital. All reimbursements for such health care services shall be deposited in the general fund.

	1978	1979
	\$	\$
Subd. 3. Community Services . . . .	9,169,850	12,756,590

Approved Complement —

138.9 for 1978

140.9 for 1979

The amounts that may be expended from this appropriation for each activity are as follows:

Probation and Parole

\$2,636,652    \$2,654,391

Residential Programs

\$1,475,310    \$1,522,669

Community Corrections Act

\$5,057,888    \$8,579,530

Hennepin county may operate the Hennepin county adult corrections facility. All employees of the city of Minneapolis currently working at the Hennepin county adult correctional facility pursuant to the terms of Laws 1975, Chapter 402, Section 1, will transfer to employment with Hennepin county as of July 1, 1977, subject to the terms of Laws 1975, Chapter 402, Section 1, Subdivisions 2 and 3 and Section 2.

As counties begin participating in the corrections subsidy act, the complement of the central office shall be reduced by the number of positions transferred to the counties entering the act.

The commissioner of corrections shall select the counties that may participate under the corrections subsidy act after consulting with the appropriate finance committees of the legislature.

	1978	1979
	\$	\$
Subd. 4. Correctional Institutions . . .	28,573,868	27,392,641

Approved Complement — 1149.5

**Current Expense**

\$ 7,348,801    \$ 6,092,143

**Salaries**

\$20,562,654    \$20,685,392

**Special Equipment**

\$ 207,872    \$ 206,393

**Repairs and Replacements**

\$ 454,541    \$ 408,713

**Deficiency**

\$535,300 for 1977

\$140,000 of this appropriation is available to develop a case management team for programming for the most difficult to handle juveniles.

Any unexpended balances in special equipment and repairs and replacements remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Notwithstanding any law to the contrary, any encumbered money appropriated by Laws 1971, Chapter 963, Section 2, Subdivision 15, Clause (2) and Laws 1971, Chapter 963, Section 2, Subdivision 16, Clause (4) shall not cancel, but shall remain available until the projects are completed.

Subd. 5. 1977 employee compensation plan . . . . .	2,550,325	2,963,693
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	1978	1979
	\$	\$

This appropriation shall be added to the subdivisions in this section in the following amounts:

	1978	1979
For subdivision 1.	\$209,343	\$233,550
For subdivision 2.	73,805	85,919
For subdivision 3.	275,946	324,618
For subdivision 4.	1,991,231	2,319,606

Sec. 5. CORRECTIONS  
OMBUDSMAN

Subdivision 1. Salaries, Supplies and Expense .....	199,000	199,000
Subd. 2. 1977 employee compensation plan .....	19,337	22,037

Sec. 6. BOARD OF HEALTH

Subdivision 1. Preventive and Personal Health Services .....	5,831,360	6,228,694
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Approved Complement — 173.75

Notwithstanding any law to the contrary the department of health shall use JCAH accreditation as evidence of licensure for all hospitals so accredited.

The governor shall appoint a three member panel to study the health effects regarding fluoridation of the municipal water supplies. Up to \$15,000 of this appropriation may be used for this purpose. Any municipal water supply not fluoridated in compliance with the rules of the state board of health as of January 1, 1977 need not comply with the rules until July 1, 1979.

Subd. 2. Medical Laboratory Services Contingent .....	106,000
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	1978	1979
	\$	\$

The department of health shall submit a report on or before January 3, 1978 to the house appropriations committee and the senate finance committee regarding medical laboratory services. The report shall include but not be limited to: a schedule of present fees, proposed new fees, enumeration of inadequate fees, proposed changes in present fees, and an assessment of the medical laboratories in the state to see if the services could be provided by them rather than the health department's medical laboratory.

On or after July 1, 1978 the department of health shall implement the proposed fee schedule except for those parts specifically rejected by the legislature.

This appropriation shall be prorated by the department of finance according to the portion of the year for which the proposed fees are charged.

Subd. 3. Health Systems Quality Assurance .....	1,339,339	1,361,928
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Approved Complement — 64.25

Of this appropriation \$244,182 for fiscal year 1978 and \$245,409 for fiscal year 1979 are appropriated from the trunk highway fund for emergency medical services activities.

The department of health shall on or before January 15, 1978, report to the legislature with its recommendations for the appropriate type of training for nursing assistants, the appropriate type or types of institutions which should offer the training programs, the method or methods to be used in funding the training programs, and the appropriate state agency to regulate the training programs.

Subd. 4. Health Support Services ..	9,127,528	9,489,177
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	1978	1979
	\$	\$

Approved Complement — 79.5

As counties begin participating in the community health services act, the complement of the department shall be reduced by the number of positions transferred to the counties entering the act.

For the purposes of the community health services act, the commissioner of finance may authorize the transfer of money to the community health services activity from the other subdivisions in section 6.

If the appropriation for community health services is insufficient for either year, the appropriation for the other year shall be available therefor by direction of the governor after consulting with the legislative advisory commission.

Subd. 5. Community Health

Subsidy Contingent .....		1,542,877
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The commissioner of finance shall not permit the allotment of these funds until the department of health certifies the eligibility of the counties who will participate in the act.

Subd. 6. 1977 employee compensation plan .....	512,366	598,055
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This appropriation shall be added to the subdivisions in this section in the following amounts:

	1978	1979
For subdivision 1.	\$274,656	\$319,596
For subdivision 3.	109,830	127,824

Of this appropriation, \$18,900 for fiscal year 1978 and \$21,920 for fiscal year 1979 are appropriated from the

	1978	1979
	\$	\$
trunk highway fund for emergency medical services activities.		
For subdivision 4.	\$127,880	\$150,635
Sec. 7. HEALTH RELATED BOARDS		
Subdivision 1. Board of Chiropractic Examiners .....	34,223	34,426
Subd. 2. Board of Dentistry .....	165,941	166,057
Subd. 3. Board of Medical Examiners .....	277,955	278,886
Subd. 4. Board of Nursing .....	522,923	524,049
Subd. 5. Board of Examiners for Nursing Home Administrators .....	60,588	60,975
Notwithstanding the provision of section 144A.04, subdivision 5, a nonproprietary retirement home having less than 15 licensed nursing home beds may share the services of a licensed administrator with a nonproprietary nursing home having less than 150 licensed nursing home beds which is located within 25 miles of the retirement home.		
Subd. 6. Board of Optometry .....	33,808	33,810
Subd. 7. Board of Pharmacy .....	200,983	201,835
Subd. 8. Board of Podiatry .....	5,366	5,437
Subd. 9. Board of Psychology .....	35,727	37,076
Subd. 10. Board of Veterinary Medicine .....	21,404	21,849
Subd. 11. The commissioner of finance shall not permit the allotment, encumbrance, or expenditure of any money appropriated in this section in excess of the anticipated biennial revenues.		
Subd. 12. 1977 employee compensation plan .....	62,239	71,939

1978                    \$                    1979  
\$                    \$

This appropriation shall be added to the subdivisions in this section in the following amounts:

	1978	1979
For subdivision 1.	\$463	\$525
For subdivision 2.	4,881	5,600
For subdivision 3.	11,156	12,913
For subdivision 4.	26,489	30,758
For subdivision 5.	3,671	4,170
For subdivision 6.	1,100	1,250
For subdivision 7.	12,969	15,003
For subdivision 9.	1,510	1,720

Sec. 8. CONTINGENT FOR STATE INSTITUTIONS ..... 600,000

This appropriation shall be used for emergency purposes and for the purchase of food, clothing, drugs, and fuel for any of the institutions for which an appropriation is made in this act. No expenditure shall be made from this appropriation without the direction of the governor after consultation with the legislative advisory commission.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

The allowance for food may be adjusted annually according to the United States department of labor, bureau of labor statistics publication wholesale price index, upon the approval of the governor. Adjustments shall be based on the June, 1977, wholesale food price index, but the adjustment shall be prorated if the wholesale food price index adjustment would require money in excess of this appropriation.

	1978	1979
	\$	\$

### Sec. 9. WORKERS' COMPENSATION

To be transferred by the commissioner of finance to the department of labor and industry, compensation revolving fund, for fiscal year 1977, in payment of obligations incurred by the following departments in the amounts indicated:

Corrections .....	\$	267,930
Public Welfare .....	\$	966,852

### Sec. 10. UNEMPLOYMENT COMPENSATION

To the unemployment compensation fund for fiscal year 1977, in reimbursement of unemployment compensation benefits paid for former employees of the following departments:

Corrections .....	\$	296,985
Correction Ombudsman .....	\$	3,098
Public Welfare .....	\$	1,044,934

Sec. 11. RECEIPTS. All funds, sums of money, or other resources provided or to be received, including all receipts, collections, legislative allocations, transfers, and other income and receipts properly belonging to and to be used for financing activities, programs, and other projects other than the institutions now or hereafter under the supervision and jurisdiction of the commissioner of public welfare not otherwise specifically designated as income or credits to other state departments or funds by law, shall be credited to and become a part of the appropriations provided for in section 2, subdivisions 1, 2, and 3.

Sec. 12. PROVISIONS. Money appropriated under this act for the purchase of provisions within the item "current expense" shall be used solely for that purpose. The amounts appropriated for provisions are shown on the worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the offices of the commissioner of finance. Any money so provided and not used for purchase of provisions shall be cancelled into the fund from which appropriated, except that money so provided and not used for the purchase of provisions because

of population decreases may be transferred and used for the purchase of medical and hospital supplies after consultation with the legislative advisory commission, whose opinion shall be advisory only.

**Sec. 13. TRANSFERS.** Subdivision 1. The commissioner of public welfare, the commissioner of corrections, the commissioner of vocational rehabilitation and the commissioner of health shall not transfer any money to or from personnel services, or claims and grants, as shown on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance, except for those transfers that have the written approval of the governor, who shall consult with the legislative advisory commission for its recommendations, which shall be advisory only.

Subd. 2. The commissioner of public welfare by direction of the governor after consulting with the legislative advisory commission may transfer unobligated appropriation balances and positions between the various subdivisions.

Subd. 3. The commissioner of corrections may transfer appropriations and authorized positions among all subdivisions of section 4 in the best interest of the security and rehabilitation programs and for more efficient utilization of personnel and facilities. Transfers shall be made with the written approval of the governor after consulting with the legislative advisory commission.

**Sec. 14. APPROVED COMPLEMENT.** Except as otherwise provided, whenever an appropriation made in this act to any institution or agency discloses an approved complement, the institution or agency is limited in the employment of the number of full-time equivalent persons indicated by the approved complement. Part-time and summer student help may be employed with the advance approval of the commissioner of finance and shall not be included in the approved complement. The approved complement does not include employees engaged in repair or construction projects who may be employed only with the advance approval of the commissioner of finance.

Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve the additional personnel until he has consulted with the legislative advisory commission. Any requests for increases in the approved complement shall be forwarded to the appropriate committees on finance of the legislature not less than 30 days prior to the legislative advisory commission meeting.

Sec. 15. **STAFF HOUSING.** The commissioner of corrections shall reduce staff housing as soon as possible.

Sec. 16. **FISCAL NOTES.** Notwithstanding any other law to the contrary, the departments of health, public welfare, vocational rehabilitation, corrections and the health related boards shall not put into effect any rule, regulation, or standard, which has a fiscal impact in excess of \$100,000 annually without first providing the house appropriations and the senate finance committees with fiscal notes.

Sec. 17. On May 1, 1978, the Hastings state hospital shall be closed. The veterans affairs department may establish a veterans home on that campus upon the approval of the 1978 legislature. The finance committee of the senate and the appropriations committee of the house shall jointly study the feasibility of any other alternative for that campus and report their findings to the legislature on or before January 16, 1978. The commissioner of public welfare shall provide for the transfer of patients and patient records to other hospitals operated by the department of public welfare or provide for alternate care. The commissioner shall, to the extent possible, provide at least 30 days notice of the transfer and allow patients and their parents, spouse or guardian input regarding the institution to which the patient is to be transferred. All affected employees of the Hastings state hospital shall continue employment in the department of public welfare or they may voluntarily accept employment in another state department, with no reduction in salary or other benefits. The commissioner of personnel shall reimburse employees who relocate for all legitimate expenses incurred in relocation.

Notwithstanding any other law an employee who waives his right to transfer to a hospital other than Hastings state hospital or other state employment shall be entitled to severance pay in the amount equal to 5 percent of the employee's base salary or wage, not to exceed \$500, multiplied by the number of years of state service, but in no case shall the total amount exceed \$3,000.

There is available from the general contingent account the sum of \$1,000,000 which may be expended under the provision of Minnesota Statutes, Section 3.30, if an alternative is established for the Hastings campus.

Sec. 18. For the Oak Terrace state nursing home, the commissioner of public welfare shall assist a joint committee of the finance committee of the senate and the appropriations committee of the house to develop in detail a plan for the future use and care of patients. The report shall include, but not be limited to, where patients would be located, how affected employees would be accommodated and maintenance and disposition of the physical plant. The report and their findings shall be submitted to the legislature on or before January 16, 1978.

Sec. 19. [FATHER MILLER MEMORIAL CHAPEL.] Subdivision 1. There is hereby appropriated to the department of corrections the sum of \$63,295.76 as interest earned on and reinstatement of moneys expended from the \$156,624.41 gift to the state from the Reverend Francis J. Miller Memorial Foundation, Inc. for the construction of an interdenominational chapel at the prison at Stillwater for the period April 10, 1972 to December 31, 1976. The commissioner shall deposit this amount directly to the account containing the principal sum.

Subd. 2. The remaining principal plus accrued interest shall, in accordance with section 11.10, subdivision 1, be certified to the state board of investment as money not currently needed, and, notwithstanding the provision of section 11.10, subdivision 3, all interest and profits accruing from the investment shall be credited to and become a part of the principal sum of the investment. Any loss incurred in the principal sum of the investment shall be deducted therefrom.

Sec. 20. [COMPUTER SYSTEM DEVELOPMENT.] In all cases where an appropriation made in this act includes money for computer system development, development shall not proceed beyond PRIDE phase I until the project has been reviewed and approved by the commissioners of administration and finance. All approved projects shall be reported to the chairmen of the house appropriations committee and senate finance committee to receive their recommendation on the project. A recommendation is advisory only. In the case of rejected projects, the commissioner of finance shall cancel the unencumbered balance of the appropriation allotted for development of the project.

Sec. 21. There is appropriated to the department of public welfare the sum of \$300,000 for the biennium ending June 30, 1979, to be expended in Ramsey, Washington and Dakota counties for the cost of care of mentally ill persons who were inpatients of Hastings State Hospital on May 20, 1977, who may be placed in community facilities as a result of the closing of Hastings state hospital.

Sec. 22. There is appropriated to the department of corrections the sum of \$350,000 for the biennium ending June 30, 1979, for the purpose of supplementing the cost to Hennepin county of operating the Hennepin county adult corrections facility.

Sec. 23. There is appropriated to the department of health the sum of \$100,000 for the biennium ending June 30, 1979 for the purchase of quantities of somatotropin. The department of health shall supply appropriate quantities of somatotropin, without charge, to licensed physicians engaged in bona fide treatment of Minnesota residents with demonstrable physiological growth problems. These quantities shall be determined by the department according to a treatment plan established by the physician for each patient. Physicians supplied with somatotropin by the

department shall not charge their patients for the use of that drug. Physicians supplied with somatotropin shall report regularly to the department regarding the effectiveness of the drug.

Sec. 24. There is appropriated to the department of public welfare the sum of \$300,000 for financial assistance to persons or to the parent or guardian of dependent persons suffering from hemophilia who are unable to pay for or obtain third party reimbursement from any private or public source, including chapters 62E and 256B, for the cost of care and treatment. The financial assistance may be used for obtaining blood, blood components, and other efficacious agents for use in hospital, medical and dental facilities, and at home. Assistance provided under this clause shall be subject to periodic review based on evaluation at one of the comprehensive care centers. Financial assistance shall include costs of periodic review and shall be made available on the basis of financial need.

Sec. 25. Notwithstanding any law, the provisions of Minnesota Statutes 1976, Section 256B.44, Subdivision 2, shall not apply to the payment of interest indebtedness finally incurred prior to April 13, 1976, if the interest is otherwise allowable. The documents required by Minnesota Statutes, Section 256B.48, Subdivision 2, Clause (a) shall be provided prior to allowance of this interest. There is appropriated to the commissioner of public welfare the sum of \$300,000 for the purposes of this section. This appropriation shall be prorated if the appropriation is insufficient to fully reimburse all affected parties.

Sec. 26. Minnesota Statutes 1976, Section 144A.61, Subdivision 6, is amended to read:

Subd. 6. [TRAINING PROGRAM.] Each nursing assistant hired to work in a nursing home on or after (JULY) *January* 1, (1977) *1979*, shall have successfully completed an approved nursing assistant training program or shall be enrolled in the first available approved training program which is scheduled to commence within 60 days of the date of the assistant's employment. Approved training programs shall be offered at the location most reasonably accessible to the enrollees in each class.

Sec. 27. The following sums are appropriated to the health department for fiscal year 1979 to be awarded as grants pursuant to the direction of the statewide health coordinating council:

(a) For merit fellowship grants .....	\$1,000,000
(b) For nonmedical and health services research grants .....	\$300,000
(c) For health policy studies .....	\$200,000

Not more than one percent of each sum appropriated by clauses (a) to (c) shall be available for reimbursement of agency expenses.

Sec. 28. Minnesota Statutes 1976, Section 261.233, is repealed.”.

Further, amend the title:

Line 8 after the semicolon insert “amending Minnesota Statutes 1976, Section 144A.61, Subdivision 6;”.

We request the adoption of this report and repassage of the bill.

Senate Conferees: B. ROBERT LEWIS, GEORGE F. PEEPICH, JOHN MILTON, ROGER D. MOE and WILLIAM G. KIRCHNER.

House Conferees: DONALD SAMUELSON, JAMES I. RICE, WALTER R. HANSON, MARY M. FORSYTHE and JOHN CORBID.

Samuelson moved that the report of the Conference Committee on S. F. No. 1416 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1416, A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes, including appropriations for the departments of public welfare, vocational rehabilitation, corrections, corrections ombudsman, health, health related boards, and public assistance programs; and repealing Minnesota Statutes 1976, Section 261.233.

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 111 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeln	Berkelman	Dahl	George	Kempe, A.
Adams	Biersdorf	Den Ouden	Gunter	Kempe, R.
Anderson, B.	Birnstihl	Eckstein	Hanson	King
Anderson, D.	Brandl	Eken	Heinitz	Knickerbocker
Anderson, G.	Byrne	Ellingson	Hokanson	Kostohryz
Anderson, I.	Carlson, A.	Enebo	Jacobs	Kroening
Anderson, R.	Carlson, L.	Erickson	Jaros	Laidig
Arlandson	Cassery	Evans	Jensen	Langseth
Battaglia	Clark	Ewald	Johnson	Lehto
Beauchamp	Clawson	Faricy	Jude	Lemke
Begich	Cohen	Forsythe	Kahn	Mangan
Berg	Corbid	Fudro	Kalis	Mann
Berglin	Cummiskey	Fugina	Kelly, R.	McCarron

McCollar	Osthoff	Sarna	Spanish	Wenstrom
McEachern	Patton	Savelkoul	Stanton	Wenzel
Metzen	Pehler	Scheid	Stoa	White
Moe	Peterson	Schulz	Suss	Williamson
Munger	Prahl	Searle	Swanson	Wynia
Murphy	Reding	Searles	Tomlinson	Speaker Sabo
Neisen	Rice	Sherwood	Vanasek	
Niehaus	Rose	Simoneau	Voss	
Norton	St. Onge	Skoglund	Waldorf	
Novak	Samuelson	Smogard	Welch	

Those who voted in the negative were:

Albrecht	Fjoslien	Kvam	Nelsen, M.	Sieben, M.
Carlson, D.	Friedrich	McDonald	Pleasant	Wigley
Dean	Kaley	Nelsen, B.	Sieben, H.	Zubay

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. 1349.

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. 1349

A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for the source of per diem and expense payments; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, Subdivision 1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 238.04, Subdivision 2; 363.04, Subdivisions 4, 4a and 5; Chapter 15, by adding a section; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repeal-

ing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

May 20, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1349 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1349 be further amended as follows:

Pages 5 and 6, strike section 9.

Page 6, line 16, strike "subdivisions" and insert "a subdivision".

Page 6, delete lines 17 to 26.

Page 6, line 27, strike "4" and insert "3".

Page 6, delete line 32.

Page 7, delete lines 1 to 5.

Page 9, line 23, after "expenditures" insert "*during the fiscal biennium*".

Page 11, after line 19, insert:

"Sec. 22. *This act is effective July 1, 1977.*".

Renumber sections accordingly.

Amend the title as follows:

Page 1, line 20, delete "subdivision 1, and".

Page 1, line 20, strike "subdivisions" and insert "a subdivision".

We request adoption of this report and repassage of the bill.

Senate Conferees: DAVID D. SCHAFF, JAMES ULLAND and GERRY SIKORSKI.

House Conferees: LEO G. ADAMS, JOHN R. ARLANDSON and ROBERT L. SEARLES.

Adams moved that the report of the Conference Committee on S. F. No. 1349 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1349, A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for the source of per diem and expense payments; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, Subdivision 1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 238.04, Subdivision 2; 363.04, Subdivisions 4, 4a and 5; Chapter 15, by adding a section; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abel,	Cummiskey	Johnson	Neisen	Sieben, H.
Adams	Dahl	Jude	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kahn	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, G.	Eckstein	Kalis	Niehaus	Smogard
Anderson, I.	Eken	Kelly, R.	Norton	Spanish
Arlandson	Ellingson	Kempe, A.	Novak	Stanton
Battaglia	Enebo	Kempe, R.	Osthoff	Stoa
Peauchamp	Erickson	King	Patton	Suss
Begich	Esau	Knickerbocker	Pehler	Swanson
Berg	Evans	Kostohryz	Peterson	Tomlinson
Berglin	Fwald	Kroening	Petrafaso	Vanasek
Berkelman	Faricy	Laidig	Pleasant	Voss
Biersdorf	Fjoslien	Langseth	Prahl	Waldorf
Birnstihl	Forsythe	Lehto	Reding	Welch
Brandl	Friedrich	Lemke	Rice	Wenstrom
Brinkman	Fudro	Mangan	Rose	Wenzel
Byrne	Fugina	Mann	St. Onge	White
Carlson, A.	George	McCarron	Samuelson	Wieser
Carlson, D.	Gunter	McCollar	Sarna	Wigley
Carlson, L.	Hanson	McDonald	Savelkoul	Williamson
Casserly	Heinitz	McEachern	Scheid	Wynia
Clark	Hokanson	Metzen	Schulz	Zubay
Clawson	Jacobs	Moe	Searle	Speaker Sabo
Cohen	Jaros	Munger	Searles	
Corbid	Jensen	Murphy	Sherwood	

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. 73.

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. 73

A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

May 20, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 73 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 73 be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [POLICY.] The legislature finds that it is necessary for the state to regulate weather modification to protect its citizens, but nothing in this act shall be construed to encourage or promote weather modification.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 15, the terms defined in this section have the meanings given them.

Subd. 2. “Weather modification” means any activity performed in connection with placing or attempting to place any substance in the atmosphere or clouds within the atmosphere, including fog, with the intention of and for the purpose of pro-

ducing artificial changes in the composition, motions, and resulting behavior of the atmosphere or clouds within the atmosphere, including fog.

Subd. 3. "Person" means any person, firm, association, organization, partnership, company, corporation, private or public, county, city, trust or other public agency.

Subd. 4. "Operation" means the performance of weather modification activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year.

Subd. 5. "Commissioner" means the commissioner of agriculture.

Sec. 3. [SOVEREIGN RIGHT CLAIMED BY STATE.] It is declared that the state of Minnesota claims its sovereign right to use for the best interest of its residents the moisture contained in the clouds and atmosphere within its sovereign state boundaries.

Sec. 4. [COMMISSIONER; POWERS AND DUTIES.] Subdivision 1. [POWERS.] The commissioner of agriculture may:

(a) pursuant to Minnesota Statutes, Chapter 15, adopt rules necessary to implement the license and permit program established pursuant to sections 1 to 15;

(b) enter into contracts or memoranda of agreement and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any private grant intended for the administration of sections 1 to 15;

(c) cooperate with other states to jointly carry out research and planning in weather modification;

(d) advise persons, groups, and local units of government on weather modification and distribute informational material relating to weather modification and review and comment on all county programs of weather modification; and

(e) carry on research related to weather modification including evaluation of the effects of weather modification activities within the state by staff members, or by contract. Evaluation of weather modification programs shall, if practical and within limits of available funding, include components of economic and environmental analysis which delineate the economic and environmental implications of the programs.

Subd. 2. [DUTIES.] The commissioner of agriculture shall:

(a) utilize to the extent possible the facilities and technical resources of public and private institutions in the state;

(b) by rule adopted pursuant to Minnesota Statutes, Chapter 15, require persons engaged in weather modification to submit reports of their activities and operations and any other information deemed necessary;

(c) on or before January 15 of each year, submit a report to the legislature and governor describing the weather modification operations within the state during the preceding year and the social, economic and environmental impact of the operations. The report shall also include recommendations for legislative action and any other information useful to the legislature.

Sec. 5. [COUNTY PROGRAMS OF WEATHER MODIFICATION.] Counties may, only after approval of the commissioner and subject to the requirements of sections 1 to 15, conduct programs of weather modification and expend money therefor. At least two weeks published notice in a newspaper of general circulation within the county must be given before the program of weather modification may begin. If, within 30 days of a decision by a county to expend funds for weather modification, a petition signed by voters in the county equal in number to ten percent of the votes cast in the county in the last general election or 2,000 voters, whichever is less, requesting a referendum on the proposed expenditure is filed with the county auditor, the funds shall not be expended until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of the expenditure of the funds are affirmative. No program may be conducted within the county without prior approval by the county board.

Sec. 6. [LICENSES.] Subdivision 1. No person shall engage in weather modification without a license issued by the commissioner. Applications for weather modification licenses shall be on forms prescribed and furnished by the commissioner. The applicant shall pay a fee of \$100. The license shall be valid for one year. The commissioner may waive the license fee in situations he deems appropriate.

Subd. 2. The commissioner shall issue licenses only to applicants who demonstrate good character, adequate education and sufficient competence in the field of meteorology and cloud physics to engage in weather modification. At a minimum, each applicant shall meet at least one of the following:

(1) demonstrate that he has at least eight years of experience at the professional level in weather modification field research or operations, at least three of these years as a professional director; or

(2) has obtained a baccalaureate degree in engineering, mathematics, or the physical sciences plus three years experience in weather modification field research or operations; or

(3) has obtained a baccalaureate degree in meteorology, or a degree in engineering or the physical sciences which includes, or is in addition to, the equivalent of at least 25 semester hours of meteorological course work and two years practical experience in weather modification operations or research.

If the applicant is an organization, the competence must be demonstrated by the individuals who are to supervise and conduct the weather modification.

Subd. 3. The commissioner may renew a license annually if the applicant has the qualifications necessary for issuance of an original license and pays a fee of \$100.

Subd. 4. The moneys collected as fees shall be deposited with the state treasurer in the general fund.

Sec. 7. [SUSPENSION; REVOCATION; REFUSAL TO RENEW LICENSE.] The commissioner shall, subject to the provisions of chapter 15, suspend, revoke or refuse to renew a license for any one or any combination of the following causes:

- (1) Incompetency;
- (2) Dishonest practice;
- (3) False or fraudulent representation in obtaining a license or permit under sections 1 to 15 or rules promulgated thereunder;
- (4) Failure to comply with any of the provisions of sections 1 to 15 or of rules promulgated thereunder; or
- (5) Aiding other persons who fail to comply with any of the provisions of sections 1 to 15 or rules promulgated thereunder.

Sec. 8. [INVESTIGATION.] The commissioner may investigate any operation or research and development activities of any person applying for a license and of any person holding or claiming to hold a license or permit.

Sec. 9. [PERMITS.] Subdivision 1. No person shall conduct an operation without a permit issued by the commissioner. Applications for permits shall be on forms prescribed and furnished by the commissioner. Permits shall be issued only to applicants who hold a valid weather modification license, pay a fee of \$100 and furnish proof of financial responsibility pursuant

to subdivision 2. Prior to conducting an operation, the permittee shall publish notice of the operation as the commissioner shall require and shall give written notice to the county boards of the counties over which the operation is to be conducted and counties contiguous thereto. The permit shall be valid for one year or until the operation terminates, whichever first occurs.

Subd. 2. The applicant shall demonstrate to the satisfaction of the commissioner that he has the ability to respond to damages for liability which might reasonably result from the operation for which the permit is sought.

Subd. 3. The fees collected for permits shall be deposited with the state treasurer in the general fund.

Subd. 4. To the extent the commissioner deems necessary, emergency weather modification operations for the purpose of controlling fire, frost, sleet, hail, fog, or wind shall be exempt from the permit requirements.

Subd. 5. The commissioner may renew a permit annually if the applicant has the qualifications necessary for issuance of an original permit and pays a fee of \$100.

Subd. 6. No permit shall be issued to use a cloud seeding apparatus which emits cloud seeding material into the air when located on or in contact with the ground.

Subd. 7. Before a permit is issued, the commissioner may hold an informal hearing on the permit, at a location within the same geographic area as the proposed operation will be conducted.

Subd. 8. No more than one weather modification permit shall be issued for a given geographic area.

Subd. 9. The applicant must submit a complete operational plan for each proposed project prepared by the licensee who shall conduct the operation, which shall include, but not be limited to:

(a) a specific statement of the nature and objectives of the intended operation,

(b) a map of the proposed operating area which specifies the primary target area and shows the area reasonably expected to be affected and a rain gauge system for both seeded and downwind areas,

(c) an estimate of the amount of cloud seeding material expected to be placed in the clouds,

(d) a statement of the types of clouds to be seeded and identification of a procedure for random selection of at least a portion of the clouds to be seeded during the operation,

(f) the name and address of the licensee,

(g) the person or organization on whose behalf it is to be conducted,

(h) a statement showing any expected effect upon the environment and results of weather modification operations, and methods of determining and properly evaluating that operation, and any other detailed information as may be required to describe the operation and its proposed method of evaluation.

Sec. 10. [SUSPENSION; REVOCATION AND REFUSAL TO RENEW PERMIT.] Subdivision 1. The commissioner shall, subject to chapter 15, suspend or revoke a permit if it appears that the permittee no longer has the qualifications necessary for the issuance of an original permit or has violated any provision of sections 1 to 15 or of any rules promulgated thereunder.

Subd. 2. The commissioner shall, subject to chapter 15, refuse to renew a permit if it appears from the operational records and reports of the permittee that an original permit would not be issuable for the operation, or if the permittee has violated any provision of sections 1 to 15 or of any rules promulgated thereunder.

Sec. 11. [MODIFICATION OF PERMIT.] Subdivision 1. The commissioner may revise the conditions and limits of a permit if:

(a) The permittee is given notice and a hearing, pursuant to chapter 15, on whether there is a need for the revision and the commissioner finds that a modification of the conditions and limits of a permit is necessary to protect the public health, safety or welfare, or the environment.

(b) If it appears to the commissioner that an emergency situation exists or is impending which could endanger the public safety, health or welfare, or the environment, the commissioner may, without prior notice or a hearing, immediately modify the conditions and limits of a permit, or order temporary suspension of the permit. The order shall include notice of a hearing to be held pursuant to chapter 15 within ten days thereafter on the question of permanently modifying the conditions and limits, continuing the suspension of the permit, removing the changes or lifting the suspension.

Subd. 2. Failure to comply with an order temporarily suspending an operation or modifying the conditions and limits of

a permit shall be grounds for immediate revocation of the permit and of the license of the person controlling the operation.

Subd. 3. The permittee shall notify the commissioner of any emergency which can reasonably be foreseen, or of any existing emergency situations which might be caused or affected by the operation. Failure by the permittee to so notify the commissioner may be grounds, at the discretion of the commissioner, for revocation of the permit and of the license of the person controlling the operation.

Sec. 12. [PENALTY FOR VIOLATIONS.] Any person violating any of the provisions of sections 1 to 15 or of any rule promulgated thereunder is guilty of a misdemeanor, and each day such violation continues constitutes a separate offense.

Sec. 13. [LEGAL ACTION.] Other than in legal actions charging failure to obtain a license and permit, the fact that a person holds a license or was issued a permit under sections 1 to 15, or that a person has complied with the rules made by the commissioner pursuant to sections 1 to 15, is not admissible as a defense in any legal action which may be brought under this section against such person.

Sec. 14. [INJUNCTION.] The commissioner may, in addition to the other remedies provided in sections 1 to 15, apply to a district court having venue and jurisdiction, for an injunction to restrain repetitious violations of the provisions of sections 1 to 15 and of any rule promulgated thereunder.

Sec. 15. [APPROPRIATION.] There is appropriated from the general fund to the commissioner the sum of \$75,000 for the biennium ending June 30, 1979 for administrative expenses incurred in fulfilling the provisions of this act.

Sec. 16. [EFFECTIVE DATE.] Section 5 of this act is effective on the day following its final enactment. Sections 1 to 4 and sections 6 to 16 are effective January 1, 1978."

Further, strike the title and insert:

"A bill for an act relating to weather modification; prescribing powers and duties for the commissioner of agriculture; providing for weather modification research; requiring the obtaining of licenses and permits prior to engaging in weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing penalties; appropriating money."

We request adoption of this report and repassage of the bill.

Senate Conferees: JIM NICHOLS, A. O. H. SETZEPFANDT, EARL W. RENNEKE, ROGER E. STRAND and MARVIN B. HANSON.

House Conferees: RUSSELL STANTON, GEORGE MANN, GLEN ANDERSON, WENDELL ERICKSON and TED SUSS.

Stanton moved that the report of the Conference Committee on S. F. No. 73 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 73, A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

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 123 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jude	Neisen	Sieben, H.
Adams	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Den Ouden	Kaley	Neisen, M.	Simoneau
Anderson, G.	Eckstein	Kalis	Neison	Skoglund
Anderson, I.	Eken	Kelly, R.	Niehaus	Smogard
Arlandson	Ellingson	Kempe, A.	Norton	Spanish
Battaglia	Enebo	Kempe, R.	Novak	Stanton
Beauchamp	Erickson	King	Osthoff	Stoa
Begich	Esau	Knickerbocker	Patton	Suss
Berg	Evans	Kostohryz	Pehler	Swanson
Berglin	Ewald	Kroening	Peterson	Tomlinson
Berkelman	Faricy	Laidig	Petrafeso	Voss
Biersdorf	Fjoslien	Langseth	Pleasant	Waldorf
Birnstihl	Forsythe	Lehto	Prahl	Welch
Brandl	Friedrich	Lemke	Reding	Wenstrom
Byrne	Fudro	Mangan	Rice	Wenzel
Carlson, A.	Fugina	Mann	Rose	White
Carlson, D.	George	McCarron	St. Onge	Wieser
Carlson, L.	Gunter	McCollar	Sarna	Wigley
Casserly	Hanson	McDonald	Savelkoul	Williamson
Ciark	Heinitz	McEachern	Scheid	Wynia
Clawson	Hokanson	Metzen	Schulz	Zubay
Cohen	Jacobs	Moe	Searle	Speaker Sabo
Corbid	Jaros	Munger	Searles	
Cummiskey	Johnson	Murphy	Sherwood	

Those who voted in the negative were:

Albrecht	Anderson, D.	Jensen	Kvam	Vanasek
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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. 977.

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. 977

A bill for an act relating to marriage; requiring certain information to be included on an application for a marriage license; amending Minnesota Statutes 1976, Sections 517.08, Subdivision 1; and 517.10.

May 20, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 977 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 977 be further amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 517.01, is amended to read:

517.01 [MARRIAGE A CIVIL CONTRACT.] Marriage, so far as its validity in law is concerned, is a civil contract *between a man and a woman*, to which the consent of the parties, capable in law of contracting, is essential. Lawful marriage hereafter may be contracted only when a license has been obtained therefor as provided by law and when such marriage is contracted in the presence of two witnesses and solemnized by one authorized, or whom the parties in good faith believe to be authorized, so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

Sec. 2. Minnesota Statutes 1976, Section 517.08, Subdivision 1, is amended to read:

517.08 [APPLICATION FOR LICENSE.] Subdivision 1. Application for a marriage license shall be made at least five days before a license shall be issued. Such application shall be

made upon a form provided for the purpose and shall contain the full names of the parties, their post office addresses and county and state of residence, (AND) their full ages, *and the full names the parties will have after marriage*. The clerk shall examine upon oath the party applying for license relative to the legality of such contemplated marriage and, if at the expiration of this five-day period, he is satisfied that there is no legal impediment thereto, he shall issue such license, containing the full names of the parties *before and after marriage*, and county and state of residence, with the district court seal attached, and make a record of the date of issuance thereof, which license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, the judge of the probate court, the court commissioner, or any judge of the district court, of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of (\$10) \$11 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in such case a new license shall issue upon request of the parties of the original license without fee therefor. Any clerk who shall knowingly issue or sign a marriage license in any other manner than in this section provided shall forfeit and pay for the use of the parties aggrieved not to exceed \$1,000.

Sec. 3. Minnesota Statutes 1976, Section 517.08, Subdivision 3, is amended to read:

Subd. 3. The personal information necessary to complete the report of marriage shall be furnished by the applicant prior to the issuance of the license. The report shall contain only the following information:

(a) Personal information on bride and groom.

1. Name.
2. Residence.
3. Date and place of birth.
4. Race.
5. If previously married, how terminated.
6. Name after marriage.
7. Signature of applicant and date signed.

(b) Information concerning the marriage.

1. Date of marriage.
2. Place of marriage.
3. Civil or religious ceremony.

(c) Signature of clerk of court and date signed.

(d) *Address of the bride and groom after the marriage to which the clerk shall send a certified copy of the marriage certificate.*

Sec. 4. Minnesota Statutes 1976, Chapter 517, is amended by adding a section to read:

[517.101] [CERTIFIED COPIES OF MARRIAGE CERTIFICATE.] *Within ten days of receipt of the certificate and after recording the certificate the clerk shall prepare two certified copies of the certificate of which he shall mail one to the married parties and the other to the person solemnizing the marriage. The person solemnizing the marriage may indicate at the time he files the certificate with the clerk that he does not wish to receive a certified copy.*

Sec. 5. Minnesota Statutes 1976, Section 517.10, is amended to read:

517.10 [CERTIFICATE; WITNESSES.] The person solemnizing a marriage shall prepare under his hand three certificates thereof. Each certificate shall contain the full names *before and after marriage* and county and state of residences of the parties and the date and place of the marriage. Each certificate shall also contain the signatures of at least two of the witnesses present at the marriage who shall be at least 16 years of age. The person solemnizing the marriage shall give each of the parties one such certificate, and shall immediately make a record of such marriage, and file one such certificate with the clerk of the district court of the county in which the license was issued within five days after the ceremony. The clerk shall record such certificate in a book kept for that purpose.”

Further amend the title as follows:

Strike the title in its entirety and insert:

“A bill for an act relating to marriage; clarifying eligibility for marriage contract; requiring certain information on application for marriage license and marriage certificate; requiring clerk of court to furnish certified copies of marriage certificate;

amending Minnesota Statutes 1976, Sections 517.01; 517.08, Subdivisions 1 and 3; 517.10; and Chapter 517, by adding a section.”.

We request adoption of this report and repassage of the bill.

Senate Conferees: HOWARD OLSON, FLORIAN CHMIELEWSKI and ARNULF UELAND.

House Conferees: DAVID CUMMISKEY, JAMES CASSERLY and GARY LAIDIG.

Cummiskey moved that the report of the Conference Committee on S. F. No. 977 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 977, A bill for an act relating to marriage; requiring certain information to be included on an application for a marriage license; amending Minnesota Statutes 1976, Sections 517.08, Subdivision 1; and 517.10.

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 120 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Searles
Adams	Corbid	Jensen	Munger	Sherwood
Albrecht	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, B.	Dahl	Jude	Neisen	Sieben, M.
Anderson, G.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, R.	Eckstein	Kalis	Nelson	Smogard
Arlandson	Eken	Kelly, R.	Norton	Spanish
Battaglia	Ellingson	Kempe, A.	Novak	Stanton
Beauchamp	Enebo	Kempe, R.	Osthoff	Stoa
Begich	Esau	King	Patton	Suss
Berg	Evans	Knickerbocker	Pehler	Swanson
Berglin	Faricy	Kostohryz	Peterson	Tomlinson
Berkelman	Fjoslien	Kroening	Petrafeso	Voss
Biersdorf	Forsythe	Laidig	Pleasant	Waldorf
Brandl	Friedrich	Langseth	Prahl	Welch
Braun	Fudro	Lehto	Reding	Wenstrom
Byrne	Fugina	Lemke	Rose	Wenzel
Carlson, A.	George	Mangan	St. Onge	White
Carlson, D.	Gunter	McCarron	Sarna	Wieser
Carlson, L.	Hanson	McCollar	Savelkoul	Williamson
Casserly	Heinitz	McDonald	Scheid	Wynia
Clark	Hokanson	McEachern	Schulz	Zubay
Clawson	Jacobs	Metzen	Searle	Speaker Sabo

Those who voted in the negative were:

Anderson, D.	Erickson	Kvam	Niehaus	Wigley
Birnstihl	Ewald	Mann		

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. 695.

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. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 695

A bill for an act relating to the Como Park zoo; requiring the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

May 20, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 695 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 695 be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Chapter 473, is amended by adding a section to read:

[473.326] [BONDS; COMO PARK ZOO.] *Subdivision 1. Subject to the provisions of subdivision 2, the metropolitan council shall by resolution authorize the issuance of general obligation bonds of the council in an aggregate principal amount not exceeding \$2,300,000, in addition to the amount authorized under the provisions of section 473.325. The proceeds shall be used by the council for grants to the city of Saint Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo owned and operated by the city. The bonds shall be sold, issued, and secured as provided in section 473.325,*

*and the terms of each series thereof shall be fixed so that the annual principal and interest payments thereon, together with those on all outstanding and undischarged bonds issued pursuant to section 473.325, will not exceed the limit provided in that section.*

*Subd. 2. The city council shall cause to be prepared, approve, and submit to the metropolitan council plans for any work for which a grant is requested. The metropolitan council shall determine whether the plans are consistent with Ramsey county's master plan and the metropolitan council's policy plan for regional recreation open space. If not, or if the determination cannot be made on the basis of the plans as submitted, they shall be returned with comments to the city council for revision and resubmission. No bonds shall be issued under this section until the plans for the work to be financed thereby are approved by the metropolitan council.*

*Subd. 3. Of any state funds reappropriated to the metropolitan council for use for the acquisition and betterment of regional recreation open space, at least \$1,400,000 shall be used by the council for grants to the city of Saint Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo.*

*Subd. 4. No grant made under this section shall affect the city's ownership of or power to manage and operate the zoo, in a manner consistent with the master plan and policy plan.*

**Sec. 2. [EFFECTIVE DATE.]** *Pursuant to Article XII, Section 2, of the Constitution and section 645.023, it is determined that this act is a special law applicable on its effective date to the metropolitan council and the city of Saint Paul and in the metropolitan area including the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and that this act shall become effective without local approval on the day following final enactment."*

**Further, strike the title in its entirety and insert:**

**"A bill for an act authorizing the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the city of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section."**

**We request adoption of this report and repassage of the bill.**

**Senate Conferees: PETER P. STUMPF, ROBERT LEWIS and RON SIELOFF.**

**House Conferees: ANN WYNIA, JAMES R. CASSERLY and JAMES C. PEHLER.**

Wynia moved that the report of the Conference Committee on S. F. No. 695 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 695, A bill for an act relating to the Como Park zoo; requiring the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

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 112 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jacobs	Moe	Simoneau
Albrecht	Dahl	Jaros	Munger	Skoglund
Anderson, B.	Dean	Jensen	Murphy	Smogard
Anderson, D.	Den Ouden	Johnson	Nelsen, B.	Spanish
Anderson, R.	Eckstein	Kahn	Nelsen, M.	Stanton
Arlandson	Eken	Kaley	Norton	Stoa
Battaglia	Ellingson	Kalis	Novak	Suss
Beauchamp	Enebo	Kelly, R.	Osthoff	Swanson
Begich	Erickson	Kempe, A.	Pehler	Tomlinson
Berg	Esau	Kempe, R.	Peterson	Voss
Berglin	Evans	King	Prahl	Waldorf
Berkelman	Ewald	Knickerbocker	Reding	Welch
Biersdorf	Faricy	Kostohryz	Rose	Wenstrom
Birnstihl	Fjoslien	Laidig	St. Onge	Wenzel
Brandl	Forsythe	Langseth	Sarna	White
Byrne	Friedrich	Lehto	Savelkoul	Wieser
Carlson, A.	Fudro	Lemke	Scheid	Williamson
Carlson, L.	Fugina	Mangan	Schulz	Wynia
Casserly	George	Mann	Searle	Zubay
Clark	Gunter	McCarron	Searles	Speaker Sabo
Clawson	Hanson	McCollar	Sherwood	
Cohen	Heinitz	McEachern	Sieben, H.	
Corbid	Hokanson	Metzen	Sieben, M.	

Those who voted in the negative were:

Adams	Carlson, D.	McDonald	Pleasant	Wigley
Anderson, G.	Jude	Neisen	Vanasek	
Anderson, I.	Kvam	Niehaus		

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. 743.

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. FLHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 743

A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

May 20, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 743 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 743, be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [STATEMENT OF PURPOSE.] The legislature finds that early detection of children's health and developmental problems can reduce their later need for costly care, minimize their physical and educational handicaps, and aid in their rehabilitation. The purpose of this act is to assist parents and communities in improving the health of Minnesota children and in planning educational and health programs.

Sec. 2. [SCHOOL BOARD RESPONSIBILITIES.] Subdivision 1. Every school board shall provide for a voluntary health and developmental screening program for children once before entering kindergarten; provided, this section shall not be construed to require school boards to screen children who enter kindergarten during fiscal year 1978. This screening program shall be established either by one board, by two or more boards acting in cooperation, by educational cooperative service units, by early childhood and family education programs, or by other existing programs. No school board may make this screening examination a mandatory prerequisite to enroll a student. In fiscal years 1978 and 1979, the screening programs shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, dental assessments, and the review of health history and immunization status. In fiscal year 1979, the screening programs shall include at least the fol-

lowing additional components to the extent the school board determines they are financially feasible: laboratory tests and nutritional and physical assessments. All screening components shall be consistent with the standards of the state board of health for early and periodic screening programs. No child shall be required to submit to any component of this screening program to be eligible for any other component.

Subd. 2. If any child's screening indicates a condition which requires diagnosis or treatment, his parents shall be notified of the condition and the school board shall ensure that an appropriate follow-up and referral process is available, in accordance with procedures established pursuant to section 3, subdivision 1.

Subd. 3. The school board shall actively encourage participation in the screening program.

Subd. 4. Every school board shall contract with or purchase service from an approved early and periodic screening program in the area wherever possible.

Subd. 5. Every school board shall integrate and utilize volunteer screening programs in implementing sections 2 to 4.

Subd. 6. A school board may contract with health care providers to operate the screening programs and shall consult with local societies of health care providers.

Sec. 3. [RESPONSIBILITIES OF STATE BOARD OF EDUCATION AND STATE BOARD OF HEALTH.] Subdivision 1. School boards shall administer the screening programs pursuant to rules adopted by the state board of education. In order to implement the programs for the 1977-1978 school year, the state board shall, no later than August 15, 1977, adopt emergency rules in accordance with section 15.0412, subdivision 5. Prior to the adoption of the rules and emergency rules, the state board shall solicit information or opinions pursuant to section 15.0412, subdivision 6. The notice of proposed rule-making shall be published in the state register no later than August 1, 1977, and copies of the proposed rules and emergency rules shall be sent to the state board of health and each school board in the state on or before the date of publication. The state board of education shall consider the standards employed by the state board of health for early and periodic screening programs in drafting the proposed rules.

Subd. 2. The state board of education, in cooperation with the state board of health and health service providers, shall provide technical assistance, including training, and general information and consultation services to school boards.

Subd. 3. The state board of education, in cooperation with the state board of health, shall report to the legislature by

February 1, 1979, on the results of the screening programs in accomplishing the purposes specified in section 1.

Sec. 4. [DATA USE.] Data on individuals collected in screening programs established pursuant to section 2 is private, as defined by section 15.162, subdivision 5a. Individual and summary data shall be reported to the school district by the health provider who performs the screening services, for the purposes of developing appropriate educational programs to meet the individual needs of children and designing appropriate health education programs for the district; provided, no data on an individual shall be disclosed to the district without the consent of that individual's parent or guardian.

Sec. 5. [STATE AID.] The department of education shall pay each school district for the cost of screening services provided pursuant to this act. The payment shall not exceed \$13 per child screened in fiscal year 1978 and \$23 per child screened in fiscal year 1979. Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.

Sec. 6. [APPROPRIATION.] Subdivision 1. The sums set forth in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available for the fiscal year ending June 30 in the years indicated. Any unencumbered balance remaining in fiscal year 1978 shall not cancel but is available for fiscal year 1979.

	1978	1979
	\$	\$
<b>Subd. 2. Department of Education</b>		
(a) For consultation with school districts and evaluation of screening programs established pursuant to section 3, subdivision 1 .....	50,000	50,000
The department of education may employ 2.5 additional persons for the purpose of implementing this act.		
(b) For payments to school districts pursuant to section 5 .....	390,000	1,035,000
<b>Subd. 3. Department of Health . . . .</b>	<b>67,000</b>	<b>77,000</b>

For training staff to provide screening services, providing technical assistance to screening programs, and monitoring

and evaluation of screening programs, all pursuant to this act.

The department of health may employ additional persons for the purpose of implementing this act."

We request adoption of this report and repassage of the bill.

Senate Conferees: JOHN MILTON, GERRY SIKORSKI and JOHN B. KEEFE.

House Conferees: PEGGY BYRNE, RAY W. FARICY and ARNE H. CARLSON.

Byrne moved that the report of the Conference Committee on S. F. No. 743 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 743, A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

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 105 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jacobs	Munger	Sieben, M.
Adams	Clawson	Jaros	Murphy	Simoneau
Anderson, B.	Cohen	Jensen	Neisen	Skoglund
Anderson, D.	Corbid	Johnson	Nelsen, B.	Smogard
Anderson, G.	Cummiskey	Jude	Nelsen, M.	Spanish
Anderson, I.	Dahl	Kahn	Nelson	Stanton
Anderson, R.	Dean	Kalis	Norton	Stoa
Arlandson	Eckstein	Kelly, R.	Novak	Suss
Battaglia	Eken	Kempe, A.	Osthoff	Swanson
Beauchamp	Ellingson	Kempe, R.	Patton	Tomlinson
Begich	Enebo	King	Pehler	Vanasek
Berg	Evans	Kroening	Petrafeso	Voss
Berglin	Ewald	Laidig	Prahl	Welch
Berkelman	Faricy	Langseth	Reding	Wenstrom
Birnstihl	Fjoslien	Lehto	Rose	Wenzel
Brandl	Fudro	Lemke	St. Onge	White
Byrne	Fugina	Mangan	Scheid	Wieser
Carlson, A.	George	Mann	Schulz	Williamson
Carlson, D.	Gunter	McCarron	Searles	Wynia
Carlson, L.	Hanson	Metzen	Sherwood	Zubay
Casserly	Hokanson	Moe	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Albrecht	Den Ouden	Esau	Heinitz	Knickerbocker
Biersdorf	Erickson	Friedrich	Kaley	Kostohryz

Kvam  
McCollar  
McDonald

McEachern  
Niehaus  
Peterson

Pleasant  
Savelkoul  
Searle

Waldorf

Wigley

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:

H. F. No. 398, A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; prescribing penalties.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 437, A bill for an act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.032 by adding a subdivision; 290.09, Subdivisions 2 and 29; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3 and Chapter 290, by adding a section; repealing Minnesota Statutes 1976, Section 290.13, Subdivision 9.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1300, A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; and Chapter 85, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1172.

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. 1172

A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

May 19, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1172 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 1172 be further amended as follows:

Page 1, lines 24 to 28, delete the new language.

Page 2, line 1, delete "and 4,".

Pages 5, line 16, strike everything after "5."

Page 5, strike lines 17 to 20 and insert: "*When an agency is directed or authorized by statute, federal law or court order to adopt, amend, suspend or repeal a rule in a manner that does not allow for compliance with subdivision 4, the agency shall promulgate a temporary rule in accordance with this subdivision. The proposed temporary rule shall be published in the state register and for at least 20 days thereafter the agency shall afford all interested persons an opportunity to submit data and views on the proposed temporary rule in writing. The proposed temporary rule may be modified if the modifications are supported by the data and view submitted to the agency. The agency shall submit to the attorney general the proposed temporary rule as published, with any proposed modifications. The attorney general shall review the proposed temporary rule as to form and legality and shall approve or disapprove the proposed temporary rule and any proposed modifications within five working days. The temporary rule shall take effect upon approval of the attorney general. Failure of the attorney general to approve or disapprove within five working days shall be deemed approval. As soon as practicable notice of the attorney general's decision shall be published in the state register and the adopted rule shall be published in the manner as provided for adopted rules in subdivision 4. Temporary rules adopted under this subdivision shall be*".

Page 5, line 24, strike "Emergency rules".

Page 5, strike lines 25 and 26.

Page 8, line 32, delete "of".

Page 9, line 1, delete "supervisors".

Page 10, line 7, after "services." insert "*The court reporters may additionally be utilized as the chief hearing examiner directs.*".

Page 10, line 9, strike "an audio magnetic recording device" and insert "*a court reporter*".

Page 10, lines 9 and 10, strike "a court reporter" and insert "*an audio magnetic recording device*".

Page 10, line 10, after "shall" insert "be used to".

Page 10, line 11, strike "and may additionally be".

Page 10, line 12, strike everything before the period.

Page 10, delete lines 19 to 25, and insert:

*"Sec. 11. The legislature finds that activities of metropolitan agencies have a significant impact on property rights of citizens, and that certain of these activities should perhaps be governed by the administrative procedure act. In order to study the proper degree of applicability of the administrative procedure act, the appropriate standing committees of the legislature are directed to study the issue with the metropolitan agencies. The committees shall report to the legislature no later than February 15, 1978, on statutory changes necessary to define the appropriate degree of applicability. The metropolitan agencies are authorized and encouraged to contract with the office of hearing examiners to provide hearing examiner and reporting services for any agency activity which would be a rule or a contested case as defined in section 15.0411, subdivision 3 or 4. The agency shall pay an assessment for these services as provided in section 15.052, subdivision 8. An election under this subdivision to use these services shall subject the agency, in respect to that activity, to procedures specified in the administrative procedure act and rules relating thereto. For purposes of this section, "metropolitan agency" shall mean the metropolitan council, the metropolitan airports commission, the metropolitan transit commission and the metropolitan waste control commission.*

*Sec. 12. Notwithstanding any other law to the contrary, the adoption of an emergency rule under authorization or direction of any chapter of Laws 1976 or 1977 with an effective date on or after July 1, 1977, shall be done in accordance with section 15.0412, subdivision 5, as amended by this act."*

Page 10, line 27, delete "July 1, 1977" and insert "the day following final enactment".

Renumber the sections.

Amend the title as follows:

Page 1, line 9, after "period;" insert "providing a procedure for adopting temporary rules;"

We request adoption of this report and repassage of the bill.

Senate Conferees: WINSTON W. BORDEN, DAVID D. SCHAAF and RON SIELOFF.

House Conferees: HARRY SIEBEN, TOM BERG and JAMES CASSERLY.

Sieben, H., moved that the report of the Conference Committee on S. F. No. 1172 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1172, A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Searle
Adams	Corbid	Jensen	Munger	Searles
Albrecht	Cummiskey	Johnson	Murphy	Sherwood
Anderson, B.	Dahl	Jude	Neisen	Sieben, H.
Anderson, D.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, R.	Eckstein	Kalis	Nelson	Skoglund
Arlandson	Eken	Kelly, R.	Niehaus	Smogard
Battaglia	Ellingson	Kempe, A.	Norton	Spanish
Beauchamp	Enebo	Kempe, R.	Novak	Stanton
Begich	Erickson	King	Osthoff	Stoa
Berg	Esau	Knickerbocker	Patton	Suss
Berglin	Evans	Kostohryz	Pehler	Swanson
Berkelman	Ewald	Kroening	Peterson	Tomlinson
Biersdorf	Farcy	Kvam	Petrafeso	Vanasek
Birnstihl	Fjoslien	Laidig	Pleasant	Voss
Brandl	Forsythe	Langseth	Prahl	Welch
Braun	Friedrich	Lehto	Reding	Wenstrom
Brinkman	Fudro	Lemke	Rice	Wenzel
Byrne	Fugina	Mangan	Rose	White
Carlson, A.	George	Mann	St. Onge	Wieser
Carlson, D.	Gunter	McCarron	Samuelson	Wigley
Carlson, L.	Hanson	McCollar	Sarna	Williamson
Casserly	Heinitz	McDonald	Savelkoul	Wynia
Clark	Hokanson	McEachern	Scheid	Zubay
Clawson	Jacobs	Metzen	Schulz	Speaker Sabo

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. 896.

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. 896

A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned and annual payments for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; providing for a property tax credit for land crossed by high voltage transmission lines; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; 116C.69; 273.42; 276.04; and Chapters 116C, by adding a section; and 273, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

May 20, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 896 report that we have agreed upon the items in dispute and recommend as follows :

Strike everything after the enacting clause and insert :

"Section 1. Minnesota Statutes 1976, Section 116C.52, Subdivision 3, is amended to read :

Subd. 3. "High voltage transmission line" (SHALL MEAN) *means a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 200 kilovolts or more, except that the board, by (REGULATION) rule, may exempt lines (UNDER ONE MILE IN LENGTH) pursuant to section 116C.57, subdivision 5.*

Sec. 2. Minnesota Statutes 1976, Section 116C.52, Subdivision 7, is amended to read:

Subd. 7. "Construction" (SHALL BE DEEMED TO HAVE STARTED OR COMMENCED AS A RESULT OF SIGNIFICANT PHYSICAL ALTERATION OF A SITE OR ROUTE BUT NOT INCLUDING ACTIVITIES INCIDENT TO PRELIMINARY ENGINEERING OR ENVIRONMENTAL STUDIES) *means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions.*

Sec. 3. Minnesota Statutes 1976, Section 116C.52, is amended by adding a subdivision to read:

Subd. 8. "Route" *means the location of a high voltage transmission line between two end points. The route may have a variable width of up to 1.25 miles.*

Sec. 4. Minnesota Statutes 1976, Section 116C.52, is amended by adding a subdivision to read:

Subd. 9. "Site" *means the location of a large electric power generating plant.*

Sec. 5. Minnesota Statutes 1976, Section 116C.52, is amended by adding a subdivision to read:

Subd. 10. "Large electric power facilities" *means high voltage transmission lines and large electric power generating plants.*

Sec. 6. Minnesota Statutes 1976, Section 116C.53, is amended to read:

116C.53 [SITING AUTHORITY.] *Subdivision 1. [POLICY.] The legislature hereby declares it to be the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the board shall choose locations that minimize adverse human and environmental impact while insuring continuing electric power system*

*reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.*

**Subd. 2. [JURISDICTION.]** The (MINNESOTA ENVIRONMENTAL QUALITY) board is hereby given the authority to provide for (POWER PLANT) site and (TRANSMISSION LINE CORRIDOR AND) route selection.

*Subd. 3. If a route is proposed in two or more states, the board shall attempt to reach agreement with affected states on the entry and exit points prior to authorizing the construction of the route. The board, in discharge of its duties pursuant to sections 116C.51 to 116C.69 may make joint investigations, hold joint hearings within or without the state, and issue joint or concurrent orders in conjunction or concurrence with any official or agency of any state or of the United States. The board may negotiate and enter into any agreements or compacts with agencies of other states, pursuant to any consent of congress, for cooperative efforts in certifying the construction, operation, and maintenance of large electric power facilities in accord with the purposes of sections 116C.51 to 116C.69 and for the enforcement of the respective state laws regarding such facilities.*

**Sec. 7.** Minnesota Statutes 1976, Section 116C.54, is amended to read:

**116C.54 [ADVANCE FORECASTING.]** Every utility which owns or operates, or plans within the next 15 years to own or operate large electric power generating plants or high voltage transmission lines shall develop forecasts as specified in this section. On or before July 1 of each even-numbered year, every such utility shall submit a report of its forecast to the board. (SUCH) *The report may be appropriate portions of a single regional forecast or may be jointly prepared and submitted by two or more utilities and shall contain the following information:*

(1) Description of the tentative regional location and general size and type of all large electric power generating plants and high voltage transmission lines to be owned or operated by (SUCH) *the utility during the ensuing 15 years or (SUCH) any longer period (AS) the board deems necessary;*

(2) Identification of all existing generating plants and transmission lines projected to be removed from service during (SUCH) *any 15 year period or upon completion of construction of (SUCH) any large electric power generating plants and high voltage transmission lines;*

(3) Statement of the projected demand for electric energy for the ensuing 15 years and the underlying assumptions for this forecast, such information to be as geographically specific as possible where this demand will occur;

(4) Description of the capacity of the electric power system to meet (SUCH) *projected* demands during the ensuing 15 years;

(5) Description of the utility's relationship to other utilities and regional associations, power pools or networks; and

(6) Other relevant information as may be requested by the board.

*On or before July 1 of each odd-numbered year, a utility shall verify or submit revisions to items (1) and (2).*

Sec. 8. Minnesota Statutes 1976, Section 116C.55, Subdivision 2, is amended to read:

Subd. 2. [INVENTORY CRITERIA; PUBLIC HEARINGS.] The board shall promptly initiate a public planning process where all interested persons can participate in developing the criteria and standards to be used by the board in preparing an inventory of (POTENTIAL) large electric power generating plant (SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS) *study areas* and to guide the site and route suitability evaluation and selection process. The participatory process shall include, but should not be limited to public hearings. Before substantial modifications of the initial criteria and standards are adopted, additional public hearings shall be held. (SUCH CRITERIA AND STANDARDS SHALL BE PROMULGATED ON OR BEFORE JULY 1, 1974.) *All hearings conducted under this subdivision shall be conducted pursuant to the rulemaking provisions of chapter 15.*

Sec. 9. Minnesota Statutes 1976, Section 116C.55, Subdivision 3, is amended to read:

Subd. 3. [INVENTORY OF LARGE ELECTRIC POWER GENERATING PLANT STUDY AREAS.] On or before (JULY 1, 1975,) *January 1, 1979*, the board shall (ASSEMBLE AND PUBLISH) *adopt* an inventory of (POTENTIAL) large electric power generating plant (SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS) *study areas and publish an inventory report*. The inventory report (OF POTENTIAL LARGE ELECTRIC POWER GENERATING PLANT SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS) shall (SET FORTH) *specify the planning policies, criteria and standards used in developing the (POTENTIAL SITE AND CORRIDOR) inventory*. After completion of its initial inventory (OF POTENTIAL SITES AND CORRIDORS,) the board shall have a continuing responsibility to evaluate, update and publish its inventory (AND IF, DUE TO CHANGED CIRCUMSTANCES OR INFORMATION, A SITE OR CORRIDOR IS INCONSISTANT WITH PRESCRIBED CRITERIA OR DOES NOT MEET PRESCRIBED STANDARDS, SUCH SITE

OR CORRIDOR SHALL BE REMOVED FROM THE INVENTORY OF POTENTIAL SITES AND CORRIDORS).

Sec. 10. Minnesota Statutes 1976, Section 116C.57, is amended to read:

116C.57 [DESIGNATION OF SITES AND ROUTES; PROCEDURES; CONSIDERATIONS; EMERGENCY CERTIFICATION; EXEMPTION.] Subdivision 1. [DESIGNATION OF SITES SUITABLE FOR SPECIFIC FACILITIES; REPORTS.] (FOLLOWING PUBLICATION OF THE INVENTORY OF POTENTIAL SITES FOR LARGE ELECTRIC POWER GENERATING PLANTS OR CORRIDORS FOR HIGH VOLTAGE TRANSMISSION LINES AND THE SUBMISSION OF THE FIVE YEAR DEVELOPMENT PLANS OF THE UTILITIES,) A utility must apply to the board in a form and manner prescribed by the board for designation of a specific site (OR CORRIDOR) for a specific size and type of facility. (NO LARGE ELECTRIC POWER GENERATING PLANT OR HIGH VOLTAGE TRANSMISSION LINE SHALL BE CONSTRUCTED EXCEPT ON A SITE OR ROUTE DESIGNATED BY THE BOARD PURSUANT TO SECTIONS 116C.51 TO 116C.69. FOLLOWING THE STUDY, EVALUATION, AND HEARINGS, AS PROVIDED IN THIS SECTION AND SECTIONS 116C.58 TO 116C.60, ON) *The application shall contain at least two proposed sites. In the event a utility proposes a site not included in the board's inventory of study areas, the utility shall specify the reasons for the proposal and shall make an evaluation of the proposed site based upon the planning policies, criteria and standards specified in the inventory. Pursuant to sections 116C.57 to 116C.60, the board shall study and evaluate any site (OR CORRIDOR) proposed by (THE UTILITIES) a utility and (SUCH) any other (SITES) site (AND CORRIDORS AS) the board deems necessary (FROM THE INVENTORY THE BOARD SHALL DESIGNATE A SUITABLE SITE OR CORRIDOR FOR A SPECIFIC SIZE AND TYPE OF FACILITY. THIS DESIGNATION BY THE BOARD SHALL BE MADE IN ACCORDANCE WITH THE SITE SELECTION CRITERIA AND STANDARDS ESTABLISHED IN SECTION 116C.55 AND SHALL BE MADE IN A TIMELY MANNER IN A FINDING WITH REASONS FOR SUCH CHOICE, AND PUBLISHED NO LATER THAN ONE YEAR AFTER THE REQUEST FOR DESIGNATION OF A SITE BY THE UTILITY OR NO LATER THAN 180 DAYS AFTER THE REQUEST FOR DESIGNATION OF A CORRIDOR BY THE UTILITY. THE TIME FOR DESIGNATION OF A SITE MAY BE EXTENDED FOR SIX MONTHS BY THE BOARD FOR JUST CAUSE)* which was proposed in a manner consistent with rules adopted by the board concerning the form, content, and timeliness of proposals for alternate sites. No site (OR CORRIDOR) designation shall be made in violation of the site selection standards established in section 116C.55. The board shall indicate the reasons

for any refusal and indicate changes in size or type of facility necessary to allow (SITING IN COMPLIANCE WITH THE STANDARDS) *site designation*. (UPON DESIGNATION OF THE) *Within a year after the board's acceptance of a utility's application, the board shall decide in accordance with the criteria specified in section 116C.55, subdivision 2, the responsibilities, procedures and considerations specified in section 116.57, subdivision 4, and the considerations in chapter 116D which proposed site is to be designated. The board may extend for just cause the time limitation for its decision for a period not to exceed six months. When the board designates a site (OR CORRIDOR), (THE BOARD) it shall issue (TO THE UTILITY) a certificate of site compatibility to the utility with any appropriate conditions. The board shall publish a notice of its decision in the state register within 30 days of site designation. No large electric power generating plant shall be constructed except on a site designated by the board.*

Subd. 2. [DESIGNATION OF ROUTES; PROCEDURE.] (NO LATER THAN TWO YEARS AFTER THE ISSUANCE OF A CERTIFICATE OF SITE COMPATIBILITY THE) A utility shall apply to the board *in a form and manner prescribed by the board for a permit for the construction of a high voltage transmission line (WITHIN THE APPROVED CORRIDOR). (FOLLOWING) The application shall contain at least two proposed routes. Pursuant to sections 116C.57 to 116C.60, the board shall study, (EVALUATION) and (HEARINGS ON) evaluate the type, design, routing, right-of-way preparation and facility construction (AS IDENTIFIED) of any route proposed in (THE) a utility's application and any other (ALTERNATIVES TO THE UTILITY'S CORRIDOR DEVELOPMENT PROPOSAL AS PROVIDED IN SUBDIVISION 4,) route the board deems necessary which was proposed in a manner consistent with rules adopted by the board concerning the form, content, and timeliness of proposals for alternate routes provided, however, that the board shall identify the alternative routes prior to the commencement of public hearings thereon pursuant to section 116C.58. Within one year after the board's acceptance of a utility's application, the board shall decide in accordance with the criteria and standards specified in section 116C.55, subdivision 2, and the considerations specified in section 116C.57, subdivision 4, which proposed route is to be designated. The board may extend for just cause the time limitation for its decision for a period not to exceed 90 days. When the board designates a route, it shall issue a permit for the construction of a high voltage transmission (LINES WITHIN THE DESIGNATED CORRIDOR. THIS PERMIT ISSUANCE BY THE BOARD SHALL BE MADE IN A TIMELY MANNER AND PUBLISHED NO LATER THAN 180 DAYS AFTER THE APPLICATION FOR A PERMIT BY THE UTILITY) line specifying the type, design, routing, right-of-way preparation and facility construction it deems necessary and with any other appropriate conditions. The board may order the construction of high voltage*

*transmission line facilities which are capable of expansion in transmission capacity through multiple circuiting or design modifications. The board shall publish a notice of its decision in the state register within 30 days of issuance of the permit. No high voltage transmission line shall be constructed except on a route designated by the board, unless it was exempted pursuant to subdivision 5.*

Subd. 3. [EMERGENCY CERTIFICATION.] Any utility whose electric power system requires the immediate construction of a large electric power generating plant or high voltage transmission line may make application to the board for an emergency certificate of site compatibility or permit for the construction of high voltage transmission lines, which certificate or permit shall be issued in a timely manner (AND PUBLISHED) no later than (180) 195 days after the board's acceptance of the application and upon a finding by the board that a demonstrable emergency exists which requires (SUCH) immediate construction, and that adherence to the procedures and time schedules (SET FORTH) specified in sections 116C.54 (TO), 116C.56 and 116C.57 would jeopardize (SUCH) the utility's electric power system or would jeopardize the utility's ability to meet the electric needs of its customers in a orderly and timely manner. A public hearing to determine if an emergency exists shall be held within 90 days of the application. The board shall, after notice and hearing, promulgate (REGULATIONS SETTING FORTH) rules specifying the criteria for emergency certification.

Subd. 4. [CONSIDERATIONS IN DESIGNATING SITES AND ROUTES.] To facilitate the study, research, evaluation and designation of sites and (CORRIDORS FOR LARGE ELECTRIC POWER GENERATING PLANTS AND HIGH VOLTAGE TRANSMISSION LINES AND THE APPROVAL OF SPECIFIC TRANSMISSION LINE FACILITIES AND THEIR) routes, the board shall be guided by, but not limited to, the following responsibilities, procedures, and considerations:

(1) Evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high voltage transmission line (CORRIDORS AND) routes and the effects of water and air discharges and electric fields resulting from such (PLANTS) facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including base line studies, predictive modeling, and monitoring of the water and air mass at proposed and operating sites and (SITES OF OPERATING LARGE ELECTRIC POWER GENERATING PLANTS) routes, evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) Environmental evaluation of (LARGE ELECTRIC POWER GENERATING PLANT) sites and (HIGH VOLTAGE TRANSMISSION LINE CORRIDORS AND) routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) Evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) Evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) Analysis of the direct and indirect economic impact of proposed (LARGE ELECTRIC POWER GENERATING PLANTS AND HIGH VOLTAGE TRANSMISSION LINES) sites and routes including, but not limited to, productive agricultural land lost or impaired;

(6) Evaluation of adverse direct and indirect environmental effects which cannot be avoided should the proposed site and (TRANSMISSION LINE CORRIDOR OR) route be accepted;

(7) Evaluation of alternatives to the (PROPOSED SITE AND TRANSMISSION LINE CORRIDORS AND ROUTES) applicant's proposed site or route proposed pursuant to section 116C.57, subdivisions 1 and 2;

(8) *Evaluation of potential routes which would use or parallel existing railroad and highway rights-of-way;*

(9) *Evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;*

(10) *Evaluation of the future needs for additional high voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;*

((8)) (11) Evaluation of irreversible and irretrievable commitments of resources should the proposed site (AND TRANSMISSION LINE CORRIDOR) or route be approved; and

((9)) (12) Where appropriate, consideration of problems raised by other state and federal agencies and local entities.

((10)) (13) (WHERE) If the board's rules (AND REGULATIONS OF THE BOARD AS SET FORTH IN SECTIONS 116C.51 TO 116C.69) are substantially similar to existing rules and regulations of a federal agency to which the utility in the state is subject, the federal rules and regulations shall be applied by the board.

(14) *No site or route shall be designated which violates state agency rules.*

**Subd. 5. [EXEMPTION OF CERTAIN ROUTES.]** *A utility may apply to the board in a form and manner prescribed by the board to exempt the construction of any proposed high voltage transmission line from sections 116C.51 to 116C.69. Within 15 days of the board's receipt of the exemption application, the utility shall publish a notice and description of the exemption application in a legal newspaper of general circulation in each county in which the route is proposed and send a copy of the exemption application by certified mail to the chief executive of any regional development commission, county, incorporated municipality and organized town in which the route is proposed and shall send a notice and description of the exemption application to each owner over whose property the line may run, together with an understandable description of the procedures the owner must follow should he desire to object. For the purpose of giving mailed notice under this subdivision, owners shall be those shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. Except as to the owners of tax exempt property or property taxes on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless he has requested in writing that the county auditor or county treasurer, as the case may be, include his name on the records for such purpose. The failure to give mailed notice to a property owner, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. If any person who owns real property crossed by the proposed route, or any person owning property adjacent to property crossed by the proposed route, or any affected political subdivision files an objection with the board within 60 days after the board's receipt of the exemption application, the board shall either deny the exemption application or conduct a public hearing. If the board determines that the proposed high voltage transmission line will not create significant human or environmental impact, it may exempt the proposed transmission line with any appropriate conditions, but the utility shall comply with any applicable state rule and any applicable zoning, building and land use rules, regulations and ordinances of any regional, county, local and special purpose government in which the route is proposed. The board may by rule require a fee to pay expenses incurred in processing exemptions. Any fee charged is subject to the conditions of section 116C.69, subdivision 2a.*

**Subd. 6. [RECORDING OF SURVEY POINTS.]** *The permanent location of monuments or markers found or placed by a utility in a survey of right of way for a route shall be placed on record in the office of the county recorder or registrar of*

*titles. No fee shall be charged to the utility for recording this information.*

Sec. 11. Minnesota Statutes 1976, Section 116C.58, is amended to read:

116C.58 [PUBLIC HEARINGS; NOTICE.] The board shall hold an annual public hearing at a time and place prescribed by (REGULATION) *rule* in order to afford interested persons an opportunity to be heard regarding its inventory of (POTENTIAL SITES AND CORRIDORS) *study areas* and any other aspects of the board's activities and duties or (THE) policies (SET FORTH) *specified* in sections 116C.51 to 116C.69. The board shall hold at least one public hearing in each county where a site or route is being considered for designation pursuant to section 116C.57 (AS SUITABLE FOR CONSTRUCTION OF A LARGE ELECTRIC POWER GENERATING PLANT OR A HIGH VOLTAGE TRANSMISSION LINE). Notice and agenda of public hearings and *public meetings of the board held in each county* shall be given by the board at least ten days in advance but no earlier than 45 days prior to such hearings or *meetings*. Notice shall be by publication in a legal newspaper of general circulation in the county in which the public hearing or *public meeting* is to be held and by *certified* mailed notice to chief executives of the regional (COUNCILS, COUNTY) *development commissions, counties, organized towns* and the incorporated municipalities (THEREIN) *in which a site or route is proposed*. All hearings held for designating a site or route or for exempting a route shall be conducted by a hearing examiner from the office of hearing examiners pursuant to the contested case procedures of chapter 15. Any person may appear at the hearings and present testimony and exhibits and may question witnesses without the necessity of intervening as a formal party to the proceedings.

Sec. 12. Minnesota Statutes 1976, Section 116C.59, Subdivision 1, is amended to read:

116C.59 [PUBLIC PARTICIPATION.] Subdivision 1. [ADVISORY COMMITTEE.] The board shall appoint one or more advisory committees to assist it in carrying out its duties. Committees appointed to evaluate (PLANT) sites or (TRANSMISSION LINE CORRIDORS) *routes* considered for designation shall be comprised of as many persons as may be designated by the board, but (SHALL INCLUDE A MAJORITY OF PUBLIC REPRESENTATIVES;) at least one representative from each of the following: (A PUBLIC OR MUNICIPALLY OWNED UTILITY, A PRIVATE INVESTOR OWNED UTILITY AND A COOPERATIVELY OWNED UTILITY; ONE REPRESENTATIVE FROM THE) Regional (COUNCIL AND ONE FROM EACH COUNTY) *development commissions, counties* and municipal (CORPORATION) *corporations and one town board member from each county in which a (LARGE*

ELECTRIC POWER GENERATING PLANT) site (AND HIGH VOLTAGE TRANSMISSION LINE CORRIDOR ARE) or route is proposed to be located. No officer, agent or employee of a utility shall serve on an advisory committee. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Sec. 13. Minnesota Statutes 1976, Section 116C.59, is amended by adding subdivisions to read:

*Subd. 3 [PUBLIC ADVISOR.] The board shall designate one staff person for the sole purpose of assisting and advising those affected and interested citizens on how to effectively participate in site or route proceedings.*

*Subd. 4 [SCIENTIFIC ADVISORY COMMITTEE.] The board may appoint one or more advisory committee composed of technical and scientific experts to conduct research and make recommendations concerning generic issues such as health and safety, underground routes, double circuiting and long range route and site planning. Reimbursement for expenses incurred shall be made pursuant to the rules governing reimbursement of state employees.*

Sec. 14. Minnesota Statutes 1976, Section 116C.61, Subdivision 2, is amended to read:

**Subd. 2. [FACILITY LICENSING.]** Notwithstanding anything herein to the contrary, utilities shall obtain state permits that may be required to construct and operate large electric power generating plants and high voltage transmission lines. A state agency in processing a utility's facility permit application shall be bound to the decisions of the board, with respect to the site (DESIGNATION FOR THE LARGE ELECTRIC POWER GENERATING PLANT OR THE CORRIDOR) or route designation (FOR THE HIGH VOLTAGE TRANSMISSION LINE), and with respect to other matters for which authority has been granted to the board by sections 116C.51 to 116C.69.

Sec. 15. Minnesota Statutes 1976, Section 116C.61, Subdivision 3, is amended to read:

**Subd. 3. [STATE AGENCY PARTICIPATION.]** State agencies authorized to issue permits required for construction or operation of large electric power generating plants or high voltage transmission lines shall participate in and present the position of the agency at public hearings and all other activities of the board on specific site (, CORRIDOR) or route designations of the board, which position shall clearly state whether the site (, CORRIDOR,) or route being considered for designation or permit approval for a certain size and type of facility will be in compliance with state agency standards, regulations or

policies. (NO SITE OR ROUTE SHALL BE DESIGNATED WHICH VIOLATES STATE AGENCY REGULATIONS.)

Sec. 16. Minnesota Statutes 1976, Section 116C.62, is amended to read:

116C.62 [IMPROVEMENT OF SITES AND ROUTES.] Utilities which have acquired a (POWER PLANT) site or (TRANSMISSION LINE) route in accordance with sections 116C.51 to 116C.69 may proceed to construct or improve (SUCH) *the* site or route for the intended purposes at any time, subject to section 116C.61, subdivision 2, provided that if (SUCH) *the* construction and improvement commences more than four years after a certificate or permit for the site or route has been issued then the utility must certify to the board that (SUCH) *the* site or route continues to meet the conditions upon which the certificate of site compatibility or transmission line construction permit was issued.

Sec. 17. Minnesota Statutes 1976, Section 116C.63, is amended to read:

116C.63 [EMINENT DOMAIN POWERS; RIGHT OF CONDEMNATION.] *Subdivision 1.* Nothing (HEREIN) *in this section* shall (ABROGATE OR) invalidate the right of eminent domain vested in utilities by statute or common law existing as of May 24, 1973, *except to the extent modified herein.* (SUCH) *The* right of eminent domain shall continue to exist for utilities and may be used according to law to accomplish any of the purposes and objectives of sections 116C.51 to 116C.69, *including acquisition of the right to utilize existing high voltage transmission facilities which are capable of expansion or modification to accommodate both existing and proposed conductors. Notwithstanding any law to the contrary, all easement interests shall revert to the then fee owner if a route is not used for high voltage transmission line purposes for a period of five years.*

*Subd. 2.* *In eminent domain proceedings by a utility for the acquisition of real property proposed for construction of a route or a site, the proceedings shall be conducted in the manner prescribed in chapter 117, except as otherwise specifically provided in this section.*

*Subd. 3.* *When such property is acquired by eminent domain proceedings or voluntary purchase and the amount the owner shall receive for the property is finally determined, the owner who is entitled to payment may elect to have the amount paid in not more than ten annual installments, with interest on the deferred installments, at the rate of eight percent per annum on the unpaid balance, by submitting a written request to the utility before any payment has been made. After the first install-*

ment is paid the petitioner may make its final certificate, as provided by law, in the same manner as though the entire amount had been paid.

*Subd. 4. When property defined as class 3, 3b, 3c, 3cc, 3d, or 3f pursuant to section 273.13 is proposed to be acquired for the construction of a site or route by eminent domain proceedings, the property owner shall have the option to require the utility to condemn a fee interest in any amount of contiguous land which he owns and elects in writing to transfer to the utility within 60 days after his receipt of the petition filed pursuant to section 117.055. The required acquisition of land contiguous to, but outside the designated right-of-way of a route or the boundary of a site, shall be considered an acquisition for a public purpose and for use in the utility's business, for purposes of chapter 117D and section 500.24, respectively; provided that a utility shall divest itself completely of all such lands used for farming or capable of being used for farming within five years within the date of acquisition, or such land shall be sold at a public sale in the manner prescribed by law for the foreclosure of a mortgage by action.*

*Subd. 5. A utility shall notify by certified mail each person who has transferred any interest in real property to the utility after July 1, 1974, but prior to the effective date of this act, for the purpose of a site or route that he may elect in writing within 90 days after receipt of notice to require the utility to acquire any remaining contiguous parcel of land pursuant to section 17 or to return any payment to the utility and require it to make installment payments pursuant to section 17.*

Sec. 18. Minnesota Statutes 1976, Chapter 116C, is amended by adding a section to read:

[116C.635] [ANNUAL PAYMENTS.] *A utility shall annually pay to the owners of land defined as class 3, 3b, 3c, 3cc, 3d, or 3f pursuant to section 273.13 listed on records of the county auditor or treasurer over which runs a high voltage transmission line as defined in section 116C.52, subdivision 3, an amount determined by multiplying a fraction, the numerator of which is the length of high voltage transmission line which runs over that parcel and the denominator of which is the total length of that particular line running over all property within the county, by ten percent of the transmission and distribution line tax revenue derived from the tax on that line pursuant to section 273.42. Prior to August 1 of each year, the auditor of each county shall send a statement to the utility specifying the amount of the payment the utility must make to each qualifying owner of land within the county pursuant to this section. Where a right of way width is shared by more than one property owner, the numerator shall be adjusted by multiplying the length of line on the parcel by the proportion of the total width on the parcel owned by*

*that property owner. The amount of payment for which the property qualifies pursuant to this subdivision shall not exceed 20 percent of the total gross tax on the parcel prior to deduction of the state paid agricultural credit and the state paid homestead credit. The payments of this section shall be made to each affected landowner by the appropriate utility on or before October 1 of each year after 1977 based upon the tax levied in the previous year and shall not reduce any payment pursuant to a voluntary agreement or eminent domain proceeding.*

Sec. 19. Minnesota Statutes 1976, Section 116C.64, is amended to read:

**116C.64 [FAILURE TO ACT.] (IN THE EVENT)** *If the board fails to (DESIGNATE IN A TIMELY MANNER LARGE ELECTRIC POWER GENERATING PLANT SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS OR ROUTES AS PROVIDED FOR HEREIN) act within the times specified in section 116C.57, any affected utility may seek an order of the district court requiring the board to designate or refuse to designate a site(, CORRIDOR,) or route.*

Sec. 20. Minnesota Statutes 1976, Chapter 116C, is amended by adding a section to read:

**[116.645] [REVOCAION OR SUSPENSION.]** *A site certificate or construction permit may be revoked or suspended by the board after adequate notice of the alleged grounds for revocation or suspension and a full and fair hearing in which the affected utility has an opportunity to confront any witness and respond to any evidence against it and to present rebuttal or mitigating evidence upon a finding by the board of:*

*(1) Any false statement knowingly made in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted a change in the board's findings;*

*(2) Failure to comply with material conditions of the site certificate or construction permit, or failure to maintain safety standards; or*

*(3) Any material violation of the provisions of sections 116C.51 to 116C.69, any rule promulgated pursuant thereto, or any order of the board.*

Sec. 21. Minnesota Statutes 1976, Section 116C.65, is amended to read:

116C.65 [JUDICIAL REVIEW.] Any utility, party or person aggrieved by the issuance of a certificate or emergency certificate of site compatibility or transmission line construction permit from the board or a certification of continuing suitability filed by a utility with the board or by a final order in accordance with any rules (AND REGULATIONS) promulgated by the board, may appeal therefrom to any district court where such (LARGE ELECTRIC POWER GENERATING PLANT) *a site* or (HIGH VOLTAGE TRANSMISSION LINE) *route* is to be located. (SUCH) *The* appeal shall be (MADE AND PERFECTED) *filed* within 60 days after the *publication in the state register of notice of the* issuance of the certificate or permit by the board or certification filed with the council or the filing of any final order by the board. The notice of appeal to the district court shall be filed with the clerk of the district court and a copy thereof mailed to the board and affected utility. Any utility, party or person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions. *The scope of judicial review shall be as prescribed in section 15.024.*

Sec. 22. Minnesota Statutes 1976, Section 116C.66, is amended to read:

116C.66 [RULES.] The board, in order to give effect to the purposes of sections 116C.51 to 116C.69, shall *prior to January 1, 1978*, adopt rules (AND REGULATIONS) consistent with sections 116C.51 to 116C.69, including promulgation of (PLANT SITING AND TRANSMISSION LINE ROUTING) *site and route designation* criteria, the description of the information to be furnished by the utilities, establishment of minimum guidelines for public participation in the development, revision, and enforcement of any (REGULATION) *rule*, plan or program established by the board, *procedures for the revocation or suspension of a construction permit or a certificate of site compatibility, the procedure and timeliness for proposing alternative routes and sites, and route exemption criteria and procedures.* No rule adopted by the board shall grant priority to state owned wildlife management areas over agricultural lands in the designation of route avoidance areas. *The provisions of chapter 15(.)* shall apply to the appeal of rules (AND REGULATIONS) adopted by the board to the same extent as it applies to review of rules (AND REGULATIONS) adopted by any other agency of state government.

*The chief hearing examiner shall, prior to January 1, 1978, adopt procedural rules for public hearings relating to the site and route designation process and to the route exemption process. The rules shall attempt to maximize citizen participation in these processes.*

Sec. 23. Minnesota Statutes 1976, Section 116C.67, is amended to read:

116C.67 [SAVINGS CLAUSE.] The provisions of sections 116C.51 to 116C.69 shall not apply to (THE) *any* site (FOR THE LARGE ELECTRIC POWER GENERATING PLANT) evaluated and recommended by the governor's environmental quality council prior to the state of enactment, and (ALSO) to *any* high voltage transmission lines, the construction of which will commence prior to July 1, 1974 (; PROVIDED, HOWEVER, THAT WITHIN 90 DAYS FOLLOWING THE DATE OF ENACTMENT, THE AFFECTED UTILITY SHALL FILE WITH THE COUNCIL A WRITTEN STATEMENT IDENTIFYING SUCH TRANSMISSION LINES, THEIR PLANNED LOCATION, AND THE ESTIMATED DATE FOR COMMENCEMENT OF CONSTRUCTION).

Sec. 24. Minnesota Statutes 1976, Section 116C.68, is amended to read:

116C.68 [ENFORCEMENT, PENALTIES.] Subdivision 1. Any person who violates sections 116C.51 to 116C.69 or any rule (OR REGULATION) promulgated hereunder, or knowingly submits false information in any report required by sections 116C.51 to 116C.69 (SHALL BE) *is* guilty of a misdemeanor for the first offense and a gross misdemeanor for the second and each subsequent offense. Each day of violation shall constitute a separate offense.

Subd. 2. The provisions of sections 116C.51 to 116C.69 or any rules (OR REGULATIONS) promulgated hereunder may be enforced by injunction, action to compel performance or other appropriate action in the district court of the county wherein the violation takes place. The attorney general shall bring any action under this subdivision upon the request of the board.

Subd. 3. When the court finds that any person has violated sections 116C.51 to 116C.69, any rule (OR REGULATION) hereunder, knowingly submitted false information in any report required by sections 116C.51 to 116C.69 or has violated any court order issued under (THIS CHAPTER) *sections 116C.51 to 116C.69*, the court may impose a civil penalty of not more than \$10,000 for each violation. These penalties shall be paid to the general fund in the state treasury.

Sec. 25. Minnesota Statutes 1976, Section 116C.69, is amended to read:

116C.69 [BIENNIAL REPORT; APPLICATION FEES; APPROPRIATION; FUNDING.] Subdivision 1. [BIENNIAL REPORT.] *Before November 15 of each even-numbered year* the board shall prepare and submit to the legislature (BIENNIALY) a report of its (POWER PLANT AND TRANSMISSION SITING) operations, activities, findings (,) and recommendations (, AND UNDERTAKINGS) *concerning sections 116C.51 to 116C.69*. The report shall also contain in-

formation on the board's biennial expenditures, its proposed budget for the following biennium, and the amounts paid in certificate and permit application fees pursuant to (SUBDIVISION) *subdivisions 2 and 2a* and in assessments pursuant to subdivision 3. The proposed budget for the following biennium shall be subject to legislative review.

Subd. 2. [SITE APPLICATION FEE.] Every applicant for a site certificate (OR TRANSMISSION LINE CONSTRUCTION PERMIT) shall pay to the board a fee in an amount equal to \$500 for each \$1,000,000 of production (OR TRANSMISSION LINE) plant investment in the proposed installation as defined in the Federal Power Commission Uniform System of Accounts. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that (SUCH) *the* excess is reasonably necessary. The applicant shall pay within 30 days of notification (SUCH) *any* additional fees (AS ARE) reasonably necessary for completion of the (PLANT) site (, TRANSMISSION LINE CORRIDOR OR ROUTE) evaluation and (SELECTION) *designation* process by the board. In no event shall the total fees required of the applicant under this subdivision exceed an amount equal to 0.001 of said production (OR TRANSMISSION LINE) plant investment (\$1,000 for each \$1,000,000) (EXCEPT THAT THE MINIMUM APPLICATION FEE SHALL NOT BE LESS THAN \$5,000). All money received pursuant to this subdivision shall be deposited in the general fund. So much money as is necessary is annually appropriated from the general fund to pay expenses incurred in processing applications for certificates (OR PERMITS) in accordance with (THE PROVISIONS OF) sections 116C.51 to 116C.69 and in the event (SUCH) *the* expenses are less than the fee paid, to refund the excess to the applicant. This annual appropriation shall not exceed the fees to be paid during (SUCH) *each* period.

Subd. 2a. [ROUTE APPLICATION FEE.] Every applicant for a transmission line construction permit shall pay to the board a base fee of \$35,000 plus a fee in an amount equal to \$1,000 per mile length of the longest proposed route. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that the excess is reasonably necessary. In the event the actual cost of processing an application up to the board's final decision to designate a route exceeds the above fee schedule, the board may assess the applicant any additional fees necessary to cover the actual costs, not to exceed an amount equal to \$500 per mile length of the longest proposed route. All money received pursuant to this subdivision shall be deposited in the general fund. So much money as is necessary is annually appropriated from the general fund to pay expenses incurred in processing applications for construction permits in accordance with sections 116C.51 to 116C.69 and in the event the expenses are less than the fee paid, to refund the

*excess to the applicant. This annual appropriation shall not exceed the fees to be paid during each period.*

Subd. 3. [FUNDING; ASSESSMENT.] The board shall finance its base line studies, general environmental studies, development of criteria, inventory preparation, *monitoring of conditions placed on site certificates and construction permits*, and all other work, other than specific site(, CORRIDOR,) and route (SELECTION,) *designation* from an assessment made annually by the board against all utilities. Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.333, as determined by the board. (SUCH) *The* assessment shall be credited to the general fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the annual budget of the board for carrying out the purposes of this subdivision.

Sec. 26. [EMERGENCY RULES.] *The environmental quality board is authorized and directed to promulgate emergency rules pursuant to section 15.0412, subdivision 5, within 90 days of the effective date of this act, concerning the procedures for the revocation or suspension of a construction permit or a certificate of site compatibility and the procedure for designation of a route, including the manner and timeliness of proposing alternative routes, route designation considerations and route exemption criteria and procedures.*

*The chief hearing examiner is authorized and directed to promulgate emergency rules pursuant to section 15.0412, subdivision 5, within 30 days of the effective date of this act, establishing procedures for public hearings relating to the designation and exemption of routes. The rules shall attempt to maximize citizen participation in the route designation and exemption process.*

*Any emergency rules authorized by this section shall be effective until either January 1, 1978, or until the board and the chief hearing examiner adopt permanent rules pursuant to chapter 15, whichever occurs first.*

Sec. 27. *Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56, are repealed.*

Sec. 28. *Except as herein provided, this act is effective the day following its final enactment. Any corridor, route or site ap-*

*plication filed or any public hearing or other proceeding pursuant to sections 116C.51 to 116C.69 initiated or conducted prior to the effective date of this act shall be considered, conducted and acted upon in accordance with the law and rules in effect prior to the effective date of this act. Any route or site application filed or any public hearing or other proceeding pursuant to sections 116C.51 to 116C.69 initiated or conducted subsequent to the effective date of this act shall be postponed until the completion of the emergency rules authorized in section 26, at which time it shall be considered, conducted and acted upon in accordance with sections 116C.51 to 116C.69, as amended by this act, and the emergency or permanent rules adopted pursuant to sections 22 or 26 of this act. Section 18 is effective January 1, 1978."*

Further, amend the title by striking in its entirety and inserting:

"A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned and annual payments for owners of land condemned for routes or sites; requiring utilities to make additional annual payments to owners of property crossed by a route; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; and 116C.69; and Chapter 116C, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56."

We request adoption of this report and repassage of the bill.

Senate Conferees: GENE MERRIAM, JERALD C. ANDERSON, WILLIAM P. LUTHER, WAYNE OLHOFT and ROBERT G. DUNN.

House Conferees: HARRY SIEBEN, WILLARD MUNGER, WESLEY SKOGLUND, GENE WENSTROM and JOHN BIEDSDORF.

Sieben, H., moved that the report of the Conference Committee on S. F. No. 896 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 896, A bill for an act relating to the establishment of a power plant site and transmission line route selection au-

thority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned and annual payments for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; providing for a property tax credit for land crossed by high voltage transmission lines; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; 116C.69; 273.42; 276.04; and Chapters 116C, by adding a section; and 273, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

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 127 yeas and 1 nay as follows:

**Those who voted in the affirmative were:**

Abeln	Corbid	Jensen	Murphy	Sieben, M.
Adams	Cummiskey	Johnson	Neisen	Simoneau
Anderson, B.	Dahl	Jude	Nelsen, B.	Skoglund
Anderson, D.	Dean	Kahn	Nelson	Smogard
Anderson, G.	Den Ouden	Kaley	Niehaus	Spanish
Anderson, I.	Eckstein	Kalis	Norton	Stanton
Anderson, R.	Eken	Kelly, R.	Novak	Stoa
Arlandson	Ellingson	Kempe, A.	Osthoff	Suss
Battaglia	Enebo	Kempe, R.	Patton	Swanson
Beauchamp	Erickson	King	Pehler	Tomlinson
Begich	Esau	Knickerbocker	Peterson	Vanasek
Berg	Evans	Kostohryz	Petrafeso	Voss
Berglin	Ewald	Kroening	Pleasant	Waldorf
Berkelman	Faricy	Kvam	Prahl	Welch
Biersdorf	Fjoslien	Langseth	Reding	Wenstrom
Birnstihl	Forsythe	Lehto	Rice	Wenzel
Brandl	Friedrich	Lemke	Rose	White
Braun	Fudro	Mangan	St. Onge	Wieser
Byrne	Fugina	Mann	Samuelson	Wigley
Carlson, A.	George	McCarron	Sarna	Williamson
Carlson, D.	Gunter	McCollar	Savelkoul	Wynia
Carlson, L.	Hanson	McDonald	Scheid	Zubay
Casserly	Heinitz	McEachern	Schulz	Speaker Sabo
Clark	Hokanson	Metzen	Searles	
Clawson	Jacobs	Moe	Sherwood	
Cohen	Jaros	Munger	Sieben, H.	

**Those who voted in the negative were:**

Searle

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. 1337.

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. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1337

A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

May 21, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1337 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1337 be further amended as follows:

Strike everything after the enacting clause and insert:

*"Section 1. [TEMPORARY PROVISION; WAGE AND ECONOMIC FRINGE BENEFITS; AGREEMENTS APPROVED.] Within the funds appropriated for the purpose by the 70th legislature and except as may otherwise be provided in this act, the commissioner of personnel is authorized to implement those provisions of agreements negotiated and executed on or before May 15, 1977, with the Minnesota state employees union, American federation of state, county and municipal employees, council No. 6, the Minnesota teamsters public and law*

*enforcement employees union, local No. 320, the international union of operating engineers, locals No. 34, No. 49 and No. 808, the association of institutional dentists, the bureau of criminal apprehension agents association, the professional employee pharmacists of Minnesota, the middle management association, the state residential schools education association, the Minnesota conservation officers association, the independent Minnesota association of government employees, the bureau of criminal apprehension association of forensic scientists, the Minnesota highway patrol officers' association, and the Minnesota administrative hearing officers association which establish wage and economic fringe benefits. A state employee whose exclusive representative, as defined by section 179.63, subdivision 6, has not executed an agreement with the state covering wages and economic fringe benefits on or before May 15, 1977, shall not receive the wage and economic fringe benefit increases provided by this act.*

Sec. 2. Minnesota Statutes 1976, Section 43.067, Subdivision 3, as amended by Laws 1977, Chapter 35, Section 3, is amended to read:

Subd. 3. [MEDICAL DOCTORS EXEMPTED.] Salaries of medical doctors who are occupying positions which the commissioner of personnel determines require an M.D. degree and who are paid under the provisions of section 43.126, or who are employed by political subdivisions in positions that the governing body of the political subdivision has determined require an M.D. degree, shall be excluded from the limitation provided in this section.

Sec. 3. Minnesota Statutes 1976, Section 43.067, Subdivision 4, as added by Laws 1977, Chapter 35, Section 3, 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 may exceed the salary of the commissioner of finance plus the maximum permissible achievement award under section 43.069.

Sec. 4. [TEMPORARY PROVISION.] Any salary increase above the maximum permitted on July 1, 1977, by section 3 which is granted to the chief administrator of any city, county, town, school district, metropolitan or regional agency, or other political subdivision between December 1, 1976 and July 1, 1977 is invalid. A person whose salary which was in effect prior to December 1, 1976, and which is in excess of the amount permitted by section 3 shall not suffer a decrease in salary as a result of this act.

Sec. 5. Minnesota Statutes 1976, Section 43.323, is amended by adding a subdivision to read:

*Subd. 3. [RULE SUSPENSION.] The commissioner of personnel shall identify those rules he has promulgated pursuant to chapter 15 which are in conflict with the provisions of a collective bargaining agreement negotiated in accordance with sections 179.61 to 179.77 and notwithstanding the provisions of chapter 15, shall suspend those rules and promulgate emergency rules to be effective for a period not exceeding 180 days during which time the commissioner shall repeal, suspend or modify the temporarily suspended rules in accordance with chapter 15.*

Sec. 6. Minnesota Statutes 1976, Section 43.09, Subdivision 3, is amended to read:

**Subd. 3. [LABOR SERVICE.]** All positions involving unskilled labor shall constitute a labor service. The commissioner shall designate the class or classes of positions which shall comprise the labor service and create rules for that service designed to expedite and make more economical the personnel processes in such service. Any (APPOINTMENTS WHICH SHALL BE FOR A TOTAL PERIOD OF NOT TO EXCEED SEVEN MONTHS IN ANY CALENDAR YEAR) *appointment to the labor service is not subject to the appointment provisions of subdivision 4 and may be made by the appointing authority (NOT SUBJECT TO) without other approval, providing payroll notice of such employment is regularly made to the department of personnel. Employees in the labor service who are employed for a total of six months within a 12 month period shall receive the same civil service status given by chapter 43 to permanent classified employees of the state and shall be known as tenured laborers.*

Sec. 7. Minnesota Statutes 1976, Section 43.12, Subdivision 2, is amended to read:

**Subd. 2. [SALARY RANGES.]** The following procedure will be used in establishing rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the professional salary schedule, which schedule shall be known as salary schedule "A". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed minimum monthly rate of pay and extending upward by a maximum of (30) ~~33~~ additional salary increments. Salary range assignments for each class of employment in this schedule shall include no more than ten salary steps. Effective July (9, 1975) ~~6, 1977~~, the prescribed minimum monthly rate of pay shall be (\$825) ~~\$932~~. The maximum monthly rate of pay shall be (\$2,672) ~~\$3,394~~.

Sec. 8. Minnesota Statutes 1976, Section 43.12, Subdivision 3, is amended to read:

**Subd. 3.** All employees whose rates of pay are established according to salary schedule "A", effective July (9, 1975) ~~6,~~

1977, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date to the comparable step in the new salary range for their class or to the minimum rate of pay for their class, whichever rate is greater.

*Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate established for a classification as of July 6, 1977, is equal to or less than the employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.*

Sec. 9. Minnesota Statutes 1976, Section 43.12, Subdivision 5, is amended to read:

Subd. 5. The following procedure shall be used to establish rates of pay for all state employees in the classified civil service whose positions are assigned to classes in the maintenance and related trades schedule, which schedule shall be known as salary schedule "B". Classes shall be assigned an orientation and base rate, one consecutive wage step apart. The orientation rate shall be paid during the first six calendar months of service and the base rate shall be paid commencing at the beginning of the pay period nearest the completion of six calendar months of service. In assigning rates of pay to classes of work covered by this schedule, the commissioner shall give primary consideration to the median of rates paid by other public and private employers for similar types of work. Supplementary pay practices shall be evaluated and costs considered in comparing the rates being paid by other employers. The commissioner is authorized to establish a percentage differential based upon full annual employment and tenure where such advantages are not common in employment outside of the state service.

Effective July (9, 1975) 6, 1977, the minimum hourly rate of pay in the salary schedule "B" shall be (\$4.59) \$4.71. The schedule shall provide for (14) 19 additional wage steps with a maximum rate of (\$7.23) \$8.21 per hour.

Notwithstanding any provision of chapter 43 to the contrary, the commissioner is authorized to establish (a) hourly equipment rates to provide appropriate compensation to employees intermittently engaged in operating maintenance equipment, (b) an hourly rate to provide appropriate compensation to employees intermittently assigned to first level highway foreman work, (AND) (c) an eight percent differential rate rounded to the nearest cent for journeyman skilled trade classes assigned to salary schedule B and employed at adult institutions of the department of corrections, and (d) a ten cent per hour differential for skilled trade classes assigned to salary schedule B and em-

*ployed by the department of administration. The commissioner shall establish regulations and procedures to equitably implement such rates.*

Sec. 10. Minnesota Statutes 1976, Section 43.12, Subdivision 6, is amended to read:

Subd. 6. All (PERMANENT) employees *with more than six calendar months of service* whose rates of pay are established according to salary schedule "B", effective July (9, 1975) 6, 1977, shall be advanced in salary to the established base rate for their class.

*Employees with less than six calendar months of service whose rates of pay are established according to salary schedule "B", effective July (9, 1975) 6, 1977, shall be advanced in salary to the established orientation rate for their class.*

*Employees who are classified as highway maintenance worker, senior and who are employed by the department of transportation and assigned to the central office and districts 5 and 9 shall, in addition, be granted a one time lump sum payment of \$400.*

(EMPLOYEES COMPENSATED ACCORDING TO SALARY SCHEDULE "B" WHOSE HOURLY RATE OF PAY IMMEDIATELY PRECEDING JULY 9, 1975, EXCEEDS THE MAXIMUM HOURLY RATE OF PAY FOR THEIR CLASS SHALL BE GRANTED A ONE TIME LUMP SUM PAYMENT OF \$300, EXCEPT FOR THOSE EMPLOYEES WHOSE ADJUSTMENT IN THEIR CURRENT MAXIMUM RATE OF PAY WOULD BE \$12.25 OR LESS. THE AMOUNT OF THE LUMP SUM PAYMENT FOR THOSE EMPLOYEES WHOSE ADJUSTMENT WOULD BE \$12.25 OR LESS SHALL BE EQUAL TO THE DIFFERENCE BETWEEN \$300 AND THE PRODUCT OF THE EMPLOYEE'S MONTHLY ADJUSTMENT MULTIPLIED BY 24. THIS PAYMENT SHALL BE MADE IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE COMMISSIONER OF FINANCE.)

*Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 6, 1977, is equal to or less than an employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.*

Sec. 11. Minnesota Statutes 1976, Section 43.12, Subdivision 7, is amended to read:

Subd. 7. The following procedure shall be used to establish rates of pay for all state employees in the classified civil ser-

vice whose positions are assigned to classes in the (CLERICAL, TECHNICAL,) *general service (AND RELATED) salary schedule*, which schedule shall be known as salary schedule "C". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed monthly rate of pay and extending upward (28) *34 additional fixed salary increments*. Salary range assignments for each class of employment in this schedule shall not include more than (SEVEN) *eight salary steps*. Effective July (9, 1975) *6, 1977*, the prescribed minimum monthly rate of pay shall be (\$450) *\$456*. The maximum monthly rate of pay shall be (\$1,250) *\$1,409*.

Sec. 12. Minnesota Statutes 1976, Section 43.12, Subdivision 8, is amended to read:

Subd. 8. All employees whose rates of pay are established according to salary schedule "C", effective July (9, 1975) *6, 1977*, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date, *to the next step within the salary range for that classification. An employee whose classification is reassigned to a higher salary range shall, in addition, be adjusted to the comparable step in the new salary range for (THEIR) his class. These step increases shall not affect an employee's eligibility for normal step progression increases provided by section 43.122, subdivision 3.*

*Employees who are paid at a rate which exceeds the maximum rate established for their class prior to July 6, 1977, but whose rate falls within the new range for their class, shall be assigned to the maximum of the new range. In the event the maximum rate for a classification as of July 6, 1977, is equal to or less than an employee's salary on July 5, 1977, no adjustment shall be made; however, the employee shall suffer no reduction in pay and shall continue at his rate of pay as of July 5, 1977.*

Sec. 13. Minnesota Statutes 1976, Section 43.12, is amended by adding a subdivision to read:

Subd. 8a. [LABOR SERVICE.] *The following procedure shall be used to establish rates of pay for all state employees whose positions are assigned to the labor service. The labor service shall consist of four steps. Effective July 6, 1977, the hourly rate of pay for step A shall be \$4.47, for step B \$4.62, for step C \$5.22, and for step D \$5.37.*

*Tenured laborers who are on the payroll on July 6, 1977, shall be paid at the step D rate.*

*Non-tenured laborers who are on the payroll on July 6, 1977, and who were paid at the base rate on July 5, 1977, shall be paid at the step D rate. Such employees shall continue to be paid at*

*the step D rate in subsequent years provided that their service in the previous calendar year was 800 hours or more.*

*Non-tenured laborers who are on the payroll on July 6, 1977, and who were paid at the orientation rate on July 5, 1977, shall be paid at the step C rate. Such employees shall advance to step D after completion of 800 hours of work in the second of two consecutive calendar years in which at least 800 hours at step C are worked; provided, however, that an employee whose service in calendar year 1976 was 800 hours or more shall advance to step D upon the completion of 800 hours in calendar year 1977.*

*For the purpose of this subdivision, service requirements must be fulfilled with the same appointing authority, at the same principal place of employment and performing similar work. Advancement to the next higher step shall be effective at the beginning of the first payroll period following completion of the service requirements.*

*Non-tenured laborers who are not on the payroll on July 6, 1977 but who have worked 800 hours or more in the 12 months immediately preceding July 6, 1977, and who return to work in the labor service prior to July 1, 1978 with the same appointing authority, at the same principal place of employment and to perform similar work, shall be paid at the rate which they would have received and advanced in pay in the same manner as if they had been on the payroll on July 6, 1977.*

*Tenured laborers whose employment relationship is severed and non-tenured laborers who in any calendar year fail to meet the service and hour requirements of this subdivision shall be subject to the hiring and advancement provisions of section 43.122, subdivision 5 if they are subsequently reappointed to the labor service.*

Sec. 14. Minnesota Statutes 1976, Section 43.12, Subdivision 10, is amended to read:

Subd. 10. [COST OF LIVING ADJUSTMENT.] For each full four-tenths point increase in the consumers price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of January, (1975) 1977, and October, (1975) 1977, new series index (1967=100), (ALL MONTHLY RATES OF PAY IN THE "A" AND SPECIAL TEACHER SALARY SCHEDULES SHALL BE INCREASED BY TWO-TENTHS OF ONE PERCENT, ROUNDED TO THE NEAREST DOLLAR AND) all (HOURLY) rates of pay in the "A", "B", (AND) "C", *special teacher, and labor service* salary schedules shall be increased by one cent per hour.

The increase, if any, in wages and salaries generated by this formula shall be effective January (7, 1976) 4, 1978, and shall continue in effect until July (7, 1976) 5, 1978.

A redetermination of the cost of living allowance shall be made (IN) *for* April, (1976) 1978. For each full four-tenths point increase in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of January, (1975) 1977, (THROUGH) *and* April, (1976) 1978, all (MONTHLY) rates of pay in the "A", (AND SPECIAL TEACHER SALARY SCHEDULES SHALL BE INCREASED BY TWO TENTHS OF ONE PERCENT ROUNDED TO THE NEAREST DOLLAR AND ALL HOURLY RATES IN THE) "B", (AND) "C", *special teacher, and labor service* salary schedules shall be increased by one cent per hour. The increase, if any, in wages and salaries generated by this redetermination shall be effective July (7, 1976,) 5, 1978 (AND SHALL CONTINUE IN EFFECT UNTIL JANUARY 5, 1977).

(A REDETERMINATION OF THE COST OF LIVING ALLOWANCE SHALL BE MADE IN OCTOBER, 1976. FOR EACH FULL FOUR-TENTHS POINT INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN WAGE EARNER AND CLERICAL WORKERS FOR MINNEAPOLIS-ST. PAUL, AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS FOR THE MONTHS OF JANUARY, 1975, THROUGH OCTOBER, 1976, ALL MONTHLY RATES OF PAY IN THE "A" AND SPECIAL TEACHER SALARY SCHEDULES SHALL BE INCREASED BY TWO-TENTHS OF ONE PERCENT, ROUNDED TO THE NEAREST DOLLAR AND ALL HOURLY RATES IN THE "B" AND "C" SALARY SCHEDULES SHALL BE INCREASED BY ONE CENT PER HOUR. THE INCREASE, IF ANY, IN WAGES AND SALARIES GENERATED BY THIS REDETERMINATION SHALL BE EFFECTIVE JANUARY 5, 1977.)

During periods when such cost of living allowance is in effect, it shall be added to the applicable basic hourly (AND MONTHLY) rates of pay of each employee, including those that are above the maximum step of their range, and treated as a part thereof in all calculations involving employees' pay. *Cost of living adjustments are not cumulative and allowances paid under an earlier determination shall cease when a re-determination takes effect.*

Sec. 15. Minnesota Statutes 1976, Section 43.12, Subdivision 11, is amended to read:

Subd. 11. The (COMMISSIONER OF ADMINISTRATION MAY DIRECT THE) commissioner of finance (TO) *shall* transfer to the various departments and agencies the necessary amounts to finance subdivision 10 (AND SECTION 43.121, SUBDIVISION 3). These transfers shall be from such accounts and funds from which each department or agency receives its revenue, 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 such salaries. (SUCH SUMS OF MONEY AS ARE NECESSARY FOR SUCH PURPOSES ARE HEREBY APPROPRIATED TO SUCH DEPARTMENTS OR AGENCIES FROM SUCH ACCOUNT AND FUND IN THE STATE TREASURY.) *In order to enable the commissioner of finance to maintain proper records covering the appropriations for cost of living adjustments and insurance benefit increases, he may require certification as he deems necessary from any state agency, the Minnesota historical society, or the university of Minnesota of the amounts needed to pay these adjustments and increases.* The accounts and funds referred to from which agencies 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. 16. Minnesota Statutes 1976, Section 43.12, Subdivision 14, is amended to read:

Subd. 14. Except (AS OTHERWISE PROVIDED IN THIS SECTION) *for classification reassignments effective July 6, 1977, no class will be reassigned to a higher salary range by the commissioner during the (1975-1977) 1977-1979 biennium.*

Sec. 17. Minnesota Statutes 1976, Section 43.12, Subdivision 16, is amended to read:

Subd. 16. Effective July 9, 1975, employees whose positions are assigned to classes in the A, B, C, *labor service*, and special teachers salary schedules working an assigned shift that begins before 6:00 a.m. or which ends on or after 7:00 p.m. shall receive a shift differential of 15 cents per hour for all hours worked on that shift in addition to their regular rate of pay. Such differential shall be included in all payroll computations for hours worked but shall not apply during periods of paid leave.

Employees working the regular day schedule who are required to work overtime or who are called back to work for special projects shall not be eligible for the shift differential.

Sec. 18. Minnesota Statutes 1976, Section 43.12, Subdivision 17, is amended to read:

Subd. 17. [SEVERANCE PAY.] Effective July 1, (1975) 1977, any (PERMANENT) employee who is separated from the state classified civil service by reason of death, mandatory retirement, (RETIREMENT UNDER A STATE RETIREMENT PROGRAM AFTER TEN YEARS OF STATE EMPLOYMENT,) or layoff, excluding seasonal layoffs, or who is separated after completing 20 years of state service, or who retires under a state retirement program after completing ten years of state service shall be entitled upon such separation, to pay in an amount equal to (30) 40 percent(, EXCEPT FOR COMMUNI-

TY COLLEGE AND STATE UNIVERSITY SYSTEM FACULTY EMPLOYEES WHO SHALL RECEIVE 25 PERCENT) of the employee's (REGULAR) accumulated but unused sick leave balance at the time of separation. (EFFECTIVE JULY 1, 1976,) Severance pay (SHALL BE COMPUTED UPON 40 PERCENT, EXCEPT) for community college (AND) *system faculty employees and for state university system faculty employees (WHO) whose appointment and salary are based upon a nine month academic year* shall (RECEIVE) be (30) 35 percent of the employee's (REGULAR) accumulated but unused sick leave balance. The provisions of this subdivision shall apply to unclassified employees in the same manner as they apply to employees in the classified civil service.

Should any employee who has received severance pay be subsequently reappointed to state service, eligibility for future severance pay shall be computed upon the difference between the amount of accumulated but unused sick leave to the employee's credit at the time the employee was separated and the amount of accumulated but unused sick leave balance at the time of the employee's subsequent eligibility for severance pay.

The base for computing the severance pay provided for in this clause shall not exceed (800) 900 hours *except for community college and state university system faculty employees whose base shall not exceed 112 days*, nor shall said base include lapsed sick leave hours as defined by departmental rules and regulations.

Such severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits and shall be paid over a period not to exceed five years from termination of employment. In the event that a terminated employee dies before all or a portion of the severance pay has been disbursed, that balance due shall be paid to a named beneficiary or, lacking same, to the deceased's estate.

Sec. 19. Minnesota Statutes 1976, Section 43.12, Subdivision 18, is amended to read:

Subd. 18. The commissioner is hereby empowered to establish by rule an injured on duty compensation plan for certain classes of state employees in hazardous or dangerous classes of employment *and for special teachers employed by the departments of corrections and public welfare and by the department of education at the Minnesota School for the Deaf and the Minnesota Braille and Sight Saving School*. Said plan shall not be subject to the limitations contained in section 176.021, subdivision 5.

Sec. 20. Minnesota Statutes 1976, Section 43.121, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding the provisions of this section, the commissioner may assign the classes of employment which re-

quire teaching in an established school program in the department of education and institutions of the state under the jurisdiction of the department of public welfare and the department of corrections to salary ranges, which he is hereby authorized to establish. Whenever the commissioner assigns classes of employment which require teaching in an established school program to any salary range which he is authorized to establish by this subdivision, he shall prepare schedules showing the salary ranges for each class, or group of positions in the class of positions assigned by him and he shall also prepare schedules showing entrance salaries and step increases based upon educational attainments and length of satisfactory service. The salary ranges shall include a minimum rate and not more than 12 additional step increases. In assigning ranges of salaries for positions in this category the commissioner shall give consideration to the salary schedules for teachers which are in effect in other units of government of the state. *The commissioner is authorized to establish a schedule of payment for assignments to extra-curricular activities which are in addition to the normal teaching schedule.*

The basic salary for institution educational administrators and supervisors shall be based upon the employee's qualifications and the appropriate academic level of the special teacher salary schedule. However, the commissioner is authorized to establish a percentage differential to compensate for administrative and supervisory responsibilities. Annual length of satisfactory service salary adjustments shall be awarded beginning with the payroll period nearest the anniversary date of the special teacher's, institution educational supervisor's or institution educational administrator's original or promotional appointment to his present class, unless he is notified in writing by the appointing authority that his work has been of a less than satisfactory level.

Sec. 21 Minnesota Statutes 1976, Section 43.122, Subdivision 3, is amended to read:

Subd. 3. (a) Employees in classes assigned to the "A" salary schedule may receive a one step salary increase annually, at the beginning of the first full payroll period nearest their anniversary date, to the position rate in their salary range, provided performance is satisfactory as indicated by their appointing authority.

The position rate shall be as follows:

*10 step salary range — 6th step*

*9 step salary range — 5th step*

*8 step salary range — 5th step*

7 step salary range — 4th step

6 step salary range — 4th step

5 step salary range — 4th step

4 step salary range — 3rd step

3 step salary range — 3rd step

Beyond the position rate, employees may receive one step satisfactory performance increases biennially, at the beginning of the first full payroll period nearest their anniversary date, upon the recommendation of their appointing authority, up to and including the maximum rate of the salary range for their class.

No increases authorized by this subdivision shall be granted by the appointing authority until an appropriate employee evaluation program is filed with the commissioner. Authorized increases shall be recommended in the context of performance measured against specific performance standards or objectives.

Appointing authorities shall not recommend increases for those employees in this schedule who have not met, or only marginally attained, performance standards or objectives. Increases withheld may subsequently be granted by the appointing authority upon certification to the commissioner that the employee is achieving performance standards or objectives.

(b) Employees in classes assigned to the "C" salary schedule shall progress through the salary range for their class according to the following procedure:

Employees compensated at the first step in their salary range shall be advanced to the second step at the beginning of the first full payroll period nearest the completion of six calendar months of satisfactory service at the first step. Employees compensated at the second step in their salary range shall be advanced to the third step at the beginning of the first full payroll period nearest the completion of six calendar months of satisfactory service at the second step.

Employees compensated at or beyond the third step in their salary range shall advance to the next highest rate in their salary range at the beginning of the first full payroll period nearest completion of each subsequent 12 calendar months of satisfactory service until the maximum rate of pay is attained.

Employees compensated at the maximum step in their range or above shall receive no salary adjustments under the provisions of this subdivision.

(c) Appointing authorities may withhold increases authorized in clause (b). Those employees who will be denied an increase because of unsatisfactory service must be notified in writing. Increases withheld may subsequently be granted by the appointing authority upon certification to the commissioner that the employee has achieved a satisfactory level of performance.

Sec. 22. Minnesota Statutes 1976, Section 43.122, is amended by adding a subdivision to read:

*Subd. 5. Employees who are hired after July 5, 1977, for positions assigned to the labor service shall be hired at step A. Such employees shall advance to step B after 800 hours of service within a calendar year; to step C after completion of 800 hours in the second of two consecutive calendar years in which at least 800 hours at step B are worked; and to step D after completion of 800 hours in the second of two consecutive calendar years in which at least 800 hours at step C are worked. Advancement to the next higher step shall be effective at the beginning of the first payroll period following completion of the service requirement. Service requirements must be fulfilled with the same appointing authority, at the same principal place of employment, and performing similar work. Tenured laborers whose employment relationship is severed and non-tenured laborers who fail to meet the service and hour requirements for advancement in any calendar year, shall be considered to be new employees for purposes of this subdivision if they are subsequently reappointed to the labor service and shall be reappointed at step A.*

Sec. 23. Minnesota Statutes 1976, Section 43.126, Subdivision 1, is amended to read:

43.126 [SPECIAL RATES OF PAY.] Subdivision 1. Notwithstanding the provisions of sections 43.12 and 43.121 to 43.123, the following salary ranges are established with annual salaries as shown:

Range A (\$23,000) \$29,000 to (\$32,000) \$40,500

Range B (\$28,000) \$35,500 to (\$38,000) \$48,000

Range C (\$30,000) \$40,000 to (\$45,000) \$57,500

Sec. 24. Minnesota Statutes 1976, Section 43.42, is amended to read:

43.42 [INSURANCE BENEFITS INTENT.] It is the intent of sections 43.42 to 43.49 to provide certain state employees with basic life insurance, *basic dental insurance*, and basic health benefits coverage, including such basic health benefits coverage as the commissioner may make available from prepaid

group practice plans, to be paid for by the state and to authorize an eligible state employee to enroll himself, and his dependents in such optional coverages as are made available therefor by the commissioner to be paid for by the employee through payroll deductions. Optional group coverages may include additional life insurance, auto insurance, disability insurance, dental insurance, legal insurance, howeowners insurance, and vision insurance.

Sec. 25. Minnesota Statutes 1976, Section 43.44, Subdivision 1, is amended to read:

**43.44 [ENROLLMENT OF ELIGIBLE EMPLOYEES.]** Subdivision 1. Every eligible employee meeting the requirements of subdivision 2 shall, at such time, in such manner, and under such conditions of eligibility as the commissioner may by regulation prescribe, be enrolled in the employee life insurance benefits coverage, the hospital benefits coverage, *the dental benefits coverage* and the medical benefits coverage. Such regulations shall be within the framework of intent as set forth in section 43.42.

Sec. 26. Minnesota Statutes 1976, Section 43.46, is amended to read:

**43.46 [CONTRIBUTIONS BY STATE.]** The total contribution by the state for each state employee under sections 43.42 to 43.49 shall be otherwise prescribed by law and which 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 amounts as may be determined from time to time by the commissioner.

Sec. 27. Minnesota Statutes 1976, 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 benefits coverage authorized for eligible state employees as provided by this chapter. *Effective July 1, 1977, each department of the state government shall contribute up to \$58 per year toward the cost of the approved annual health evaluation and screening program for each eligible employee who elects to participate.* Additionally, and notwithstanding any law to the contrary, *effective the first day of the first payroll period commencing on or after July (9, 1975) 1, 1977, each department of the state government shall contribute (\$20) \$45 per month toward the cost of dependent hospital-medical insurance coverage premiums for their eligible employees who have eligible dependents. Effective the first day of the first payroll period commencing on or after July (7, 1976) 1, 1978, each department shall (CONTRIBUTE \$30 PER MONTH) pay the full cost for such dependent hospital-medical (THE) coverage and, for all eligible*

employees carrying dependent dental insurance coverage, shall contribute one-half the difference between single and family dental coverage per month except that no department shall pay an amount in excess of the contribution for dependent hospital-medical and dental coverage in effect on June 30, 1979. To enable employees to receive benefit from this provision, open enrollment periods (DURING THE FULL MONTHS OF AUGUST, 1975) from August 15 through September 30, 1977 and from August 15 through September 30, (1976) 1978, 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, (1975) 1977, the state contribution of (\$10) \$30 per month shall apply to eligible members of the legislature who have eligible dependents. Effective January 1, (1977) 1979, the increased benefits provided in this section shall apply to eligible members of the legislature (WHO HAVE) and their eligible dependents. Each of the departments shall pay such 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. (SUCH SUMS OF MONEY AS ARE NECESSARY FOR SUCH PURPOSES ARE HEREBY APPROPRIATED TO THE DEPARTMENTS FROM SUCH ACCOUNT AND FUNDS IN THE STATE TREASURY.) In order to enable the commissioner of finance to maintain proper records covering the appropriations made (BY) pursuant to this section, he may require certifications in connection therewith as he may deem necessary from any state (DEPARTMENT) 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. 28. Minnesota Statutes 1976, Chapter 43, is amended by adding a section to read:

[43.51] [DEATH BENEFIT FOR RETIRED EMPLOYEES.] *Employees who retire from state service on or after July 1, 1977, shall be entitled to a \$500 cash death benefit payable to a beneficiary designated by the employee, if, at the time of the employee's death, the employee is receiving an annuity under a state retirement program.*

Sec. 29. *The commissioner of public safety shall provide that criminal investigators receive a clothing allowance of \$100 per year in lieu of any other clothing allowance pursuant to section 299C.04.*

Sec. 30. *Notwithstanding any provision of this act or chapter 43 to the contrary, the commissioner shall establish, effective*

from July 6, 1977 to July 3, 1979, a one percent differential rounded to the nearest dollar for the classes crime laboratory analyst 1, crime laboratory analyst 2, crime laboratory analyst 3, and identification officer and a five percent differential rounded to the nearest dollar for employees assigned to the class chemist and employed in the bureau of criminal apprehension, department of public safety.

Sec. 31. Minnesota Statutes 1976, Section 179.74, Subdivision 5, is amended to read:

Subd. 5. The commissioner of personnel is authorized to and may enter into agreements. The provisions of said agreements which establish wages and economic fringe benefits shall be submitted to the legislature to be accepted, rejected or modified. A state employee whose exclusive representative, as defined by section 179.63, subdivision 6, has not executed an agreement with the state covering wages and economic fringe benefits on or before May 15 of each odd numbered year shall not receive the wage and economic fringe benefit increases provided pursuant to an agreement executed under this subdivision.

Sec. 32. Minnesota Statutes 1976, Section 299D.03, Subdivision 2, is amended to read:

Subd. 2. [SALARIES.] (1) Each employee other than the chief supervisor, lieutenant colonel, majors, captains, corporals and sergeants hereinafter designated shall be known as patrol (OFFICERS) troopers.

(2) There may be appointed one lieutenant colonel; and such majors, captains, sergeants, corporals, and (OFFICERS) troopers as the commissioner deems necessary to carry out the duties and functions of the highway patrol. Persons in above named positions shall be appointed by law and have such duties as the commissioner may direct and, except for (OFFICERS) troopers, shall be selected from the patrol (OFFICERS) troopers, corporals, sergeants, captains, and majors who shall have had at least five years' experience as either patrol (OFFICERS) troopers, corporals, sergeants, or supervisors.

(3) Commencing July (9) 6, (1975) 1977, the salaries for all members of the highway patrol, except for the chief supervisor shall be as shown in the following table:

	(TIME IN RANK)				
	TOTAL YEARS OF SERVICE				
	Base Salary	6 Months	1 Year	2 Years	3 Years
Trooper	(\$ 921	958	997	1037	1079)
	\$1075	1117	1163	1209	1257

60th Day]

SATURDAY, MAY 21, 1977

3709

	4 thru 6 Years	7 thru 11 Years	12 thru 20 Years	After 20 Years
Trooper	(\$1123	1168	1215	1264)
	\$1308	1359	1413	1470

	5 thru 11 Years	12 thru 20 Years	After 20 Years
Trooper I	(\$1168	1215	1264)
	\$1359	1413	1470

	10 thru 20 Years	After 20 Years
Corporal	(\$1215	1264)
	\$1413	1470

Staff Sergeant	Years						
	7	8	9	10	11	12 thru 20	After 20
	(\$1240	1265	1291	1317	1345	1372	1427)
	\$1442	1471	1500	1531	1561	1590	1648

## TIME IN RANK

	Base Salary	1 Year	2 Years	After 12 Years total Service	After 20 Years total Service
Captain	(\$1500	1550	1600	1650	1700)
	\$1720	1778	1835	1892	1945
Major	( 1725	1775		1825	1875)
	\$1979	2035		2093	2150
Lt. Col.	( 1900	1950		2000	2050)
	\$2179	2236		2294	2350

(COMMENCING THE FIRST FULL PAYROLL PERIOD AFTER JULY 1, 1975, THE SALARY RATES FOR ALL HIGHWAY PATROL OFFICERS AND SERGEANTS SHALL BE INCREASED BY \$15 PER MONTH IN LIEU OF RECEIVING ANY SALARY DIFFERENTIAL FOR WORKING EVENING AND NIGHT HOURS.) Employees designated as station sergeants shall receive an additional (TWO) *three* percent above the current rate rounded to the nearest dollar for the duration of the appointment. Employees permanently assigned exclusively to Twin City metropolitan freeway duty shall be designated freeway troopers and shall be compensated \$25 per month above their current salary when so assigned. Salary increases in accordance with the above schedule shall become effective for the payroll period nearest the employee's anniversary date of employment.

In addition to the rates of pay provided above, all employees compensated according to the above salary table shall be paid a cost of living allowance to be determined and redetermined in the following manner:

(THE DIFFERENCE, IF ANY, BETWEEN) *For each full four-tenths point increase in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, Minnesota (new series index 1967=100) as published for the months (JULY) January, (1975) 1977, and (APRIL) October, (1976) 1977, by the Bureau of Labor Statistics of the United States Department of Labor (SHALL BE COMPUTED. FOR EACH FULL FOUR-TENTHS POINT INCREASE SO COMPUTED, TWO-TENTHS OF ONE PERCENT ROUNDED TO THE NEAREST DOLLAR SHALL BE ADDED TO THE MONTHLY RATE) all hourly rates of pay (OF EACH TROOPER, CORPORAL, SERGEANT, CAPTAIN, MAJOR, AND LIEUTENANT COLONEL. SUCH COST OF LIVING ALLOWANCE) shall be increased by one cent per hour. The increase, if any, in salaries generated by this formula shall become effective (THE FIRST FULL PAYROLL PERIOD AFTER JULY 1, 1976) January 4, 1978, and shall continue in effect until (THE FIRST FULL PAYROLL PERIOD AFTER JANUARY 1, 1977) July 5, 1978. A redetermination of the cost of living allowance shall be made (IN OCTOBER, 1976, AND WILL INVOLVE COMPUTATION OF THE DIFFERENCE, IF ANY, BETWEEN THE AFOREMENTIONED INDEX AS PUBLISHED FOR THE BASE MONTH OF JULY, 1975, AND THE MONTH OF OCTOBER, 1976) for April, 1978. For each full four-tenths point increase (SO COMPUTED TWO-TENTHS OF ONE PERCENT ROUNDED TO THE NEAREST DOLLAR SHALL BE ADDED TO THE MONTHLY RATE OF PAY OF EACH TROOPER, CORPORAL, SERGEANT, CAPTAIN, MAJOR AND LIEUTENANT COLONEL AS A COST OF LIVING ALLOWANCE. SUCH COST OF LIVING ALLOWANCE SHALL BECOME EFFECTIVE THE PAYROL CLOSEST TO JANUARY 1, 1977) in the consumer price index for urban*

wage earners and clerical workers for Minneapolis-St. Paul, (new series index 1967=100) as published for the months of January, 1977, and April, 1978, by the Bureau of Labor Statistics, all hourly rates of pay shall be increased by one cent per hour. The increase, if any, in salaries generated by this redetermination shall be effective July 5, 1978. For the purpose of this clause, the term "hourly rate of pay" means the monthly salary of a rank set forth herein divided by 174.

During periods when such cost of living allowance is in effect, it shall be added to the applicable monthly rates of pay for highway patrol trooper, corporal, sergeant, captain, major and lieutenant colonel, and treated as a part thereof in all calculations involving employees' pay. *Cost of living adjustments are not cumulative and allowances paid under an earlier determination shall cease when a redetermination takes effect.*

The (COMMISSIONER OF ADMINISTRATION MAY DIRECT THE) commissioner of finance (TO) shall transfer to the department of public safety the necessary amount to finance the increased cost of the cost of living provisions of this clause. This amount is appropriated from the trunk highway fund to the department of public safety for this purpose.

(4) Upon promotion, the person will be paid at the base salary rate of pay in effect for that rank, and shall subsequently be eligible for the time in rank increases calculated from the effective date of promotion.

(5) Any time in rank increases in salary provided for in the tables in clause (3), shall be effective for the payroll period nearest the employee's anniversary date of employment.

The salary rates for all highway patrol (OFFICERS) troopers, corporals and sergeants as cited in clause (3) shall be deemed to include reimbursement for *shift differential*, meal and business expenses incurred by highway patrol (OFFICERS) troopers, corporals and sergeants in the performance of their assigned duties in their patrol areas; business expenses include, but are not limited to: uniform costs, home garaging of squad cars and maintenance of home office.

Sec. 33. Minnesota Statutes 1976, Section 299D.03, Subdivision 3, is amended to read:

Subd. 3. [AIR PATROL; SALARY ADJUSTMENT.] The commissioner of public safety (MAY) shall increase the salary of any member of the Minnesota highway patrol in an amount not to exceed (\$215) \$140 per month for operation of fixed wing aircraft and (\$290) \$175 per month for operation of helicopter during the period in which such member of the patrol is assigned air patrol duty. The commissioner of public safety may appoint, from among the members of the patrol assigned to air patrol duty, a chief pilot who (MAY) shall receive (\$50) \$125 per month in addition to the air patrol duty salary differ-

ential permitted by this subdivision, during the period of his assignment as chief pilot.

Sec. 34. Minnesota Statutes 1976, Section 422A.09, is amended by adding a subdivision to read:

*Subd. 4. The exempt class shall also consist of persons filling the positions of Minneapolis city coordinator and assistant city coordinator, provided that any such person shall, upon written application to the retirement board, be entitled to become a member of the contributing class of the fund, and after becoming a contributor to the fund be entitled to all benefits conferred upon employees of the contributing class. If a person filling the position of city coordinator or assistant city coordinator does not elect to become a member of the contributing class, the city of Minneapolis may pay to such person, in addition to the salary allowed under any limitations imposed upon salaries by any law, an amount equal to what would be the employer's contribution for normal costs to the retirement fund if the employee was a member of the contributing class, provided that such employee agrees that the additional salary shall be deposited by the city in a deferred compensation program.*

Sec. 35. [REVISOR'S INSTRUCTIONS.] *In respect to a collectively bargained contract with the state covering a period beginning on and after July 1, 1979, the revisor of statutes shall provide the chairpersons of the main policy committee in each body of the legislature charged with the responsibility of legislative oversight of state employee contract provisions and the legislative reference library with a copy of the contract showing additions and deletions from contract language in effect for the immediately preceding contract period. Where appropriate, the revisor shall consolidate provisions which are identical from contracts of two or more bargaining units.*

Sec. 36. [REPEALER.] *Minnesota Statutes 1976, Sections 43.09, Subdivision 7; 43.12, Subdivisions 4 and 9; and 299D.03, Subdivision 3a, are repealed.*

Sec. 37. [EFFECTIVE DATE.] *Sections 2, 3 and 34 are effective July 1, 1977. Section 4 is effective the day following final enactment. The remaining sections are effective the first day of the first payroll period commencing on or after July 1, 1977."*

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to the organization and operation of state government; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; limiting salary increases of certain political sub-

division employees; placing time limitations on the execution of negotiated agreements; appropriating money; amending Minnesota Statutes 1976, Sections 43.067, Subdivisions 3 and 4, as amended; 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; 43.50, Subdivision 1; 179.74, Subdivision 5; 299D.03, Subdivisions 2 and 3; 422A.09, by adding a subdivision; and Chapter 43, by adding a section; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; 43.12, Subdivisions 4 and 9; and 299D.03, Subdivision 3a."

We request adoption of this report and repassage of the bill.

Senate Conferees: TOM NELSON, ROGER D. MOE, TIMOTHY J. PENNY, NICHOLAS D. COLEMAN and HARMON T. OGDahl.

House Conferees: JAMES PEHLER, MARTIN SABO, AL PATTON, STANLEY ENEBO and JOHN ARLANDSON.

Pehler moved that the report of the Conference Committee on S. F. No. 1337 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1337, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

The bill was read for 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Arlandson	Birnstihl	Casserly	Den Ouden
Adams	Battaglia	Brandl	Clark	Eckstein
Albrecht	Beauchamp	Braun	Clawson	Eken
Anderson, B.	Begich	Brinkman	Cohen	Ellingson
Anderson, D.	Berg	Byrne	Corbid	Enebo
Anderson, G.	Berglin	Carlson, A.	Cummiskey	Erickson
Anderson, I.	Berkelman	Carlson, D.	Dahl	Esau
Anderson, R.	Biersdorf	Carlson, L.	Dean	Evans

Ewald	Kaley	Metzen	Reding	Stanton
Farcy	Kalis	Moe	Rice	Stoa
Fjoslien	Kelly, R.	Munger	Rose	Suss
Forsythe	Kempe, A.	Murphy	St. Onge	Swanson
Friedrich	Kempe, R.	Neisen	Samuelson	Tomlinson
Fudro	King	Nelsen, B.	Sarna	Vanasek
Fugina	Knickerbocker	Nelsen, M.	Savelkoul	Voss
George	Kostohryz	Nelson	Scheid	Waldorf
Gunter	Kroening	Niehaus	Schulz	Welch
Hanson	Kvam	Norton	Searle	Wenstrom
Heinitz	Langseth	Novak	Searles	Wenzel
Hokanson	Lehto	Osthoff	Sherwood	White
Jacobs	Lemke	Patton	Sieben, H.	Wieser
Jaros	Mangan	Pehler	Sieben, M.	Wigley
Jensen	Mann	Peterson	Simoneau	Williamson
Johnson	McCarron	Petrafeso	Skoglund	Wynia
Jude	McDonald	Pleasant	Smogard	Zubay
Kahn	McEachern	Prahl	Spanish	Speaker Sabo

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. 971.

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. 971

A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

May 20, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 971 report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert.

"Section 1. Minnesota Statutes 1976, Section 291.07, is amended to read:

291.07 [DEDUCTIONS.] Subdivision 1. In determining the tax imposed by section 291.01, where (THE ESTATE HAS BEEN SUBMITTED TO THE JURISDICTION OF THE COURT), a personal representative has been appointed for the estate, or where a decree of descent for the estate has been entered under section 525.31 or where there have been summary proceedings for the estate if under section 525.51, the following deductions shall be allowed (IF APPROVED BY THE COURT IN A FORMAL PROCEEDING):

- (1) funeral expenses
- (2) probate administration expenses, including but not limited to expenses incurred during administration in converting real and personal property held by the estate into cash
- (3) expenses of last illness unpaid at death
- (4) valid claims against the decedent which have been properly paid
- (5) family maintenance to the extent provided by section 291.10
- (6) value of personal property to the extent of the amount allowed under the provisions of section 525.15
- (7) federal estate taxes determined as follows:
  - (a) the value of the net estate taxable in Minnesota reduced by the deduction allowable for transfer for public, charitable and religious use as prescribed by Internal Revenue Code, Section 2055 and by the marital deduction as prescribed by Internal Revenue Code, Section 2056, shall be the numerator of a fraction;
  - (b) the denominator of the fraction shall be the value of the net estate everywhere reduced by the same class of deductions allowable in subparagraph (a) above;
  - (c) the ratio of the fraction so derived shall be multiplied by the federal estate tax due and payable to the United States Treasury.
  - (d) for purposes of this clause, the net estate is defined as the gross value of the estate on the applicable valuation date reduced by any unpaid mortgages on, or any indebtedness in respect of, property where the decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate.
- (8) other taxes which have accrued and are a lien on property in the estate at the time of death

(9) reasonable fees for legal or fiduciary services incident to non-probate assets

(10) Minnesota and federal income taxes on "income in respect of a decedent," as computed under subdivision 3.

Subd. 2. In determining the tax imposed by section 291.01, where an estate has not been submitted to the jurisdiction of the court, the following deductions shall be allowed:

(1) funeral expenses,

(2) expenses of last illness unpaid at death,

(3) federal estate taxes determined as follows:

(a) the value of the net estate taxable in Minnesota reduced by the deduction allowable for transfer for public, charitable and religious use as prescribed by Internal Revenue Code, Section 2055 and by the marital deduction as prescribed by Internal Revenue Code, Section 2056, shall be the numerator of a fraction;

(b) the denominator of the fraction shall be the value of the net estate everywhere reduced by the same class of deductions allowable in subparagraph (a) above;

(c) the ratio of the fraction so derived shall be multiplied by the federal estate tax due and payable to the United States Treasury;

(d) for purposes of this clause, the net estate is defined as the gross value of the estate on the applicable valuation date reduced by any unpaid mortgages on, or any indebtedness in respect of, property where the decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate;

(e) apportionment of the federal estate tax to the individual transferees shall be subject to the provisions of section 524.3-916.

(4) value of personal property to the extent of the amount allowed under the provisions of section 525.15. A formal order of the probate court is not necessary before these deductions may be taken in the computation of the tax,

(5) other taxes which have accrued and are a lien on property in the estate at the time of death,

(6) reasonable fees for legal or fiduciary services incident to non-probate assets,

(7) Minnesota and federal income taxes on "income in respect of a decedent," as computed under subdivision 3.

Where an estate has not been submitted to the probate court, deductions under (1), (2), (3) and (6) heretofore shall be allowed only to the persons actually having disbursed moneys for payments, and shall not exceed the net amount of such disbursements after giving credit for death benefits, medical and hospitalization insurance payments.

No deduction shall be allowed unless the person claiming the deduction when requested by the probate court or the commissioner, furnishes the court or the commissioner with information sufficient to enable the court or commissioner to determine the validity or correctness thereof.

Subd. 2a. The deductions set forth in subdivision 1 shall be allowed (WHERE THE ESTATE HAS BEEN SUBMITTED TO THE JURISDICTION OF THE COURT AND THE DEDUCTIONS TAKEN) *in estates that* have not been approved by the court in a formal proceeding. The deductions taken shall be submitted to the commissioner prior to the closing of the estate. The deductions shall be allowed unless the commissioner objects to any deduction claimed. The objection shall be made in the manner provided by section 291.09, subdivision 1.

Subd. 3. (a) The Minnesota and federal income tax allowed as deductions under subdivision 1, clause (10) and subdivision 2, clause (7) shall be computed as follows:

The table of rates required to be used by single taxpayers who itemize their allowable deductions shall be applied to the "income in respect of a decedent" as though such "income in respect of a decedent" constituted the entire income of the decedent taxable after giving effect to all allowable deductions. The amount of Minnesota or federal income tax as so computed shall not be diminished by any credits allowable by Minnesota or federal income tax laws.

(b) The deductions allowed herein shall be the only deductions allowed under this chapter for "income in respect of a decedent," without regard to the actual liability for income taxes that may be due and payable subsequently with respect to such "income in respect of a decedent."

Sec. 2. Minnesota Statutes 1976, Section 524.1-307, is amended to read:

524.1-307 [REGISTRAR; POWERS.] The acts and orders which chapter 524 specifies as performable by the registrar shall be performed by a judge of the court or by a person, including the clerk, designated by the court by a written order filed and recorded in the office of the court.

*In addition to acts specified in this chapter to be performed by the registrar, the registrar may take acknowledgements, administer oaths, fix and approve bonds, provide information on the various methods of transferring property of decedents under the laws of this state, issue letters in informal proceedings and perform such other acts as the court may by written order authorize as necessary or incidental to the conduct of informal proceedings. Letters, orders and documents issued by the registrar may be certified, authenticated or exemplified by the registrar or in the same manner as those issued by the court. All files shall be maintained by the clerk of court. The probate registrar shall not render advice calling for the exercise of such professional judgment as constitutes the practice of law.*

Sec. 3. Minnesota Statutes 1976, Section 524.3-108, is amended to read:

**524.3-108 [PROBATE, TESTACY AND APPOINTMENT PROCEEDINGS; ULTIMATE TIME LIMIT.]** No informal probate or appointment proceeding or formal testacy or appointment proceeding, other than a proceeding to probate a will previously probated at the testator's domicile and appointment proceedings relating to an estate in which there has been a prior appointment, may be commenced more than three years after the decedent's death, except (1) if a previous proceeding was dismissed because of doubt about the fact of the decedent's death, appropriate probate, appointment or testacy proceeding may be maintained at any time thereafter upon a finding that the decedent's death occurred prior to the initiation of the previous proceeding and the applicant or petitioner has not delayed unduly in initiating the subsequent proceeding; (2) appropriate probate, appointment or testacy proceedings may be maintained in relation to the estate of an absentee, or disappeared or missing person, at any time within three years after the death of the absentee or disappeared or missing person is established; and (3) a proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful, may be commenced within the later of twelve months from the informal probate or three years from the decedent's death. These limitations do not apply to proceedings to construe probated wills, determine heirs of an intestate, or proceedings to determine descent. In cases under (1) or (2) above, the date on which a testacy or appointment proceeding is properly commenced shall be deemed to be the date of the decedent's death for purposes of other limitations provisions of this chapter which relate to the date of death. *Nothing herein contained prohibits the formal appointment of a special administrator at any time for the purposes of reducing assets to possession, administering the same under direction of the court, or making distribution of any residue to the heirs or distributees determined to be entitled thereto pursuant to a descent proceeding under section 525.31 or an exempt summary proceeding under section 525.51, even though the three year period above referred to has expired.*

Sec. 4. *This act is effective the day following final enactment as to all informal proceedings commenced after January 1, 1976.*"

Further amend the title by striking in its entirety and inserting:

"A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Sections 291.07; 524.1-307 and 524.3-108."

We request adoption of this report and repassage of the bill.

Senate Conferees: JACK DAVIES, ROGER E. STRAND and JOHN B. KEEFE.

House Conferees: ROBERT ELLINGSON, NEIL HAUGERUD and TOM STOA.

Ellingson moved that the report of the Conference Committee on S. F. No. 971 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 971, A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Forsythe	Knickerbocker	Norton
Adams	Carlson, D.	Friedrich	Kostohryz	Novak
Albrecht	Carlson, L.	Fudro	Kroening	Osthoff
Anderson, B.	Casserly	Fugina	Kvam	Patton
Anderson, D.	Clark	George	Langseth	Pehler
Anderson, G.	Clawson	Gunter	Lehto	Peterson
Anderson, I.	Cohen	Hanson	Lemke	Petrafeso
Anderson, R.	Corbid	Heintz	Mangan	Pleasant
Arlandson	Cummiskey	Hokanson	Mann	Prahl
Battaglia	Dahl	Jacobs	McCarron	Reding
Beauchamp	Dean	Jaros	McDonald	Rice
Begich	Den Ouden	Jensen	McEachern	Rose
Berg	Eken	Johnson	Metzen	St. Onge
Berglin	Ellingson	Jude	Moe	Samuelson
Berkelman	Enebo	Kahn	Munger	Sarna
Biersdorf	Erickson	Kaley	Murphy	Savelkoul
Birnstihl	Esau	Kalis	Neisen	Scheid
Brandl	Evans	Kelly, R.	Nelsen, B.	Schulz
Braun	Ewald	Kempe, A.	Nelsen, M.	Searle
Brinkman	Faricy	Kempe, R.	Nelson	Searles
Byrne	Fjoslien	King	Niehaus	Sherwood

Sieben, H.	Spanish	Tomlinson	Wenstrom	Williamson
Sieben, M.	Stanton	Vanasek	Wenzel	Wynia
Simoneau	Stoa	Voss	White	Zubay
Skoglund	Suss	Waldorf	Wieser	Speaker Sabo
Smogard	Swanson	Welch	Wigley	

The bill was repassed, as amended by Conference, and its title agreed to.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1051

A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; appropriating money; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, Subdivision 2.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1051 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1051 be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 62E.52, Subdivision 2, is amended to read:

Subd. 2. “Eligible person” means any person who is a resident of Minnesota and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

(1) qualified expenses for himself and any dependents in any 12 consecutive months exceeding:

(a) 40 percent of his household income up to \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000; or

(b) \$2,500, whichever is greater; or

(2) *qualified nursing home expenses for himself and any dependents in any 12 consecutive months exceeding 20 percent of his household income.*

Sec. 2. Minnesota Statutes 1976, Section 62E.52, is amended by adding a subdivision to read:

*Subd. 3a. "Qualified nursing home expense" includes any charge incurred for nursing home services after 36 months of continuous care provided to a person 64 years of age or younger in long-term care facilities.*

Sec. 3. Minnesota Statutes 1976, Section 62E.52, Subdivision 5, is amended to read:

Subd. 5. "Household income" means the gross income of an eligible person and all his dependents *23 years of age or older* for the calendar year preceding the year in which an application is filed pursuant to section 62E.53.

Sec. 4. Minnesota Statutes, Section 62E.53, Subdivision 2, is amended to read:

Subd. 2. If the commissioner determines that an applicant is an eligible person, he shall pay

(1) 90 percent of all qualified expenses of the eligible person and his dependents in excess of:

(a) 40 percent of his household income under \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000; or

(b) \$2,500;

whichever is greater for the 12 month period in which the applicant becomes an eligible person *and*

(2) *all qualified nursing home expenses of the eligible person and his dependents in excess of 20 percent of his household income. Provided, however, that the payment of qualified nursing home expenses shall not be made until the end of the fiscal year. If the appropriation for the payment of qualified nursing home expenses is inadequate to pay all qualified nursing home expenses, the commissioner shall prorate the payments among all eligible persons in proportion to their share of the total of the qualified nursing home expenses of all eligible persons. If the commissioner determines that the charge for a health service is excessive, he may limit his payment to the usual and customary charge for that service. If the commissioner determines that a health service provided to an eligible person was not medically necessary, he may refuse to pay for the service. To the extent feasible,*

the commissioner shall contract with a review organization as defined in section 145.61, in making any determinations as to whether or not a charge is excessive. To the extent feasible, the commissioner shall contract with a review organization as defined in section 145.61, in making any determination as to whether or not a service was medically necessary. If the commissioner in accordance with this section refuses to pay all or a part of the charge for a health service, the unpaid portion of the charge shall be deemed to be an unconscionable fee, against the public policy of this state, and unenforceable in any action brought for the recovery of moneys owed.

Sec. 5. Minnesota Statutes 1976, Section 256.73, Subdivision 2, is amended to read:

Subd. 2. [ALLOWANCE BARRED BY OWNERSHIP OF PROPERTY.] The ownership by father, mother, child, children, or any combination thereof, of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(1) *Net equity in real estate used as a home (THE MARKET VALUE OF) which (LESS ENCUMBRANCES) exceeds (\$7,500) \$15,000; provided that real estate used as a home in excess of this amount will not be a bar to eligibility where the county welfare board determines that such real estate is not available for support of the family or the sale of such real estate would cause undue hardship.*

(2) *Personal property of a reasonable market value in excess of \$300 for a one child recipient or \$500 for more than one child recipient, exclusive of personal property used as the home, one automobile the market value of which does not exceed \$1,650, insurance carried by a parent which does not exceed a cash surrender value of \$500, (APPROPRIATE) clothing and necessary household furniture and equipment, (AND OF SUCH TOOLS, IMPLEMENTS, AND DOMESTIC ANIMALS AS IN THE OPINION OF THE COUNTY AGENCY IT IS EXPEDIENT TO RETAIN FOR THE PURPOSE OF REDUCING THE EXPENSE OR INCREASING THE INCOME OF THE FAMILY, AND) the earnings of a dependent child which are placed in a savings account to be used for a future purpose approved by the county agency in accordance with the rules and regulations of the commissioner of public welfare, and such property that produces a net income applicable to the family's needs; or*

(3) *Real estate not used as a home (, PROVIDED THAT IF SUCH REAL ESTATE DOES NOT PRODUCE NET INCOME SUFFICIENT TO MEET THE FAMILY BUDGET AND THERE IS NO AVAILABLE MARKET FOR THE SALE OF SUCH PROPERTY, OR IF THE PRICE WHICH CAN BE OBTAINED ON THE PREVAILING MARKET IS NOT FAIR AND REASONABLE CONSIDERING THE APPLICANT'S INTEREST THEREIN AND THE POSSIBILITIES OF SALE*

OF SAID PROPERTY FOR A GREATER AMOUNT WITHIN A REASONABLE LENGTH OF TIME THEREAFTER THEN IN THAT EVENT, IN THE DISCRETION OF THE COUNTY AGENCY, OWNERSHIP OF THE SAME) *which produces net income applicable to the family's needs or which the family is making a continuing effort to sell at a fair and reasonable price* shall not be a bar to an allowance under sections 256.72 to 256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expenses toward betterment of the property as improvements or by payment on the principal of a mortgage; provided, that the net income thus derived shall be applied on the family budget.

Sec. 6. Minnesota Statutes 1976, Section 256B.06, Subdivision 1, is amended to read:

256B.06 [ELIGIBILITY REQUIREMENTS.] Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.-01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not have *net equity in real property used as a home in excess of (\$15,000) \$25,000 or real estate not used as a home which produces net income applicable to the family's needs or which the family is making a continuing effort to sell at a fair and reasonable price. The commissioner of public welfare shall annually adjust the limitation on net equity in real property used as a home by the same percentage as the homestead base value index provided in section 273.122, subdivision 2; and*

(8) Who, if single, does not have more than \$750 in cash or liquid assets or, if married, whose cash or liquid assets do not exceed \$1,000 plus \$150 for each additional legal dependent *except that the value of one automobile the market value of which does not exceed \$1,650 shall be disregarded; and*

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (man and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred.

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, (BOTH EXCESS INCOME AND) income over and above that required for justified needs (ARE), *determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by the spouse of a nursing home resident; and*

((10)) (11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 7. Minnesota Statutes 1976, Section 256B.14, is amended to read:

256B.14 [RELATIVE'S RESPONSIBILITY.] *Subject to the provisions of section 256B.06, the financial responsibility of*

a relative for an applicant or recipient of medical assistance shall not extend beyond the relationship of a spouse, or a parent of an applicant who is under 18 years of age.

Sec. 8. Minnesota Statutes 1976, Section 256D.11, Subdivision 4, is amended to read:

Subd. 4. A local agency may contract with the federal government, or with any department, agency, subdivision or instrumentality of the state, *or with any nonprofit organization approved by the commissioner of public welfare for the services of general assistance work program recipients on such terms and conditions as may be agreed upon, with or without consideration paid to the local agency.*

Sec. 9. Minnesota Statutes 1976, Section 256D.37, Subdivision 2, is amended to read:

Subd. 2. The eligibility criteria for supplemental aid under this section shall be those in effect December 31, 1973 for the categorical aid programs of old age assistance, aid to the blind, and aid to the disabled *except that net equity of \$25,000 in one home used as a residence, one automobile the market value of which does not exceed \$1,650, and real estate not used as a home which produces net income applicable to the family's needs or which the family is making a continuing effort to sell at a fair and reasonable price, are to be disregarded in determining eligibility. The commissioner of public welfare shall annually adjust the limitation on net equity in real property used as a home by the same percentage as the homestead base value index provided in section 273.122, subdivision 2.* The local agency shall apply the relevant criteria to each application. (EFFECTIVE JULY 1, 1974, THE REAL PROPERTY EQUITY LIMITATION FOR APPLICANTS OTHER THAN THE BLIND SHALL BE \$12,000. EFFECTIVE JANUARY 1, 1975, THE REAL PROPERTY EQUITY LIMITATION FOR ALL APPLICANTS FOR SUPPLEMENTAL AID UNDER THIS SECTION SHALL BE \$15,000.) The local agency in its discretion may permit eligibility of an applicant having assets in excess of the amount prescribed in this section if liquidation of the assets would cause undue loss or hardship.

Sec. 10. [APPROPRIATION.] *Subdivision 1. The sum of \$900,000 is appropriated to the department of public welfare for the biennium ending June 30, 1979 for the payment of qualified nursing home expenses. One half of the money shall be available for the year ending June 30, 1978, and one half of the money shall be available for the year ending June 30, 1979. Notwithstanding the provisions of Minnesota Statutes, Section 16A.28, the money appropriated for the biennium ending June 30, 1979 shall not lapse but shall remain available for payment of qualified nursing home expenses incurred during the biennium.*

*Subd. 2. There is appropriated from the general fund to the commissioner of public welfare the sum of \$7,100,000 for the biennium ending June 30, 1979 for the purposes of sections 5, 6, 7 and 9."*

Further, amend the title by deleting in its entirety and inserting:

"A bill for an act relating to public welfare; catastrophic health insurance; aid to families with dependent children, medical assistance, supplemental aid, and general assistance; altering eligibility criteria; providing authority for local agencies to contract with nonprofit organizations for work program services; appropriating money; amending Minnesota Statutes 1976, Sections 62E.52, Subdivisions 2 and 5, and by adding a subdivision; 62E.53, Subdivision 2; 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; 256D.11, Subdivision 4; and 256D.37, Subdivision 2."

We request adoption of this report and repassage of the bill.

House Conferees: LINDA BERGLIN, DONALD SAMUELSON and JAMES RICE.

Senate Conferees: ROGER MOE and NICHOLAS COLEMAN.

Berglin moved that the report of the Conference Committee on H. F. No. 1051 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1051, A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; appropriating money; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, 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 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Byrne	Cummiskey	Evans
Adams	Begich	Carlson, A.	Dahl	Ewald
Albrecht	Berg	Carlson, D.	Dean	Faricy
Anderson, B.	Berglin	Carlson, L.	Den Ouden	Fjoslien
Anderson, D.	Biersdorf	Casserly	Eckstein	Forsythe
Anderson, G.	Birnstihl	Clark	Eken	Friedrich
Anderson, I.	Brandl	Clawson	Ellingson	Fudro
Arlandson	Braun	Cohen	Enebo	Fugina
Battaglia	Brinkman	Corbid	Erickson	George

Gunter	Knickerbocker	Neisen	St. Onge	Suss
Hanson	Kostohryz	Nelsen, B.	Samuelson	Swanson
Heinitz	Kroening	Nelson	Sarna	Tomlinson
Hokanson	Kvam	Niehaus	Savelkoul	Vanasek
Jacobs	Langseth	Norton	Scheid	Voss
Jaros	Lehto	Novak	Schulz	Waldorf
Jensen	Lemke	Osthoff	Searles	Welch
Johnson	Mangan	Patton	Sherwood	Wenstrom
Jude	Mann	Pehler	Sieben, H.	Wenzel
Kahn	McCarron	Peterson	Sieben, M.	White
Kaley	McDonald	Petraieso	Simoneau	Wieser
Kalis	McEachern	Pleasant	Skoglund	Wigley
Kelly, R.	Metzen	Prahl	Smogard	Williamson
Kempe, A.	Moe	Reding	Spanish	Wynia
Kempe, R.	Munger	Rice	Stanton	Zubay
King	Murphy	Rose	Stoa	Speaker Sabo

Those who voted in the negative were:

Anderson, R.

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 937

A bill for an act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives

The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 937 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

We request adoption of this report and repassage of the bill.

House Conferees: RICHARD J. COHEN, RICHARD KOSTOHRYZ and WALTER R. HANSON.

Senate Conferees: PETER P. STUMPF and RON SIELOFF.

Cohen moved that the report of the Conference Committee on H. F. No. 937 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 937, A bill for an act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Neisen, B.	Sieben, M.
Adams	Cunimiskey	Jude	Neisen, M.	Simoneau
Albrecht	Dahl	Kahn	Nelson	Skoglund
Anderson, B.	Dean	Kaley	Niehaus	Smogard
Anderson, D.	Den Ouden	Kalis	Norton	Spanish
Anderson, G.	Eckstein	Kelly, R.	Novak	Stanton
Anderson, I.	Eken	Kempe, A.	Osthoff	Stoa
Anderson, R.	Enebo	Kempe, R.	Patton	Suss
Arlandson	Erickson	King	Pehler	Swanson
Battaglia	Esau	Knickerbocker	Peterson	Tomlinson
Beauchamp	Evans	Kostohryz	Petrafeso	Vanasek
Begich	Ewald	Laidig	Pleasant	Voss
Berg	Faricy	Langseth	Prahl	Waldorf
Berglin	Fjoslien	Lehto	Reding	Welch
Bernstihl	Forsythe	Lemke	Rice	Wenstrom
Brandl	Friedrich	Mangan	Rose	Wenzel
Braun	Fudro	Mann	St. Onge	White
Brinkman	Fugina	McCarron	Samuelson	Wieser
Byrne	George	McCollar	Sarna	Wigley
Carlson, A.	Gunter	McDonald	Savelkoul	Williamson
Carlson, D.	Hanson	McEachern	Scheid	Wynia
Carlson, L.	Heinitz	Metzen	Schulz	Zubay
Casserly	Hokanson	Moe	Searle	Speaker Sabo
Clark	Jacobs	Munger	Searles	
Clawson	Jaros	Murphy	Sherwood	
Cohen	Jensen	Neisen	Sieben, H.	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1054

A bill for an act relating to welfare; aid to families with dependent children; changing certain eligibility qualifications; amending Minnesota Statutes 1976, Sections 256.73, Subdivisions 1, 2, 4, and by adding subdivisions; and 256.79.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1054 report that we have agreed upon the items in dispute and recommend as follows:

That the House accept the Senate amendments and that H. F. No. 1054 be further amended as follows:

Page 4, after line 11, insert a new section to read:

“Sec. 5. Minnesota Statutes 1976, Section 256.73, is amended by adding a subdivision to read:

*Subd. 6. [REPORTS BY RECIPIENT.] Each recipient shall complete reports as requested by the local or state agency. All net earned or unearned income not specifically disregarded by the social security act, the code of federal regulations, or state law, rules and regulations, shall be income applicable to the budgetary needs of the family. If any amount of aid to families with dependent children assistance is paid to a recipient thereof in excess of the payment due it shall be recoverable by the local agency. If the agency notifies the recipient in writing of an overpayment due solely to local agency error within three months after the overpayment, the agency may commence recovery of the overpayment during the year after the notification is received by the recipient. The written notice shall inform the recipient of the agency's intention to recover the overpayment. The recipient may appeal the agency's determination that an overpayment has occurred in accordance with section 256.045.”.*

Renumber sections in sequence.

Further amend the title, as amended, as follows:

Page 1, line 6, strike “a subdivision” and insert “subdivisions”.

We request adoption of this report and repassage of the bill.

House Conferees: JOHN BRANDL, JAMES RICE and MARY FORSYTHE.

Senate Conferees: ROBERT J. TENNESSEN, GEORGE F. PERPICH and EARL W. RENNEKE.

Brandl moved that the report of the Conference Committee on H. F. No. 1054 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1054, A bill for an act relating to welfare; aid to families with dependent children; changing certain eligibility

qualifications; amending Minnesota Statutes 1976, Sections 256.73, Subdivisions 1, 2, 4, and by adding subdivisions; and 256.79.

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:

Abeln	Cohen	Jensen	Murphy	Sieben, M.
Adams	Corbid	Johnson	Neisen	Simoneau
Albrecht	Cummiskey	Jude	Nelsen, B.	Skoglund
Anderson, B.	Dahl	Kahn	Nelson	Smogard
Anderson, D.	Dean	Kaley	Niehaus	Spanish
Anderson, G.	Den Ouden	Kalis	Norton	Stanton
Anderson, I.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, R.	Eken	Kempe, A.	Osthoff	Suss
Arlandson	Ellingson	Kempe, R.	Patton	Swanson
Battaglia	Enebo	King	Pehler	Tomlinson
Beauchamp	Erickson	Knickerbocker	Peterson	Vanasek
Begich	Esau	Kostohryz	Petrafeso	Voss
Berg	Evans	Kroening	Pleasant	Waldorf
Berglin	Ewald	Kvam	Prahl	Welch
Berkelman	Faricy	Laidig	Reding	Wenstrom
Biersdorf	Fjoslien	Langseth	Rice	Wenzel
Birnstihl	Forsythe	Lehto	Rose	White
Brandl	Friedrich	Lemke	St. Onge	Wieser
Braun	Fudro	Mangan	Samuelson	Wigley
Brinkman	Fugina	Mann	Sarna	Williamson
Byrne	George	McCarron	Savelkoul	Wynia
Carlson, A.	Gunter	McCollar	Scheid	Zubay
Carlson, D.	Hanson	McDonald	Schulz	Speaker Sabo
Carlson, L.	Heinitz	McEachern	Searle	
Casserly	Hokanson	Metzen	Searles	
Clark	Jacobs	Moe	Sherwood	
Clawson	Jaros	Munger	Sieben, H.	

The bill was repassed, as amended by Conference, and its title agreed to.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

*Whereas*, those named below were candidates for the office of state representative; and

*Whereas*, they incurred legal fees in election contests; now therefore,

*Be It Resolved*, by the Committee on Rules and Legislative Administration that payments be made from the Legislative Expense Fund of the House of Representatives to the persons indicated in parenthesis as reimbursement for such expenses as follows:

Richard P. Teske (Atty: Laurence F. Koll) . . . . .	\$3,512.50
Raymond J. Kempe (Atty: Mansur, Mansur & Giblin) . . . . .	2,081.25
(Atty: Leonard & Weinblatt) . . . . .	1,782.00
David Cummiskey (Atty: Peterson, Engberg & Peterson) . . . . .	6,911.55
(David Cummiskey, personal, expenses paid) . . . . .	156.35
Ronald G. Evans (Atty: To the law firm designated by Mr. Evans) . . . . .	9,315.76

*Be It Further Resolved*, that said checks be delivered to the respective candidates.

The question was taken on the adoption of the report and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Hokanson	Moe	Sherwood
Adams	Clawson	Jacobs	Munger	Sieben, H.
Albrecht	Cohen	Jaros	Murphy	Sieben, M.
Anderson, B.	Corbid	Jensen	Neisen	Simoneau
Anderson, D.	Dahl	Johnson	Nelsen, B.	Skoglund
Anderson, G.	Dean	Jude	Nelsen, M.	Smogard
Anderson, I.	Den Ouden	Kahn	Nielson	Spanish
Anderson, R.	Eckstein	Kaley	Niehaus	Stanton
Arlandson	Eken	Kalis	Norton	Stoa
Battaglia	Ellingson	Kelly, R.	Novak	Suss
Beauchamp	Enebo	Kempe, A.	Patton	Swanson
Begich	Erickson	King	Pehler	Tomlinson
Berg	Esau	Knickerbocker	Peterson	Vanasek
Berglin	Evans	Kostohryz	Petrafaso	Voss
Berkelman	Ewald	Kroening	Pleasant	Waldorf
Biersdorf	Faricy	Kvam	Prahl	Welch
Birnstihl	Fjoslien	Laidig	Reding	Wenstrom
Brandl	Forsythe	Langseth	Rice	Wenzel
Braun	Friedrich	Lemke	Rose	White
Brinkman	Fudro	Mangan	St. Onge	Wieser
Byrne	Fugina	Mann	Samuelson	Wigley
Carlson, A.	George	McCarron	Sarna	Williamson
Carlson, D.	Gunter	McDonald	Savelkoul	Wynia
Carlson, L.	Hanson	McEachern	Scheid	Zubay
Casserly	Heinitz	Metzen	Searle	Speaker Sabo

Those who voted in the negative were:

Osthoff            Schulz

The motion prevailed and the report was adopted.

#### MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 500, A bill for an act relating to financial institutions; regulating lenders of conventional mortgage loans; regulating mortgages and escrow accounts; requiring registration and reporting; regulating installment loans; abolishing a usury exception; providing an extension of a usury exception; providing a penalty; amending Minnesota Statutes 1976, Sections 47.20; 48.153; 334.01, Subdivision 2; and 334.06.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

George moved that the House concur in the Senate amendments to H. F. No. 500 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 500, A bill for an act relating to financial institutions; regulating lenders of conventional mortgage loans; regulating mortgages and escrow accounts; requiring registration and reporting; regulating installment loans; postponing the expiration of a usury exception; abolishing a usury exception; providing a penalty; amending Minnesota Statutes 1976, Sections 47.20; 48.153; 334.01, Subdivision 2; and 334.06.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berkelman	Byrne	Clawson
Adams	Anderson, R.	Biersdorf	Carlson, A.	Cohen
Albrecht	Arlandson	Birnstihl	Carlson, D.	Corbid
Anderson, B.	Beauchamp	Brandl	Carlson, L.	Cummiskey
Anderson, D.	Berg	Braun	Cassery	Dahl
Anderson, G.	Berglin	Brinkman	Clark	Dean

Den Ouden	Jensen	McCarron	Prahl	Swanson
Eckstein	Johnson	McDonald	Reding	Tomlinson
Eken	Jude	McEachern	Rose	Vanasek
Ellingson	Kahn	Metzen	St. Onge	Voss
Erickson	Kaley	Moe	Samuelson	Waldorf
Esau	Kalis	Munger	Sarna	Welch
Evans	Kelly, R.	Murphy	Savelkoul	Wenstrom
Ewald	Kempe, A.	Neisen	Scheid	Wenzel
Fjoslien	Kempe, R.	Nelsen, B.	Schulz	White
Forsythe	King	Nelsen, M.	Searle	Wieser
Friedrich	Knickerbocker	Nelson	Searles	Wigley
Fudro	Kostohryz	Niehaus	Sherwood	Williamson
Fugina	Kvam	Norton	Sieben, H.	Wynia
George	Laidig	Novak	Sieben, M.	Zubay
Gunter	Langseth	Patton	Skoglund	Speaker Sabo
Heinitz	Lehto	Pehler	Smogard	
Hokanson	Lemke	Peterson	Stanton	
Jacobs	Mangan	Petrafaso	Stoa	
Jaros	Mann	Pleasant	Suss	

Those who voted in the negative were:

Battaglia	Enebo	Kroening	Osthoff	Rice
Begich	Hanson			

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:

H. F. No. 343, A bill for an act relating to obscenity; prohibiting the promotion or employment of minors as models alone or with others in sexual performances for purposes of preparing an obscene work; prohibiting the ownership or operation of a business which disseminates certain obscene works; prohibiting the dissemination of certain obscene works; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 6, A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; requiring consultation between the department of human rights

and the department of labor and industry; appropriating money; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding subdivisions; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 875, A bill for an act relating to housing; providing an exception to the interest limitation for borrowing by housing and redevelopment authorities; making certain changes in the laws relating to the operation of the housing finance agency; making cooperatives eligible for housing finance agency programs; establishing certain loan and assistance programs; increasing the bonding limitations of the agency; providing for a demonstration project for energy conserving construction; appropriating money; amending Minnesota Statutes 1976, Sections 462.555; 462A.03, Subdivisions 7 and 13; 462A.05, Subdivisions 3, 5, 14, 15, and by adding a subdivision; 462A.07, Subdivision 12, and by adding subdivisions; 462A.09; 462A.20, Subdivision 2; 462A.21, Subdivisions 4a, 4b, and by adding subdivisions; and 462A.22, Subdivisions 1 and 9, and by adding a subdivision; and Chapter 462A, by adding a section; repealing Minnesota Statutes 1976, Section 462A.26.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1030, A bill for an act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance plans; eliminating certain open enrollment requirements for non-profit health service plans; revising the Minnesota comprehensive health insurance act of 1976; revising the Minnesota catastrophic health expense protection act of 1976; making

necessary improvements and corrections; further prescribing the powers and duties of the commissioner of insurance; further prescribing the powers and duties of the commissioner of public welfare; amending Minnesota Statutes 1976, Chapter 62E, by adding a section; and Sections 62A.02, Subdivision 3; 62A.17, Subdivision 6; 62D.10, Subdivision 1; 62E.02, Subdivisions 2, 8, 11 and 21; 62E.03, Subdivision 2; 62E.04, Subdivision 4, and by adding a subdivision; 62E.06; 62E.08; 62E.09; 62E.10, Subdivisions 1, 3, and 7; 62E.11, Subdivision 5; 62E.13, Subdivisions 2 and 4; 62E.14, Subdivision 1; 62E.53; and 62E.54, Subdivision 1; repealing Minnesota Statutes 1976, Section 62E.16.

The Senate has appointed as such committee Messrs. Sikorski, Milton and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 559, A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 124.48; 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 256, A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; providing an exception from the requirement of passenger liability coverage on aircraft; amending Minnesota Statutes 1976, Sections 70A.02, Subdivision 2; and 70A.06, Subdivision 3; 360.59, Subdivision 10.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1631, A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; capitol area grounds improvements; authorizing the establishment of a service center; authorizing state building bonds; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### MOTIONS AND RESOLUTIONS

Laidig moved that his name be stricken as an author on H. F. No. 84. The motion prevailed.

McCarron was excused for the remainder of today's session.

Sieben, H., moved that the vote whereby the House did not pass S. F. No. 1015 on Special Orders today, May 21, 1977, be now reconsidered. The motion prevailed.

Sieben, H., moved that the action whereby the House gave S. F. No. 1015 a third reading on Special Orders today, May 21, 1977, be now reconsidered. The motion prevailed.

S. F. No. 1015 was reported to the House.

Anderson, G., moved to amend S. F. No. 1015, the unofficial engrossment, as follows:

Page 5, line 21, before the first "the" insert "50 percent of".

Page 11, line 6, after "removal," insert "50 percent of".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 66 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Johnson	Prahl	Stanton
Anderson, B.	Casserly	Jude	Reding	Suss
Anderson, D.	Cohen	Kahn	Rice	Vanasek
Anderson, G.	Corbid	Kelly, R.	St. Onge	Voss
Anderson, I.	Cummiskey	King	Sarna	Wenstrom
Arlandson	Dahl	Kostohryz	Scheid	White
Battaglia	Ellingson	Langseth	Schulz	Wieser
Beauchamp	Esau	Mann	Sherwood	Wigley
Begich	Fjoslien	McCollar	Sieben, H.	Williamson
Berglin	Gunter	McEachern	Sieben, M.	Wynia
Birnstihl	Hanson	Metzen	Simoneau	
Brandl	Hokanson	Neisen	Skoglund	
Braun	Jaros	Osthoff	Smogard	
Byrne	Jensen	Patton	Spanish	

Those who voted in the negative were:

Adams	Eken	Jacobs	McDonald	Rose
Albrecht	Enebo	Kaley	Munger	Savelkoul
Anderson, R.	Erickson	Kalis	Nelsen, B.	Searle
Berg	Evans	Kempe, A.	Nelsen, M.	Searles
Berkelman	Ewald	Kempe, R.	Nelson	Swanson
Biersdorf	Faricy	Knickerbocker	Niehaus	Tomlinson
Carlson, A.	Forsythe	Kvam	Norton	Waldorf
Carlson, L.	Friedrich	Laidig	Novak	Wenzel
Clark	Fugina	Lehto	Peterson	Zubay
Den Ouden	George	Lemke	Petrafaso	Speaker Sabo
Eckstein	Heinitz	Mangan	Pleasant	

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 1015, the unofficial engrossment, as follows:

Page 7, line 29 to page 10, line 2, delete Section 8 from the bill.

Renumber the remaining sections accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 62 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Forsythe	Kempe, A.	McDonald
Adams	Den Ouden	Friedrich	Kempe, R.	Neisen
Albrecht	Eckstein	Heinitz	King	Nelsen, B.
Anderson, R.	Eken	Hokanson	Knickerbocker	Nelsen, M.
Berkelman	Erickson	Johnson	Kvam	Niehaus
Biersdorf	Esau	Jude	Laidig	Novak
Carlson, A.	Evans	Kaley	Lehto	Peterson
Carlson, L.	Ewald	Kalis	Lemke	Pleasant
Clark	Fjoslien	Kelly, R.	McCollar	Rose

Savelkoul	Searles	Vanasek	White	Speaker Sabo
Scheid	Stoa	Voss	Wigley	
Schulz	Swanson	Waldorf	Williamson	
Searle	Tomlinson	Wenzel	Zubay	

Those who voted in the negative were:

Anderson, B.	Byrne	Jaros	Norton	Sieben, M.
Anderson, G.	Carlson, D.	Jensen	Osthoff	Simoneau
Anderson, I.	Casserly	Kahn	Patton	Skoglund
Arlandson	Clawson	Kostohryz	Pehler	Smogard
Battaglia	Corbid	Kroening	Petraleso	Spanish
Beauchamp	Cummiskey	Langseth	Prahl	Stanton
Begich	Dahl	Mangan	Reding	Suss
Berg	Ellingson	Mann	Rice	Wenstrom
Berglin	Fudro	McEachern	St. Onge	Wieser
Birnstihl	Fugina	Metzen	Sarna	Wynia
Brandl	Gunter	Moe	Sherwood	
Braun	Hanson	Munger	Sieben, H.	

The motion prevailed and the amendment was adopted.

Anderson, I., moved that S. F. No. 1015, as amended, be continued on Special Orders until Monday, May 23, 1977, immediately following Messages from the Senate. The motion prevailed.

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 411, A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. McCutcheon, Sikorski and Schaaf have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 411. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 411.

Sieben, H., Haugerud and Moe.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, May 23, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Monday, May 23, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## SIXTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 23, 1977

The House of Representatives convened at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jaros	Moe	Searles
Adams	Corbid	Jensen	Munger	Sherwood
Albrecht	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, B.	Dahl	Jude	Nelsen	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Spanish
Anderson, R.	Eken	Kelly, R.	Niehaus	Stanton
Arlandson	Ellingson	Kelly, W.	Norton	Stoa
Battaglia	Enebo	Kempe, A.	Novak	Suss
Beauchamp	Erickson	Kempe, R.	Osthoff	Swanson
Begich	Esau	King	Patton	Tomlinson
Berg	Evans	Knickerbocker	Pehler	Vanasek
Berglin	Ewald	Kostohryz	Peterson	Voss
Berkelman	Faricy	Kroening	Petrafeso	Waldorf
Biersdorf	Fjoslien	Kvam	Pleasant	Welch
Birnstihl	Forsythe	Laidig	Prahl	Wenstrom
Brandl	Friedrich	Langseth	Reding	Wenzel
Braun	Fudro	Lehto	Rice	White
Brinkman	Fugina	Lemke	Rose	Wieser
Byrne	George	Mangan	St. Onge	Wigley
Carlson, A.	Gunter	Mann	Samuelson	Williamson
Carlson, D.	Hanson	McCarron	Sarna	Wynia
Carlson, L.	Haugerud	McCollar	Savelkoul	Zubay
Cassery	Heinitz	McDonald	Scheid	Speaker Sabo
Clark	Hokanson	McEachern	Schulz	
Clawson	Jacobs	Metzen	Searle	

A quorum was present.

Smogard was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau 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 S. F. No. 1015 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

May 20, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	103	167	May 19	May 19
	621	168	May 19	May 19
	685	169	May 19	May 19
	777	170	May 19	May 19
	1099	171	May 19	May 19
	1364	172	May 19	May 19
125		173	May 19	May 19
760		174	May 19	May 19
1014		175	May 19	May 19
1017		176	May 19	May 19

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Moe, McCarron, Byrne, Carlson, A., and Laidig introduced :

H. F. No. 1692, A bill for an act relating to the operation of state government; establishing a department of justice; transferring certain functions of the departments of public safety, administration, commerce, natural resources, public service, public welfare, revenue, health, labor and industry and the division of insurance and state court administrator.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Munger; Casserly; Sieben, H.; Norton and Dean introduced :

H. F. No. 1693, A bill for an act relating to state government; creating a land resources board in the executive branch of state government; defining its powers and duties; creating an inter-governmental advisory committee on land resources and prescribing its powers and duties; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 104.05; 104.34; 104.35; 104.36; 104.37, Subdivision 1; 104.38; 104.39; 105.485; 116C.52, Subdivision 2; 116C.53; 116C.55, Subdivision 1; 116G.03, Subdivision 2; and 116G.04; and Chapter 104, by adding a section.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Munger, Fugina, Lehto, Kroening and Dean introduced :

H. F. No. 1694, A bill for an act relating to environmental protection; providing for restrictions on the sale, use, manufacture and possession of certain chemicals; creating a chemical review committee; authorizing the banning of certain chemicals; providing penalties; amending Minnesota Statutes 1976, Chapter 116, by adding sections; and Sections 116.36, Subdivision 1; and 116.37.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Arlandson; Sieben, H.; Moe; Ellingson and Kempe, A., introduced:

H. F. No. 1695, A bill for an act relating to legal services; providing for the creation of a state legal services corporation; providing for legal assistance to certain persons; providing financial assistance to qualified programs furnishing legal assistance in civil cases; providing Hennepin and Ramsey counties with an option not to participate with the corporation in the delivery of legal services; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 3; 43.01, Subdivision 18; 260.155, Subdivision 2; 611.12, Subdivisions 1 and 2; 611.14; 611.22; 611.23; 611.24; 611.26; and 611.27, Subdivisions 1 and 2; Laws 1975, Chapter 258, Section 6, Subdivision 2; and Laws 1973, Chapter 317, Section 1, Subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, B.; Kelly, R.; Berkelman; Carlson, D.; and Kelly, W., introduced:

H. F. No. 1696, A bill for an act relating to taxation; providing that compensation for service in the Minnesota national guard be exempt from the income tax; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

McCollar; Scheid; Kelly, W.; Skoglund and Casserly introduced:

H. F. No. 1697, A bill for an act relating to taxation; specifying charitable institutions entitled to sales tax exemption; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Kalis, Mann, Birnstihl, Lemke and Biersdorf introduced:

H. A. No. 49, A proposal to study feasibility of relocating the state department of agriculture.

The advisory was referred to the Committee on Agriculture.

Munger, Murphy, Skoglund, Laidig and Norton introduced:

H. A. No. 50, A proposal to discuss operation and maintenance grants for municipal wastewater treatment.

The advisory was referred to the Committee on Environment and Natural Resources.

McCollar, Rice, Kroening, Brandl and Tomlinson introduced:

H. A. No. 51, A proposal to study various aspects of state and local finances.

The advisory was referred to the Committee on Governmental Operations.

Williamson; Kelly, W.; Berg; Searles and Novak introduced:

H. A. No. 52, A proposal to examine the local government aid distribution formula.

The advisory was referred to the Committee on Taxes.

Mann; Kelly, W.; Eken; Carlson, D.; and Anderson, G., introduced:

H. A. No. 53, A proposal for a graduated property tax on farmland.

The advisory was referred to the Committee on Taxes.

#### REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

*Be It Resolved*, that the Chief Clerk of the House be authorized and is hereby directed to correct and approve the Journal of the House for today, Monday, May 23, 1977.

*Be It Further Resolved*, that the Chief Clerk of the House be authorized to include in the Journal for Monday, May 23, 1977, any proceedings including subsequent proceedings and any legislative interim committees or commissions created or appointments made pursuant thereto by legislative action or by law.

The question was taken on the adoption of the report. The motion prevailed and the report was adopted.

Anderson, I., for the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 5, A house concurrent resolution relating to adjournment until 1978.

Reported the same back with the following amendments:

Line 7, after "January" insert "17".

Line 8, after "January" insert "17".

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 5

A house concurrent resolution relating to adjournment until 1978.

*Be It Resolved*, by the House of Representatives, the Senate concurring, that upon their adjournment May 23, 1977, the House of Representatives may set its next day of meeting for January 17, 1978 at 12:00 noon and the Senate may set its next day of meeting for January 17, 1978 at 12:00 noon.

*Be It Further Resolved*, that this resolution is the consent of each house for the other to adjourn for more than three days following May 23, 1977.

Anderson, I., moved that House Concurrent Resolution No. 5, be now adopted. The motion prevailed and the resolution was adopted.

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

*Resolved*, that the Chief Clerk of the House of Representatives be instructed that during the period of time between May 23, 1977, and the convening of the House of Representatives in 1978, the House Chamber, House Retiring Room, House Hearing and Conference Rooms, House Offices, and the Chief Clerk's Offices, shall be left in their present status and reserved for use by the House of Representatives, Legislative Interim Committees, House Standing Committees and Subcommittees, and to such other use as the Speaker of the House may deem necessary. The House Chamber and House Retiring Room shall be let out for the annual meeting of the Territorial Pioneers; and the House Chamber, House Retiring Room and the unused hearing rooms

shall be available annually to the Hi-Y Model Legislature, Girls' State, the Young Leaders Organization, and the 4-H Leadership Conference.

*Be It Further Resolved*, that the Custodian of the State Capitol shall be instructed to keep the corridors and rotunda clear of all furniture and that all legislative furniture remain in the legislative rooms.

The question was taken on the adoption of the report. The motion prevailed and the report was adopted.

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

*Be It Resolved*, that the House of Representatives retain parking lots B, D, & E for the period from May 23, 1977 to the convening of the House of Representatives in 1978, for use of members and employees of the House of Representatives;

*And, Be It Further Resolved*, that the Sergeant at Arms be directed to manage and direct operation of said lots during the period of adjournment of the House of Representatives.

The question was taken on the adoption of the report. The motion prevailed and the report was adopted.

The following conference committee reports were received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 315

A bill for an act relating to state government; state zoological board; providing for a member designated by the Dakota county board; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 315 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 315 be further amended as follows:

Page 1, lines 17, 18 and 19, delete the new language and insert *"In consultation with the Dakota county board the governor shall appoint as a twelfth member of the zoo board a resident of Dakota county who shall not vote and who may be a member of the county board."*

Amend the title:

Line 3, delete "designated by the " and insert "residing in".

Line 4, delete "board".

We request adoption of this report and repassage of the bill.

House Conferees: RAY KEMPE, GORDON VOSS and SHIRLEY HOKANSON.

Senate Conferees: CONRAD M. VEGA and CLARENCE M. PURFEERST.

Kempe, R., moved that the report of the Conference Committee on H. F. No. 315 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 315, A bill for an act relating to state government; state zoological board; providing for a member designated by the Dakota county board; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

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 115 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Heinitz	McCollar	Savelkoul
Adams	Clark	Hokanson	McEachern	Scheid
Albrecht	Clawson	Jacobs	Metzen	Schulz
Anderson, B.	Cohen	Jensen	Munger	Searle
Anderson, G.	Corbid	Johnson	Murphy	Searles
Anderson, I.	Cummiskey	Jude	Neisen	Sherwood
Anderson, R.	Dahl	Kahn	Neisen, B.	Sieben, H.
Arlandson	Den Ouden	Kaley	Nelsen, M.	Sieben, M.
Battaglia	Eckstein	Kalis	Nelson	Simoneau
Beauchamp	Ellingson	Kelly, R.	Niehaus	Stanton
Begich	Enebo	Kelly, W.	Novak	Stoa
Berg	Erickson	Kempe, A.	Osthoff	Swanson
Berglin	Esau	Kempe, R.	Patton	Tomlinson
Berkelman	Evans	King	Peterson	Vanasek
Biersdorf	Ewald	Knickerbocker	Petrafero	Voss
Birnstihl	Faricy	Kostohryz	Pleasant	Waldorf
Brandl	Fjoslien	Kroening	Prahl	Welch
Braun	Forsythe	Kvam	Reding	Wenstrom
Brinkman	Friedrich	Langseth	Rice	Wenzel
Byrne	Fudro	Lehto	Rose	Wieser
Carlson, A.	George	Lemke	St. Onge	Wigley
Carlson, D.	Gunter	Mangan	Samuelson	Zubay
Carlson, L.	Hanson	McCarron	Sarna	Speaker Sabo

Those who voted in the negative were:

Anderson, D.	Fugina	Jaros	Norton	Skoglund
Eken	Haugerud	Moe	Pehler	Wynia

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 586

A bill for an act relating to taxation; information contained in tax returns; amending Minnesota Statutes 1976, Sections 290.081; 290.61; and 290A.17.

May 23, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 586 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from the its amendments and that H. F. No. 586 be amended as follows:

Page 4, line 12, delete "*The commissioner shall first*" and insert "*Prior to the release of any information under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.*"

Page 4, delete lines 13, 14 and 15.

Page 5, line 2, after "therein" insert a new period and strike "and if the".

Page 5, line 5, delete the underlined language and insert "*Prior to the release of any information to any official of the United States or any other state under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.*"

Page 5, delete line 6.

Page 5, line 7, delete the new language and strike "provided by our laws."

Page 5, delete lines 18 to 23 and insert thereof: "*Upon request of a majority of the members of the senate tax committee or of the house tax committee or the tax study commission, the commissioner shall furnish abstracted financial information to those committees for research purposes from returns or reports filed pursuant to this chapter, provided that he shall not disclose the name, address, social security number, business identification number or any other item of information associated with any*

return or report which the commissioner believes is likely to identify the taxpayer. The commissioner shall not furnish the actual return, or a portion thereof, or a reproduction or copy of any return or portion thereof. "Abstracted financial information" means only the dollar amounts set forth on each line on the form including the filing status."

We request adoption of this report and repassage of the bill.

House Conferees: WILLIAM KELLY, WESLEY SKOGLUND and HENRY SAVELKOUL.

Senate Conferees: BILL MCCUTCHEON, GENE MERRIAM and RON SIELOFF.

Kelly, W., moved that the report of the Conference Committee on H. F. No. 586 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 586, A bill for an act relating to taxation; information contained in tax returns; amending Minnesota Statutes 1976, Sections 290.081; 290.61; and 290A.17.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	McEachern	Scheid
Adams	Cohen	Jaros	Metzen	Schulz
Albrecht	Corbid	Jensen	Moe	Searle
Anderson, B.	Cummiskey	Johnson	Munger	Searles
Anderson, D.	Dahl	Jude	Murphy	Sherwood
Anderson, G.	Den Ouden	Kahn	Neisen	Sieben, H.
Anderson, I.	Eckstein	Kaley	Nelsen, B.	Sieben, M.
Anderson, R.	Eken	Kalis	Nelsen, M.	Simoneau
Arlandson	Ellingson	Kelly, R.	Nelson	Skoglund
Battaglia	Enebo	Kelly, W.	Niehaus	Stanton
Beauchamp	Erickson	Kempe, A.	Norton	Stoa
Begich	Esau	Kempe, R.	Novak	Swanson
Berg	Evans	King	Osthoff	Tomlinson
Berglin	Ewald	Knickerbocker	Patton	Vanasek
Berkelman	Faricy	Kostohryz	Pehler	Voss
Biersdorf	Fjoslien	Kroening	Peterson	Waldorf
Birnstihl	Forsythe	Kvam	Petrafeso	Welch
Brandl	Friedrich	Laidig	Pleasant	Wenstrom
Braun	Fudro	Langseth	Prahl	Wenzel
Brinkman	Fugina	Lehto	Reding	Wieser
Byrne	George	Lemke	Rice	Wigley
Carlson, A.	Gunter	Mangan	Rose	Wynia
Carlson, D.	Hanson	Mann	St. Onge	Zubay
Carlson, L.	Haugerud	McCarron	Samuelson	Speaker Sabo
Casserly	Heinitz	McCollar	Sarna	
Clark	Hokanson	McDonald	Savelkoul	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1030

A bill for an act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance plans; elimi-

nating certain open enrollment requirements for nonprofit health service plans; revising the Minnesota comprehensive health insurance act of 1976; revising the Minnesota catastrophic health expense protection act of 1976; making necessary improvements and corrections; further prescribing the powers and duties of the commissioner of insurance; further prescribing the powers and duties of the commissioner of public welfare; amending Minnesota Statutes 1976, Chapter 62E, by adding a section; and Sections 62A.02, Subdivision 3; 62A.17, Subdivision 6; 62D.10, Subdivision 1; 62E.02, Subdivisions 2, 8, 11 and 21; 62E.03, Subdivision 2; 62E.04, Subdivision 4, and by adding a subdivision; 62E.06; 62E.08; 62E.09; 62E.10, Subdivisions 1, 3, and 7; 62E.11, Subdivision 5; 62E.13, Subdivisions 2 and 4; 62E.14, Subdivision 1; 62E.53; and 62E.54, Subdivision 1; repealing Minnesota Statutes 1976, Section 62E.16.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1030 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 1030 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 62A.02, Subdivision 3, is amended to read:

Subd. 3. [DISAPPROVAL.] The commissioner shall, within 30 days after the filing of any form, disapprove the form:

(1) if the benefits provided therein are unreasonable in relation to the premium charged;

(2) if it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the policy; or

(3) if the proposed premium rate is excessive because the insurer has failed to exercise reasonable cost control.

*For the purposes of clause (1), the commissioner shall establish by rule a schedule of minimum anticipated loss ratios which shall be based on (i) the type or types of coverage provided, (ii) whether the policy is for group or individual coverage, and (iii) the size of the group for group policies. Except for individual policies of disability or income protection insurance, the minimum anticipated loss ratio shall not be less than 50 percent after the first year that a policy is in force. All applicants for a policy shall be informed in writing at the time of application of the anticipated loss ratio of the policy. For the purposes of this subdivision, "anticipated loss ratio" means the ratio at the time of*

*form filing or at the time of subsequent rate revision of the present value of all expected future benefits, excluding dividends, to the present value of all expected future premiums. Nothing in this paragraph shall prohibit the commissioner from disapproving a form which meets the requirements of this paragraph but which the commissioner determines still provides benefits which are unreasonable in relation to the benefits charged. The commissioner may until December 31, 1978, exercise emergency power for the purpose of implementing the minimum anticipated loss ratio requirement, and for this purpose may adopt emergency rules as provided in section 15.0412, subdivision 5. Notwithstanding the expiration of the commissioner's emergency power, any emergency rule adopted by him prior to the expiration of his emergency power may remain effective for the periods authorized in section 15.0412, subdivision 5.*

If the commissioner notifies an insurer which has filed any form that the form does not comply with the provisions of this section or sections 62A.03 to 62A.05 and section 72A.20, subdivision 1, it shall be unlawful thereafter for the insurer to issue the form or use it in connection with any policy. In the notice the commissioner shall specify the reasons for his disapproval and state that a hearing will be granted within 20 days after request in writing by the insurer.

Sec. 2. Minnesota Statutes 1976, Section 62A.17, Subdivision 6, is amended to read:

Subd. 6. [CONVERSION TO INDIVIDUAL POLICY.] A group insurance policy that provides post termination coverage as required by this section shall also include a provision allowing a covered employee or surviving spouse or dependent at the expiration of the post termination coverage provided by subdivision 2 to obtain from the insurer offering the group policy or group subscriber contract, at the employee's, spouse's or dependent's option and expense, without further evidence of insurability and without interruption of coverage, an individual policy of insurance or an individual subscriber contract providing (COVERAGE WHICH IS SIMILAR TO OR GREATER THAN THE HOSPITAL OR MEDICAL EXPENSE PROTECTION AFFORDED TO THE EMPLOYEE, THE SPOUSE AND HIS DEPENDENTS BY THE GROUP POLICY OR CONTRACT) at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, and a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3. A policy providing reduced benefits at a reduced premium rate may be accepted by the employee, the spouse or a dependent in lieu of the optional coverage otherwise required by this subdivision.

The individual policy shall be (GUARANTEED) renewable at the option of the individual as long as the individual is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Secur-

ity Act, as amended. Any revisions in the table of rate for the individual policy shall apply to the covered person's original age at entry, and shall apply equally to all similar policies issued by the insurer.

Sec. 3. Minnesota Statutes 1976, Section 62D.10, Subdivision 1, is amended to read:

62D.10 [PROVISIONS APPLICABLE TO ALL HEALTH PLANS.] Subdivision 1. The provisions of this section shall be applicable to (NONPROFIT HEALTH SERVICE PLAN CORPORATIONS REGULATED UNDER CHAPTER 62C,) nonprofit prepaid health care plans regulated under chapter 317, and health maintenance organizations regulated pursuant to sections 62D.01 to 62D.29, (ALL) *both* of which for purposes of this section shall be known as "health plans".

Sec. 4. Minnesota Statutes 1976, Section 62E.02, Subdivision 2, is amended to read:

Subd. 2. "Employer" means any person, partnership, association, trust, estate or corporation, *including the state of Minnesota or any agency, instrumentality or governmental subdivision thereof*, which employs ten or more individuals who are residents of this state.

Sec. 5. Minnesota Statutes 1976, Section 62E.02, Subdivision 8, is amended to read:

Subd. 8. "Employee" means any Minnesota resident who has entered into the employment of or works under contract or service or apprenticeship with any employer. "Employee" does not include a person who has been employed for less than 30 days by his present employer, nor one who is employed less than (AN AVERAGE OF) 30 hours per week by his present employer, *nor an independent contractor*.

Sec. 6. Minnesota Statutes 1976, Section 62E.02, Subdivision 11, is amended to read:

Subd. 11. "Accident and health insurance policy" or "policy" means insurance or nonprofit health service plan contracts providing benefits for hospital, surgical and medical care. "Policy" does not include coverage which is (1) limited to disability or income protection coverage, (2) automobile medical payment coverage, (3) supplemental to liability insurance, (4) (SOLD BY FRATERNALS AND PROVIDES) *designed solely to provide* payments on a per diem, (DAILY) *fixed* indemnity or non-expense incurred basis, (OR) (5) credit accident and health insurance issued pursuant to chapter 62B, (6) *designed solely to provide dental or vision care*, (7) *blanket accident and sickness insurance as defined in section 62A.11*, or (8) *accident only coverage issued by licensed and tested insurance agents or solicitors which provides reasonable benefits in relation to the cost of covered services. The provisions of clause (4) shall not apply to hospital indemnity coverage which is sold by an insurer to an applicant who is not then currently covered by a qualified plan.*

Sec. 7. Minnesota Statutes 1976, Section 62E.02, Subdivision 21, is amended to read:

Subd. 21. "Self insurer" means an employer (WHO) or an employee welfare benefit fund or plan which directly or indirectly provides a plan of health coverage to (HIS) its employees and administers the plan of health coverage (HIMSELF) itself or through an insurer, trust or agent except to the extent of accident and health insurance premium, subscriber contract charges or health maintenance organization contract charges. "Self insurer" does not include an employer engaged in the business of providing health care services to the public (WHO) which provides health care services directly to (HIS) its employees at no charge to them.

Sec. 8. Minnesota Statutes 1976, Section 62E.03, Subdivision 2, is amended to read:

Subd. 2. In the event that an employer fails to (MAKE AVAILABLE AT LEAST A NUMBER TWO QUALIFIED PLAN OF HEALTH BENEFITS TO HIS EMPLOYEES EMPLOYED IN THIS STATE) comply with subdivision 1, none of the employer's costs for health benefits shall qualify as an income tax deduction pursuant to section 290.09, subdivision 2, clause (a) (1). In the case of an employer who meets the requirements of section 297A.25, subdivision 1, clause (j) or clause (p) if the employer fails to make available at least a number two qualified plan to his employees, the employer shall lose his status as an exempt organization under section 297A.25, subdivision 1, clause (j) or clause (p), as appropriate.

Sec. 9. Minnesota Statutes 1976, Section 62E.04, Subdivision 4, is amended to read:

Subd. 4. [MAJOR MEDICAL COVERAGE.] Each insurer and fraternal shall (INCLUDE) affirmatively offer coverage of major medical (COSTS IN) expenses to every applicant for a new unqualified policy at the time of application and annually to every holder of an unqualified policy of accident and health insurance (, UNLESS THE APPLICANT FOR A NEW OR RENEWAL POLICY DECLINES THE COVERAGE IN WRITING). The coverage shall provide that when a covered individual incurs out-of-pocket expenses of \$5,000 or more within a calendar year for services covered in section 62E.06, subdivision 1, benefits shall be payable, subject to any copayment authorized by the commissioner, up to a maximum life-time limit of \$250,000.

Sec. 10. Minnesota Statutes 1976, Section 62E.04, is amended by adding a subdivision to read:

Subd. 8. No policy of accident and health insurance issued or renewed after August 1, 1977, shall contain any provision denying or reducing benefits because services are rendered to an insured or dependent who is eligible for or receiving benefits pursuant to chapters 256B and 256D, or sections 62E.51 to 62E.55.

Sec. 11. Minnesota Statutes 1976, Section 62E.06, is amended to read:

62E.06 [BENEFITS OF QUALIFIED PLAN.] Subdivision 1. [MINIMUM BENEFITS.] A plan of health coverage shall be certified as a number three qualified plan if it otherwise meets the requirements established by chapters 62A and 62C, and the other laws of this state, whether or not the policy is issued in Minnesota, and meets or exceeds the following minimum standards:

(a) The minimum benefits for a covered individual shall, subject to the other provisions of this subdivision, be equal to at least 80 percent of the cost of covered services in excess of an annual deductible which does not exceed \$150 per person. The coverage shall include a limitation of \$3,000 per person on total annual out-of-pocket expenses for services covered under this subdivision. The coverage (MAY) *shall* be subject to a maximum lifetime benefit of not less than \$250,000.

*The \$3,000 limitation on total annual out-of-pocket expenses and the \$250,000 maximum lifetime benefit shall not be subject to change or substitution by use of an actuarially equivalent benefit.*

(b) Covered expenses shall be the usual and customary charges for the following services and articles when prescribed by a physician:

- (1) Hospital services;
- (2) Professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than outpatient mental or dental, which are rendered by a physician or at his direction;
- (3) Drugs requiring a physician's prescription;
- (4) Services of a nursing home for not more than 120 days in a year if the services (COMMENCE WITHIN 14 DAYS FOLLOWING CONFINEMENT OF AT LEAST THREE DAYS IN A HOSPITAL FOR THE SAME CONDITION) *would qualify as reimbursable services under medicare;*
- (5) (SERVICE) Services of a home health agency (UP TO A MAXIMUM OF 180 VISITS PER YEAR) *if the services would qualify as reimbursable services under medicare;*
- (6) Use of radium or other radioactive materials;
- (7) Oxygen;
- (8) Anesthetics;

(9) Prostheses *other than dental*;

(10) Rental or purchase, as appropriate, of durable medical equipment *other than eyeglasses and hearing aids*;

(11) Diagnostic X-rays and laboratory tests;

(12) Oral surgery for partially or completely unerupted impacted teeth, a tooth root without the extraction of the entire tooth, or the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth; (AND)

(13) Services of a physical therapist; *and*

(14) *Transportation provided by licensed ambulance service to the nearest facility qualified to treat the condition.*

((B)) (c) Covered expenses for the services and articles specified in this subdivision do not include the following:

(1) Any charge for (ANY) care for (ANY) injury or disease either (i) arising out of an injury in the course of employment and subject to a worker's compensation or similar law, (ii) for which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle, or other liability insurance policy or equivalent self-insurance, or (iii) for which benefits are payable under another policy of accident and health insurance (OR), *medicare or any other governmental program except as otherwise provided by law*;

(2) Any charge for treatment for cosmetic purposes other than surgery for the repair of an injury or birth defect;

(3) (ANY CHARGE FOR TRAVEL OTHER THAN TRAVEL BY AMBULANCE TO THE NEAREST HEALTH CARE INSTITUTION QUALIFIED TO TREAT THE ILLNESS OR INJURY) *Care which is primarily for custodial or domiciliary purposes which would not qualify as eligible services under medicare*;

(4) Any charge for confinement in a private room to the extent it is in excess of the institution's charge for its most common semi-private room, unless a private room is prescribed as medically necessary by a physician, *provided, however, that if the institution does not have semi-private rooms, its most common semi-private room charge shall be considered to be 90 percent of its lowest private room charge*;

(5) That part of any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel which exceeds the prevailing charge in the locality where the service is provided; and

(6) Any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual rendering the services or articles.

((C)) (d) Effective (JANUARY) July 1, 1980, the minimum benefits for a qualified plan shall include, in addition to those benefits specified in (CLAUSE (A)) *clauses (a) and (e)*, benefits for the following services subject to applicable deductibles, coinsurance provisions, and maximum lifetime benefit limitations:

(1) Well baby care;

(2) Physicians' services for routine check-ups and annual physicals when prescribed by a physician; (AND)

(3) Multiphasic screening and other diagnostic testing. The commissioner by rule shall prescribe reasonable limits on the reimbursement required for services listed in this clause.

(e) *Effective July 1, 1979, the minimum benefits of a qualified plan shall include, in addition to those benefits specified in clause (a), a second opinion from a physician on all surgical procedures expected to cost a total of \$500 or more in physician, laboratory and hospital fees, provided that the coverage need not include the repetition of any diagnostic tests.*

Subd. 2. [NUMBER TWO PLAN.] A plan of health coverage shall be certified as a number two qualified plan if it meets the requirements established by (THE LAWS OF THIS STATE AND PROVIDES FOR PAYMENT OF 80 PERCENT OF THE COVERED EXPENSES REQUIRED BY THIS SECTION IN EXCESS OF A DEDUCTIBLE WHICH DOES) *subdivision 1 except that the deductible shall not exceed \$500 per person.*

Subd. 3. [NUMBER ONE PLAN.] A plan of health coverage shall be certified as a number one qualified plan if it meets the requirements established by (THE LAWS OF THIS STATE AND PROVIDES FOR PAYMENT OF 80 PERCENT OF THE COVERED EXPENSES REQUIRED BY THIS SECTION IN EXCESS OF A DEDUCTIBLE WHICH DOES) *subdivision 1 except that the deductible shall not exceed \$1,000 per person.*

Subd. 4. [HEALTH MAINTENANCE PLANS.] A health maintenance organization which provides the services required by chapter 62D shall be deemed to be providing a number three qualified plan.

Sec. 12. Minnesota Statutes 1976, Section 62E.08, is amended to read:

62E.08 [STATE PLAN PREMIUM.] Subdivision 1. For the first (YEAR) *eighteen months* of operation of the comprehensive health insurance plan the association shall establish the following premiums to be charged for membership in the comprehensive health insurance plan:

(a) The premium for the number one qualified plan shall be the average of rates charged by the five insurers with the largest number of individuals in a number one individual qualified plan of insurance in force in Minnesota;

(b) The premium for the number two qualified plan shall be the average of rates charged by the five insurers with the largest number of individuals in a number two individual qualified plan of insurance in force in Minnesota;

(c) The premium for a qualified medicare supplement plan shall be the average of rates charged by the five insurers with the largest number of individuals enrolled in a qualified medicare supplement plan; and

(d) The charge for health maintenance organization coverage shall be based on generally accepted actuarial principles.

Subd. 2. For (THE SECOND AND) subsequent (YEARS) *enrollees or renewals of membership*, the schedule of premiums for membership in the comprehensive health insurance plan shall be designed to be self-supporting and based on generally accepted actuarial principles.

Sec. 13. Minnesota Statutes 1976, Section 62E.09, is amended to read:

62E.09 [DUTIES OF COMMISSIONER.] The commissioner may:

(a) Formulate general policies to advance the purposes of sections 62E.01 to 62E.17; (THE COMMISSIONER MAY ALSO ADOPT, PROMULGATE, REPEAL, AND AMEND RULES PURSUANT TO THE RULE MAKING PROVISIONS OF CHAPTER 15, TO CARRY OUT THE PROVISIONS OF SECTIONS 62E.01 to 62E.17;)

(b) Supervise the creation of the Minnesota comprehensive health association within the limits described in section 62E.10;

(c) Approve the selection of the writing carrier by the association and approve the association's contract with the writing carrier including the state plan coverage and premiums to be charged;

(d) Appoint advisory committees;

(e) Conduct periodic audits to assure the general accuracy of the financial data submitted by the writing carrier and the association;

(f) Contract with the federal government or any other unit of government to ensure coordination of the state plan with other governmental assistance programs;

(g) Undertake directly or through contracts with other persons studies or demonstration programs to develop awareness of the benefits of sections 62E.01 to 62E.17, so that the residents of this state may best avail themselves of the health care benefits provided by these sections; (AND)

(h) Contract with insurers and others for administrative services; and

(i) *Adopt, amend, suspend and repeal rules as reasonably necessary to carry out and make effective the provisions and purposes of sections 62E.01 to 62E.17. The commissioner may until December 31, 1978 adopt emergency rules.*

Sec. 14. Minnesota Statutes 1976, Section 62E.10, Subdivision 1, is amended to read:

62E.10 [COMPREHENSIVE HEALTH ASSOCIATION.] Subdivision 1. [CREATION; TAX EXEMPTION.] There is established a comprehensive health association to promote the public health and welfare of the state of Minnesota with membership consisting of all insurers, self insurers, fraternal and health maintenance organizations licensed or authorized to do business in this state. *The comprehensive health association shall be exempt from taxation under the laws of this state and all property owned by the association shall be exempt from taxation.*

Sec. 15. Minnesota Statutes 1976, Section 62E.10, Subdivision 3, is amended to read:

Subd. 3. [MANDATORY MEMBERSHIP.] All members shall maintain their membership in the association as a condition of doing *accident and health insurance, self-insurance, or health maintenance organization* business in this state. The association shall submit bylaws and operating rules to the commissioner for approval.

Sec. 16. Minnesota Statutes 1976, Section 62E.10, Subdivision 7, is amended to read:

Subd. 7. [GENERAL POWERS.] The association may:

(a) Exercise the powers granted to insurers under the laws of this state;

(b) Sue or be sued;

(c) Enter into contracts with insurers, similar associations in other states or with other persons for the performance of administrative functions including the functions provided for in clauses (e) and (f);

(d) Establish administrative and accounting procedures for the operation of the association;

(e) Provide for the reinsuring of risks incurred as a result of issuing the coverages required by sections 62E.04 and 62E.16 by members of the association. Each member which elects to reinsure its required risks shall determine the categories of coverage it elects to reinsure in the association. The categories of coverage are:

(1) Individual qualified plans, excluding group conversions;

(2) Group conversions;

(3) Group qualified plans with fewer than 50 employees or members; and

(4) Major medical coverage.

A separate election may be made for each category of coverage. If a member elects to reinsure the risks of a category of coverage, it must reinsure the risk of the coverage of every life covered under every policy issued in that category. *A member electing to reinsure risks of a category of coverage shall enter into a contract with the association establishing a reinsurance plan for the risks. This contract may include provision for the pooling of members' risks reinsured through the association and it may provide for assessment of each member reinsuring risks for losses and operating and administrative expenses incurred, or estimated to be incurred in the operation of the reinsurance plan. This reinsurance plan shall be approved by the commissioner before it is effective.* Members electing to administer the risks which are reinsured in the association shall comply with the benefit determination guidelines and accounting procedures established by the association. The fee charged by the association for the reinsurance of risks shall not be less than 110 percent of the total anticipated expenses incurred by the association for the reinsurance; and

(f) Provide for the administration by the association of policies which are reinsured pursuant to clause (e). Each member electing to reinsure one or more categories of coverage in the association may elect to have the association administer the categories of coverage on the member's behalf. If a member elects to have the association administer the categories of coverage,

it must do so for every life covered under every policy issued in that category. The fee for the administration shall not be less than 110 percent of the total anticipated expenses incurred by the association for the administration.

Sec. 17. Minnesota Statutes 1976, Section 62E.11, Subdivision 5, is amended to read:

Subd. 5. Each member of the association shall share the losses due to claims expenses of the comprehensive health insurance plan *for plans issued or approved for issuance by the association, and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs*, pursuant to the terms of the individual reinsurance contracts executed by the association with each member in accordance with section 62E.10, subdivision 5. Deviations in the claim experience of the state plan from the premium payments allocated to the payment of benefits shall be the liability of the association members. Association members shall share in the (EXCESS COSTS) *claims expense* of the state plan *and operating and administrative expenses of the association* in an amount equal to the ratio of the member's total cost of self insurance, accident and health insurance premium, subscriber contract charges, or health maintenance organization contract charges received from or on behalf of Minnesota residents as divided into the total cost of self insurance, accident and health insurance premium, subscriber contract charges, and health maintenance organization contract charges received by all association members from or on behalf of Minnesota residents, as determined by the commissioner. The reinsurance contract shall provide for (A RETROACTIVE) *an annual determination and assessment of each member's liability (AND), if any. Payment of the assessment shall be due within 30 days after (EACH RENEWAL DATE OF THE REINSURANCE CONTRACT) the end of the association's fiscal year. Subject to the approval of the commissioner, the reinsurance contract may provide for interim assessments as may be necessary to assure the financial capability of the association in meeting the incurred or estimated claims expenses of the state plan and operating and administrative expenses of the association until the association's next annual fiscal year end assessment.* Failure by a member to tender to the association the assessed reinsurance payment within 30 days of notification by the association shall be grounds for termination of the member's membership.

Net gains, if any, from the operation of the state plan shall be held at interest and used by the association to offset future losses due to claims expenses of the state plan or allocated to reduce state plan premiums.

Sec. 18. Minnesota Statutes 1976, Section 62E.13, Subdivision 2, is amended to read:

Subd. 2. Upon the commissioner's approval of the policy forms and contracts submitted pursuant to (SECTION 62A.10) *chapter 62A*, the association (SHALL) *may* select policies and contracts submitted by a member or members of the association to be the comprehensive health insurance plan. This selection shall be based upon criteria including the member's proven ability to handle large group accident and health insurance cases, efficient claim paying capacity, and the estimate of total charges for administering the plan. The association may select separate writing carriers for the two types of qualified plans, the qualified medicare supplement plan, and the health maintenance organization contract.

Sec. 19. Minnesota Statutes 1976, Section 62E.13, Subdivision 4, is amended to read:

Subd. 4. The writing carrier shall provide to all eligible persons enrolled in the plan an individual *policy or certificate*, setting forth a statement as to the insurance protection to which he is entitled, with whom claims are to be filed and to whom benefits are payable. The *policy or certificate* shall indicate that coverage was obtained through the association.

Sec. 20. Minnesota Statutes 1976, Section 62E.14, Subdivision 1, is amended to read:

62E.14 [ENROLLMENT BY AN ELIGIBLE PERSON.] Subdivision 1. [CERTIFICATE, CONTENTS.] The comprehensive health insurance plan shall be open for enrollment by eligible persons. An eligible person may enroll by submission of a certificate of eligibility to the writing carrier. The certificate (SHALL) *may* provide the following:

(a) Name, address, age, and length of time at residence of the applicant;

(b) Name, address, and age of spouse and children if any, if they are to be insured;

(c) Evidence of rejection, or a requirement of restrictive riders, or a pre-existing conditions limitation on a qualified plan, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least two association members within six months of the date of the certificate; and

(d) A designation of the coverage desired.

An eligible person may not purchase more than one policy from the state plan.

Sec. 21. Minnesota Statutes 1976, Section 62E.53, is amended to read:

62E.53 [APPLICATION FOR ASSISTANCE.] Subdivision 1. Any person who believes that (THEY ARE) *he is* or will become an eligible person may submit an application for state assistance to the commissioner. The application shall include a listing of expenses incurred prior to the date of the application and shall designate the date on which the 12 month period for computing expenses began.

Subd. 2. If the commissioner determines that an applicant is an eligible person, he shall pay 90 percent of all qualified expenses of the eligible person and his dependents in excess of:

(a) 40 percent of his household income under \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000; or

(b) \$2,500;

whichever is greater for the 12 month period in which the applicant becomes an eligible person.

Subd. 3. *The commissioner shall by rule establish procedures for determining whether and to what extent qualified expenses are reasonable charges. Unless otherwise provided for by rule charges shall be reviewed for reasonableness by the same procedures used to review and limit reimbursement under the provisions of Chapter 256B.* If the commissioner determines that the charge for a health service is excessive, he may limit his payment to the (USUAL AND CUSTOMARY) *reasonable charge* for that service. If the commissioner determines that a health service provided to an eligible person was not medically necessary, he may refuse to pay for the service. (TO THE EXTENT FEASIBLE,) The commissioner (SHALL) *may* contract with a review organization as defined in section 145.61, in making any determinations as to whether or not a charge is excessive (. TO THE EXTENT FEASIBLE, THE COMMISSIONER SHALL CONTRACT WITH A REVIEW ORGANIZATION AS DEFINED IN SECTION 145.61,) *and* in making any determination as to whether or not a service was medically necessary. If the commissioner in accordance with this section refuses to pay all or a part of the charge for a health service, the unpaid portion of the charge shall be deemed to be an unconscionable fee, against the public policy of this state, and unenforceable in any action brought for the recovery of moneys owed.

Sec. 22. Minnesota Statutes 1976, Chapter 62E, is amended by adding a section to read:

[62E.531] [THIRD PARTY LIABILITY.] *Subdivision 1. When the commissioner pays for or becomes liable for payments for health services under the provisions of sections 62E.51 to 62E.55, the department of public welfare shall have a lien for payments and liabilities for the services upon any and all causes*

*of action which accrue to the person to whom the services were furnished, or to his legal representatives, as a result of injuries which directly or indirectly led to the incurring of qualified expenses.*

*The department may perfect and enforce its lien by following the procedures set forth in sections 514.69, 514.70, and 514.71, except that it shall have one year from the date when the last item of health service was furnished in which to file its verified lien statement. The statement shall be filed with the appropriate clerk of court in the county in which the recipient of the services resides or in the county in which the action was filed.*

*Subd. 2. Where a third party may be liable in whole or in part for payment for health services, the commissioner may consider the charges for the health services to be qualified expenses if the eligible person assigns any rights accruing by virtue of any third party liability to the commissioner to the extent necessary to reimburse the state for any payments made under the provisions of this section.*

*Subd. 3. Upon furnishing assistance under the provisions of sections 62E.51 to 62E.55, the department of public welfare shall be subrogated, to the extent of its payments for health services, to any rights the eligible person or his dependent may have under the terms of any plan of health coverage as defined in section 62E.02, subdivision 9. The right of subrogation shall not attach prior to written notice of the exercise of subrogation rights to the issuer of the plan of health coverage.*

*The attorney general, or the appropriate county attorney, acting upon direction from the attorney general, may institute or join a civil action against the issuer of the plan of health coverage to recover under this subdivision.*

Sec. 23. Minnesota Statutes 1976, Section 62E.54, Subdivision 1, is amended to read:

62E.54 [DUTIES OF COMMISSIONER.] Subdivision 1.  
The commissioner shall:

(a) Promulgate reasonable rules, including emergency rules, to implement sections 62E.51 to 62E.55.

(b) Establish application forms and procedures for the use of persons seeking to be declared an eligible person; and

(c) Investigate applications to determine whether or not the applicant is a qualified person and investigate claims from providers of health services to determine whether or not to pay them.

Sec. 24. [EFFECTIVE DATE.] *This act is effective the day following its final enactment except for section 1 which is effective on July 1, 1978.*"

Further, strike the title and insert:

"A bill for an act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance plans; eliminating certain open enrollment requirements for nonprofit health service plans; revising the Minnesota comprehensive health insurance act of 1976; revising the Minnesota catastrophic health expense protection act of 1976; making necessary improvements and corrections; further prescribing the powers and duties of the commissioner of insurance; further prescribing the powers and duties of the commissioner of public welfare; providing a limitation on medical assistance; amending Minnesota Statutes 1976, Chapter 62E, by adding a section; and Sections 62A.02, Subdivision 3; 62A.17, Subdivision 6; 62D.10, Subdivision 1; 62E.02, Subdivisions 2, 8, 11 and 21; 62E.03, Subdivision 2; 62E.04, Subdivision 4, and by adding a subdivision; 62E.06; 62E.08; 62E.09; 62E.10, Subdivisions 1, 3, and 7; 62E.11, Subdivision 5; 62E.13, Subdivisions 2 and 4; 62E.14, Subdivision 1; 62E.53; and 62E.54, Subdivision 1.

We request adoption of this report and repassage of the bill.

House Conferees: JAMES SWANSON, LYNDON CARLSON and BERNARD BRINKMAN.

Senate Conferees: GERRY SIKORSKI, JOHN MILTON and WILLIAM G. KIRCHNER.

Swanson moved that the report of the Conference Committee on H. F. No. 1030 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1030, A bill for an act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance plans; eliminating certain open enrollment requirements for nonprofit health service plans; revising the Minnesota comprehensive health insurance act of 1976; revising the Minnesota catastrophic health expense protection act of 1976; making necessary improvements and corrections; further prescribing the powers and duties of the commissioner of insurance; further prescribing the powers and duties of the commissioner of public welfare; amending Minnesota Statutes 1976, Chapter 62E, by adding a section; and Sections 62A.02, Subdivision 3; 62A.17, Subdivision 6; 62D.10, Subdivision 1; 62E.02, Subdivisions 2, 8, 11 and 21; 62E.03, Subdivision 2; 62E.04, Subdivision 4, and by adding a subdivision; 62E.06; 62E.08; 62E.09; 62E.10, Subdivisions 1, 3, and 7; 62E.11, Subdivision 5; 62E.13, Subdivisions

2 and 4; 62E.14, Subdivision 1; 62E.53; and 62E.54, Subdivision 1; repealing Minnesota Statutes 1976, Section 62E.16.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Moe	Searle
Adams	Cohen	Jensen	Munger	Searles
Albrecht	Corbid	Johnson	Murphy	Sherwood
Anderson, B.	Cummiiskey	Jude	Neisen	Sieben, H.
Anderson, D.	Dahl	Kahn	Nelsen, B.	Sieben, M.
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, I.	Eckstein	Kalis	Nelson	Skoglund
Anderson, R.	Eken	Kelly, R.	Niehaus	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, A.	Novak	Stoa
Beauchamp	Erickson	Kempe, R.	Osthoff	Suss
Begich	Esau	King	Patton	Swanson
Berg	Evans	Knickerbocker	Pehler	Tomlinson
Berglin	Ewald	Kostohryz	Peterson	Vanasek
Berkelman	Faricy	Kroening	Petrafaso	Voss
Biersdorf	Fjoslien	Kvam	Pleasant	Waldorf
Birnstihl	Forsythe	Langseth	Prahl	Welch
Brandl	Friedrich	Lehto	Reding	Wenstrom
Braun	Fudro	Lemke	Rice	Wenzel
Brinkman	Fugina	Mangan	Rose	White
Byrne	George	Mann	St. Onge	Wieser
Carlson, A.	Gunter	McCarron	Samuelson	Wigley
Carlson, D.	Hanson	McCollar	Sarna	Williamson
Carlson, L.	Hangerud	McDonald	Savelkoul	Wynia
Casserly	Heinitz	McEachern	Scheid	Zubay
Clark	Hokanson	Metzen	Schulz	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 550

A bill for an act relating to the operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; providing additional aids and levies for school districts with declining enrollment; eliminating foundation aid for summer programs for non-handicapped children; changing the method of distributing the agricultural tax credit; eliminating state aid for community education; establishing formulas for current funding of adult and secondary vocational education; creating a legislative school finance study commission; providing special retirement privileges for experienced teachers who teach part time or take an extended leave of absence; appropriating money; amending Minnesota Statutes 1976, Sections 120.10, Subdivision 1; 120.17, Subdivisions 1a and 5a; 121.11, Subdivision

5; 121.902; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivisions 1 and 2; 123.335, Subdivision 2; 123.39, Subdivision 5; 123.351, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2; 123.742, Subdivision 1; 124.11; 124.14, Subdivision 1; 124.17, Subdivisions 1, 2, and by adding a subdivision; 124.19, Subdivision 1; 124.20; 124.212, Subdivisions 1, 3a, 6b, 7b and 8a, and by adding a subdivision; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3, 6, and by adding a subdivision; 124.223; 124.26, Subdivisions 1 and 4; 124.271, Subdivisions 2 and 5; 124.30, Subdivision 5; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 128A.02, Subdivisions 2 and 3; 128A.06; 273.132; 273.138, Subdivision 3; 275.125, Subdivisions 2a, 8, 9, 9a, and 13; and 475.16, Subdivision 4; amending Minnesota Statutes 1976, Chapter 136A, by adding a section; Chapter 354, by adding sections and Chapter 354A, by adding sections; amending Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapter 775, Section 4, Subdivision 2, as amended; Laws 1969, Chapter 1060, Section 7, as amended; and Laws 1976, Chapter 271, Section 94; repealing Minnesota Statutes 1976, Sections 124.215, Subdivision 2a; 124.222, Subdivisions 4 and 5; 124.25; 124.271, Subdivisions 1, 2, 3, 4 and 5; 124.30; 124.562, Subdivision 6; 124.563, Subdivision 4; 124.565, Subdivision 2; 124.57, Subdivisions 1 and 3, as added; 473.633; and 473.635.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 550 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 550 be amended as follows:

Strike everything after the enacting clause and insert:

*"ARTICLE I*

*FOUNDATION AID PROGRAM*

Section 1. Minnesota Statutes 1976, Section 123.39, Subdivision 5, is amended to read:

Subd. 5. The board may provide for the admission to the schools of the district, of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils.

*Subd. 5a.* In case a person owns land and pays the taxes thereon, in a district other than the one in which he resides, then such person or his tenant shall be admitted to all the benefits of said school the same as residents therein, (IN RESPECT TO ELEMENTARY PUPILS) upon conforming to such reasonable terms for tuition and transportation as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school taxes which he pays to the support of said district applied in payment of said tuition and transportation fees. In (THE PAYMENT OF STATE AID) *this case*, the district in which the pupil attends shall be considered the district of his residence (BECAUSE OF THE PROVISIONS OF THIS SUBDIVISION) *in the payment of state aid.*

Sec. 2. Minnesota Statutes 1976, Section 124.11, is amended to read:

124.11 [DATES OF AID PAYMENTS.] *Subdivision 1.* Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program *and except as provided in subdivision 5*, ten percent of the estimated elementary and secondary foundation aids shall be paid to districts in each of the months *other than October* from (SEPTEMBER) *August* through May based upon information available and the final distribution shall be made in *October* of the following (AUGUST) *school year.*

*Subd. 2.* Estimated post-secondary vocational foundation aid shall be paid to districts in 12 equal monthly payments beginning July 15, 1976. The estimated post-secondary vocational foundation aid shall be paid on the basis of the prior year's average daily membership except that the average daily membership and the payments based thereon may be adjusted in September, December, March and June to reflect any increases or decreases in enrollment. The September payment in each fiscal year shall be increased or decreased to reflect any deficit or excess in post-secondary vocational foundation aid received in the prior fiscal year.

*Subd. 3.* If any school district is unable to borrow necessary funds for the operation of its facilities during any fiscal year, due to legal borrowing restrictions or the lack of reasonable credit facilities, the commissioner of finance and state treasurer may, upon certification of such conditions by the commissioner of administration, advance such education aids as may be required to such district, with the condition that such aids be discounted by an amount equal to six percent or the current yield on U. S. treasury bills on the date of such payment to a maturity approximating the date on which aids are to be paid, whichever rate is higher, pursuant to the terms of this section. The amount of such discount shall be determined by the commissioner of finance, with the six percent discount or the "bid" price quoted

on treasury bills of an appropriate maturity calculated after consultation with the staff of the state board of investment.

*Subd. 4. Estimated elementary and secondary foundation aids shall be paid out on the basis of the (PRIOR YEAR'S PUPIL UNIT ENROLLMENT UNLESS THE OCTOBER 1 ENROLLMENT IS LARGER, IN WHICH CASE THE) latest available information. Estimated elementary and secondary foundation aids shall be computed on the basis of all pupil units identified in section 124.17, subdivision 1. An October enrollment count shall be (USED) obtained from all school districts. Adjustment for final elementary and secondary (FINAL) pupil unit figures shall be made in the (AUGUST PAYMENT OF AIDS) final foundation aid distribution in October of the following school year.*

*Subd. 5. Each year, beginning in 1978, based on current year tax data reported in the abstracts of tax lists, the commissioner of revenue shall determine the distribution to each school district of the amount of revenue lost as a result of the reduction in property taxes provided in section 273.132. On or before July 15, 1978, and on or before July 15 of each year thereafter, the commissioner of revenue shall certify the amounts so determined to the department of education. Beginning in 1978, the department of education shall pay each school district one-half of its distribution in August and the remaining one-half in the following November, as part of the foundation aid payment to each district in those months.*

Sec. 3. Minnesota Statutes 1976, Section 124.14, Subdivision 2, is amended to read:

*Subd. 2. (SUCH MONEYS AS ARE NECESSARY TO MAKE THE DISTRIBUTION OF THE SCHOOL AIDS ANNUALLY ARE HEREBY APPROPRIATED FROM THE FUNDS OR ACCOUNTS IN THE STATE TREASURY AUTHORIZED BY LAW FOR SUCH PURPOSES.) There is annually appropriated from the general fund to the department of education the amounts necessary for foundation aid and transportation aid. These amounts shall be reduced by the amount of any funds specifically appropriated for the same purpose in any year from any state funds.*

Sec. 4. Minnesota Statutes 1976, Section 124.17, Subdivision 1, is amended to read:

124.17 [DEFINITION OF PUPIL UNITS.] Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school, for kindergarten and for handicapped pre-kindergarten pupils as defined in section 120.03, and enrolled in one-half day sessions throughout the school year or

the equivalent thereof, approved by the commissioner of education, one-half pupil unit and other elementary pupils; one pupil unit.

(2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

((3) IN AREA VOCATIONAL TECHNICAL SCHOOLS ONE AND ONE-HALF PUPIL UNITS. THIS CLAUSE SHALL EXPIRE JUNE 30, 1976.)

(4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil in clauses (1) and (2) from families receiving aid to families with dependent children or its successor program *who is enrolled in the school district on October 1* shall be counted as an additional five-tenths pupil unit. By (MAY) *March 1* of each year the department of public welfare (IS DIRECTED TO FURNISH) *shall certify* to the department of education, and to each school district to the extent the information pertains to it, that information concerning children from families with dependent children *who were enrolled in the school district on the preceding October 1* which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids may be paid concurrently with other foundation aids.

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds five percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for purposes of this clause, provided that in districts where the percent of concentration is less than six, no additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further that no such pupil shall be counted as more than one and one-tenth additional pupil units pursuant to clauses (4) and (5). Such weighting shall be in addition to the weighting provided in clauses (1), (2), (3) and (4). School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to primary grade programs and services, particularly to programs and services that involve participation of parents. Each district receiving aids on account of both clauses (4) and (5) shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all such aids received.

(6) Where the total pupil units of a district are used as a multiplier in determining foundation aids and spending and levy limitations and where the actual number of pupil units has decreased from the prior year, the number of pupil units shall equal *the greater of (a) the average of actual pupil units in the district for the two prior years and the current (YEARS IN A DISTRICT WITH BOUNDARIES COTERMINOUS WITH THE BOUNDARIES OF A CITY OF THE FIRST CLASS AND SHALL BE) year or (b) the number of actual pupil units for the current year increased by .6 times the difference between the actual pupil units for the (TWO YEARS IN ANY OTHER DISTRICT) prior year and the current year.* Only pupil units as computed in clauses (1) and (2) shall be included for purposes of computations made pursuant to this clause.

(7) In districts maintaining classified secondary schools where the actual number of pupil units has increased from the prior year by two percent or more, the additional pupil units over the prior year, as computed in clauses (1) and (2), shall be multiplied times one-tenth for each percent of increase over the prior year and a number of pupil units equal to the product shall be added to the other units for the district. The percent of increase shall be rounded up to the next whole percent for purposes of this clause, provided that in districts where the percent of increase is less than two, no additional pupil units shall be added to the other units for the district and provided further that the number of pupil units of increase over the prior year shall under no circumstances be multiplied by more than five-tenths.

(8) Only pupil units in clauses (1) and (2) shall be used in computing adjusted maintenance cost per pupil unit.

Sec. 5. Minnesota Statutes 1976, Section 124.17, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in grades kindergarten through twelve and for handicapped prekindergarten pupils shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that the pupil has left or has been legally excused; provided that any pupil, regardless of age, who has been absent from school without a legally justifiable excuse for 15 consecutive school days shall be dropped from the roll and classified as withdrawn. Nothing in Extra Session Laws 1971, Chapter 31, shall be construed as waiving the compulsory attendance provisions cited in section 120.10. Average daily membership shall equal the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days said schools are in session. For districts operating 12 months schools, days schools are in session shall mean the number of

session days required by section 124.19, subdivision 1. (THE AVERAGE DAILY MEMBERSHIP OF A PUPIL ENROLLED ON A SHARED TIME BASIS SHALL EQUAL THE RATIO OF THE TOTAL MINUTES FOR WHICH SUCH PUPIL IS ENROLLED AND THE MINIMUM MINUTES REQUIRED DURING THE YEAR FOR A REGULARLY ENROLLED PUBLIC SCHOOL PUPIL. FOUNDATION AID FOR SHARED TIME PUPILS SHALL EQUAL THE AMOUNT WHICH WOULD ACCRUE IF SHARED TIME PUPIL UNITS, COUNTED PURSUANT TO SUBDIVISION 1, CLAUSES (1) AND (2), WERE ADDED TO THE DISTRICT'S TOTAL PUPIL UNITS USED IN DETERMINING ITS FOUNDATION AID. FOUNDATION AID FOR SHARED TIME PUPILS SHALL BE IN ADDITION TO ANY OTHER AID TO WHICH THE DISTRICT IS OTHERWISE ENTITLED AND SHARED TIME PUPIL UNITS SHALL NOT BE USED FOR ANY OTHER COMPUTATION UNDER SUBDIVISION 1 OR FOR ANY COMPUTATION UNDER SECTION 124.04. A DISTRICT SHALL NOT BE ENTITLED TO TRANSPORTATION AID UNDER SECTION 124.222 FOR PUPILS ENROLLED ON A SHARED TIME BASIS UNLESS THE STATUTES SPECIFICALLY PROVIDE FOR TRANSPORTATION AID TO SUCH STUDENT. THIS SUBDIVISION SHALL BE EFFECTIVE JULY 1, 1975 AS APPLIED TO SHARED TIME FOUNDATION AID AND JULY 1, 1976 AS APPLIED TO PUPILS IN AREA VOCATIONAL-TECHNICAL SCHOOLS.)

Sec. 6. Minnesota Statutes 1976, Section 124.17, is amended by adding a subdivision to read:

*Subd. 2b. Notwithstanding subdivision 2, pupils enrolled in the Minnesota National Guard program shall be construed to be in attendance for purposes of computing average daily membership during any period of the regular school year, but not to include summer school, during which the pupil is attending military active duty training pursuant to that program. During that period of military active duty training, the pupil shall earn all aid for the district of residence or attendance which would be otherwise earned by his presence.*

Sec. 7. Minnesota Statutes 1976, Section 124.19, Subdivision 1, is amended to read:

124.19 [REQUIREMENTS FOR AID GENERALLY.]  
Subdivision 1. Every district which receives special state aid shall maintain school or provide instruction in other districts, in state university laboratory school or in the university laboratory school, at least a minimum term as defined by the state board. The normal school year when school is in session shall be not less than 175 days or their equivalent. A district which holds school for that period and is otherwise qualified is entitled to special state aid as by law provided. If school is held a less period such special state aid shall be reduced (IN THE

PROPORTION THAT) *by the ratio that the difference between 175 days and the number of days school is held bears to 175 days (EFFECTIVE THE 1970-71 SCHOOL YEAR AND THEREAFTER), multiplied by 60 percent of the product of the district's foundation aid formula allowance times its pupil units for that year; but districts maintaining less than the required minimum number of days of school in session do not lose special state aid if the circumstances causing such loss of school time below the required minimum number of days were beyond the control of the board and provided proper evidence has been submitted and a good faith attempt made to make up time lost on account of these circumstances (; PROVIDED FURTHER, THAT). Days devoted to teachers' institutes or other meetings authorized or called by the commissioner may not be included as part of the required minimum number of days of school in session. Effective the 1977-1978 school year, not more than five days may be devoted to parent-teacher conferences or teachers' workshops as part of the required minimum number of days school is in session.*

Sec. 8. Minnesota Statutes 1976, Section 124.212, Subdivision 1, is amended to read:

124.212 [FOUNDATION AID.] Subdivision 1. The foundation aid program for school districts for school years (1975-1976) 1977-1978 and (1976-1977) 1978-1979 shall be governed by the terms and provisions of this section.

Sec. 9. Minnesota Statutes 1976, Section 124.212, Subdivision 3a, is amended to read:

Subd. 3a. Notwithstanding any of the other provisions of this section, for the (1975-1976) 1977-1978 school year neither the sum nor the sum per pupil unit of the aggregate foundation aid earned by a district maintaining a classified secondary school and the amount raised by the maximum levy authorized by Minnesota Statutes (1974) 1976, Section 275.125, Subdivision 2a, Clause (2) and for the (1976-1977) 1978-1979 school year neither the sum nor the sum per pupil unit of the aggregate foundation aid earned by such a district and the amount raised by the maximum levy authorized (FOR 1975) in 1977 by section 275.125, subdivision 2a, clause (1), shall be less than the sum or the sum per pupil unit respectively of the aggregate foundation aid earned for the 1972-1973 school year, any payments earned for 1972-1973 which but for the operation of Minnesota Statutes 1971, Section 124.212, Subdivision 3, would not have been earned, and the amount raised by the levy authorized by Minnesota Statutes 1971, Section 275.125, Subdivision 2, Clause (1). Aggregate foundation aid includes foundation aid for all pupil units, except units computed in section 124.17, subdivision 1, clause (3). For purposes of this computation pupil units used as a divisor shall include only those units identified in section 124.17, subdivision 1, clauses (1) and (2).

Sec. 10. Minnesota Statutes 1976, Section 124.212, Subdivision 4, is amended to read:

Subd. 4. The amount of money received by a school district as income from the permanent school fund for any year, shall be deducted from the foundation aid earned by the district for the same year (INCLUDING AID EARNED PURSUANT TO SUBDIVISION 3A) or from aid earned from other state sources.

Sec. 11. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

*Subd. 5a. (1) In the 1977-1978 school year and each school year thereafter, the amount of money apportioned to a school district in that year pursuant to section 124.10, subdivision 2 which exceeds the amount apportioned to that district pursuant to section 124.10, subdivision 2 in the 1976-1977 school year, shall be deducted from the foundation aid earned by that district for the same year.*

*(2) In addition to the deduction in clause (1), the following amounts apportioned pursuant to section 124.10, subdivision 2 shall be deducted from foundation aid in the school years designated:*

*(a) In the 1977-1978 school year, one-sixth of the amount apportioned, but not to exceed one-sixth of the amount apportioned in the 1976-1977 school year;*

*(b) In the 1978-1979 school year, one-third of the amount apportioned, but not to exceed one-third of the amount apportioned in the 1976-1977 school year;*

*(c) In the 1979-1980 school year, one-half of the amount apportioned, but not to exceed one-half of the amount apportioned in the 1976-1977 school year;*

*(d) In the 1980-1981 school year, two-thirds of the amount apportioned, but not to exceed two-thirds of the amount apportioned in the 1976-1977 school year; and*

*(e) In the 1981-1982 school year, five-sixths of the amount apportioned, but not to exceed five-sixths of the amount apportioned in the 1976-1977 school year.*

*(3) In the 1982-1983 school year and each school year thereafter, the entire amount of money apportioned to a school district in that year pursuant to section 124.10, subdivision 2, shall be deducted from the foundation aid earned by that district for the same year.*

Sec. 12. Minnesota Statutes 1976, Section 124.212, Subdivision 6b, is amended to read:

Subd. 6b. For the (1975-1976) *1977-1978* school year a district shall receive in foundation aid the lesser of (1) (\$900) *\$1,030* per pupil unit less (30) *29* mills times the (1973) *1975* adjusted assessed valuation of the district, or (2) the amount that bears the same relation to the difference in (1) as the sum of the greater sum computed pursuant to Minnesota Statutes (1974) *1976*, Section 124.212, Subdivision (7A) *7b*, Clause (2), and the greater of (a) (ONE-HALF) *five-sixths* of the difference that results when such greater sum is subtracted from (\$900) *\$1,030*, or (b) (\$75) *\$70*, bears to (\$900) *\$1,030*.

Sec. 13. Minnesota Statutes 1976, Section 124.212, Subdivision 7b, is amended to read:

Subd. 7b. For the (1976-1977) *1978-1979* school year a district shall receive in foundation aid (THE LESSER OF (1) \$960) *\$1,090* per pupil unit less (29) *28* mills times the (1974) *1976* adjusted assessed valuation of the district, (OR (2) THE AMOUNT THAT BEARS THE SAME RELATION TO THE DIFFERENCE IN (1) AS THE SUM OF THE GREATER SUM COMPUTED PURSUANT TO SUBDIVISION 6B, CLAUSE (2), AND THE GREATER OF (A) TWO-THIRDS OF THE DIFFERENCE THAT RESULTS WHEN SUCH GREATER SUM IS SUBTRACTED FROM \$960, OR (B) \$60, BEARS TO \$960) *plus the amount of the agricultural tax credit by which 1977 payable 1978 property taxes in the district are reduced pursuant to section 273.132.*

Sec. 14. Minnesota Statutes 1976, Section 124.212, Subdivision 8a, is amended to read:

Subd. 8a. (1) Notwithstanding any provisions of any other law to the contrary, the adjusted assessed valuation used in calculating foundation aid shall include only that property which is currently taxable in the district. For districts which received payments under sections 124.215, subdivision 2a; 124.25; 124.28; 124.30; 473.633 and 473.635; the foundation aid shall be reduced by: The previous year's payment to the district pursuant to said sections times the ratio of the maximum levy allowed the district under section 275.125, subdivision 2a, to the total levy allowed by section 275.125, but not to exceed (45 PERCENT IN 1975-1976 AND) 50 percent (IN 1976-1977) of the previous year's payment.

(2) For districts which received payments under sections 294.21 to 294.28; 298.23 to 298.28; 298.32; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; the foundation aid shall be reduced

in the (AUGUST) *October* adjustment payment by the previous fiscal year's payment to the district pursuant to said sections times the ratio of the maximum levy allowed the district under section 275.125, subdivision 2a, to the total levy allowed by section 275.125 for collection in the calendar year ending during the aforementioned fiscal year, but not to exceed (40 PERCENT IN THE AUGUST 1975 ADJUSTMENT, 45 PERCENT IN THE AUGUST 1976 ADJUSTMENT, AND) 50 percent (IN THE AUGUST 1977 ADJUSTMENT) of the previous fiscal year's payment. *If the October adjustment of a district's foundation aid for a fiscal year is a negative amount because of this clause, the next fiscal year's foundation aid to that district shall be reduced by this negative amount. The amount reduced from foundation aid pursuant to this clause shall be recognized as revenue in the fiscal year to which the October adjustment payment is attributable.*

Sec. 15. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

*Subd. 9a. Shared time pupils are defined as those pupils who attend public schools for part of the regular school day and who otherwise fulfill the requirements of section 120.10 by attendance at a private school.*

*(a) The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which the pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil.*

*(b) Foundation aid for shared time pupils shall equal the amount which would accrue if shared time pupil units, counted pursuant to section 124.17, subdivision 1, clauses (1) and (2), were added to the district's total pupil units used in determining its foundation aid. Foundation aid for shared time pupils shall be in addition to any other aid to which the district is otherwise entitled and shared time average daily membership shall not be used in the computation of pupil units under section 124.17, subdivision 1, for any purpose other than the computation of shared time foundation aid pursuant to this subdivision.*

*(c) Foundation aid for shared time pupils shall be paid to the district of the pupil's residence. If a pupil attends shared time classes in another district, the resident district shall pay to the district of attendance an amount of tuition equal to the ratio in clause (a) times the amount of tuition which would be charged and paid for a nonresident public school pupil in a similar circumstance. The district of residence shall not be obligated for tuition except by previous agreement.*

*(d) Notwithstanding the provisions of clause (c), the resident district of a shared time pupil attending shared time classes in another district may grant the district of attendance, upon*

*its request, permission to claim the pupil as a resident for state aid purposes. In this case, state aid shall be paid to the district of attendance.*

Sec. 16. Minnesota Statutes 1976, Section 124.213, is amended to read:

124.213 [AID RECAPTURE.] *Subdivision 1.* In any year when the amount of the maximum levy allowed for any district by section 275.125, subdivision 2a, clause (1) or (2), exceeds the product of (a) the district's foundation aid formula allowance for the corresponding school year under section 124.212 and (b) the number of pupil units computed for the district under section 124.17 for that school year, an amount equal to the difference between the levy as certified and the specified product shall be deducted in the following order from the aids for the purposes specified receivable during the same school year pursuant to the following sections: (1) transportation aid pursuant to section 124.222; (2) secondary vocational aid pursuant to section 124.57 or 124.573; (3) special education aid pursuant to section 124.32. (FOR THE 1977-1978 SCHOOL YEAR, THE FOUNDATION AID FORMULA ALLOWANCE SHALL EQUAL THE LESSER OF \$1,015 OR THE SUM OF THE GREATER SUM COMPUTED PURSUANT TO SECTION 124.212, SUBDIVISION 7B, CLAUSE (2), AND THE GREATER OF (A) FIVE-SIXTHS OF THE DIFFERENCE THAT RESULTS WHEN SUCH GREATER SUM IS SUBTRACTED FROM \$1,015, OR (B) \$55.) This section shall apply to school years commencing with the 1977-1978 school year; provided, deductions pursuant to this section shall be limited to the following percentages of the difference between the specified product and the certified levy in the school years indicated: 20 percent of the difference in the 1977-1978 school year; 60 percent of the difference in the 1978-1979 school year; and 100 percent of the difference in the 1979-1980 school year and each school year thereafter.

*Subd. 2.* For the 1977-1978 school year, the foundation aid formula allowance shall equal the lesser of \$1,030 or the sum of the greater sum computed pursuant to section 124.212, subdivision 7b, clause (2), and the greater of (a) five-sixths of the difference that results when such greater sum is subtracted from \$1,030, or (b) \$70. The foundation aid formula allowance shall be \$1,090 for the 1978-1979 school year.

Sec. 17. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

*Subd. 21.* Foundation aids shall be paid to the district of residence unless otherwise specifically provided by law.

Sec. 18. Minnesota Statutes 1976, Section 273.132, is amended to read:

273.132 [STATE PAID AGRICULTURAL CREDIT.] The county auditor shall reduce the tax *for school purposes* on all property receiving the homestead credit pursuant to section 273.13, subdivision 6, by an amount equal to the tax levy that would be produced by applying a rate of 12 mills on the property. The county auditor shall reduce the tax *for school purposes* on all other agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, by an amount that would be produced by applying a rate of ten mills on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner of revenue shall review such certifications to determine their accuracy. He may make such changes in the certification as he may deem necessary or return a certification to the county auditor for corrections.

*In 1977, payment shall be made according to the procedure provided in section 273.13, subdivision 15a, for the purpose of replacing revenue lost as a result of the reduction of property taxes provided in this section. In 1978, payment shall be made pursuant to sections 124.212, subdivision 7b and 124.11, for the purpose of replacing revenue lost as a result of the reduction in property taxes provided in this section. There is appropriated from the general fund in the state treasury to the commissioner of revenue the amount necessary to make these payments in fiscal year 1978. There is appropriated from the general fund in the state treasury to the department of education the amount necessary to make these payments in fiscal year 1979 and thereafter.*

Sec. 19. Minnesota Statutes 1976, Section 275.125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In (1975) 1977, a school district may levy for all general and special school purposes, an amount equal to the amount raised by 28 mills times the (1974) 1976 adjusted assessed valuation of the district (TIMES THE NUMBER OF MILLS, NOT TO EXCEED 29, THAT BEARS THE SAME RELATION TO 29, AS THE GREATER SUM COMPUTED PURSUANT TO SECTION 124.212, SUBDIVISION 7B, CLAUSE (2), BEARS TO \$960).

(2) In (1976) 1978, a school district may levy for all general and special school purposes, an amount equal to the amount raised by 27 mills times the (1975) 1977 adjusted assessed valuation of the district (TIMES THE NUMBER OF MILLS, NOT TO EXCEED 29, THAT BEARS THE SAME RELATION TO 29, AS THE SUM OF THE GREATER SUM COMPUTED PURSUANT TO SECTION 124.212, SUBDIVISION 7B,

CLAUSE (2), AND THE GREATER OF (A) FIVE-SIXTHS OF THE DIFFERENCE THAT RESULTS WHEN SUCH GREATER SUM IS SUBTRACTED FROM \$1015, OR (B) \$55, BEARS TO \$1015).

(3) For any district levying less than 95 percent of the maximum levy allowable in clauses (1) and (2), beginning with the levy certified in 1976, payable in 1977, the foundation aid to the district for the 1977-1978 school year, and for subsequent levies, foundation aid for subsequent school years, calculated pursuant to section 124.212, shall be reduced by 50 percent of the amount of the difference between the actual levy and the maximum levy allowable under clauses (1) and (2). In the application of this clause, the maximum levy allowable under clauses (1) and (2) shall be reduced by any reduction of this levy which is required by section 275.125, subdivision 9 or any other law.

(4) (a) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held (IN A SINGLE) to approve a levy increase which will commence in a specific school year. The question on the ballot shall (BE WHETHER A SPECIFIC MILLAGE WHICH WILL YIELD A SPECIFIC AMOUNT BASED ON THE MOST RECENT ASSESSED VALUATION MAY BE ADDED TO THAT AUTHORIZED BY CLAUSES (1) OR (2)) state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply. If approved, the amount provided by the approved millage applied to each year's (ASSESSED) taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked by the voters of the district at a subsequent referendum (, WHICH).

(b) A referendum on the question of revoking the increased levy amount authorized pursuant to clause (a) of this clause may be called by the school board and (WHICH) shall be called by the school board upon the written petition of qualified voters of the district (UNLESS THE PETITION FOR REVOCATION IS SUBMITTED IN THE SAME YEAR IN WHICH A LEVY HAS BEEN INCREASED BY THE VOTERS PURSUANT TO THIS CLAUSE). The amount approved by the voters of the district pursuant to clause (a) of this clause must be levied at least once before it is subject to a referendum on its revocation for subsequent years. Only one such revocation election may be held to revoke a levy for any specific year and for years thereafter.

(c) A petition authorized by *clauses (a) or (b) of this clause* shall be effective if signed by a number of qualified voters in excess of 15 percent, or 10 percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board (UNLESS THE PETITION FOR REVOCATION IS SUBMITTED IN THE SAME YEAR IN WHICH A LEVY HAS BEEN INCREASED BY THE VOTERS PURSUANT TO THIS CLAUSE).

(d) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

(e) *Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.*

Sec. 20. Minnesota Statutes 1976, Section 275.125, Subdivision 9, is amended to read:

Subd. 9. (1) Districts which received payments which result in deductions from foundation aid pursuant to section 124.212, subdivision 8a, clause (1), shall reduce the permissible levies authorized by subdivisions 3 to 14 by that portion of the previous year's payment not deducted from foundation aid on account of the payment. The levy reductions shall be made in the proportions that each permissible levy bears to the sum of the permissible levies. Reductions in levies pursuant to this clause, subdivision 10 of this section, and section 273.138, shall be made prior to the reductions in clause (2).

(2) Notwithstanding any other law to the contrary, districts which received payments pursuant to sections 294.21 to 294.28; 298.23 to 298.28; 298.32; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; shall not include a portion of these aids in their permissible levies pursuant to those sections, but instead shall reduce the permissible levies authorized by this section to be certified in the calendar year in which the deduction from foundation aid is made pursuant to section 124.212, subdivision 8a, by the portion of the previous fiscal year's payment which was not deducted from foundation aid in that calendar year pursuant to section 124.212, subdivision 8a.

(3) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to subdivision 2a, clause 1 or 2, to an amount less than the amount raised by a levy of 10 mills times the adjusted assessed valuation of that district

for the preceding year as determined by the equalization aid review committee. The amount of any increased levy authorized by referendum pursuant to subdivision 2a, clause (4) shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision.

(4) *Before computing the reduction pursuant to this subdivision of the capital expenditure levy authorized by Article VI, Section 9, of this act, the commissioner shall ascertain from each affected school district the amount it proposes to levy for capital expenditures pursuant to that subdivision. The reduction of the capital expenditure levy shall be computed on the basis of the amount so ascertained.*

(5) Notwithstanding any law to the contrary, any amounts received by districts in any fiscal year after fiscal year 1975 pursuant to sections 294.21 to 294.28; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; or any law imposing a tax on severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; and not deducted from foundation aid pursuant to section 124.212, subdivision 8a, clause (2), and not applied to reduce levies pursuant to this subdivision shall be paid by the district to the commissioner of finance in the following amounts pursuant to this clause on the designated dates: on or before March 15, 1977, 20 percent of the amounts received in fiscal 1976 and not deducted from foundation aid in August 1976 and not applied to reduce 1976 payable 1977 levies; on or before March 15, 1978, 60 percent of the amounts received in fiscal 1977 and not deducted from foundation aid (IN AUGUST 1977) and not applied to reduce 1977 payable 1978 levies; on or before March 15, 1979 and March 15 of each year thereafter, 100 percent of the amounts received in the preceding fiscal year and not deducted from foundation aid (IN THE PRECEDING AUGUST) and not applied to reduce levies certified in the preceding October. The commissioner of finance shall deposit any amounts received pursuant to this clause in the taconite property tax relief fund in the state treasury, established pursuant to section 16A.70 for purposes of paying the taconite homestead credit as provided in section 273.135.

Sec. 21. [REPEALER.] *Minnesota Statutes 1976, Sections 124.19, Subdivision 2; and 124.212, Subdivision 19, are repealed.*

Sec. 22. [REPEALER.] *Minnesota Statutes 1976, Section 124.212, Subdivision 3a, is repealed effective July 1, 1979.*

Sec. 23. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [FOUNDATION AID.] For foundation aid there is appropriated:*

*\$611,600,000 . . . . . 1978,*

*\$634,300,000 . . . . . 1979.*

*(a) The appropriation in this subdivision for fiscal year 1978 includes not to exceed \$60,000,000 for the payment of the final foundation aid distribution for fiscal year 1977, of which not to exceed \$8,241,000 is for foundation aid for 1977 summer school programs.*

*(b) The appropriation in this subdivision for fiscal year 1979 includes not to exceed \$58,150,000 for the payment of the final foundation aid distribution for fiscal year 1978, of which not to exceed \$8,850,000 is for foundation aid for 1978 summer school programs.*

*Subd. 3. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.*

*Sec. 24. [EFFECTIVE DATE.] Section 14 of this article is effective the day following final enactment. Section 10 of this article is effective July 1, 1979.*

## ARTICLE II

### TRANSPORTATION AID PROGRAM

**Section 1.** Minnesota Statutes 1976, Section 124.14, Subdivision 1, is amended to read:

**124.14 [DISTRIBUTION OF SCHOOL AIDS; APPROPRIATION.]** Subdivision 1. The state board shall supervise distribution of the school aids in accordance with law. It may make rules and regulations consistent with law for such distribution which will enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for such reports and accounts to it as will assure accurate and lawful apportionment of aids. It shall require that the *membership and* pupil unit count of a minimum of 25 school districts be audited each fiscal year. The audits shall be conducted at random throughout the state with no prior notice to any district. *At the time of each audit, the auditors shall also examine the appropriate factors that related to the determination of the authorized transportation costs and aids for that district. In districts where a post-secondary vocational-technical school is located, the audit shall include an audit of the member-*

*ship of that school. Disparities between membership and pupil unit counts or transportation data reported by the school districts and those found by the auditors shall be reported to the commissioner who shall order an increase or reduction of foundation or transportation aids accordingly. A reduction of foundation or transportation aid under this section may be appealed to the state board of education and its decision shall be final. Public schools shall at all times be open to the inspection of the state board, and the accounts and records of any district are open to inspection by the state auditor, or the state board.*

Sec. 2. Minnesota Statutes 1976, Section 124.222, Subdivision 1a, is amended to read:

Subd. 1a. [COMPUTATION.] For the (1975-1976) 1977-1978 school year the state shall pay to each school district for all school transportation and related services for which the district is authorized by law to receive state aid:

(1) The lesser product of either:

(a) The actual net operating cost per eligible pupil transported during the (1976) 1978 fiscal year times the number of eligible pupils transported during the (1976) 1978 fiscal year; or

(b) One hundred (EIGHTEEN) *seventeen* percent of the actual net operating cost per eligible pupil transported during the (1974) 1976 fiscal year, times the number of eligible pupils transported during the (1976) 1978 fiscal year;

(2) Minus the amount raised by a levy of one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy collected in calendar year (1975) 1977;

(3) Plus, the amount of depreciation for one year on the school bus fleet computed by the department of education on a straight line basis at the rate of 12 1/2 percent per year of the cost of the fleet ( THE NET COST AFTER SALVAGE OF ALL EQUIPMENT ADDED TO OR INSTALLED IN A SCHOOL BUS SPECIFICALLY TO MEET SPECIAL NEEDS OF HANDICAPPED INDIVIDUALS SHALL BE ADDED TO THE REMAINING UNDEPRECIATED VALUE OF THAT BUS AND DEPRECIATED OVER THE REMAINDER OF THE DEPRECIATION TERM FOR THAT BUS);

(4) Plus, the amount of depreciation for one year on school buses reconditioned by the department of corrections. This depreciation shall be computed by the department of education on a straight line basis at the rate of 33 1/3 percent per year of the cost to the district of the reconditioning.

Sec. 3. Minnesota Statutes 1976, Section 124.222, Subdivision 1b, is amended to read:

Subd. 1b. [COMPUTATION.] For the (1976-1977) 1978-1979 school year the state shall pay to each school district for all school transportation and related services for which the district is authorized by law to receive state aid:

(1) The lesser product of either:

(a) The actual net operating cost per eligible pupil transported during the (1977) 1979 fiscal year times the number of eligible pupils transported during the (1977) 1979 fiscal year; or

(b) One hundred (TWENTY-FOUR) *twenty-seven* percent of the actual net operating cost per eligible pupil transported during the (1974) 1976 fiscal year, times the number of eligible pupils transported during the (1977) 1979 fiscal year;

(2) Minus the amount raised by a levy of one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy collected in calendar year (1976) 1978;

(3) Plus, the amount of depreciation for one year on the school bus fleet computed by the department of education on a straight line basis at the rate of 12 1/2 percent per year of the cost of the fleet (. THE NET COST AFTER SALVAGE OF ALL EQUIPMENT ADDED TO OR INSTALLED IN A SCHOOL BUS SPECIFICALLY TO MEET SPECIAL NEEDS OF HANDICAPPED INDIVIDUALS SHALL BE ADDED TO THE REMAINING UNDEPRECIATED VALUE OF THAT BUS AND DEPRECIATED OVER THE REMAINDER OF THE DEPRECIATION TERM FOR THAT BUS);

(4) *Plus, the amount of depreciation for one year on school buses reconditioned by the department of corrections. This depreciation shall be computed by the department of education on a straight line basis at the rate of 33 1/3 percent per year of the cost to the district of the reconditioning.*

Sec. 4. Minnesota Statutes 1976, Section 124.222, Subdivision 2a, is amended to read:

Subd. 2a. [HANDICAPPED PUPIL TRANSPORTATION; COST.] (1) In addition to the amounts authorized in subdivision 1a, if the actual net operating cost per eligible handicapped pupil transported during the (1976) 1978 fiscal year exceeds (128) 127 percent of the actual net operating cost per eligible handicapped pupil transported during the (1974) 1976 fiscal year, the state shall pay to the district 80 percent of the cost

for this handicapped transportation in excess of this (128) 127 percent.

(2) In addition to the amounts authorized in subdivision 1b, if the actual net operating cost per eligible handicapped pupil transported during the (1977) 1979 fiscal year exceeds (134) 137 percent of the actual net operating cost per eligible handicapped pupil transported during the (1974) 1976 fiscal year, the state shall pay to the district 80 percent of the costs for this handicapped transportation in excess of this (134) 137 percent.

Sec. 5. Minnesota Statutes 1976, Section 124.222, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, the state shall pay to each school district 30 percent of its estimated school transportation aid entitlement for the fiscal year on or before each of the following dates: (SEPTEMBER 30) *August 31*, December 31, and March 31. *The amount of transportation aid for school bus depreciation shall be paid on or before September 30.* The (ACTUAL BALANCE DUE THE) *final aid distribution to each district shall be (PAID) made on or before (AUGUST) October 31 of the following fiscal year.*

Sec. 6. Minnesota Statutes 1976, Section 124.222, Subdivision 6, is amended to read:

Subd. 6. [BASE COST ADJUSTMENTS.] For the purposes of payment of transportation aids in the (1976) 1978 fiscal year and thereafter, the commissioner of education may adjust the base cost per eligible pupil transported during the (1974) 1976 fiscal year to reflect changes in costs resulting from *the following:*

(a) *Alterations in school district boundaries if application is made prior to December 15 of the school year following the year in which the alterations are made;*

(b) *Omissions in school district reports if application is made prior to December 15, 1977;*

(c) *The addition by the district of an authorized transportation aid category if that category of transportation was not provided during the 1976 fiscal year if application is made prior to December 15 of the school year following the year in which the additional transportation is provided;*

(d) *Omissions in school district reports determined by the legislative auditor;*

(e) *Increased costs resulting from changes in transportation patterns required by a schoolhouse closing provided that (1) the cost increases can be demonstrated to be a direct result of the closing; (2) the increases result in costs above the formula limitation; and (3) application is made prior to December 15 of the school year following the last school year in which the schoolhouse is open.*

*In the 1978 fiscal year and thereafter, the commissioner shall appropriately adjust the base cost per eligible pupil transported during the 1976 fiscal year to reflect changes in the treatment of depreciation and qualification for depreciation aid resulting from changes in school bus fleet ownership from district owned and managed to privately owned and contracted or from privately owned and contracted to district owned and managed. Districts shall report any such changes to the commissioner within 60 days of the date the changes are made.*

*Prior to making any base cost change pursuant to this subdivision, the department shall examine the appropriate factors that relate to the determination of the authorized transportation costs and aid for that district.*

Sec. 7. Minnesota Statutes 1976, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]  
For the (1974-1975) 1977-1978 school year and thereafter, school transportation and related services for which state transportation aid is authorized are:

(1) Transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a private school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to private school pupils;

(2) Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) Transportation (FOR RESIDENTS) to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) Transportation or board and lodging of a handicapped pupil when (HE) *that pupil* cannot be transported on a regular school bus, and the conveying of handicapped pupils between home and school and within the school plant;

(5) When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

((6) TRANSPORTATION FOR RESIDENT PUPILS TO AND FROM AN INSTRUCTIONAL COMMUNITY BASED EMPLOYMENT STATION WHICH IS PART OF AN APPROVED OCCUPATIONAL EXPERIENCE SECONDARY VOCATIONAL PROGRAM;)

((7)) (6) Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education;

((8)) (7) Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

((9)) (8) Services described in clauses (1) to ((8)) (7) when provided in conjunction with a state board approved summer school program; *and*

(9) *Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes for resident pupils of any of these districts, if this transportation is provided in conjunction with transportation of resident pupils to a state board approved secondary vocational center.*

Sec. 8. Minnesota Statutes 1976, Section 275.125, is amended by adding a subdivision to read:

*Subd. 5a. Upon approval of the commissioner, a district may levy for increased transportation costs above the formula limitation resulting from changes in transportation patterns required by leasing a school in another district provided that the cost increases are estimated to be a direct result of leasing that school and the increases result in costs above the formula limitation. The commissioner shall approve a specific dollar amount which may be levied because of these increased costs. The levy authorized by this subdivision may be computed on the basis of estimated increased costs. In the first year a district makes the levy authorized by this subdivision, the commissioner may authorize a levy sufficient to pay for estimated increase costs resulting from leasing for two years. The amount provided by this levy shall not be included in the computation of the actual net operating cost per pupil transported in future years.*

Sec. 9. [REPEALER.] *Minnesota Statutes 1976, Section 124.222, Subdivisions 4 and 5, are repealed.*

Sec. 10. [BUS RECONDITIONING APPROPRIATION.] *There is appropriated from the general fund to the department of corrections the sum of \$200,000 for the year ending June 30, 1978 and the sum of \$216,000 for the year ending June 30, 1979 for the reconditioning of school district owned buses by that department. The appropriations in this section include \$50,000 in 1978 and \$25,000 in 1979 for start-up costs incurred for this program. School buses reconditioned by the department of corrections shall be eight years old or older or have high mileage or be in extensive need of repair. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.*

Sec. 11. [TRANSPORTATION AID APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. For transportation aid there is appropriated:*

*\$74,815,000 . . . . . 1978*

*\$78,310,000 . . . . . 1979*

*(a) The appropriation in this subdivision for fiscal year 1978 includes not to exceed \$6,546,400 for the payment of the final transportation aid distribution to each district for fiscal year 1977.*

*(b) The appropriation in this subdivision for fiscal year 1979 includes not to exceed \$6,947,000 for the payment of the final transportation aid distribution to each district for fiscal year 1978.*

*(c) The appropriations in this subdivision also include not to exceed \$500,000 in 1978 and \$600,000 in 1979 for transportation aid pursuant to section 124.222, subdivision 2a. These amounts are the total appropriations for this purpose for each year.*

*(d) The appropriations in this subdivision also include not to exceed \$150,000 in each year indicated for transportation aid pursuant to section 7, clause (9) of this article. These amounts are the total appropriations for this purpose for each year.*

*Subd. 3. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be*

available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount indicated for either year in subdivision 2, clause (c) or (d) of this section, is insufficient for the purpose indicated, the aid for that year for that purpose shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriation for that purpose.

Sec. 12. [EFFECTIVE DATE.] *Section 5 of this article is effective the day following final enactment.*

### ARTICLE III

#### SPECIAL EDUCATION AID PROGRAM

Section 1. Minnesota Statutes 1976, Section 120.17, Subdivision 1, is amended to read:

120.17 [HANDICAPPED CHILDREN.] Subdivision 1. [SPECIAL INSTRUCTION FOR HANDICAPPED CHILDREN OF SCHOOL AGE.] Every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped as set forth in section 120.03. School age means the ages of four years to 21 years for children who are handicapped as defined in section 120.03 and shall not extend beyond secondary school or its equivalent. *For purposes of this subdivision, the age of a handicapped child shall be his age as of September 1 of the calendar year in which the school year for which he seeks special instruction and services commences.* Every district may provide special instruction and services for handicapped children who have not attained school age. Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children as defined in section 120.03.

Sec. 2. Minnesota Statutes 1976, Section 120.17, Subdivision 1a, is amended to read:

Subd. 1a. School districts may provide special instruction and services through the school year in which the pupil reaches age 25 for trainable mentally retarded pupils as defined in section 120.03, subdivision 4, who have attended public school less than nine years (PRIOR TO SEPTEMBER, 1975).

*Any district may provide special instruction and services for these trainable mentally retarded pupils living within the district, including nonresident pupils temporarily placed in the district pursuant to section 120.17, subdivision 6 or 7. Prior to October 1 or 30 days after placement, whichever is later in the*

*school year, the providing district shall give notice to the district of residence of any nonresident pupil placed in the district pursuant to subdivision 6 or 7, of its intention to provide the special instruction and services and bill the district of residence for the actual unreimbursed costs of providing the special instruction and services. The unreimbursed actual cost of providing the special instruction and services for eligible nonresident pupils shall be billed to the district of the pupil's residence and shall be paid by the resident district. The district of residence may claim state aid for these pupils as if the pupils were under 21 years of age.*

*This subdivision shall expire on June 30, 1983.*

Sec. 3. Minnesota Statutes 1976, Section 120.17, Subdivision 5a, is amended to read:

Subd. 5a. Every district may provide summer programs for handicapped children living within the district, including nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7. Prior to March 31 or 30 days after the handicapped child is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for all state aid for the summer program, including special state aid pursuant to section 124.32, foundation aid and transportation aid. For the purposes of computing foundation aid for these programs, all pupils enrolled in these programs shall be construed to be residents of the district providing the programs. The unreimbursed actual cost of providing the program for nonresident handicapped children may be billed to the district of the child's residence and shall be paid by the resident district. (THIS SUBDIVISION SHALL BE EFFECTIVE MARCH 1, 1976.)

Sec. 4. Minnesota Statutes 1976, Section 120.17, Subdivision 7a, is amended to read:

Subd. 7a. [ATTENDANCE AT SCHOOL FOR THE HANDICAPPED.] Responsibility for special instruction and services for a visually disabled or hearing impaired child attending the Minnesota school for the deaf or the Minnesota braille and sight-saving school shall be determined in the following manner:

(a) The legal residence of the child shall be the school district in which his parent or guardian resides;

(b) When it is determined pursuant to section 128A.05, subdivisions 1 or 2 that the child is entitled to attend either school, the state board shall provide the appropriate educational pro-

gram for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that the amount of tuition charged shall not exceed \$2,000 for any school year. The district of the child's residence shall pay the tuition and may claim foundation aid for the child. All tuition so received shall be deposited in the state treasury, subject to the order of the state board;

(c) When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law;

*(d) Notwithstanding the provisions of clauses (b) and (c), the state board may agree to make a tuition charge for less than the amount specified in clause (b) for pupils attending the applicable school who are residents of the district where the institution is located and who do not board at the institution, if that district agrees to make a tuition charge to the state board for less than the amount specified in clause (c) for providing appropriate educational programs to pupils attending the applicable school.*

Sec. 5. Minnesota Statutes 1976, Section 123.581, Subdivision 1, is amended to read:

123.581 [PROGRAMS FOR IN-SERVICE TRAINING FOR REGULAR CLASSROOM TEACHERS IN TECHNIQUES OF EDUCATION OF HANDICAPPED PUPILS.] Subdivision 1. [ESTABLISHMENT.] (PILOT) Programs for in-service training for regular classroom teachers, *assistant principals and principals* in techniques of education of (MILDLY LEARNING DISABLED AND RETARDED) *handicapped* pupils shall be established in school districts designated by the state board of education. Funds for these (PILOT) programs shall be granted by the state board upon the recommendation of the advisory council for (SPECIAL EDUCATION OF MILDLY LEARNING DISABLED PUPILS AND MILDLY RETARDED PUPILS) *in-service training in techniques of education of handicapped pupils. Handicapped pupils for the purposes of section 123.581, are those defined in section 120.03.*

Sec. 6. Minnesota Statutes 1976, Section 123.581, Subdivision 2, is amended to read:

Subd. 2. [ADVISORY COUNCIL.] There is hereby established the advisory council for (SPECIAL EDUCATION OF MILDLY LEARNING DISABLED PUPILS AND MILDLY RETARDED) *in-service training in techniques of education of handicapped pupils*, which shall be responsible for recommending grants for and assisting the districts in developing the (PILOT) programs of in-service teacher training.

Sec. 7. Minnesota Statutes 1976, Section 123.581, Subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP.] The advisory council shall consist of 12 members who shall be appointed by the commissioner of education. Nine members shall be professionally qualified in the fields of special or general education, and three shall be public members. (THE PROFESSIONALLY QUALIFIED MEMBERS SHALL BE REPRESENTATIVE OF TEACHER TRAINING DEPARTMENTS OR INSTITUTIONS, EDUCATORS ACTING AS CONSULTANTS IN THE FIELD OF SPECIAL LEARNING BEHAVIOR PROBLEMS, MENTAL RETARDATION, AND OTHER EDUCATIONAL HANDICAPS AND THE DEPARTMENT OF EDUCATION.) The public members shall be representative of associations and organizations concerned with the problems of (LEARNING DISABLED PUPILS AND RETARDED) *handicapped pupils*.

Sec. 8. Minnesota Statutes 1976, Section 123.581, Subdivision 6, is amended to read:

Subd. 6. [REQUIREMENTS FOR PROGRAMS.] A grant received by the district shall be used solely for costs incurred in the in-service training of the teachers and shall not be used for any other general education or special education functions. Applications for grants may be considered from districts initiating an in-service training program or continuing an existing program. A single district may initiate or continue a program or may join with another district or other districts. A district may cooperate with other districts in a special educational regional council, educational service area, or educational cooperative service unit wherever such arrangement is available. Distribution of funds between or among the (PILOT) programs shall depend upon the needs of the district, its population, and the number of teachers to be trained in the program. There is no requirement that funds be equally distributed.

Sec. 9. Minnesota Statutes 1976, Section 124.32, is amended to read:

124.32 [HANDICAPPED CHILDREN.] Subdivision 1. The state shall pay to any district: (a) for the employment in its educational program for handicapped children, (NO LESS THAN 55 AND NOT MORE THAN 75) 60 percent of the salary of essential personnel *in 1977-1978 and 65 percent of the salary*

*of essential personnel in 1978-1979, but this amount shall not exceed (\$11,000) \$11,500 in 1977-1978 or \$12,000 in 1978-1979 for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district;*

(b) plus (10) *five* percent of the salaries of essential personnel employed in its educational program for handicapped children, for the purpose of recognizing additional support costs of educational programs for handicapped children(;).

((C) LESS 25 PERCENT OF THE FOUNDATION AID FORMULA ALLOWANCE FOR EACH HANDICAPPED CHILD IN AVERAGE DAILY MEMBERSHIP WHO RECEIVES SPECIAL INSTRUCTION AND SERVICES FOR MORE THAN 50 PERCENT OF THE TIME SCHOOL IS IN SESSION, EXCEPT THAT NO PORTION OF THE FOUNDATION AID FORMULA ALLOWANCE SHALL BE DEDUCTED FOR PRE-SCHOOL HANDICAPPED CHILDREN.)

(THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING THE METHOD AND CRITERIA BY WHICH DISTRICTS SHALL DETERMINE THE PERCENTAGE OF TIME THAT HANDICAPPED CHILDREN RECEIVE SPECIAL INSTRUCTION AND SERVICES. THE ACTUAL PERCENT OF THE SALARIES OF ESSENTIAL PERSONNEL TO BE APPLIED BY THE STATE PURSUANT TO CLAUSE (A) SHALL BE DETERMINED BY THE COMMISSIONER WITHIN THE LIMITS OF THE APPROPRIATION FOR SPECIAL EDUCATION FOR THE SCHOOL YEAR AND SHALL BE THE SAME FOR ALL SCHOOL DISTRICTS IN THE STATE.)

Subd. 1a. For purposes of this section, for the (1976-1977) 1977-1978 school year, the foundation aid formula allowance per pupil unit shall be the lesser of (\$960) *\$1,030* or the greater sum computed pursuant to section 124.212, subdivision (7B) *6b*, clause (2). *For the 1978-1979 school year, the foundation aid formula allowance per pupil unit shall be \$1,090.* Computations of foundation aid formula allowances pursuant to this section shall be based on the foundation aid formula allowance per pupil unit in the child's district of residence. For the purposes of computing foundation aid formula allowances pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1, clause (1) or (2).

Subd. 1b. For special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district(:)

((1) THE) 60 percent of *the difference between* the amount of the contract (WHICH IS EQUAL TO THE ACTUAL PERCENT OF THE SALARIES OF ESSENTIAL PERSONNEL PAID BY THE STATE PURSUANT TO SUBDIVISION 1, CLAUSE (A));

((2) LESS 25 PERCENT OF) *and* the foundation aid formula allowance of the district for that pupil *or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis.*

Subd. 2. The state shall pay each district for supplies and equipment purchased or rented for use in the instruction of handicapped children an amount equal to one-half of the sum actually expended by the district but not to exceed an average of \$50 in any one school year for each handicapped child receiving instruction.

Subd. 3a. (THE PURPOSE OF THIS SUBDIVISION IS TO CHANGE THE METHOD OF FUNDING OF EDUCATIONAL PROGRAMS FOR HANDICAPPED CHILDREN FROM REIMBURSEMENT BASED ON PAST EXPENDITURES TO A CURRENT FUNDING BASIS. BEGINNING JULY 1, 1976, THE STATE SHALL NOT REIMBURSE EXPENDITURES FROM THE 1975-1976 SCHOOL YEAR PROGRAMS, INCLUDING 1976 SUMMER SCHOOL PROGRAMS, BUT SHALL PAY AIDS FOR THE 1976-1977 SCHOOL YEAR PROGRAMS AND FOR EACH YEAR THEREAFTER ON A CURRENT FUNDING BASIS) *The aids provided for educational programs for handicapped children shall be paid on a current funding basis.*

Subd. 4. The aids provided for handicapped children shall be paid to the district providing the special instruction and services. Foundation aid shall be paid to the district of the pupils' residence. The total amount of aid paid may not exceed the amount expended for handicapped children in the school year for which the aid is paid.

Subd. 5. When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay to the resident district not to exceed (THE) 60 percent of instructional costs charged to the resident district (WHICH IS EQUAL TO THE ACTUAL PERCENT OF THE SALARIES OF ESSENTIAL PERSONNEL PAID BY THE STATE PURSUANT TO SUBDIVISION 1, CLAUSE (A)), less the foundation aid formula allowance in the resident district for each handicapped child placed in a residential facility. Not more than (\$400,000) *\$500,000 for 1977-1978 and \$600,000 for 1978-1979* shall be (SPENT ANNUALLY) *paid for the purposes of (IM-*

PLEMENTING) this subdivision. If that amount does not suffice, the aid shall be prorated among all qualifying districts.

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by a public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children, either within or outside of the state, or, a state residential school outside of the state.

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children either within or outside of the state.

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Subd. 6. The state shall pay each district the actual cost incurred in providing instruction and services for a handicapped child whose district of residence has been determined by section 120.17, subdivision 8a, and who is temporarily placed in a state institution or a licensed residential facility for care and treatment. This section does not apply for a child placed in a foster home or a foster group home.

Upon following such procedure as requested by the commissioner of education a district providing instruction and services for such handicapped child may bill the state the actual cost incurred in providing said services including transportation costs and a proportionate amount of capital outlay and debt service, minus the amount of the foundation aid formula allowance for the child and the special education aid, transportation aid, and any other aid earned in behalf of such child, such action pursuant to limits set forth in subdivision 4.

Subd. 7. Before (JUNE 1, 1976 AND BEFORE) May 1 of each year (THEREAFTER), each district providing special instruction and services to handicapped children shall submit to the commissioner an application for approval of these programs and their budgets for the next school year. The application shall include an enumeration of the costs *proposed as* eligible for state aid pursuant to this section and of the estimated number and grade level of handicapped children (IN AVERAGE DAILY MEMBERSHIP) in the district who will receive special instruction and services (FOR MORE THAN 50 PERCENT OF THE TIME SCHOOL IS IN SESSION) during the next school year. The application shall also include any other information deemed necessary by the commissioner for the calculation of state aid and for the evaluation of *the necessity of the program, the necessity of the personnel to be employed in the program, and the*

program's compliance with the rules and standards of the state board. *The commissioner shall review each application in order to determine whether the program and the personnel to be employed in the program are actually necessary and essential to meet the district's obligation to provide special instruction and services to handicapped children pursuant to section 120.17. The commissioner shall not approve aid pursuant to this section for any program or for the salary of any personnel he determines to be unnecessary or unessential on the basis of this review.* On or before (AUGUST 1, 1976 AND BEFORE) July 1 of each year (THEREAFTER), the commissioner shall approve, disapprove or modify each application, and notify each applying district of his action and of the estimated (LEVEL) amount of aid for the programs (DETERMINED PURSUANT TO SUBDIVISION 1). The commissioner shall provide procedures for districts to submit additional applications for program and budget approval during the school year, for programs needed to meet *any substantial* changes in the needs of handicapped children in the district.

Subd. 8. When planning programs for the education of handicapped children in the regular classroom, school districts are encouraged to consider the size of the regular class and to provide the support services necessary to insure successful mainstreaming.

Subd. 9. Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program the state shall pay to each school district 30 percent of its estimated special education aid for the school year on or before each of the following dates: September 30, December (30) 31 and March 31. The final aid distribution to the district shall be made on or before (AUGUST 31) *October 31* of the following year.

Subd. 10. *The state shall pay aid for 1977 summer school programs for handicapped children on the basis of the formula applicable to the 1977-1978 school year.* Beginning with the summer of (1977) 1978, the state shall pay aid for summer school programs for handicapped children on the basis of the sections of Minnesota Statutes providing aid for handicapped children for the preceding school year. On or before (MARCH 15, 1977, AND) March 15 of each year (THEREAFTER), districts shall submit separate applications for program and budget approval for summer school programs. *The review of these applications shall be as provided in subdivision 7.* By (MAY 1, 1977, AND) May 1 of each year (THEREAFTER), the commissioner shall approve, disapprove or modify the applications and notify the districts of his action and of the estimated (LEVEL) amount of aid for the summer school programs. Aid for these programs shall be paid on or before the October 1 after the summer when the programs are conducted.

Subd. 11. ((1) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 3A, SPECIAL SCHOOL DISTRICT

NO. 1 SHALL IMPLEMENT THE CHANGE FROM REIMBURSEMENT TO CURRENT FUNDING FOR AID TO HANDICAPPED CHILDREN AS FOLLOWS:)

((A) THE TOTAL AMOUNT OF AID TO HANDICAPPED CHILDREN PAID TO THE DISTRICT EACH YEAR SHALL BE EQUAL TO THE AMOUNT COMPUTED ACCORDING TO THE CURRENT FUNDING PROVISIONS OF THIS SECTION.)

((B) THE DISTRICT MAY ACCOUNT FOR \$4,700,000 OF THE AMOUNT IN CLAUSE (A) ON A REIMBURSEMENT BASIS UNTIL SUCH TIME AS THE DISTRICT IS REQUIRED TO ACCOUNT FOR AID TO HANDICAPPED CHILDREN ON A CURRENT BASIS PURSUANT TO CLAUSE (3).)

((C) FOR PURPOSES OF REVENUE RECOGNITION THE \$4,700,000 DESIGNATED IN CLAUSE (B) SHALL BE RECOGNIZED AS REVENUE OF THE FISCAL YEAR PRECEDING THE FISCAL YEAR OF RECEIPT. THE AMOUNT CALCULATED PURSUANT TO CLAUSE (A) LESS THE \$4,700,000 DESIGNATED IN CLAUSE (B) SHALL BE RECOGNIZED AS REVENUE OF THE FISCAL YEAR OF RECEIPT.)

((2) (A) SPECIAL SCHOOL DISTRICT NO. 1 SHALL ESTABLISH AN "ACCOUNT FOR SPECIAL EDUCATION STATUTORY OPERATING DEBT" AND A "RESERVE ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION". THESE ACCOUNTS SHALL BE ESTABLISHED IMMEDIATELY FOLLOWING APRIL 14, 1976.)

((B) THE "ACCOUNT FOR SPECIAL EDUCATION STATUTORY OPERATING DEBT" SHALL REFLECT THE \$4,700,000 ACCOUNTED FOR ON A REIMBURSEMENT BASIS PURSUANT TO CLAUSE (1)(B). THE SPECIAL EDUCATION STATUTORY OPERATING DEBT REFLECTED IN THIS ACCOUNT SHALL BE IN ADDITION TO THE STATUTORY OPERATING DEBT OF THE DISTRICT DETERMINED PURSUANT TO SECTION 121.914.)

((C) NOTWITHSTANDING THE PROVISIONS OF SECTION 275.125, SUBDIVISION 9A, CLAUSE (2) THE "RESERVE ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION" RATHER THAN THE "RESERVE ACCOUNT FOR PURPOSES OF REDUCING STATUTORY OPERATING DEBT" SHALL REFLECT THE PROCEEDS OF THE LEVY AUTHORIZED PURSUANT TO SECTION 275.125 AND THE AMOUNT DEPOSITED PURSUANT TO LAWS 1976, CHAPTER 271, SECTION 94 UNTIL SUCH TIME AS THE AMOUNT REFLECTED IN THE "RESERVE

ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION" EQUALS THE AMOUNT REFLECTED IN THE "ACCOUNT FOR SPECIAL EDUCATION STATUTORY OPERATING DEBT". THEREAFTER, THE PROCEEDS OF THE LEVY AUTHORIZED PURSUANT TO SECTION 275.125, SUBDIVISION 9A SHALL BE REFLECTED IN THE "RESERVE ACCOUNT FOR PURPOSES OF REDUCING STATUTORY OPERATING DEBT".)

((D) UNTIL SUCH TIME AS THE AMOUNT REFLECTED IN THE "RESERVE ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION" EQUALS THE AMOUNT REFLECTED IN THE "ACCOUNT FOR SPECIAL EDUCATION STATUTORY OPERATING DEBT", THE AMOUNT REFLECTED IN THE "RESERVE ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION" SHALL BE USED FOR THE PURPOSES FOR WHICH SPECIAL EDUCATION AID MAY BE USED; HOWEVER THE AMOUNT REFLECTED IN THIS ACCOUNT SHALL BE USED ONLY FOR CASH FLOW REQUIREMENTS AND SHALL NOT BE USED TO SUPPLEMENT DISTRICT REVENUES OR INCOME FOR THE PURPOSES OF INCREASING THE DISTRICT'S SPECIAL EDUCATION EXPENDITURES OR BUDGETS.)

((E) UNTIL SUCH TIME AS THE AMOUNT REFLECTED IN THE "RESERVE ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION" EQUALS THE AMOUNT REFLECTED IN THE "ACCOUNT FOR SPECIAL EDUCATION STATUTORY OPERATING DEBT", SPECIAL SCHOOL DISTRICT NO. 1 MAY, IN EACH YEAR, ISSUE CERTIFICATES OF INDEBTEDNESS IN ANTICIPATION OF RECEIPT OF AID TO HANDICAPPED CHILDREN IN AN AMOUNT NOT TO EXCEED \$4,700,000 LESS AN AMOUNT EQUAL TO THE AMOUNT REFLECTED IN THE "RESERVE ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION".)

((3) WHEN THE AMOUNT REFLECTED IN THE "ACCOUNT FOR SPECIAL EDUCATION STATUTORY OPERATING DEBT" EQUALS THE AMOUNT REFLECTED IN THE "RESERVE ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION" THE DISTRICT SHALL THEREAFTER RECEIVE AND ACCOUNT FOR AID TO HANDICAPPED CHILDREN ON A CURRENT FUNDING BASIS.) *Special School District No. 1 shall be allowed to maintain as an appropriated fund balance in its general fund on June 30, 1977 the unexpended balance of the \$4,700,000 deficit financing authorized by Minnesota Statutes 1976, Section 124.32, Subdivision 11. This appropriated fund balance amount shall be treated by the commissioner the same as he would treat any appropriated fund balance amount for the purpose of calculating operating debt pursuant to section 121.914. Moreover, this*

*amount shall only be available to finance the 1977-1978 special education budget of the district.*

*This subdivision shall expire on July 1, 1978.*

Sec. 10. Minnesota Statutes 1976, Section 128A.02, Subdivision 2, is amended to read:

Subd. 2. The state board (SHALL) *may* promulgate rules regarding the (MAINTENANCE AND CONDUCT) *operation* of both schools and the individuals in attendance, and shall perform all duties necessary to provide the most beneficial and least restrictive program of education for each child handicapped by visual disability or hearing impairment.

Sec. 11. Minnesota Statutes 1976, Section 128A.02, Subdivision 3, is amended to read:

Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each school. These schools shall be deemed to be public schools for the purposes of sections 125.03 and 125.04, and all teachers as defined in those sections who are employed at these schools shall be subject to the standards of the board of teaching and the state board of education; provided that any teacher who does not meet these standards as of July 1, 1977 shall be required to meet these standards by September 15, (1978) 1980 in order to continue in employment.

Sec. 12. Minnesota Statutes 1976, Section 128A.06, is amended to read:

128A.06 [ADMITTANCE AND DISCHARGE.] Subdivision 1. The admissions and discharge committee of each school shall include (THE FIELD CONSULTANT OF THE APPLICABLE SCHOOL AND FOUR) *five* members who are knowledgeable in the fields of hearing impairment or visual disability, as applicable, to be appointed by the state board.

Subd. 2. (PRELIMINARY) Application for admission shall be made by the district of the child's residence to the admissions and discharge committee (BY JUNE 1) upon the appropriate forms provided by the (FIELD CONSULTANT OR THE DISTRICT SUPERINTENDENT) *commissioner of education*. The admissions and discharge committee shall (MAKE ITS DECISIONS BY JULY 1) *decide whether to admit a child on the basis of a review of the educational record and needs of the child, including the record of the decision by the child's district of residence pursuant to sections 120.17 and 128A.05, subdivision 1 or 2, to apply for the child's admission.* (AN ADMITTANCE SHALL BE PROVISIONAL UNTIL IT IS DETERMINED THAT THAT INDIVIDUAL COMES WITHIN THE PROVISIONS OF SECTION 128A.05, SUBDIVISIONS 1 OR 2.)

Subd. 3. An individual in attendance at either school prior to July 1, 1977, shall be entitled to continue in attendance without reapplication provided that it is determined by (SEPTEMBER 1, 1977) *July 1, 1978* that that individual comes within the provisions of section 128A.05, subdivision 1 or 2.

Subd. 4. The admissions and discharge committee shall determine whether any child in attendance at the applicable school can also benefit from public school enrollment. This decision shall be subject to (THE PROVISIONS OF SECTION 120.17, AND SHALL BE MADE ONLY AFTER CONSULTATION WITH THE PARENTS AND THE SCHOOL DISTRICT OF RESIDENCE) *procedural safeguards contained in the rules of the state board.*

Subd. 5. The progress of an individual in attendance at either school shall be *periodically* evaluated by the professional staff of that school as provided by the rules of the state board. The individual shall be returned to the district of residence when deemed appropriate by the admissions and discharge committee.

Subd. 6. *The actions and decisions of the admissions and discharge committee shall be subject to state board rules.* Decisions concerning admittance (AND), discharge and an individual's educational program shall be subject to appeal to the commissioner by the child's parent or guardian or school district of residence pursuant to rules promulgated by the state board (, AND SHALL BE MADE ONLY AFTER CONSULTATION WITH THE PARENTS AND THE SCHOOL DISTRICT OF RESIDENCE).

Sec. 13. Laws 1976, Chapter 271, Section 94, is amended to read:

Sec. 94. Notwithstanding the provisions of section 90 of this act, Special School District No. 1 may retain the amount of \$1,100,000 received in settlement of a proceeding before the tax court regarding the determination of the 1973 and 1974 adjusted assessed valuation of the property in the district by the equalization aid review committee. The amount retained pursuant to this section shall be deposited in the ("RESERVE ACCOUNT FOR CURRENT FINANCING OF SPECIAL EDUCATION" ESTABLISHED PURSUANT TO SECTION 52, SUBDIVISION 11, OF THIS ACT) *"appropriated fund balance reserve account for purposes of reducing statutory operating debt" established pursuant to Minnesota Statutes, Section 275.125, Subdivision 9a.*

Sec. 14. [APPROPRIATION.] *There is appropriated from the general fund to the department of education for the purposes of section 123.581 the sum of \$1,500,000 to be available until July 1, 1979. Of this amount, \$16,200 shall be available for the year ending June 30, 1978 for the employment of one-half professional and one-half clerical employee beyond the existing*

complement of the department of education; \$16,200 shall be available for the year ending June 30, 1979 for the employment of one-half professional and one-half clerical employee beyond the existing complement of the department; and \$2,800 shall be available until June 30, 1979 for the payment of other necessary expenses incurred in the administration of section 123.581.

Sec. 15. [DEFICIENCY APPROPRIATION.] *The sum of \$3,889,150 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1977 for the payment of a deficiency in funds available for payment of special education aids in that fiscal year. This appropriation shall be added to the sums appropriated for fiscal year 1977 for special education aid in Laws 1975, Chapter 432, Section 96, Clause (3) and in Laws 1976, Chapter 271, Section 97, Subdivision 3.*

Sec. 16. [SPECIAL EDUCATION AID; APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. For special education aid there is appropriated:*

*\$66,225,000 . . . . . 1978,*

*\$78,140,000 . . . . . 1979.*

*(a) The appropriation in this subdivision for fiscal year 1978 includes not to exceed \$8,177,000 for the payment of the final special education aid distribution to each district for fiscal year 1977, of which not to exceed \$2,800,000 is for special education aid for 1977 summer school programs.*

*(b) The appropriation in this subdivision for fiscal year 1979 includes not to exceed \$10,373,317 for the payment of the final special education aid distribution to each school district for fiscal year 1978, of which not to exceed \$3,780,000 is for special education aid for 1978 summer school programs.*

*(c) The appropriations in this subdivision include not to exceed \$500,000 in 1978 and \$600,000 in 1979 for aid pursuant to section 124.32, subdivision 5. These amounts are the total appropriations for this purpose for each year.*

*Subd. 3. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all*

*qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

Sec. 17. [EFFECTIVE DATE.] *Sections 3, 5, 6, 7, 8, 14 and 15 and section 9, subdivisions 7, 9 and 10 of this article shall be effective the day following final enactment. Section 2 of this article shall be effective August 15, 1977.*

#### ARTICLE IV

### COMMUNITY AND ADULT EDUCATION AID PROGRAMS

Section 1. Minnesota Statutes 1976, Section 121.88, is amended to read:

121.88 [DISTRICT PROGRAMS; CITIZENS ADVISORY COUNCIL.] *Subdivision 1. The board of education of each school district of the state is hereby authorized to initiate a community school program in its district and to provide for the general supervision of said program. Each board may, as it considers appropriate, employ community school directors and coordinators to further the purposes of the community school program. The salaries of the directors and coordinators shall be paid by the board.*

*Subd. 2. Each board shall provide for a citizens advisory council to consist of members who represent: the various service organizations (,); churches (,); private schools (,); local government (,); park, recreation or forestry services of municipal or local government units located in whole or in part within the boundaries of the school district; and any other groups participating in the community school program in the school district.*

*Subd. 3. The council shall function in cooperation with the community school director in an advisory capacity in the interest of promoting the goals and objectives of sections 121.85 to 121.88.*

*Subd. 4. Each council shall adopt a policy to reduce and eliminate program duplication within the district.*

Sec. 2. Minnesota Statutes 1976, Section 124.26, Subdivision 1, is amended to read:

124.26 [EDUCATION PROGRAMS FOR ADULTS.] *Subdivision 1. For evening schools and continuing education programs for adults established for persons over 16 years of age and not in attendance upon regular day schools, the state shall compensate any district maintaining such programs in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with fed-*

eral funds insofar as federal funds are available. (BEGINNING JULY 1, 1975.) The state shall (NOT REIMBURSE EXPENDITURES FROM THE 1974-1975 SCHOOL YEAR PROGRAMS, BUT SHALL) pay *these* aids (FOR THE 1975-1976 SCHOOL YEAR PROGRAMS AND FOR EACH YEAR THEREAFTER) on a current funding basis. The portion of such compensation from state appropriation shall be 90 percent of the compensation paid each teacher for his services in such programs up to \$8,000 per year based on the costs in that current year. All classes shall be tuition free when taught by teachers subsidized under this section and there shall be no charge for registration, materials and supplies, or G.E.D. tests. Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level.

Sec. 3. Minnesota Statutes 1976, Section 124.26, Subdivision 4, is amended to read:

Subd. 4. The state shall pay to each school district 30 percent of its estimated adult education aid entitlement for the fiscal year on or before each of the following dates: (SEPTEMBER 30) *August 31*, December 31, and March 31. The (ACTUAL BALANCE DUE THE) *final aid distribution to each* district shall be (PAID) *made* on or before (AUGUST) *October 31* of the following fiscal year.

Sec. 4. Minnesota Statutes 1976, Section 124.271, Subdivision 2, is amended to read:

Subd. 2. In fiscal year (1977) *1978* and each year thereafter, the state shall pay 50 cents per capita to each school district which is operating a community school program in compliance with the rules (ESTABLISHED) *promulgated* by the state board and which has levied *at least* the lesser of \$1 per capita or the maximum permissible certified levy for community services pursuant to section 275.125, subdivision 8, *clause (1)*, for use in that year.

Sec. 5. Minnesota Statutes 1976, Section 275.125, Subdivision 8, is amended to read:

Subd. 8. (1) (IN 1975, AND EACH YEAR THEREAFTER, A DISTRICT WITH A POPULATION OF MORE THAN 15,000 PERSONS WHICH HAS ESTABLISHED A COMMUNITY SCHOOL ADVISORY COUNCIL PURSUANT TO SECTION 121.88 MAY LEVY AN AMOUNT OF MONEY RAISED BY THE GREATER OF (A) \$1 PER CAPITA, OR (B) THE NUMBER OF EARC MILLS NOT TO EXCEED THE NUMBER OF EARC MILLS NECESSARY IN 1973 TO

RAISE \$1 PER CAPITA IN 1973.) In (1975) 1977, and each year thereafter, a district (WITH A POPULATION OF FEWER THAN 15,000 PERSONS) which has established a community school advisory council pursuant to section 121.88, may levy an amount of money raised by the greater of (A) \$2 per capita, or (B) the (NUMBER OF EARC MILLS NOT TO EXCEED THE NUMBER OF EARC MILLS NECESSARY IN 1975 TO RAISE \$2 PER CAPITA IN 1975) *amount certified pursuant to this subdivision in 1976.* These levies shall be used for community services including (SUMMER SCHOOL,) non-vocational adult programs, recreation *and leisure time activity* programs, and programs contemplated by sections 121.85 to 121.88. *For purposes of computing the levy limitation pursuant to this subdivision, the amount certified pursuant to this subdivision in 1976 shall not reflect reductions pursuant to subdivision 9.*

**((2) A DISTRICT WHICH PROVIDES 95 PERCENT OR MORE OF THE COST OF THE RECREATION PROGRAM FOR THE MUNICIPALITIES AND TOWNSHIPS IN WHICH THE DISTRICT OR ANY PART THEREOF IS LOCATED AND WHICH LEVIED PURSUANT TO THIS CLAUSE IN 1975 MAY, WITH THE APPROVAL OF THE COMMISSIONER, LEVY AN ADDITIONAL AMOUNT, NOT TO EXCEED ONE MILL TIMES THE ADJUSTED ASSESSED VALUATION OF THE DISTRICT FOR THE PRECEDING YEAR, TO BE USED FOR THE COSTS OF THE RECREATION PROGRAM; PROVIDED THAT NO DISTRICT MAY LEVY PURSUANT TO THIS CLAUSE AN AMOUNT GREATER THAN ITS ACTUAL COST FOR PROVIDING THESE PROGRAMS IN THE PREVIOUS SEPTEMBER TO SEPTEMBER PERIOD. IN 1977 AND EACH YEAR THEREAFTER, ONLY INDEPENDENT SCHOOL DISTRICTS NO. 77 AND NO. 624 SHALL BE AUTHORIZED TO LEVY PURSUANT TO THIS CLAUSE. ANY DISTRICT WHICH LEVIED PURSUANT TO THIS CLAUSE IN 1975 SHALL REPORT TO THE DEPARTMENT OF EDUCATION PRIOR TO JANUARY 15, 1977, ON HOW THESE FUNDS WERE EXPENDED.)**

**((3)) (2) A school district shall be authorized to make a levy pursuant to the subdivision only after it has filed a certificate of compliance with the commissioner of education (, CERTIFYING THAT MEMBERS OF THE SCHOOL BOARD HAVE MET WITH MEMBERS OF THE GOVERNING BODIES OF THE COUNTY, MUNICIPALITY OR TOWNSHIP IN WHICH THE SCHOOL DISTRICT, OR ANY PART THEREOF, IS LOCATED, IN ORDER TO DISCUSS METHODS OF INCREASING MUTUAL COOPERATION BETWEEN SUCH BODIES).** *The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a gov-*

*erning board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to make a levy pursuant to this subdivision.*

*((4)) (3) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.*

*Sec. 6. [REPEALER.] Minnesota Statutes 1976, Section 124.271, Subdivision 1, is repealed.*

*Sec. 7. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [ADULT EDUCATION AID.] For adult education aid pursuant to section 124.26, there is appropriated:*

*\$594,000 .....1978,*

*\$600,000 .....1979.*

*(a) The appropriation in this subdivision for fiscal year 1978 includes not to exceed \$54,000 for the payment of the final adult education aid distribution to the districts for fiscal year 1977.*

*(b) The appropriation in this subdivision for fiscal year 1979 includes not to exceed \$60,000 for the payment of the final adult education aid distribution to the districts for fiscal year 1978.*

*Subd. 3. [G.E.D. REIMBURSEMENT AID.] For G.E.D. reimbursement aid pursuant to section 124.26, subdivision 3, there is appropriated:*

*\$80,000 .....1978,*

*\$80,000 .....1979.*

*Subd. 4. [COMMUNITY EDUCATION AID.] For community education aid pursuant to section 124.271, there is appropriated:*

*\$1,600,000 .....1978,*

*\$1,700,000 .....1979.*

*Subd. 5. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the*

*amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

Sec. 8. [EFFECTIVE DATE.] *Section 3 of this article shall be effective the day following final enactment.*

## ARTICLE V

### VOCATIONAL EDUCATION

Section 1. Minnesota Statutes 1976, Section 123.351, Subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The center board shall have the general charge of the business of the center and the ownership of facilities. Where applicable, section 123.36, shall apply. The center board may not issue bonds in its behalf. Each participating district may issue its bonds for the purpose of acquisition and betterment of center facilities in the amount certified by the center board to such participating district in accordance with chapter 475.

(b) The center board (1) may furnish vocational offerings to any eligible person residing in any participating district (AND) ; (2) may provide special education for the handicapped and disadvantaged ; and (3) may provide any other educational programs or services agreed upon by the participating districts. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

(c) In accordance with subdivision 5, clause (b), the center board shall certify to each participating district the amount of funds assessed to the district as its proportionate share required for the conduct of the educational programs, payment of indebtedness, and all other proper expenses of the center.

(d) The center board shall employ and contract with necessary qualified teachers and administrators and may discharge the same for cause pursuant to section 125.12. The board may employ and discharge other necessary employees and may contract for other services deemed necessary.

(e) The center board may provide an educational program for (HIGH SCHOOL) *secondary* and adult vocational phases of instruction. The high school phase of its educational program shall be offered as a component of the comprehensive curriculum offered by each of the participating school districts. Graduation

shall be from the student's resident high school district. Insofar as applicable, sections 123.35 to 123.40, shall apply.

(f) The center board may prescribe rates of tuition for attendance in its programs by adults and nonmember district secondary students.

Sec. 2. Minnesota Statutes 1976, Section 123.351, Subdivision 5, is amended to read:

Subd. 5. [FINANCING.] (a) Any center board established pursuant to this section is a public corporation and agency and may receive and disburse federal, state, and local funds made available to it. No participating school district shall have any additional individual liability for the debts or obligations of the center except that assessment which has been certified as its proportionate share in accordance with subdivision 5, clause (b) and subdivision 4, clauses (a) and (c). A member of the center board shall have such liability as is applicable to a member of an independent school district board. Any property, real or personal, acquired or owned by the center board for its purposes shall be exempt from taxation by the state or any of its political subdivisions.

(b) The center board may, in each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred, assess and certify to each participating school district its proportionate share of any and all expenses. This share shall be based upon an equitable distribution formula agreed upon by the participating districts (AND APPROVED BY THE STATE COMMISSIONER OF EDUCATION WITH APPROVAL BY THE STATE BOARD OF VOCATIONAL EDUCATION). Each participating district shall remit its assessment to the center board within 30 days after receipt. The assessments shall be paid within the maximum levy limitations of each participating district.

Sec. 3. Minnesota Statutes 1976, Section 124.562, Subdivision 1, is amended to read:

124.562 [POST-SECONDARY VOCATIONAL FOUNDATION AID.] Subdivision 1. (FOR THE 1976-1977 SCHOOL YEAR) A district shall receive post-secondary vocational foundation aid in the amount of *(\$2,000) \$2,120 for fiscal year 1978 and \$2,240 for fiscal year 1979*, times the number of post-secondary vocational-technical pupils in average daily membership, as defined in subdivision 2, less the sum of (1) any amounts received as tuition and fees for post-secondary vocational-technical pupils, (2) the amount raised by the minimum levy required (IN 1975) by section 275.125, subdivision 13, *for collection in the calendar year ending in that fiscal year*, and (3) any amounts received for post-secondary vocational programs as federal vocational categorical aid and as special grants from state alloca-

tions of federal vocational funds, unless these grants are used to fund additional services beyond the normal program.

Sec. 4. Minnesota Statutes 1976, Section 124.563, Subdivision 1, is amended to read:

124.563 [POST-SECONDARY VOCATIONAL CATEGORICAL AND CAPITAL EXPENDITURE AID.] Subdivision 1. "Post-secondary vocational categorical aid" means all state and federal funds, exclusive of post-secondary vocational foundation, capital expenditure and debt service aid, apportioned by the state board for vocational education to local school districts for the purpose of assisting in the conduct of post-secondary vocational-technical training. No district shall qualify for post-secondary vocational categorical aid unless it has certified the minimum levy required by section 275.125, subdivision 13. This aid shall be given to districts conducting high cost programs which require funds in addition to the post-secondary vocational foundation aid provided, *including vocational education programs for handicapped or disadvantaged persons and support services necessary to provide vocational education in the least restrictive setting possible. Post-secondary vocational categorical aid shall not be allocated by the state board or expended by a district for any of the purposes for which post-secondary vocational capital expenditure aid is allocated or expended.*

Sec. 5. Minnesota Statutes 1976, Section 124.563, Subdivision 3, is amended to read:

Subd. 3. Post-secondary vocational categorical and capital expenditure aid shall be apportioned by the state board for vocational education at the consolidated public hearing held pursuant to section 124.561, subdivision 3. All post-secondary vocational categorical and capital expenditure aid approved at this public hearing shall be distributed to the districts on or before August 1, December 1, March 1 and June 1 of each year. Additional post-secondary vocational categorical and capital expenditure aid may be distributed on or before March 1 and June 1 of each year if it is apportioned at a consolidated public hearing held before February 15 of that year in the manner specified in section 124.561, subdivision 3a. On the date of each post-secondary vocational categorical and capital expenditure aid payment, the state board shall report to the appropriate committees of the legislature on the distribution of post-secondary vocational categorical and capital expenditure aid. *A separate report shall be submitted for each distribution of each aid.* The report shall include (a) the recipients of the aid; (b) the amounts distributed, and (c) the *specific* reasons for these distributions to each district.

Sec. 6. Minnesota Statutes 1976, Section 124.565, Subdivision 1, is amended to read:

124.565 [POST-SECONDARY VOCATIONAL EDUCATION TUITION.] Subdivision 1. Any Minnesota resident who is under 21 years of age may attend a post-secondary vocational-technical school (WITHOUT TUITION), provided that the individual meets the entrance requirements for the training course in which enrollment is sought and the school has the room and the facility to receive him.

Sec. 7. Minnesota Statutes 1976, Section 124.565, Subdivision 3, is amended to read:

Subd. 3. Tuition at a post-secondary vocational-technical school for a Minnesota resident pupil (WHO DOES NOT COME WITHIN THE EXEMPTIONS PROVIDED IN SUBDIVISIONS 1 AND 2,) shall be two dollars per day for each school day the pupil is enrolled.

Sec. 8. Minnesota Statutes 1976, Section 124.57, is amended to read:

124.57 [AID FOR VOCATIONAL EDUCATION.] *Subdivision 1.* Whenever any district shall have established a vocational school, department, or classes in accordance with the rules and regulations established by the state board adopted by that board, (AND THE PLAN FOR VOCATIONAL EDUCATION, AND APPROVED BY THE UNITED STATES OFFICE OF EDUCATION OR OTHER FEDERAL AGENCY TO WHICH ITS FUNCTIONS ARE ASSIGNED,) the state board shall reimburse such district or state tax supported institution for its expenditures for salaries and necessary travel of vocational teachers or other reimbursable expenditures from federal funds and may supplement such federal funds with such state aid as it may deem desirable under such rules as it may adopt, provided, however, that in the event of such funds not being sufficient to make such reimbursement in full, the state board shall prorate the respective amounts available to the various districts entitled to receive reimbursement. All instruction may be given at the place of the abode of the pupils(, AND ADULTS MAY BE GIVEN INSTRUCTION IN ADJOINING OR NEARBY DISTRICTS.)

(IN LIKE MANNER THE STATE BOARD SHALL HAVE POWER TO REIMBURSE OTHER GOVERNMENTAL AGENCIES FOR EXPENDITURES FOR SALARIES AND NECESSARY TRAVEL EXPENSES OF VOCATIONAL TEACHERS FROM FEDERAL FUNDS, ACCORDING TO RULES AND REGULATIONS ADOPTED BY THE STATE BOARD). *There shall be no reimbursement pursuant to this section for the salary or necessary travel of any vocational teacher who does not meet the work experience requirements for licensure pursuant to the state plan for vocational education.*

*Subd. 2.* When local districts desire but cannot provide vocational instruction for the related training required by apprentices and other learners in the trade, industrial, and distributive fields, the state board is empowered upon request of such local district or districts to employ itinerant vocational teachers to provide this service and pay the salary and necessary travel expense from authorized federal and state vocational aid funds under such rules as it may adopt. An itinerant vocational teacher in this section is defined as a vocational teacher employed to give part-time or periodic vocational instruction in one or more districts.

(THIS SECTION) *Subd. 3. Subdivision 1* shall apply only to secondary (AND ADULT) vocational education programs in the 1977-1978 school year. Sections 124.561 to 124.565 shall not apply to secondary and adult vocational education programs. (LAWS 1975, CHAPTER 432, SECTION 68 SHALL BE EFFECTIVE JULY 1, 1976.)

Sec. 9. Minnesota Statutes 1976, Section 124.572, is amended to read:

124.572 [CURRENT FUNDING FOR ADULT VOCATIONAL EDUCATION.] *Subdivision 1.* The purpose of this section is to change the method of funding adult vocational programs from reimbursement based on past expenditures to a current funding basis. Beginning July 1, 1977, the state shall not reimburse expenditures from the 1976-1977 school year programs, but shall pay aids for the 1977-1978 school year programs and for each year thereafter on a current funding basis.

*Subd. 2.* In the 1977-1978 school year and thereafter, the state shall pay to any district or cooperative vocational center 75 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's adult vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The aid paid by the state for salaries and travel pursuant to this subdivision shall be reduced by any authorized federal vocational aid funds paid by the department to that district or center for adult vocational education programs.

*Subd. 3.* This aid shall be paid only for services rendered or for travel costs incurred in adult vocational education programs approved by the state department of education and operated in accordance with rules promulgated by the state board; provided, in 1977-1978 the department may pay this aid for programs operated in accordance with the state plan for vocational education and current state board rules. By 1978-1979, these rules shall provide minimum student-staff ratios required for an adult vocational education program to qualify for this aid. Except as provided in section 125.185, subdivision 4, by 1978-1979 rules re-

lating to adult vocational education programs shall not incorporate the provisions of the state plan for vocational education by reference.

*Subd. 4. Boards may charge tuition for participation in adult vocational education programs. Nothing in this section shall prohibit the charging of differential tuition rates for residents or nonresidents of a district. If adult vocational education is provided by another district or a cooperative center by contract pursuant to subdivision 5, the contract shall provide for this issue.*

*Subd. 5. Any board may contract with the board of a district containing a post-secondary vocational-technical school or the board of a cooperative center for the provision of adult vocational education services. The board providing these services may also act as fiscal agent for the other contracting district if so agreed. Information copies of all contracts shall be provided to the state department.*

*Subd. 6. All adult vocational education aid shall be paid to the district or cooperative center providing the services. The district providing the services may bill the contracting district for any unpaid costs incurred in providing these services if so agreed in the contract.*

*Subd. 7. Each district providing adult vocational education shall establish and maintain separate accounts for the receipt and disbursement of all funds related to these adult vocational education programs. All adult vocational education aid received by the district from any source shall be utilized solely for the purposes of adult vocational education programs.*

*Subd. 8. The state shall pay to each school district 30 percent of its estimated adult vocational education aid for the school year on or before the following dates: August 31, December 31 and March 31. The final aid distribution to the district shall be made on or before October 31 of the following school year. All adult vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.*

*Subd. 9. Effective July 1, 1978, any individual enrolled in an adult farm management program for longer than six years shall be charged a tuition rate equal to the full cost of the program attributable to that individual.*

**Sec. 10. Minnesota Statutes 1976, Section 124.573, is amended to read:**

**124.573 [CURRENT FUNDING FOR SECONDARY VOCATIONAL EDUCATION.]** *Subdivision 1.* The purpose of this section is to change the method of funding secondary vocational programs from reimbursement based on past expendi-

tures to a current funding basis. Beginning July 1, 1978, the state shall not reimburse expenditures from the 1977-1978 school year programs, but shall pay aids for the 1978-1979 school year programs and for each year thereafter on a current funding basis.

*Subd. 2. In the 1978-1979 school year and thereafter, the state shall pay to any district or cooperative center 50 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary equipment for these programs and 50 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers. The aid paid by the state for salaries, equipment and travel pursuant to this subdivision shall be reduced by any authorized federal vocational aid funds paid by the department to that district or center for secondary vocational education programs.*

*Subd. 3. This aid shall be paid only for services rendered or for the costs designated in subdivision 2 which are incurred in secondary vocational education programs approved by the state department of education and operated in accordance with rules promulgated by the state board. These rules shall provide minimum student-staff ratios required for a secondary vocational education program in a cooperative center to qualify for this aid, but shall not require any minimum number of program offerings or administrative staff or the availability of vocational student activities or organizations for a secondary vocational education program to qualify for this aid. The requirement in these rules that program components be available for a minimum number of hours shall not be construed to prevent pupils from enrolling in secondary vocational education courses on an exploratory basis for less than a full school year. Except as provided in section 125.185, subdivision 4, rules relating to secondary vocational education programs shall not incorporate the provisions of the state plan for vocational education by reference. This aid shall be paid only for services rendered and for travel costs incurred by essential, licensed personnel who meet the work experience requirements for licensure pursuant to the state plan for vocational education.*

*Subd. 4. All secondary vocational education aid shall be paid to the district or cooperative center providing the services. All secondary vocational education aid received by a district or center from any source shall be utilized solely for the purposes of secondary vocational education programs.*

*Subd. 5. The state shall pay to each school district and center 30 percent of its estimated secondary vocational education aid for salaries and travel for the school year on or before the following dates: August 31, December 31 and March 31. The state shall pay 90 percent of a district's estimated secondary vocational education aid for equipment for the school year on or*

*before August 31. The final aid distribution to the district shall be made on or before October 31 of the following school year. All secondary vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.*

Sec. 11. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.236] [TUITION SUBSIDIES FOR POST-SECONDARY VOCATIONAL-TECHNICAL SCHOOL STUDENTS.]  
*Subdivision 1. The higher education coordinating board shall supervise a program of tuition subsidies for certain students attending public post-secondary vocational-technical schools established pursuant to section 121.21.*

*Subd. 2. Effective July 1, 1978, any Minnesota resident who is under 21 years of age, who attends a public post-secondary vocational-technical school, and who is not receiving a state scholarship or grant-in-aid for the current year of attendance, shall be eligible to apply for a tuition subsidy pursuant to this section of this article.*

*Subd. 3. Recipients of these tuition subsidies shall be selected by the public post-secondary vocational-technical school of attendance, in accordance with rules and procedures adopted by the higher education coordinating board.*

*Subd. 4. A student attending a public post-secondary vocational-technical school may delay tuition payments for the period of enrollment during which his application for a tuition subsidy pursuant to this section is being processed. If his application for a subsidy is denied and he therefore promptly withdraws from the school, his tuition for that period shall be forgiven.*

*Subd. 5. The amount of any tuition subsidy award shall be based on the need of the applicant determined by the school in accordance with rules adopted by the higher education coordinating board, but the amount of an award shall not exceed 75 percent of the cost of tuition for the student's program pursuant to section 124.565.*

*Subd. 6. Tuition subsidies pursuant to this section shall be awarded for the lesser of one year or the period approved by the state board of education for completion of the program, in accordance with rules and procedures of the higher education coordinating board. Awards shall not be renewable but the recipient of an award may apply for additional awards for subsequent periods or years.*

*Subd. 7. Funds appropriated for tuition subsidies pursuant to this section of this article shall be distributed to the public*

*post-secondary vocational-technical schools by the higher education coordinating board according to rules and procedures adopted by the board.*

Sec. 12. Minnesota Statutes 1976, Section 275.125, Subdivision 13, is amended to read:

Subd. 13. Districts maintaining a post-secondary vocational-technical school shall levy for post-secondary vocational-technical purposes as follows:

(1) For districts in cities of the first class, (A MINIMUM OF) one-half mill (UP TO A MAXIMUM OF ONE MILL), exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

(2) For districts formed pursuant to Laws 1967, Chapter 822, as amended, and Laws 1969, Chapters 775 and 1060 as amended, (A MINIMUM OF) one-half mill (UP TO A MAXIMUM OF ONE MILL), exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

(3) For other districts maintaining post-secondary vocational schools, (A MINIMUM OF) one mill (UP TO A MAXIMUM OF THREE MILLS), exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

Sec. 13. Laws 1967, Chapter 822, Section 7, as amended by Laws 1969, Chapter 945, Section 2, and Laws 1975, Chapter 432, Section 84, is amended to read:

Sec. 7. [TAX LEVIES.] The joint school board shall each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred for area vocational-technical schools, certify to each participating school district the tax levy specified in *Minnesota Statutes*, Section (76) 275.125, *Subdivision 13*, Clause (2) (OF THIS ACT). Additional tax levies may be certified which shall not in any year exceed .6 mills on each dollar of adjusted assessed valuation for expenses for special education and .7 mills on each dollar of adjusted assessed valuation for expenses for secondary vocational education. Each participating school district shall include such tax levies in the next tax roll which it shall certify to the county auditor or auditors, and shall remit the collections of such levies to the board promptly when received. Such levies shall not be included in computing the limitations upon the levy of any district under *Minnesota Statutes*, Section 275.125. The board may, any time after such levies have been certified to the participating

school districts, issue and sell certificates of indebtedness in anticipation of the collection of such levies, but in aggregate amounts such as will not exceed the portion of the levies which (ARE) is then not collected and not delinquent.

Sec. 14. Laws 1969, Chapter 775, Section 4, Subdivision 2, as amended by Laws 1971, Chapter 267, Section 3, and Laws 1975, Chapter 432, Section 85, is amended to read:

Subd. 2. The intermediate school board shall in each year for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred certify to each county auditor of each county in which said intermediate school district shall lie, as a single taxing district, the tax levy specified in *Minnesota Statutes*, Section (76) 275.125, Subdivision 13, Clause (2) (OF THIS ACT). Additional tax levies may be certified which shall not in any year exceed .6 mills on each dollar of adjusted assessed valuation for expenses for special education and .5 mills on each dollar of adjusted assessed valuation for expenses for secondary vocational education. Said annual tax levies shall be certified pursuant to *Minnesota Statutes*, Section 124.02. Upon such certification the county auditor or auditors and other appropriate county officials shall levy and collect such levies and remit the proceeds of collection thereof to the intermediate school district as in the case with independent school districts. Such levies shall not be included in computing the limitations, if any, upon the levy of the intermediate district or any of the participating districts under *Minnesota Statutes*, Section 275.125. After such levies have been certified to the appropriate county officials the intermediate school board may issue and sell by negotiation or at public sale its certificates of indebtedness in anticipation of the collection of such levies, but in aggregate amount such as will not exceed the portion of such tax levy which is then not collected and not delinquent.

Sec. 15. Laws 1969, Chapter 1060, Section 7, as amended by Laws 1975, Chapter 432, Section 86, is amended to read:

Sec. 7. [TAX LEVIES.] The joint school board shall each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred for area vocational-technical schools, certify to each participating school district the tax levy specified in *Minnesota Statutes*, Section (76) 275.125, Subdivision 13, Clause (2) (OF THIS ACT). Additional tax levies may be certified which shall not in any year exceed .6 mills on each dollar of adjusted assessed valuation for expenses for special education and .5 mills on each dollar of adjusted assessed valuation for expenses for secondary vocational education. Each participating school district shall include such tax levies in the next tax roll which it shall certify to the county auditor or auditors, and shall remit the collections of such levies to the board promptly when received. Such levies shall not be included in computing the limitations upon the levy of any

district under Minnesota Statutes, Section 275.125. The board may, any time after such levies have been certified to the participating school districts, issue and sell certificates of indebtedness in anticipation of the collection of such levies, but in aggregate amounts such as will not exceed the portion of the levies which (ARE) is then not collected and not delinquent.

Sec. 16. [REPEALERS.] *Minnesota Statutes 1976, Sections 124.562, Subdivisions 5 and 6; 124.563, Subdivision 4; and 124.565, Subdivision 5, are repealed.*

Sec. 17. [REPEALERS.] *Minnesota Statutes 1976, Sections 124.565, Subdivision 2; and 124.57, Subdivisions 1 and 3, as added by section 8 of this article, are repealed effective July 1, 1978.*

Sec. 18. [NEEDS ASSESSMENT APPROPRIATION.] *The state board of education shall conduct a statewide needs assessment for the purpose of determining future program needs for services to handicapped or disadvantaged students in vocational-technical education. Information for this needs assessment shall include data collected by the division of special and compensatory education, and the division of vocational-technical education, concerning the vocational-technical training needs of handicapped and disadvantaged students. The results of this assessment shall be reported to the state legislature by February, 1978. The sum of \$15,000 is appropriated from the general fund to the department of education for the purposes of this section to be available until March 1, 1978.*

Sec. 19. [TUITION SUBSIDIES APPROPRIATION.] *There is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1979, the sum of \$3,600,000 for the program of tuition subsidies established pursuant to section 11 of this article. This amount includes \$15,000 for the expenses of the higher education coordinating board in administering the program.*

Sec. 20. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [POST-SECONDARY VOCATIONAL FOUNDATION AID.] For post-secondary vocational foundation aid, there is appropriated:*

*\$59,675,000 . . . . . 1978,*

*\$56,100,000 . . . . . 1979.*

*Subd. 3. [POST-SECONDARY VOCATIONAL CATEGORICAL AID.] For post-secondary vocational categorical aid, there is appropriated:*

\$7,668,000 . . . . . 1978,

\$7,645,000 . . . . . 1979.

*These appropriations are based on the assumption that the state will spend for post-secondary vocational categorical aid an amount equal to \$4,732,000 in fiscal year 1978 and \$4,755,000 in fiscal year 1979, of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*Subd. 4. [POST-SECONDARY VOCATIONAL CAPITAL EXPENDITURE AID.] For post-secondary vocational capital expenditure aid, there is appropriated:*

\$6,000,000 . . . . . 1978,

\$6,000,000 . . . . . 1979.

*Subd. 5. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.] For post-secondary vocational debt service aid, there is appropriated:*

\$7,608,380 . . . . . 1978,

\$7,814,865 . . . . . 1979.

*Subd. 6. [POST-SECONDARY VOCATIONAL DEFICIT PAYMENT.] For the post-secondary vocational deficit payment, there is appropriated:*

\$1,188,925 . . . . . 1978.

*Subd. 7. [ADULT VOCATIONAL EDUCATION AID.] For adult vocational education aid there is appropriated:*

\$4,500,000 . . . . . 1978,

\$5,450,000 . . . . . 1979.

*(a) The appropriation in this subdivision for fiscal year 1979 includes not to exceed \$500,000 for the payment of the final adult vocational education aid distribution to each district for fiscal year 1978 of which not to exceed \$18,000 is for necessary travel.*

*(b) The appropriations in this subdivision also include not to exceed \$162,180 in 1978 and \$177,500 in 1979 for necessary travel.*

*Subd. 8. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.] For veteran farmer cooperative training programs there is appropriated:*

*\$1,729,660 . . . . . 1978,*

*\$1,218,200 . . . . . 1979.*

*These appropriations are for state reimbursement for the veteran farmer cooperative training program established under the Veterans Readjustment Benefits Act of 1966, as amended.*

*Subd. 9. [SECONDARY VOCATIONAL EDUCATION AID.] For secondary vocational education aid there is appropriated:*

*\$16,000,000 . . . . . 1978,*

*\$16,200,000 . . . . . 1979.*

*(a) The appropriation in this subdivision for 1978 is based on expenditures in the 1976-1977 school year and the appropriation in this subdivision for 1979 is aid for 1979, payable on a current funding basis.*

*(b) The appropriations in this subdivision include not to exceed \$1,120,000 in 1978 and not to exceed \$1,134,000 in 1979 for aid for equipment for secondary vocational education programs.*

*Subd. 10. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

*Sec. 21. [EFFECTIVE DATE.] Sections 6 and 7 of this article shall be effective July 1, 1978.*

## ARTICLE VI

### OTHER AID AND LEVY PROGRAMS

**Section 1.** Minnesota Statutes 1976, Section 123.742, Subdivision 1, is amended to read:

**123.742 [ASSISTANCE TO LOCAL SCHOOL DISTRICTS.]**  
Subdivision 1. Insofar as possible, the state board of education

and educational cooperative service units shall make technical assistance for planning and evaluation available to school districts upon request (DURING THE 1976-1977 SCHOOL YEAR). The department shall collect the annual evaluation reports from local districts as provided in section 123.741, subdivision 5, and shall make this data available upon request to any district seeking to use it for purposes of comparisons of student performance.

Sec. 2. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.214] [AID ADJUSTMENTS.] *No adjustments to any aid payments made pursuant to chapter 124, resulting from omissions in school district reports, except those adjustments determined by the legislative auditor, shall be made for any school year after December 15 of the next school year, unless otherwise specifically provided by law.*

Sec. 3. Minnesota Statutes 1976, Section 124.24, is amended to read:

124.24 [EMERGENCY AID.] *Subdivision 1. Emergency aid is money paid by the state to a district which by reason of physical calamity (, HIGH TAX DELINQUENCY OR EXCESSIVE DEBT, OR A COMBINATION THEREOF, OR BY OTHER JUSTIFIABLE CAUSE) is unable (BY TAXATION TO COLLECT SUFFICIENT REVENUE) to maintain its schools (THEREFROM ON) in compliance with minimum standards established by the state board. Such aid will be paid only when specifically directed by the state board.*

*Subd. 2. Any school district which applies for aid under this section shall be subject to a review of its total financial condition by representatives of the state board of education to determine the need for assistance.*

Sec. 4. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.245] [CAPITAL EXPENDITURE EQUALIZATION AID.] *Subdivision 1. The state shall pay a school district the difference by which an amount equal to \$75 per pupil unit in that school year or, in districts where the pupil unit count is increased pursuant to section 124.17, subdivision 1, clause (7), \$80 per pupil unit in that school year, exceeds the amount raised by 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this section in any year, a district must have levied the full 10 EARC mills for use for capital expenditures in that year pursuant to section 124.04 or section 9 of this article.*

*Subd. 2. As used in this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7).*

*Subd. 3. All capital expenditure equalization aid shall be distributed prior to November 1 of each year.*

Sec. 5. Minnesota Statutes 1976, Section 124.38, Subdivision 7, is amended to read:

Subd. 7. "Maximum effort debt service levy" means *the lesser of (1) a levy in a total dollar amount computed as 20 mills on the adjusted assessed value; (EXCEPT THAT THE MAXIMUM EFFORT DEBT SERVICE LEVY OF) or (2) a levy in whichever of the following amounts is applicable:*

*(a) In any school district (HAVING) which received a debt service or capital loan from the state before January 1, 1965, (SHALL BE) a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967; (AND EXCEPT THAT THE MAXIMUM EFFORT DEBT SERVICE LEVY OF)*

*(b) In any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, (SHALL BE) a levy in a total dollar amount computed as 5 1/2 mills on the market value in each year, until and unless the district receives an additional loan; (AND EXCEPT THAT THE MAXIMUM EFFORT DEBT SERVICE LEVY OF) or*

*(c) In any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975 (SHALL BE), a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan.*

Sec. 6. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.646] [SCHOOL LUNCH AID.] *Subdivision 1. School districts shall be paid by the state in the amount of four cents for each full paid student type "A" lunch served to students in the district.*

*Subd. 2. School districts shall not be paid by the state for free or reduced price type "A" lunches served by the district.*

*Subd. 3. School districts shall apply to the state department of education for this payment on forms provided by the department.*

Sec. 7. Minnesota Statutes 1976, Section 273.138, Subdivision 3, is amended to read:

Subd. 3. Each school district shall receive reimbursement in 1974 and subsequent years in an amount equal to the product of its 1972 assessed value of real property exempted from taxation by (SECTION 272.02, SUBDIVISION 1) *Laws 1973, Chapter 650, Article XXIV, Section 1*, times the sum of its 1972 payable 1973 mill rates for the following levies:

((1) A LEVY FOR CAPITAL OUTLAY, PURSUANT TO SECTION 124.04;)

((2)) (1) A levy to pay the principal and interest on bonded indebtedness, including the levy to pay the principal and interest on bonds issued pursuant to Minnesota Statutes (1974) 1971, Section 275.125, Subdivision 3 ((7)), *Clause (6) (c)*;

((3)) (2) A levy to pay the principal and interest on debt service loans, pursuant to *Minnesota Statutes 1971, Section 124.42*;

((4)) (3) A levy to pay the principal and interest on capital loans, pursuant to *Minnesota Statutes 1971, Section 124.43*;

((5)) (4) A levy to pay amounts required in support of a teacher retirement fund, pursuant to *Minnesota Statutes 1971, Section (422A.08) 422.13*;

((6)) (5) A levy for additional maintenance cost in excess of (29) 30 mills times the adjusted assessed valuation of the school district, pursuant to *Minnesota Statutes 1971, section 275.125, (SUBDIVISIONS 6 OR 7) Subdivision 3, Clause (4)*.

For the purpose of this subdivision, a school district mill rate for any of the forementioned levies which was not applied to the total taxable value of such school district shall be added to the forementioned sum of mill rates as if it had been applied to the entire taxable value of the school district.

Sec. 8. Minnesota Statutes 1976, Section 275.125, Subdivision 4, is amended to read:

Subd. 4. A school district may levy the amounts necessary to make payments for bonds issued and for interest thereon, including the bonds and interest thereon, issued as authorized by section 275.125, subdivision 3, clause (7) (C), as it read in Minnesota Statutes 1974; the amounts necessary for repayment of **debt service loans and capital loans**; **(THE AMOUNT AUTHORIZED FOR CAPITAL EXPENDITURES PURSUANT TO SECTION 124.04; AND) the amounts necessary to pay the district's obligations under section 6.62**; the amount authorized

for liabilities of dissolved districts pursuant to section 122.45; the amounts necessary to pay the district's obligations under section 268.06, subdivision 25; and the amounts necessary to pay the district's obligations under section 127.05.

Sec. 9. Minnesota Statutes 1976, Section 275.125, is amended by adding a subdivision to read:

*Subd. 11a. (a) A school district may levy an amount not to exceed the amount equal to \$75 per pupil unit or, in districts where the pupil unit count is increased pursuant to section 124.17, subdivision 1, clause (7), \$80 per pupil unit. For purposes of computing allowable levies under section 275.125, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7). No levy under this subdivision shall exceed 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year, notwithstanding the provisions of sections 272.64 and 275.49.*

*(b) The proceeds of the tax may be used only to acquire land, to equip and reequip buildings and permanent attached fixtures, and to pay leasing fees for computer systems hardware, computer terminals and telecommunications equipment, and related proprietary software. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, including but not limited to those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped individuals.*

*(c) Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the renting or leasing of buildings for school purposes and the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal with respect to the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.*

(d) *The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.*

(e) *The proceeds of the tax shall not be used for custodial or other maintenance services.*

Sec. 10. Minnesota Statutes 1976, Section 275.125, Subdivision 12, is amended to read:

Subd. 12. When a district finds it economically advantageous to rent or lease existing school buildings for instructional purposes, and the proceeds of the levy permitted under section 124.04 or section 9 of this article are insufficient for this purpose, it may apply to the commissioner for permission to make an additional capital expenditure levy for this purpose. An application for permission to levy under this clause shall contain financial justification for the proposed levy, the terms and conditions of the proposed lease, and a description of the space to be leased and its proposed use. The criteria for approval of applications to levy under this clause shall include: the reasonableness of the price, the appropriateness of the space to the proposed activity, the feasibility of transporting pupils to the leased building, conformity of the lease to the laws and regulations of the state of Minnesota, and the appropriateness of the proposed lease to the space needs and the financial condition of the district. The commissioner shall not authorize a levy under this clause in an amount greater than the cost to the district of renting or leasing a school building for approved purposes. *The proceeds of this levy shall not be used for custodial or other maintenance services.*

Sec. 11. Minnesota Statutes 1976, Section 466.06, is amended to read:

466.06 [LIABILITY INSURANCE.] The governing body of any municipality may procure insurance against liability of the municipality and its officers, employees, and agents for damages resulting from its torts and those of its officers, employees, and agents, including torts specified in section 466.03 for which the municipality is immune from liability; and such insurance may provide protection in excess of the limit of liability imposed by section 466.04. If the municipality has the authority to levy taxes, the premium costs for such insurance may be levied in excess of any per capita or millage tax limitation imposed by statute or charter; *provided, a school district may not levy for premium costs pursuant to this section.* Any independent board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly procure liability insurance with respect to the field of its operation. The procurement of such insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in

the policy but has no effect on the liability of the municipality beyond the coverage so provided.

Sec. 12. [EDUCATIONAL AIDS FOR NONPUBLIC SCHOOL CHILDREN.] *Notwithstanding any law to the contrary, the state board shall not, prior to July 1, 1979, enforce or allot funds pursuant to Minnesota Statutes, Sections 123.934 and 123.935 or any rules promulgated under those sections.*

Sec. 13. [REPEALER.] *Minnesota Statutes 1976, Sections 124.04; 124.215, Subdivisions 2a, 3, 4, 5, 7 and 8; 124.221; 124.23; 124.25; 124.30; 126.021; 126.022; 126.024; 273.138, Subdivision 7; 473.633; and 473.635 are repealed. Minnesota Statutes 1976, Section 123.40, Subdivision 7 is repealed effective December 31, 1979.*

Sec. 14. [APPROPRIATION.] *There is appropriated from the general fund to the department of education the sum of \$100,000 for the year ending June 30, 1978 and the sum of \$100,000 for the year ending June 30, 1979. The department shall pay this sum to Independent School District No. 625 for its career study centers programs upon receipt of a resolution by the school board of that district that (1) it will establish and maintain an account separate from all other district accounts for the receipt and disbursement of all funds related to these career study center programs, (2) that the full foundation aid formula allowance per pupil unit attributable to each student enrolled in a career studies program, including that portion earned pursuant to Minnesota Statutes, Section 124.17, Subdivision 1, Clauses (4) and (5), will be deposited by the district in that account, and (3) that the moneys deposited in that account shall be used solely for the purposes of the career study centers programs. For the purposes of this section, the foundation aid formula allowance per pupil unit for Independent School District No. 625 shall be \$1,030 for the 1977-1978 school year and \$1,090 for the 1978-1979 school year.*

Sec. 15. [APPROPRIATION.] *There is appropriated from the general fund to the department of education the sum of \$320,000 for the year ending June 30, 1977, the sum of \$160,000 for the year ending June 30, 1978 and the sum of \$80,000 for the year ending June 30, 1979. Of these amounts, the department shall pay the following sums to the following school districts for the fiscal year designated: to Independent School District No. 691, \$120,000 for 1977, \$60,000 for 1978, and \$30,000 for 1979; to Independent School District No. 694, \$38,000 for 1977, \$44,000 for 1978, and \$22,000 for 1979; to Independent School District No. 695, \$40,000 for 1977, \$20,000 for 1978, and \$10,000 for 1979; to Independent School District No. 699, \$72,000 for 1977, \$36,000 for 1978, and \$18,000 for 1979. These amounts shall be paid to replace and phase out aids these districts would have received pursuant to Minnesota Statutes 1974, Sections 124.801 to 124.806 were it not for the provisions of Laws 1975,*

*Chapter 432, Section 98. The state shall never be obligated for any further payments for this purpose.*

*Sec. 16. [DEFICIENCY APPROPRIATION.] The sum of \$70,000 is appropriated from the general fund to the department of education for the year ending June 30, 1976 and the sum of \$116,000 is appropriated for the year ending June 30, 1977. These appropriations are for the payment of a deficiency in funds available for payment of state aid for extraordinary tax delinquency pursuant to section 124.241 in those years, and shall be added to the sums appropriated for that purpose for those years in Laws 1975, Chapter 432, Section 96, Clause (19).*

*Sec. 17. [APPROPRIATION.] There is appropriated to the department of education from the general fund the sum of \$200,000 for the biennium ending June 30, 1979 for the purpose of providing operational educational cooperative service units with funds to assist in meeting the costs of rendering technical assistance to local school districts for planning and evaluation pursuant to Minnesota Statutes, Section 123.742. Each ECSU shall receive up to \$20,000, except that the ECSU whose boundaries coincide with the boundaries of development region 11 shall receive up to \$40,000.*

*Sec. 18. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] For educational cooperative service units, there is appropriated:*

*\$499,950 ..... 1978,*

*\$499,950 ..... 1979.*

*Each year funds from this appropriation shall be transmitted to an ECSU board of directors in the amount of \$45,450 per ECSU as defined in section 123.58, except that the ECSU whose boundaries coincide with the boundaries of development region 11 shall receive \$90,900 each year.*

*Subd. 3. [STATE AID FOR EXTRAORDINARY TAX DELINQUENCY.] For state aid for extraordinary tax delinquency pursuant to section 124.241, there is appropriated:*

*\$200,000 ..... 1978,*

*\$200,000 ..... 1979.*

*Subd. 4. [CAPITAL EXPENDITURE EQUALIZATION AID.] For capital expenditure equalization aid, pursuant to section 4 of this article there is appropriated:*

\$560,000 . . . . . 1978,

\$300,000 . . . . . 1979.

*Subd. 5. [ELIGIBLE TEACHER PROGRAM.] For eligible teacher program aid, there is appropriated:*

\$112,500 . . . . . 1978,

\$60,000 . . . . . 1979.

*Subd. 6. [EMERGENCY AID.] For emergency aid pursuant to section 124.24 there is appropriated:*

\$400,000 . . . . . 1978.

*Subd. 7. [GROSS EARNINGS AID.] For gross earnings aid pursuant to sections 124.28, 124.281 and 124.29, there is appropriated:*

\$300,000 . . . . . 1978,

\$300,000 . . . . . 1979.

*Subd. 8. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

*Sec. 19. [EFFECTIVE DATE.] Sections 15 and 16 of this article shall be effective the day following final enactment.*

## ARTICLE VII

### MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 1976, Chapter 6, is amended by adding a section to read:

[6.515] [AUDIT OF FEDERAL MONEYS.] *The state auditor, in respect to any political subdivision over which he has*

*audit jurisdiction provided by chapter 6, is empowered to examine all accounts and records of the subdivision relating to funds consisting in whole or part of moneys received from the federal government or any agency thereof.*

Sec. 2. Minnesota Statutes 1976, Section 120.10, Subdivision 1, is amended to read:

120.10 [COMPULSORY ATTENDANCE.] Subdivision 1. [AGES AND TERM.] Every child between seven and 16 years of age shall attend a public school, or a private school, (FOR A MINIMUM TERM, AS DEFINED BY THE STATE BOARD,) *during the entire time that the school is in session during any school year.* No child shall be required to attend a public school more than (A MAXIMUM TERM, AS DEFINED BY THE STATE BOARD) *200 days or their equivalent, during any school year.*

Sec. 3. Minnesota Statutes 1976, Section 120.10, Subdivision 2, is amended to read:

Subd. 2. [SCHOOL.] A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects and (2) *which is in session each school year for at least 175 days or their equivalent.* A foreign language may be taught when such language is an elective or a prescribed subject of the curriculum, but not to exceed one hour in each day.

Sec. 4. Minnesota Statutes 1976, Section 121.11, Subdivision 5, is amended to read:

Subd. 5. [UNIFORM SYSTEM OF RECORDS AND OF ACCOUNTING.] The state board shall prepare a uniform system of records for public schools, require reports from superintendents and principals of schools, teachers, school officers, and the chief officers of public and other educational institutions, to give such facts as it may deem (OF PUBLIC) of public value. Beginning in fiscal year 1977, all reports required of school districts by the state board shall be in conformance with the uniform financial accounting and reporting system adopted pursuant to section 121.902. With the cooperation of the (LEGISLATIVE) state auditor, the state board shall establish and carry into effect a uniform system of accounting by public school officers and it shall have authority to supervise and examine the accounts and other records of all public schools.

Sec. 5. Minnesota Statutes 1976, Section 121.902, is amended to read:

121.902 [COUNCIL RECOMMENDATIONS.] Subdivision 1. The council shall recommend to the state board uniform financial accounting and reporting standards for school districts. (PRIOR TO OCTOBER 1, 1976,) The state board shall adopt *and maintain* uniform financial accounting and reporting standards which are consistent with sections 121.90 to 121.92 and with generally accepted accounting principles and practices. The standards so adopted shall be known as the uniform financial accounting and reporting system for Minnesota school districts.

Subd. 2. The state board shall meet the requirements of chapter 15 in the initial adoption *and maintenance* of these standards. (IN PERIODICALLY REVISING THESE STANDARDS, THE BOARD NEED NOT MEET THE REQUIREMENTS OF CHAPTER 15, BUT THESE REVISIONS SHALL NOT BE EFFECTIVE UNTIL 20 DAYS AFTER THEIR PUBLICATION IN THE STATE REGISTER. ANY INTERESTED PERSON MAY PETITION THE STATE BOARD FOR REVISION OF THESE STANDARDS. UPON RECEIPT OF SUCH A PETITION, THE STATE BOARD SHALL PROCEED ACCORDING TO SECTION 15.0412.)

Sec. 6. *Notwithstanding the provisions of sections 15.0412 or 121.914, subdivision 2, the state board may promulgate emergency rules relating to standards for the establishment of a uniform auditing or other verification procedure to determine whether a statutory operating debt exists in any Minnesota school district as of June 30, 1977, without compliance with the provisions of section 15.0412, subdivision 4. These rules are to be effective for not longer than 75 days and may be reissued or continued in effect for an additional 75 days, but may not immediately be reissued thereafter without following the procedure*

*of section 15.0412, subdivision 4. These emergency rules shall be published in the state register as soon as practicable.*

Sec. 7. Minnesota Statutes 1976, Section 121.908, is amended by adding a subdivision to read:

*Subd. 3a. Prior to July 1, 1978 and July 1 of each year thereafter, the school board of each district shall approve and adopt its revenue and expenditure budgets for the next school year. The budget document so adopted shall be considered an expenditure-authorizing or appropriations document. No funds shall be expended by any board or district for any purpose in any school year prior to the adoption of the budget documents which authorizes that expenditure, or prior to an amendment to the budget document by the board to authorize the expenditure. Expenditures of funds in violation of this subdivision shall be considered unlawful expenditures.*

Sec. 8. Minnesota Statutes 1976, Chapter 121, is amended by adding a section to read:

[121.912] [PERMANENT FUND TRANSFERS.] *Subdivision 1. After July 1, 1977, no school district shall permanently transfer money from an operating fund to a nonoperating fund; provided, however, that permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year and permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued.*

*Subd. 2. As used in this section, "operating fund" and "nonoperating fund" shall have the meanings specified in the uniform financial accounting and reporting system for Minnesota school districts. Any transfer for a period in excess of one year shall be deemed to be a permanent transfer.*

Sec. 9. Minnesota Statutes 1976, Section 121.914, Subdivision 1, is amended to read:

121.914 [STATUTORY OPERATING DEBT.] Subdivision 1. The "(STATUTORY) operating debt" of a school district means the net negative *unappropriated* fund balance in all school district funds, other than capital expenditure, building construction, debt service, trust and agency, and post-secondary vocational-technical education funds, calculated as of June 30 of each year in accordance with the uniform financial accounting and reporting system for Minnesota school districts.

Sec. 10. Minnesota Statutes 1976, Section 121.914, Subdivision 2, is amended to read:

Subd. (2) 3. The commissioner shall establish a uniform auditing or other verification procedure for school districts to determine whether a statutory operating debt exists in any Minnesota school district as of June 30, 1977. This procedure shall also identify all interfund transfers made during fiscal year 1977 from a fund included in computing statutory operating debt to a fund not included in computing statutory operating debt. The standards for this uniform auditing or verification procedure shall be promulgated by the state board pursuant to chapter 15. If a school district applies to the commissioner for a statutory operating debt verification or if the unaudited financial statement for the school year ending June 30, 1977 reveals that a statutory operating debt might exist, the commissioner shall require a verification of the amount of the statutory operating debt which actually does exist.

Sec. 11. Minnesota Statutes 1976, Section 121.914, Subdivision 3, is amended to read:

Subd. (3) 4. If an audit or other verification procedure conducted pursuant to subdivision (2) 3 determines that a statutory operating debt exists (AND DOES NOT COME WITHIN THE

PROVISIONS OF SUBDIVISION 4), a district shall follow the procedures set forth in section 275.125, subdivision 9a to eliminate this *statutory* operating debt.

Sec. 12. Minnesota Statutes 1976, Section 121.914, Subdivision 4, is amended to read:

Subd. (4) 2. If the amount of the (STATUTORY) operating debt (VERIFIED PURSUANT TO SUBDIVISION 2) is (LESS) *more* than two and one-half percent of the most recent fiscal year's expenditure amount for the funds considered under subdivision 1, the net negative *unappropriated* fund balance shall (NOT QUALIFY) *be defined* as (STATUTORY OPERATING DEBT) "*statutory operating debt*" for the purposes of this section and sections 121.917 and 275.125, subdivision 9a.

Sec. 13. Minnesota Statutes 1976, Section 121.917, Subdivision 1, is amended to read:

121.917 [EXPENDITURE LIMITATIONS.] Subdivision 1.  
(a) Beginning in fiscal year 1978 and in each year thereafter, a district which had statutory operating debt on June 30, 1977 pursuant to section 121.914 shall limit its expenditures in each fiscal year (TO THE AMOUNT OF REVENUE RECOGNIZED IN THE SAME FISCAL YEAR IN ACCORDANCE WITH THE UNIFORM FINANCIAL ACCOUNTING AND REPORTING SYSTEM FOR MINNESOTA SCHOOL DISTRICTS.)

((B) THE EXPENDITURES OF A DISTRICT FOR EACH FISCAL YEAR SHALL BE LIMITED) so that the amount of its statutory operating debt calculated (FOR) *at the end of* that fiscal year (PURSUANT TO SECTION 121.914) is not greater than the amount of the district's statutory operating debt as of June 30, 1977, as certified and adjusted by the commissioner(,);

((1) REDUCED BY AN AMOUNT EQUAL TO THE CUMULATIVE ENTRIES TO THAT DISTRICT'S "RESERVE ACCOUNT FOR REDUCING OPERATING DEBT");)

((2)) increased by an amount equal to two and one-half percent of that district's operating expenditures for (THE FISCAL YEAR IMMEDIATELY PRECEDING) the fiscal year for which the statutory operating debt calculation is being made.

((C)) (b) When a district is no longer required to levy pursuant to section 275.125, subdivision 9a, subdivision 2 of this section shall be applicable.

Sec. 14. Minnesota Statutes 1976, Section 121.917, Subdivision 2, is amended to read:

Subd. 2. Beginning in fiscal year 1978 and each year thereafter, any district not subject to *the provisions of* subdivision 1

shall limit its expenditures so that its (APPROPRIATE) *unappropriated* fund balances shall not constitute statutory operating debt as defined (AND LIMITED) in section 121.914.

Sec. 15. Minnesota Statutes 1976, Section 122.21, Subdivision 6, is amended to read:

Subd. 6. Upon the effective date of the order, the detachment and annexation ordered therein is effected (, AND). All taxable property in the area so detached and annexed (IS) *remains* taxable for payment of any school purpose obligations theretofore authorized by or *on that date* outstanding against the district (TO) *from which* (ANNEXATION IS MADE) *detached*. Such property is not by virtue of the order relieved from the obligation of any bonded debt theretofore incurred to which it was subject prior to the order. *All taxable property in the area so detached and annexed is taxable for payment of any school district obligations authorized on or subsequent to the effective date of the order by the district to which annexation is made.*

Sec. 16. Minnesota Statutes 1976, Section 123.335, Subdivision 2, is amended to read:

Subd. 2. The board may authorize an imprest fund for the purpose of advancing money to officers or employees to pay the actual and necessary expenses of such officer or employee in attending meetings outside of the district. The board shall appoint a custodian of such fund and he shall be responsible for its safekeeping and disbursement according to law. (ATTENDANCE AT SUCH MEETINGS SHALL BE AUTHORIZED IN ADVANCE BY THE BOARD.) At the first regular meeting of the board after such meeting, the (OFFICER OR EMPLOYEE) *custodian* shall submit an itemized claim for the actual and necessary expenses incurred and paid (BY HIM IN ATTENDING SUCH MEETING). The board shall act upon it as in the case of other claims and an order shall be issued to the (OFFICER OR EMPLOYEE) *custodian* for the amount allowed. The (OFFICER OR EMPLOYEE) *custodian* shall use the proceeds of the order to repay the amount advanced from the fund( ; AND IF THE AMOUNT APPROVED BY THE BOARD IS INSUFFICIENT TO REPAY THE ADVANCE, HE SHALL BE PERSONALLY RESPONSIBLE FOR THE DIFFERENCE) *and make final settlement with the officer or employee. As an alternative the board may authorize travel advances if control is maintained by use of a travel advance account, the balance of which is supported by names of employees to whom money has been advanced.*

Sec. 17. Minnesota Statutes 1976, Section 123.71, Subdivision 1, is amended to read:

123.71 [PUBLICATION OF SCHOOL DISTRICT FINANCIAL INFORMATION.] Subdivision 1. Every school

board shall, (WITHIN 30 DAYS AFTER ITS ADOPTION OF A BUDGET FOR THE CURRENT SCHOOL YEAR, BUT IN) no (EVENT) later than September 1,(,) publish (A SUMMARY OF THE DISBURSEMENTS OF FUNDS SHOWING THE ACTUAL EXPENDITURES FOR THE PRIOR FISCAL YEAR AND PROPOSED EXPENDITURES FOR THE CURRENT FISCAL YEAR) *the revenue and expenditure budgets submitted to the commissioner of education in accordance with section 121.908, subdivision 4, for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the state board of education after consultation with the advisory council on uniform financial accounting and reporting standards. The forms prescribed shall be designed so that year to year comparisons of revenue, expenditures and fund balances can be made. These budgets, reports of revenue, expenditures and fund balances shall be published in a newspaper of general circulation and holding a U. S. Post Office Department second class mailing permit or a legal newspaper located in the district, or if there be no such newspaper within the district then in the legal newspaper outside the district which has a general circulation in the district.*

Sec. 18. Minnesota Statutes 1976, Section 123.71, Subdivision 2, is amended to read:

Subd. 2. It shall also publish at the same time a summary of bonds outstanding, paid, and sold(,); a summary of orders not paid for want of funds(, AND); certificates of indebtedness for the year ending June 30; *the statutory operating debt of the district as defined and certified pursuant to section 121.914; and the balance amount of the appropriated fund balance reserve account for purposes of reducing statutory operating debt established pursuant to section 275.125.*

Sec. 19. Minnesota Statutes 1976, Section 123.71, is amended by adding a subdivision to read:

*Subd. 4. It shall also publish at the same time the average cost per pupil in average daily membership educated in that district in the preceding year. This computation shall be made exclusive of debt service or capital outlay costs.*

Sec. 20. Minnesota Statutes 1976, Section 125.08, is amended to read:

125.08 [TEACHERS' AND ADMINISTRATORS' LICENSES, FEES.] Each application for the issuance, renewal, or extension of a license to teach shall be accompanied by a processing fee in an amount set by the board of teaching by rule, which shall not be less than \$10. *Each application for the issuance, renewal or extension of a superintendent's or principal's license shall be accompanied by a processing fee in an amount*

set by the state board of education by rule. Except as otherwise provided in this section, (SUCH FEE) *these fees* shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The (FEE) *fees* as set by the (BOARD) *boards* shall be nonrefundable for applicants not qualifying for a license, provided however, that (THE) *a fee* shall be refunded by the state treasurer in (THOSE CASES) *any case* in which the applicant already holds a valid unexpired license.

Sec. 21. Minnesota Statutes 1976, Section 125.12, Subdivision 3, is amended to read:

Subd. 3. [PROBATIONARY PERIOD.] The first and second consecutive years of a teacher's first teaching experience in Minnesota in a single school district shall be deemed to be a probationary period of employment, and after completion thereof, the probationary period in each school district in which he is thereafter employed shall be one year. A teacher who has complied with the then applicable probationary requirements in a school district prior to July 1, 1967, shall not be required to serve a new probationary period in the said district subsequent thereto. During the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit; provided, however, that the school board shall give any such teacher whose contract it declines to renew for the following school year written notice to that effect before (APRIL) *June 1*. If the teacher requests reasons for any nonrenewal of a teaching contract, the school board shall give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during his employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 123.14, subdivision 4, or section 123.35, subdivision 5.

Sec. 22. Minnesota Statutes 1976, Section 125.12, Subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF CONTRACT AFTER PROBATIONARY PERIOD.] A teacher who has completed his probationary period in any school district, and who has not been discharged or advised of a refusal to renew his contract pursuant to subdivision 3, shall have a continuing contract with such district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board (,) *prior to April 1* upon one of the grounds specified in (SUBDIVISIONS) *subdivision 6 or prior to June 1 upon one of the grounds specified in sub-*

*divisions* 6a or 6b, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April 1; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179.61 to 179.77 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of said contract in compliance with section 179.70, subdivision 2. Such written resignation by the teacher shall be effective as of June 30 if submitted prior to that date and the teachers' right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

Sec. 23. Minnesota Statutes 1976, Section 125.12, Subdivision 10, is amended to read:

Subd. 10. [DECISION.] After the hearing, the board shall issue a written decision and order. If the board orders termination of a continuing contract or discharge of a teacher, its decision shall include findings of fact based upon competent evidence in the record and shall be served on the teacher, accompanied by an order of termination or discharge, prior to April 1 in the case of a contract termination *for grounds specified in subdivision 6, prior to June 1* for grounds specified in *subdivision 6a or 6b*, or within ten days after conclusion of the hearing in the case of a discharge. If the decision of the board or of a reviewing court is favorable to the teacher, the proceedings shall be dismissed and the decision entered in the board minutes, and all references to such proceedings shall be excluded from the teacher's record file.

Sec. 24. Minnesota Statutes 1976, Section 125.17, Subdivision 3, is amended to read:

Subd. 3. [PERIOD OF SERVICE AFTER PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.] After the completion of such probationary period, without discharge, such teachers as are thereupon re-employed shall continue in service and hold their respective position during good behavior and effi-

cient and competent service and shall not be discharged or demoted except for cause after a hearing.

Any probationary teachers shall be deemed to have been re-employed for the ensuing school year, unless the school board in charge of such school shall give such teacher notice in writing before (APRIL) *June* 1 of the termination of such employment. In event of such notice the employment shall terminate at the close of the school sessions of the current school year.

Sec. 25. Minnesota Statutes 1976, Section 275.124, is amended to read:

275.124 [REPORT OF CERTIFIED LEVY.] Prior to March 1 of each year, each county auditor shall report to the commissioner of education on forms furnished by the commissioner, the amount of the certified levy made by each school district within the county which has taxable property. (THE REPORTS SHALL ALSO CONTAIN THE AMOUNT PAYABLE TO EACH DISTRICT PURSUANT TO SECTION 124.03.)

Sec. 26. Minnesota Statutes 1976, Section 275.125, Subdivision 9a, is amended to read:

Subd. 9a. (1) In (1977) 1978 and each year thereafter in which so required by this subdivision, a district shall make an additional levy to eliminate its statutory operating debt, determined as of June 30, 1977 and certified and adjusted by the commissioner. This levy shall not be made in more than 20 successive years and each year before it is made, it must be approved by the commissioner and the approval shall specify its amount. This levy shall in each year be an amount which is equal to the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee; provided that in the last year in which the district is required to make this levy, it shall levy an amount not to exceed the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee. When the cumulative (PROCEEDS OF THE) levies made pursuant to this subdivision equal an amount equal to the statutory operating debt of the district, the levy shall be discontinued.

(2) The district shall establish a special account *in the general fund* which shall be designated "*appropriated fund balance reserve account for purposes of reducing statutory operating debt*" on its books and records. This account shall reflect the (PROCEEDS OF THE) levy authorized pursuant to this subdivision. The proceeds of this levy (, AS REFLECTED IN THIS ACCOUNT,) shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(3) Any district which is required to levy pursuant to this subdivision shall certify the maximum levy allowable under subdivision 2a, clause (1) or (2) in that same year.

(4) *Each district shall make permanent fund balance transfers so that the total statutory operating debt of the district is reflected in the general fund as of June 30, 1977.*

Sec. 27. Minnesota Statutes 1976, Section 475.61, Subdivision 4, is amended to read:

Subd. 4. All such taxes shall be collected and remitted to the municipality by the county treasurer as other taxes are collected and remitted, and shall be used only for payment of the obligations on account of which levied or to repay advances from other funds used for such payments, except that any surplus remaining in the debt service fund when the obligations and interest thereon are paid may be appropriated to any other general purpose by the municipality. *However, the amount of any surplus remaining in the debt service fund of a school district when the obligations and interest thereon are paid shall be used to reduce the maintenance levy authorized pursuant to section 275.125, subdivision 2a.*

Sec. 28. Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended by Laws 1975, Chapter 432, Section 88, is amended to read:

Subd. 17. The provisions of this section shall expire July 1, (1979) 1981. At any time the experimental school may be terminated upon unanimous vote of the officers of the committee and 30 days notice to the board of District No. 309, whereupon the board of District No. 309 shall resume the care, management and control of the entire district on July 1 following. Prior to December 1 of each year the committee shall submit to the legislature a report of the experimental school established by this section. Such report shall document the success or failure of the experimental school.

Sec. 29. Laws 1976, Chapter 20, Section 3, is amended to read:

Sec. 3. [STATUTORY OPERATING DEBT.] Subdivision 1. The "(STATUTORY) operating debt" of Independent School District No. 625 means the net negative *unappropriated* fund balances in all school district funds, other than the capital expenditure and building construction, debt service, trust and agency, and post-secondary vocational-technical education funds, calculated as of June 30 (, 1976) *of each year* in accordance with the principles of the uniform financial accounting and reporting system.

*Subd. 1a. If the amount of the district's operating debt is more than two and one-half percent of the most recent fiscal year's expenditure amount for the funds considered under subdivision 1, the net negative unappropriated fund balance shall qualify as "statutory operating debt" for the purposes of Laws 1976, Chapter 20, as amended.*

**Subd. 2.** The legislative auditor shall certify the amount of statutory operating debt of the district as of June 30, 1976. He may adjust this amount on the basis of corrected figures until June 30, 1978.

**Sec. 30.** Laws 1976, Chapter 20, Section 7, is amended to read:

**Sec. 7. [EXPENDITURE LIMITATIONS.]** (IN THE 1977 FISCAL YEAR OR IN ANY FISCAL YEAR THEREAFTER, INDEPENDENT SCHOOL DISTRICT NO. 625 SHALL NOT SPEND ANY AMOUNT IN THAT FISCAL YEAR WHICH THE DISTRICT RECEIVES FROM THE FOUNDATION AID IN MINNESOTA STATUTES, SECTION 124.212, PLUS THE LEVY ALLOWABLE UNDER MINNESOTA STATUTES, SECTION 275.125, SUBDIVISION 2A, PLUS THE LEVY ALLOWABLE UNDER MINNESOTA STATUTES, SECTION 275.125, SUBDIVISION 6, WHICH EXCEEDS THE AMOUNT WHICH THE DISTRICT WOULD OTHERWISE BE ENTITLED TO RECEIVE FROM THESE SAME SOURCES IF IT WERE NOT USING TAX ANTICIPATION CERTIFICATES OR OTHER METHODS OF BORROWING TO BORROW AGAINST TAX REVENUES FOR THE NEXT FISCAL YEAR OR IF IT WERE NOT USING TAX RECEIPTS INTENDED FOR THE NEXT FISCAL YEAR IN THE PRIOR FISCAL YEAR.) *Beginning in the fiscal year 1977 and in each year thereafter, Independent School District No. 625 shall limit its expenditures in each fiscal year so that the amount of its statutory operating debt calculated at the end of that fiscal year is not greater than the amount of its statutory operating debt as of June 30, 1976, as certified and adjusted by the legislative auditor, increased by an amount equal to two and one-half percent of its operating expenditures for the fiscal year for which the statutory operating debt calculation is being made.*

**Sec. 31.** Laws 1976, Chapter 271, Section 8, Subdivision 1, is amended to read:

**Sec. 8. [ADVISORY TASK FORCE.]** Subdivision 1. The governor shall appoint a five member advisory task force on nonpublic schools within 30 days of the effective date of this section. The five members shall be representative of the various areas of the state and shall be knowledgeable about nonpublic schools. The task force shall expire May 15, (1977) 1978 and the compensation, removal of members and filling of vacancies shall be as provided in Minnesota Statutes, Section 15.059.

Sec. 32. [EFFECTIVE DATE.] *Sections 29 and 30 of this article are effective the day following final enactment. Section 31 is effective retroactively on May 15, 1977.*

## ARTICLE VIII

### EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS

Section 1. Minnesota Statutes 1976, Section 3.9271, is amended to read:

3.9271 [EARLY CHILDHOOD IDENTIFICATION AND EDUCATION PROGRAMS.] Subdivision 1. For the (1975-1976) 1977-1978 and (1976-1977) 1978-1979 school years, the council on quality education shall make grants to no fewer than (TEN) 22 pilot early childhood (IDENTIFICATION) and *family* education programs. Early childhood (IDENTIFICATION) and *family* education programs are programs for children before kindergarten and below age six which may include the following: identification of potential barriers to learning, education of parents on child development, libraries of educational materials, family services, education for parenthood programs in secondary schools, in-center activity, home-based programs, and referral services.

Notwithstanding section 3.926, subdivision 2, every early childhood (IDENTIFICATION) and *family* education program proposal shall be submitted to the council on quality education not less than six weeks before the planned commencement of the program. These programs or grants shall be as equally distributed as possible among districts in cities of the first class, in suburbs, and outside the seven county metropolitan area. *No more than two of these programs shall receive these grants in any one school district.* Each pilot program shall serve one elementary school attendance area in the local school district or a combination of attendance areas if deemed appropriate by the council.

The council on quality education shall prescribe the form and manner of application and shall determine the participating pilot programs. In the determination of pilot programs, programs shall be given preference for their ability to coordinate their services with existing programs and other governmental agencies. The council on quality education shall report on the programs annually to the committees on education of the senate and house of representatives.

Subd. 2. Each district providing pilot programs shall establish and maintain an account separate from all other district ac-

counts for the receipt and disbursement of all funds related to these early childhood (IDENTIFICATION) and *family* education programs.

Subd. 3. A school district providing early childhood (IDENTIFICATION) and *family* education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when such funds are available.

Subd. 4. A district may charge reasonable fees for early childhood (IDENTIFICATION) and *family* education services; however, a district shall waive the charge or fee if any pupil, his parent or guardian is unable to pay it.

Sec. 2. Minnesota Statutes 1976, Section 3.9272, is amended to read:

3.9272 [ADVISORY TASK FORCE ON EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.] The council on quality education shall appoint an advisory (COMMITTEE) *task force* on early childhood (IDENTIFICATION) and *family* education programs. *The advisory task force shall be composed of parents of young children and persons knowledgeable in the fields of health, education and welfare. A majority of the task force shall be parents of young children. The advisory task force shall advise the council in the administration of the early childhood and family education programs. The terms, compensation and removal of members shall be governed by the provisions of section 15.059, subdivision 6. The task force shall expire June 30, 1979.*

Sec. 3. Minnesota Statutes 1976, Section 3.9275, is amended to read:

3.9275 [VOLUNTARY PARTICIPATION.] All participation by parents and children in these early childhood (IDENTIFICATION) and *family* education programs shall be voluntary, and shall not preclude participation in any other state or local program. All pilot programs shall provide services to all qualified children, regardless of race, religion or ethnic background, and no such programs shall be used in whole or in part for religious worship or instruction.

Sec. 4. *The council on quality education and the advisory task force on early childhood and family education programs shall conduct a study of policy issues involved in the provision of early childhood and family education and shall submit a final report on the study to the legislature no later than January 15, 1979.*

Sec. 5. *There is appropriated from the general fund to the department of education the sum of \$854,000 for the year ending*

*June 30, 1978, and the sum of \$854,000 for the year ending June 30, 1979, for the purpose of pilot early childhood and family education programs pursuant to section 3.9271. These appropriations include not to exceed \$77,000 in fiscal year 1978 and not to exceed \$77,000 in fiscal year 1979 to be used for administrative costs; provided, these amounts may be used to hire not to exceed three professional employees and one clerical employee beyond the existing complement of the department in these years. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium.*

## ARTICLE IX

### TEACHER MOBILITY INCENTIVES

*Section 1. [125.60] [EXTENDED LEAVES OF ABSENCE.] Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1, but shall not include superintendents.*

*Subd. 2. The board of any district may grant an extended leave of absence without salary to any full time elementary or secondary school teacher who has been employed by the district for at least ten but no more than 20 years of allowable service, as defined in section 354.05, subdivision 13, or the by-laws of the appropriate retirement association, and who has not attained the age of 55 years or over. Extended leaves of absence pursuant to this section shall not exceed five years in duration. An extended leave of absence pursuant to this section shall be taken by mutual consent of the board and the teacher and may be granted only once.*

*Subd. 3. A teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which he is licensed at the beginning of any of the first five school years after his extended leave of absence begins, unless he is discharged or placed on unrequested leave of absence or his contract is terminated pursuant to section 125.17 or 125.12 while he is on the extended leave. The board shall not be obligated to reinstate any teacher who is on an extended leave of absence pursuant to this section unless the teacher advises the board of his intention to return before February 1 in the school year preceding the school year in which he wishes to return.*

*Subd. 4. Any teacher who is reinstated to a teaching position after an extended leave of absence pursuant to this section shall retain seniority and continuing contract rights in the employing*

*district as though he had been teaching in the district during the period when he was on the extended leave.*

*Subd. 5. The years spent by a teacher on an extended leave of absence pursuant to this section shall not be included in the determination of his salary upon his return to teaching in the district. The credits earned by a teacher on an extended leave of absence pursuant to this section shall not be included in the determination of his salary upon his return to teaching in the district for a period equal to the time of the extended leave of absence.*

*Subd. 6. Nothing within the provisions of this section shall be construed to limit the authority of a school board to grant any teacher a leave of absence which is not subject to the provisions of this section and sections 3 and 6 of this article.*

**Sec. 2. [125.61] [TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.]** *Subdivision 1. For purposes of this section, "teacher" means a teacher as defined in Minnesota Statutes, Section 125.03, Subdivision 1, who is employed in the public elementary or secondary schools in the state, who has not less than 15 years of full time teaching service therein, and who has or will have attained the age of 55 years but less than 65 years as of the end of the school year during which an application for an early retirement incentive is made.*

*Subd. 2. A teacher meeting the requirements of subdivision 1 may be offered a contract for termination of services and payment of an early retirement incentive by the employing school district. An offer may be accepted by the teacher by submitting a written resignation to the school board of the employing district. Applications shall be submitted prior to July 1, 1977 in the case of a teacher retiring at the end of the 1977-78 school year, prior to May 1, 1978 in the case of a teacher retiring at the end of the 1978-79 school year, or, thereafter, prior to May 1 of the year immediately preceding the school year at the end of which the teacher wishes to retire.*

*Subd. 3. An eligible teacher who is or will be 55 years of age as of the end of the school year during which an application for an early retirement incentive is made and accepted shall receive an early retirement incentive in the amount of \$7,500. This amount shall be reduced by \$375 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,125 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as*

of the end of the school year during which the application for the early retirement incentive is made.

*Subd. 4. The early retirement incentive shall be paid by the employing school district in four equal successive monthly installments commencing on November 1 of the year of retirement. The state shall reimburse the district for 10 percent of any amount or amounts paid out as an early retirement incentive pursuant to this section upon receipt of a proper claim therefor accompanying the report required by subdivision 5. An early retirement incentive shall not be paid to any teacher who is discharged by a school district.*

*Subd. 5. Each school district contracting for an early retirement incentive pursuant to this section shall report annually during the month of December to the department of education on forms prescribed by the department. The report shall cover the preceding school year and shall contain the number of teachers participating in the early retirement incentive program, the annual salary which would have been paid had the teacher not elected to participate, the amount paid by the district for early retirement incentives, the amount claimed as reimbursement from the state, and such other information as the department of education may require.*

*Subd. 6. No school board shall enter into an agreement for termination of services with an early retirement incentive without applying for and receiving authorization from the commissioner of finance. The commissioner of finance shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section.*

**Sec. 3. Minnesota Statutes 1976, Chapter 354, is amended by adding a section to read:**

*[354.094.] Subdivision 1. If a member is granted an extended leave of absence pursuant to section 1 of this article, he may receive allowable service credit toward annuities and other benefits under chapter 354, for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. The employing district shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on ex-*

tended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

*Subd. 2. Notwithstanding section 354.49, subdivision 4, clause (3), a member on extended leave who pays employee contributions into the fund pursuant to subdivision 1 shall retain membership in the association for as long as he continues to pay employee contributions, under the same terms and conditions as if he had continued to teach in the district.*

*Subd. 3. A member on extended leave of absence pursuant to section 1 of this article who does not pay employee contributions into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of chapter 354.*

*Subd. 4. If a member who paid employee contributions into the fund for five years while on extended leave does not resume teaching in the sixth school year after the beginning of his extended leave, he shall be deemed to cease to render teaching services beginning in that year for purposes of chapter 354.*

*Subd. 5. The provisions of this section shall not apply to a member who is placed on unrequested leave of absence or whose contract is terminated pursuant to section 125.12 or 125.17 while he is on an extended leave of absence pursuant to section 1 of this article.*

*Subd. 6. A member who pays employee contributions and receives allowable service credit in the fund pursuant to this section may not pay employee contributions or receive allowable service credit for the same fiscal year in any other Minnesota public employee pension plan, except a volunteer firefighters' relief association governed by sections 69.771 to 69.776.*

Sec. 4. Minnesota Statutes 1976, Chapter 354, is amended by adding a section to read:

[354.66] [QUALIFIED PART TIME TEACHERS; PARTICIPATION IN FUND.] *Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1, but shall not include superintendents, principals, assistant principals or other supervisory employees as defined in section 179.63, subdivision 9.*

*Subd. 2. A teacher in the public elementary or secondary schools of the state who has 20 years or more of allowable service may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position.*

*Subd. 3. For purposes of this section, a part time teaching position shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent thereof as prescribed in section 354.091, and for which the teacher is compensated at a rate not exceeding 60 percent of the compensation established by the board for a full time teacher of identical education and experience within the district.*

*Subd. 4. Notwithstanding any provision of chapter 354 relating to salary for contribution purposes or accrual of service credit to the contrary, employee and employer contributions to the fund, including the state's obligation therefor, and accrual of allowable service credit toward retirement pursuant to chapter 354 shall be continued during the period of part time employment pursuant to this section upon the same basis and in the same amounts as would be payable or accrued were the teacher to have been employed on a full time basis. A teacher's contributions to the fund and accrual of allowable service credit during part time employment may not be continued pursuant to this subdivision for a period longer than 10 years.*

*Subd. 5. A teacher who pays employee contributions and receives allowable service credit in the fund pursuant to this section may not pay employee contributions or receive allowable service credit for the same fiscal year in any other Minnesota public employee pension plan, except a volunteer firefighters' relief association governed by sections 69.771 to 69.776.*

*Subd. 6. A board entering into an agreement authorized by this section shall take all steps necessary to assure continuance of any insurance programs furnished or authorized a full time teacher on an identical basis and with identical sharing of costs for a part time teacher pursuant to this section.*

*Subd. 7. Only teachers who are in the bargaining unit as defined in section 179.63, subdivision 17, during the year preceding the period of part time employment pursuant to this section shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4. Notwithstanding the provisions of section 179.63, subdivision 7, clauses (e) and (f), teachers who are employed on a part time basis for purposes of this section and who would therefore be disqualified from the bargaining unit by one or both of those provisions, shall*

*continue to be in the bargaining unit during the period of part time employment pursuant to this section for purposes of compensation, fringe benefits and the grievance procedure.*

*Subd. 8. No teacher shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4 of this section or section 7, subdivision 4, of this article in more than one district at one time.*

*Subd. 9. A district shall not assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of finance. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amount appropriated for the purpose of this section, the commissioner of finance shall approve or disapprove applications from districts for authorization to assign teachers to part time teaching positions qualifying for the continuation of contributions and accrual for service credit pursuant to this section.*

*Subd. 10. Nothing within the provisions of this section shall be construed to limit the authority of a school board to assign a teacher to a part time teaching position which does not qualify for the continuation of contributions and accrual of service credit pursuant to this section.*

**Sec. 5. Minnesota Statutes 1976, Chapter 354, is amended by adding a section to read:**

**[354.69]** *Each school district shall furnish to the appropriate retirement fund association all information and reports deemed necessary by the appropriate board of trustees to administer the provisions of this article.*

**Sec. 6. Minnesota Statutes 1976, Chapter 354A, is amended by adding a section to read:**

**[354A.091] [TEACHERS ON EXTENDED LEAVE.]** *Subdivision 1. Notwithstanding any provision of chapter 354A or the bylaws of an association relating to salary for contribution purposes or accrual of service credit to the contrary, an elementary or secondary school teacher in the public schools of a city of the first class who is granted an extended leave of absence pursuant to section 1 of this article may receive allowable service credit toward annuities and other benefits under chapter 354A for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed*

*five years. The employing district shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354A.12, for the salary received during the year immediately preceding the leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.*

*Subd. 2. A member on extended leave who pays employee contributions into the fund pursuant to subdivision 1 shall retain membership in the association for as long as he continues to pay employee contributions, under the same terms and conditions as if he had continued to teach in the district.*

*Subd. 3. A member on extended leave of absence pursuant to section 1 of this article who does not pay employee contributions into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of chapter 354A and the bylaws of the retirement association.*

*Subd. 4. If a member who paid employee contributions into the fund for five years while on extended leave does not resume teaching in the sixth school year after the beginning of his extended leave, he shall be deemed to cease to render teaching services beginning in that year for purposes of chapter 354A and the bylaws of the retirement association.*

*Subd. 5. The provisions of this section shall not apply to a member who is discharged pursuant to section 125.17 while he is on an extended leave of absence pursuant to section 1 of this article.*

*Subd. 6. A member who pays employee contributions and receives allowable service credit in the fund pursuant to this section may not pay employee contributions or receive allowable service credit for the same fiscal year in any other Minnesota public employee pension plan, except a volunteer firefighters' relief association governed by sections 69.771 to 69.776.*

**Sec. 7. Minnesota Statutes 1976, Chapter 354A, is amended by adding a section to read:**

**[354A.22] [QUALIFIED PART TIME TEACHERS; PARTICIPATION IN FUND.]** *Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1, but shall not include superintendents, principals, assistant principals or other supervisory employees as defined in section 179.63, subdivision 9.*

*Subd. 2. A teacher in the public schools of a city of the first class who has 20 years or more of allowable service may, by*

agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position.

*Subd. 3. For purposes of this section, a part time teaching position shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent thereof as prescribed in the appropriate bylaws of the retirement associations covered by chapter 354A, and for which the teacher is compensated at a rate not exceeding 60 percent of the compensation established by the board for a full time teacher of identical education and experience within the district.*

*Subd. 4. Notwithstanding any provision of chapter 354A or the bylaws of an association relating to salary for contribution purposes or accrual of service credit to the contrary, employee and employer contributions to the fund, including the state's obligation pursuant to section 354A.12, and accrual of allowable service credit toward retirement pursuant to chapter 354A shall be continued during the period of part time employment pursuant to this section upon the same basis and in the same amounts as would be payable or accrued were the teacher to have been employed on a full time basis. A teacher's contributions to the fund and accrual of allowable service credit during part time employment may not be continued pursuant to this subdivision for a period longer than 10 years.*

*Subd. 5. A teacher who pays employee contributions and receives allowable service credit in the fund pursuant to this section may not pay employee contributions or receive allowable service credit for the same fiscal year in any other Minnesota public employee pension plan, except a volunteer firefighters' relief association governed by sections 69.771 to 69.776.*

*Subd. 6. A board entering into an agreement authorized by this section shall take all steps necessary to assure continuance of any insurance programs furnished or authorized a full time teacher on an identical basis and with identical sharing of costs for a part time teacher pursuant to this section.*

*Subd. 7. Only teachers who are in the bargaining unit as defined in section 179.63, subdivision 17, during the year preceding the period of part time employment pursuant to this section shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4. Notwithstanding the provisions of section 179.63, subdivision 7, clauses (e) and (f), teachers who are employed on a part times basis for purposes of this section and who would therefore be disqualified from the bargaining unit by one or both of those provisions, shall continue to be in the bargaining unit during the period of part time employment pursuant to this section for purposes of compensation, fringe benefits and the grievance procedure.*

*Subd. 8. No teacher shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4 of this section or section 4, subdivision 4, of this article in more than one district at one time.*

*Subd. 9. A district shall not assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of finance. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amount appropriated for the purpose of this section, the commissioner of finance shall approve or disapprove applications from districts for authorization to assign teachers to part time teaching positions qualifying for the continuation of contributions and accrual of service credit pursuant to this section.*

*Subd. 10. Nothing within the provisions of this section shall be construed to limit the authority of a school board to assign a teacher to a part time teaching position which does not qualify for the continuation of contributions and accrual of service credit pursuant to this section.*

**Sec. 8. [APPROPRIATION; PART-TIME TEACHERS' RETIREMENT.]** *To meet the state's obligation prescribed in sections 2, 4, and 7 of this article, there is appropriated from the general fund in the state treasury to the commissioner of finance the sum of \$1,000,000 for the fiscal year ending June 30, 1978, and the sum of \$2,000,000 for the fiscal year ending June 30, 1979.*

*(a) Any unexpended balance remaining from the appropriation in this section for fiscal year 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the state shall not be obligated for any amount in excess of the appropriation in this section for this purpose.*

*(b) Notwithstanding the provisions of sections 354.43 and 354A.12, the state's obligation prescribed in sections 4 and 7 of this article shall not be financed out of standing appropriations for the state's obligations pursuant to chapter 354 or 354A.*

## ARTICLE X

### EXPERIMENTAL PAIRING AND DISTRICT PLANNING

**Section 1. [122.84] [POLICY.]** *It is the policy of the state to encourage experimental delivery systems and comprehensive educational planning that will afford better educational opportunities for all pupils, make possible a more economical*

*and efficient operation of the schools and insure a more equitable distribution of public school revenue.*

**Sec. 2. [122.85] [EXPERIMENTAL PAIRING.]** *Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Sections 122.41 and 122.43, the board of any school district paired with another in this section upon approval by the school boards of both of the paired districts may enter into an agreement providing for the discontinuance by one district of any of grades kindergarten through 12 and the instruction in the other district of the pupils in the discontinued grades. This provision shall apply on an experimental basis to the following pairs of school districts: Independent School Districts No. 217 and No. 220, No. 440 and No. 444, No. 649 and No. 650, No. 782 and No. 783, and No. 893 and No. 896. These experimental pairing agreements shall not extend beyond June 30, 1980.*

*Subd. 2. Districts entering into experimental agreements permitted in subdivision 1 shall count their resident pupils who are educated in the other district as resident pupils in the calculation of pupil units for all purposes, including foundation aid and levy limitations. Notwithstanding the provisions of Minnesota Statutes, Section 124.18, Subdivision 2, the agreements permitted in subdivision 1 shall provide for such tuition payments as the participating districts determine are necessary and equitable to compensate each district for the instruction of any nonresident pupils.*

*Subd. 3. The school board and exclusive bargaining representative of the teachers in each district discontinuing grades pursuant to an agreement permitted in subdivision 1 may negotiate a plan for the assignment or employment in the other district or the placement on unrequested leave of absence of any teachers whose positions are discontinued as a result of the agreement. The school board and exclusive bargaining representative of the teachers in each district providing instruction to nonresident pupils pursuant to an agreement permitted in subdivision 1 may negotiate a plan for the employment of teachers from the other district whose positions are discontinued as a result of the agreement. If such plans are negotiated in any pair of districts and if the plans are compatible with one another, the boards of those districts shall include the plans in their agreement.*

*Subd. 4. If compatible plans are not negotiated pursuant to subdivision 3 before the March 1 preceding any year of the agreement permitted in subdivision 1, the participating districts shall be governed by the provisions of this subdivision. Insofar as possible, teachers who have acquired continuing contract rights and whose positions are discontinued as a result of the agreement shall be employed by the other district or assigned to teach in the other district as exchange teachers pursuant to section 125.13. If necessary, teachers who are employed in af-*

affected grade levels in either district and who have acquired continuing contract rights shall be placed on unrequested leave of absence as provided in section 125.12, subdivision 6b, in fields in which they are licensed in the inverse order in which they were employed by either district, according to a combined seniority list of teachers in affected grades in both districts.

*Subd. 5. As used in this section, the term "teacher" shall have the meaning given it in Minnesota Statutes, Section 125.12, Subdivision 1.*

*Subd. 6. Each district entering into an agreement pursuant to subdivision 1 shall continue to provide transportation and collect transportation aid for its resident pupils pursuant to sections 123.39, 124.222 and 124.223. This subdivision shall not be construed to prohibit a district from providing some or all transportation to its resident pupils by contracting with the other district which has entered the agreement. For purposes of aid calculations pursuant to section 124.222, the commissioner may adjust the base cost per eligible pupil transported to reflect changes in costs resulting from the agreement.*

*Subd. 7. Each set of paired districts shall provide a report to the state department of education on August 1, 1978 and August 1, 1979. This report shall include an assessment of the fiscal and program impact of the experimental pairing experience.*

**Sec. 3. [122.86] [EDUCATIONAL PLANNING TASK FORCES.]** *Subdivision 1. [CREATION.] In order to provide for comprehensive and coherent planning for the delivery of educational services pursuant to sections 3 to 6 of this article, each educational cooperative service unit shall establish an educational planning task force. In the event an area has not established an ECSU by September 1, 1977, the commissioner shall establish a task force for that area.*

*Subd. 2. [SCHOOL DISTRICT PARTICIPATION.] The geographic location of the central administrative office of a school district on July 1, 1977 shall determine the participation of the total school district in a particular task force planning area. Each school district in the state shall be a member of the planning task force for its area.*

*Subd. 3. [TASK FORCE MEMBERSHIP.] Each task force shall consist of one member from each school district within its geographic boundaries. Each school board shall be responsible for selecting its own representative. This appointment shall be made no later than August 15, 1977, and the ECSU and the commissioner shall be notified of these appointments no later than September 1, 1977. Members of these task forces shall hold their offices from the dates of their selection until June 30, 1980.*

*Vacancies on the task forces shall be filled by the representative school boards in the same manner as the original appointments.*

*Subd. 4. [ORGANIZATION.] The ECSU director shall call the first meeting of each task force at a time designated by him prior to September 30, 1977. In those areas in which an ECSU has not been formed, the commissioner shall call the initial meeting. At this meeting, each task force shall elect from its membership a chairman and such other officers as it may deem necessary, and conduct any other necessary organizational business.*

**Sec. 4. [122.87] [LOCAL SCHOOL DISTRICT PLANNING.]** *Subdivision 1. Each school district shall develop a plan for the efficient and effective delivery of educational programs and services.*

*Subd. 2. In the development of its plan, each district shall confer with interested faculty and residents within the district, hold such public meetings as may be necessary, and furnish to the public necessary information concerning its plan and recommendations.*

*Subd. 3. School districts may meet jointly to discuss plans which will cross school district boundaries.*

*Subd. 4. Each school district plan shall include:*

*(1) a statement of the goals and priorities of the district relating both to educational programs and services and to organization and management for the delivery of such programs and services; provided, goals and priorities relating to educational programs and services shall be developed as provided in section 123.741;*

*(2) a description, analysis, and assessment of alternative methods of organization and management which shall include: a summary of opportunities for coordination and cooperation with other districts, a statement of the consideration given to such opportunities and the reason for their rejection, a summary of restrictions and impediments to coordination and cooperation, and an assessment of the relative costs and benefits thereof;*

*(3) a statement of the data and assumptions upon which the district's goals and priorities and consideration of alternatives are based, with respect to at least the following factors:*

*(a) Enrollments for the school district including projections for fiscal years 1981, 1983, and 1988;*

*(b) Educational programs, services and staffing in the school district;*

(c) *The financial status and ability of the school district to support educational programs, including projections of revenue and expenditure;*

(d) *The use, capacity, location and condition of school buildings in the district, and needed capital improvements in excess of \$200,000 for the period through fiscal year 1983;*

(e) *Transportation costs and routes in the district;*

(f) *Non-public school enrollments and programs and their impact on the district.*

*Subd. 5. The plan shall be for the period July 1, 1980, through June 30, 1983.*

*Subd. 6. The school district plan shall be delivered to the ECSU task force by December 1, 1978, with an informational copy sent to the commissioner.*

**Sec. 5. [122.88] [TASK FORCE POWERS AND DUTIES.]**  
*Subdivision 1. The task force shall meet as necessary to assess progress of the local district planning process and provide inter-district communications.*

*Subd. 2. The task force shall recommend that the ECSU employ such professional, clerical and technical assistants as they deem necessary to accomplish the purpose of the task force. Members of the task force shall receive expenses deemed necessary to accomplish their purpose. An ECSU shall be designated as fiscal agent. Where an ECSU does not exist, the task force may designate a local school district to serve as fiscal agent.*

*Subd. 3. The task force shall review and comment on plans from each district. In addition, the task force shall develop an areawide plan, which shall include: (a) a description of the organization and management of educational services in the area through 1983; (b) a description of alternative methods of organization and management and the cost and benefits of each; (c) a summary of opportunities for coordination and cooperation among school districts in the area; and (d) a summary of restrictions and impediments to such coordination and cooperation. The task force shall transmit its plan and its comments on each district plan to each local school district in the area and to the state department of education by June 1, 1979.*

*Subd. 4. In the event a plan is not submitted by a school district, the task force shall prepare a plan for that district.*

**Sec. 6. [122.89] [STATE DEPARTMENT OF EDUCATION.]**  
*Subdivision 1. The state department of education shall receive and review the report of each ECSU planning task*

force. The state department shall no later than September 1, 1979, transmit the ECSU planning task force reports to the legislature.

Subd. 2. In the event a report is not submitted by an ECSU task force, the state department of education shall provide the report for that area.

Sec. 7. [122.90] [REVIEW AND COMMENT FOR SCHOOL DISTRICT CONSTRUCTION.] *Subdivision 1. After July 1, 1977, no referendum for bonds or solicitation of bids for construction of an educational facility which requires a capital expenditure in excess of \$400,000 shall be initiated prior to review and comment by the commissioner. No school board shall separate portions of a single project into components in order to evade the cost limitation of this section. Any construction project for which bonds have been authorized by referendum or legislative act or for which bids have been solicited prior to July 1, 1977, shall be considered to have been initiated prior to July 1, 1977 for purposes of this section.*

Subd. 2. *Each school board proposing to engage in construction of educational facilities as provided in subdivision 1 shall submit to the commissioner a proposal containing information including but not limited to the following:*

(a) *the geographic area likely to be served, whether within or outside the boundaries of the school district;*

(b) *the population likely to be served, including census findings and projections relative to the population of preschool and school aged persons in the area;*

(c) *the reasonably anticipated need for the facility or service to be provided by the proposal;*

(d) *a description of the construction in reasonable detail, including:*

(1) *the capital expenditures contemplated;*

(2) *the estimated annual operating cost, including the anticipated salary cost and numbers of new staff necessitated by the proposal; and*

(3) *an evaluation of the energy efficiency and effectiveness of the construction including estimated annual energy costs;*

(e) *so far as is known, existing institutions within the area to be served that offer the same or similar service; the extent of utilization of existing facilities or services; the extent to which space is available from other sources, including institutions for*

*higher education or other public buildings; and the anticipated effect that the proposal will have on existing facilities and services;*

*(f) the anticipated benefit to the area that will result from the proposal;*

*(g) so far as is known, the relationship of the proposed construction to any priorities which have been established for the area to be served;*

*(h) the availability and manner of financing of the proposed construction and the estimated date of commencement and completion of the project; and*

*(i) any desegregation requirements, provided they cannot be met by any other reasonable means.*

*Subd. 3. In reviewing each proposal, the commissioner or his designee shall submit to the local school board within 60 days of the receipt of the proposal his review and comment concerning the educational and economic advisability of the project. The review and comment shall be based on the information submitted with the district proposal and any other information he deems necessary.*

*Subd. 4. At least 20 days but no more than 60 days prior to any referendum for bonds or the solicitation of any bids for the construction of such educational facility, the local school board shall cause the review and comment of the commissioner to be published in a legal newspaper of general circulation in the area. Any supplementary information shall be held for public scrutiny at the central administrative office of the school district.*

*Subd. 5. Before January 15, 1978 and January 15 of each year thereafter, the commissioner shall report to the legislature on the number and nature of proposals for construction projects submitted pursuant to this section and the nature of his review and comment on their educational and economic advisability. The report shall include information on the final actions of school districts concerning construction projects for which proposals were submitted and reviewed pursuant to this section. If a substantial amount of construction has been carried out despite the finding of the commissioner that it would be educationally or economically inadvisable, the report shall contain the commissioner's specific recommendations for further legislation needed to prevent school districts from carrying out inadvisable projects in the future. These recommendations shall include the commissioner's proposal for legislation requiring districts to obtain a certificate of need before commencing construction of an educational facility.*

Sec. 8. [APPROPRIATION.] *Subdivision 1. The sum of \$700,000 is appropriated from the general fund to the department of education to be available until June 30, 1979 to pay staff salaries, expenses of educational planning task force members, and expenses of other authorized activities as provided in this article. Each ECSU shall receive \$70,000 upon formation of a planning task force and application to the commissioner of education. Where two or more areas have been combined to form a single ECSU, funds shall be available to the ECSU for each of the areas. Where an ECSU does not exist, a school district may be designated by the task force to receive the funds and serve as fiscal agent.*

*Subd. 2. The sum of \$55,000 is appropriated from the general fund to the department of education to be available until June 30, 1979 for the purposes of section 7 of this article. One additional complement position shall be authorized for this activity.*

Sec. 9. [EFFECTIVE DATE.] *Sections 1, 3, 4, 5, 6 and 7 of this article shall be effective the day following final enactment. Section 2 of this article shall take effect with respect to each pair of independent school districts named in subdivision 1 of section 2 upon its approval by the school boards of both of the paired districts."*

Further, strike the title and insert:

"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 boards, school districts, educational cooperative service units, the commissioner of education, the state board of education and the state board for vocational education; changing the method of distributing the agricultural tax credit; providing for tuition and tuition subsidies for certain post-secondary vocational-technical school students; establishing formulas for current funding of adult and secondary vocational education, capital expenditure equalization aid and school lunch aid; providing a June 1 date for the discharge or termination of certain teachers; increasing the number of early childhood and family education pilot programs; establishing certain incentives for teacher mobility; allowing the experimental pairing of certain districts; requiring review and comment by the commissioner of education on certain construction projects; appropriating money; amending Minnesota Statutes 1976, Sections 3.9271; 3.9272; 3.9275; 120.10, Subdivisions 1 and 2; 120.17, Subdivisions 1, 1a, 5a and 7a; 121.11, Subdivision 5; 121.88; 121.902; 121.908, by adding a subdivision; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivisions 1 and 2; 122.21, Subdivision 6; 123.335, Subdivision 2; 123.351, Subdivisions 4 and 5; 123.39, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2 and by adding a subdivision; 123.742, Subdivision 1; 124.11; 124.14, Subdivisions 1 and 2; 124.17, Subdivisions 1 and 2 and by adding a subdivision; 124.19, Sub-

division 1; 124.212, Subdivisions 1, 3a, 4, 6b, 7b, 8a, and by adding subdivisions; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3 and 6; 124.223; 124.24; 124.26, Subdivisions 1 and 4; 124.271, Subdivision 2; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.563, Subdivisions 1 and 3; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 125.08; 125.12, Subdivisions 3, 4 and 10; 125.17, Subdivision 3; 128A.02, Subdivisions 2 and 3; 128A.06; 273.132; 273.138, Subdivision 3; 275.124; 275.125, Subdivisions 2a, 4, 8, 9, 9a, 12, 13 and by adding subdivisions; 466.06; 475.61, Subdivision 4; and Chapters 6, by adding a section; 121, by adding a section; 124, by adding sections; 136A, by adding a section; 354, by adding sections; and 354A, by adding sections; Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapter 775, Section 4, Subdivision 2, as amended; Laws 1969, Chapter 1060, Section 7, as amended; Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended; Laws 1976, Chapter 20, Sections 3 and 7; Laws 1976, Chapter 271, Section 8, Subdivision 1, and Section 94; repealing Minnesota Statutes 1976, Sections 123.40, Subdivision 7; 124.04; 124.19, Subdivision 2; 124.212, Subdivisions 3a and 19; 124.215, Subdivisions 2a, 3, 4, 5, 7 and 8; 124.221; 124.222, Subdivisions 4 and 5; 124.23; 124.25; 124.271, Subdivision 1; 124.30; 124.562, Subdivisions 5 and 6; 124.563, Subdivision 4; 124.565, Subdivisions 2 and 5; 124.57, Subdivisions 1 and 3 as added; 124.271, Subdivision 1; 126.021; 126.022; 126.024; 273.138, Subdivision 7; 473.633; and 473.635."

We request adoption of this report and repassage of the bill.

House Conferees: WILLIS R. EKEN, CARL M. JOHNSON, THOMAS K. BERG, JOHN D. TOMLINSON and GILBERT D. ESAU.

Senate Conferees: GENE MERRIAM, JERALD C. ANDERSON, DOUGLAS H. SILLERS, JEROME M. HUGHES and NEIL DIETERICH.

Eken moved that the report of the Conference Committee on H. F. No. 550 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No 550, A bill for an act relating to the operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; providing additional aids and levies for school districts with declining enrollment; eliminating foundation aid for summer programs for non-handicapped children; changing the method of distributing the agricultural tax credit; eliminating state aid for community education; establishing formulas for current funding of adult and secondary vocational education; creating a legislative school finance study commission; providing special retirement privileges for experienced teachers who teach part time or take an extended leave of absence; appropriating money; amending Minnesota Statutes 1976, Sections 120.10, Subdivision 1; 120.17, Subdivision 1a and 5a; 121.11, Subdivision 5; 121.902; 121.914, Subdivisions 1, 2,

3 and 4; 121.917, Subdivisions 1 and 2; 123.335, Subdivision 2; 123.39, Subdivision 5; 123.351, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2; 123.742, Subdivision 1; 124.11; 124.14, Subdivision 1; 124.17, Subdivisions 1, 2, and by adding a subdivision; 124.19, Subdivision 1; 124.20; 124.212, Subdivisions 1, 3a, 6b, 7b and 8a, and by adding a subdivision; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3, 6, and by adding a subdivision; 124.223; 124.26, Subdivisions 1 and 4; 124.271, Subdivisions 2 and 5; 124.30, Subdivision 5; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 128A.02, Subdivisions 2 and 3; 128A.06; 273.132; 273.138, Subdivision 3; 275.125, Subdivisions 2a, 8, 9, 9a, and 13; and 475.61, Subdivision 4; amending Minnesota Statutes 1976, Chapter 136A, by adding a section; Chapter 354, by adding sections and Chapter 354A, by adding sections; amending Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapter 775, Section 4, Subdivision 2, as amended; Laws 1969, Chapter 1060, Section 7, as amended; and Laws 1976, Chapter 271, Section 94; repealing Minnesota Statutes 1976, Sections 124.215, Subdivision 2a; 124.222, Subdivisions 4 and 5; 124.25; 124.271, Subdivisions 1, 2, 3, 4 and 5; 124.30; 124.562, Subdivision 6; 124.563, Subdivision 4; 124.565, Subdivision 2; 124.57, Subdivisions 1 and 3, as added; 473.633; and 473.635.

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 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sieben, H.
Adams	Corbid	Jude	Neisen	Sieben, M.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Dahl	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Dean	Kalis	Nelson	Spanish
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Stanton
Anderson, I.	Eken	Kelly, W.	Norton	Stoa
Anderson, R.	Ellingson	Kempe, A.	Novak	Suss
Arlandson	Enebo	Kempe, R.	Osthoff	Swanson
Battaglia	Erickson	King	Patton	Tomlinson
Beauchamp	Esau	Knickerbocker	Pehler	Vanasek
Begich	Evans	Kostohryz	Peterson	Voss
Berg	Ewald	Kroening	Petrafaso	Waldorf
Berglin	Faricy	Kvam	Pleasant	Welch
Berkelman	Fjoslien	Laidig	Prahl	Wenstrom
Biersdorf	Forsythe	Langseth	Reding	Wenzel
Birnstihl	Friedrich	Lehto	Rice	White
Brandl	Fudro	Lemke	Rose	Wieser
Braun	Fugina	Mangan	St. Onge	Wigley
Brinkman	George	Mann	Samuelson	Williamson
Byrne	Gunter	McCarron	Sarna	Wynia
Carlson, A.	Hanson	McCollar	Savelkoul	Zubay
Carlson, D.	Haugerud	McDonald	Scheid	Speaker Sabo
Carlson, L.	Heinitz	McEachern	Schulz	
Casserly	Hokanson	Metzen	Searle	
Clark	Jacobs	Moe	Searles	
Clawson	Jaros	Munger	Sherwood	

Those who voted in the negative were:

Eckstein          Jensen

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 522

A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 522 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 522 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 16.84, is amended to read:

16.84 [DEFINITIONS, STATE BUILDING CODE.] Subdivision 1. For the purposes of (LAWS 1971, CHAPTER 561) sections 16.83 to 16.867, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of administration.

Subd. 2a. "City" means a home rule charter or statutory city.

Subd. 3. "Municipality" means any city, county, (TOWN ACTING THROUGH ITS TOWN BOARD OR OTHER INSTRUMENTALITY OF STATE GOVERNMENT OTHERWISE AUTHORIZED BY LAW TO ENACT A BUILDING CODE WHICH, AS OF MAY 27, 1971, HAS SUCH A BUILDING CODE OR WHICH SUBSEQUENTLY ENACTS A BUILDING CODE) or town meeting the requirements of Minnesota Statutes, Section 368.01, Subdivision 1, or the University of Minnesota.

Subd. 4. "Code" means the state building code or any amendment thereof promulgated by the commissioner in accordance with the terms of (LAWS 1971, CHAPTER 561) sections 16.83 to 16.867.

Subd. 5. "Committee" means the state building code standards committee established pursuant to (LAWS 1971, CHAPTER 561) sections 16.83 to 16.867.

Subd. 6. "Agricultural building" means a structure on agricultural land as defined in section 273.13, subdivision 6, designed, constructed and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Sec. 2. Minnesota Statutes 1976, Section 16.851, is amended to read:

16.851 [STATE BUILDING CODE; APPLICATION.] *Subdivision 1.* (EFFECTIVE JULY 1, 1972,) The state building code shall apply state-wide and supersede (AND TAKE THE PLACE OF) the building code of any municipality. (SPECIFICALLY, THE CODE SHALL APPLY TO ANY MUNICIPALITY WHICH AS OF THE EFFECTIVE DATE OF THIS ACT HAS A BUILDING CODE AND SHALL FURTHER APPLY TO ANY MUNICIPALITY WHICH CHOOSES TO ADOPT A BUILDING CODE THEREAFTER. SAID BUILDING CODE SHALL NOT APPLY TO FARM DWELLINGS AND BUILDINGS, EXCEPT WITH RESPECT TO OTHER STATE INSPECTIONS REQUIRED OR OTHER RULEMAKING AUTHORIZED BY MINNESOTA STATUTES 1971, SECTION 104.05 AS OF THE EFFECTIVE DATE OF THIS ACT.) *The state building code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 104.05, 326.244 and 116H.12, subdivision 4. Effective July 1, 1977, or as soon thereafter as possible, but in no event later than July 1, 1978, all municipalities shall adopt and enforce the state building code with respect to new construction within their respective jurisdictions. If a city has adopted or is enforcing the state building code on the effective date of this act, or determines by ordinance thereafter to undertake enforce-*

ment, it shall be charged with enforcement of the code within the city. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction; provided that where two or more non-contiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. Any city may thereafter enforce the code in the designated area to the same extent as if such property were situated within its corporate limits. A city which, on the effective date of this act, has not adopted the code may not commence enforcement of the code within or outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city will commence on the first day of January in the year following the notice and hearing. Municipalities may provide for the issuance of permits, inspection and enforcement within their jurisdictions by such means as may be convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition or alteration. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, it shall be the responsibility of the commissioner to train and designate individuals available to carry out inspection and enforcement on a fee basis.

Subd. 2. If the commissioner determines that a municipality is not properly administering and enforcing the state building code as provided in section 16.867, the commissioner may cause administration and enforcement in the involved municipality to be undertaken by the state building inspector. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the administrative procedure act. In municipalities not properly administering and enforcing the state building code, and municipalities who determine not to administer and enforce the state building code, the commissioner shall cause administration and enforcement in the involved municipality to be undertaken by the state building inspector or other inspector certified by the state. The commissioner shall determine appropriate fees to be charged for the administration

*and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the state building code shall be borne by the subject municipality.*

Sec. 3. Minnesota Statutes 1976, Section 16.86, Subdivision 4, is amended to read:

Subd. 4. The commissioner, notwithstanding any law to the contrary, shall hold all state hearings and make all determinations regarding any subject matter dealt with in the code including those in which another department or agency proposes to adopt or amend (ITS) rules and regulations which are incorporated by reference into the code or whenever the commissioner proposes to incorporate such regulations into the *state building code. In no event shall a state agency or department subsequently authorized to adopt rules and regulations involving state building code subject matter proceed to adopt the rules and regulations without prior consultation with the commissioner.*

Sec. 4. Minnesota Statutes 1976, Section 16.861, Subdivision 4, is amended to read:

Subd. 4. [DUTIES.] Building officials shall, in the municipality for which they are appointed, attend to all aspects of code administration, including the issuance of all building permits *and the inspection of all mobile home installations.* The commissioner may direct a municipality having a building official to perform services for another municipality, and in such event the municipality being served shall pay the municipality rendering such services the reasonable costs thereof. Such costs may be subject to approval by the commissioner.

Sec. 5. Minnesota Statutes 1976, Section 16.866, Subdivision 1, is amended to read:

16.866 [SURCHARGE.] Subdivision 1. [COMPUTATION.] For the purpose of defraying the costs of administering the provisions of (LAWS 1971, CHAPTER 561) *section 16.83 to 16.867*, there is hereby imposed a surcharge on all permits issued by municipalities in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances, on and after July 1, 1971, as follows:

((A)) Where the fee for the permit issued is fixed in amount the surcharge shall be equivalent to 1/2 mill (.0005) of such fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to 1/2 mill (.0005) of the valuation of the structure, addition or alteration. Provided however, that where the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be \$1,000, where said valuation is equal to or greater than \$10,000,000 but less than \$20,000,000

the surcharge shall be \$1,500 and where said valuation is equal to or greater than \$20,000,000 the surcharge shall be \$2,000.

*By September 1 of each odd numbered year beginning in 1979, the commissioner shall rebate to municipalities any money received pursuant to this section and section 2 in the previous biennium in excess of the cost to the building code division in that biennium of carrying out their duties under sections 16.83 to 16.867. The rebate to each municipality shall be in proportion to the amount of the surcharges collected by that municipality and remitted to the state.*

Sec. 6. [TEMPORARY PROVISION.] *No later than November 1, 1977, the commissioner of administration shall submit to the legislature a report containing his findings and recommendations on the method by which municipalities can best implement and finance enforcement of the state building code. In preparing the report the commissioner shall consult with representatives of municipalities and persons involved in the building industry. The report of the commissioner shall also recommend a method for financing operations of the building code division. If the commissioner determines that statutory amendments are necessary, he shall submit amendments in bill form to the legislature as part of the report required by this section.*

Sec. 7. Minnesota Statutes 1976, Chapter 116H, is amended by adding a section to read :

[116H.001] [EXPIRATION.] *Sections 116H.03 to 116H.-06 shall expire on June 30, 1983, unless renewed by the legislature. In the event that sections 116H.03 to 116H.06 are allowed to expire, the governor is hereby empowered to transfer the duties and responsibilities under chapter 116H to whatever agency or department or combination thereof which the governor deems appropriate.*

Sec. 8. Minnesota Statutes 1976, Section 116H.02, Subdivision 5, is amended to read :

Subd. 5. "Large energy facility" means:

(a) Any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more, or any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for which an installation permit has not been applied for by May 19, 1977 pursuant to Minn. Reg. APC 3(a);

(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and (HAVING) with more than (100) 50 miles of its length in Minnesota (,); or, any high voltage transmission line with a capacity of 300 kilovolts or more with more than 25 miles of its length in Minnesota;

(c) Any facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or *their* derivatives (THEREOF), *unless the facility would be at an existing petroleum storage site and would constitute an increase of less than 20 percent in the storage capacity at that site;*

(d) Any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of *coal*, crude petroleum or petroleum fuels or oil or *their* derivatives (THEREOF);

(e) Any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch (AND HAVING) *with* more than 50 miles of its length in Minnesota (,);

(f) Any facility designed for or capable of storing on a single site more than 100,000 gallons of liquified natural gas or synthetic gas (,);

(g) Any underground gas storage facility requiring a permit pursuant to section 84.57 (,);

(h) Any facility designed or capable of serving as a depot for coal transported into this state for use within the state or transshipment from the state (AND);

(i) Any petroleum refinery (,);

(j) *Any nuclear fuel processing or nuclear waste storage or disposal facility; and*

(k) Any facility intended to convert (COAL) *any material* into any other combustible fuel and having the capacity to process in excess of 25 tons *of the material* per hour.

Sec. 9. Minnesota Statutes 1976, Section 116H.07, Subdivision 1, is amended to read:

116H.07 [DUTIES.] Subdivision 1. (IT SHALL BE THE DUTY OF) The director (TO) *shall*:

(a) Manage the agency as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116H.01 to 116H.15;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) Require certificate of need for construction of large energy facilities;

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116H.01 to 116H.15, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the *sources and uses of energy and the ways in which persons can conserve energy*;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met.

Sec. 10. *The director, in cooperation with the director of the state planning agency, the executive director of the pollution control agency, and the commissioners of natural resources and transportation, shall carry out a coal impact study and provide the legislature with an interim report and recommendations by January 1, 1978, and a final report by September 1, 1978.*

*The study shall specify in five and ten year forecasts, the demand for coal in Minnesota by user type and location, estimate environmental impacts, examine transportation and handling system needs, discuss the potential for the use of coal gasification, and address the significant economic and institutional questions involved in bringing about a major shift in energy use from other fuels to coal.*

Sec. 11. Minnesota Statutes 1976, Section 116H.12, is amended by adding subdivisions to read:

*Subd. 1a. Beginning July 1, 1978, the use of outdoor display lighting shall be limited as provided in subdivision 1b. For purposes of this section, "outdoor display lighting" shall include building facade lighting, other decorative lighting, and all billboards and advertising signs except those which identify a commercial establishment which is open for business at that hour.*

*Subd. 1b. The director shall develop proposed rules, pursuant to chapter 15, by October 1, 1977, setting standards covering permissible hours of operation, quantity and efficiency of outdoor display lighting and defining "outdoor display lighting".*

Sec. 12. Minnesota Statutes 1976, Section 116H.12, Subdivision 5, is amended to read:

Subd. 5. The director (, IN CONJUNCTION WITH THE COMMISSIONER OF ADMINISTRATION,) shall conduct studies (OF THE STATE'S) and make recommendations concerning the purchase and use by the state and its political subdivisions of supplies, (AUTOMOBILES) motor vehicles and equipment having a significant impact on energy use in order to determine the potential for energy conservation. The director may promulgate (REGULATIONS) rules pursuant to chapter 15 to insure that energy use and conservation will be considered in state purchasing and, where appropriate, to require certain minimum energy efficiency standards in purchased products and equipment. No state purchasing of equipment or material use shall occur that is not in conformity with these regulations.

Sec. 13. Minnesota Statutes 1976, Section 116H.12, Subdivision 10, is amended to read:

Subd. 10. (THE DIRECTOR SHALL REPORT TO THE LEGISLATURE NOT LATER THEN MARCH 1, 1977, ON THE ECONOMIC AND TECHNOLOGICAL FEASIBILITY OF IMPLEMENTING A PROGRAM OF ENERGY CONSERVATION IN MINNESOTA WITH RESPECT TO ROOM AIR CONDITIONERS AND STANDING PILOT LIGHT EQUIPMENT. THE STUDY SHALL INCLUDE CONSIDERATION OF:)

((1) THE ECONOMIC FEASIBILITY OF THE PROGRAM AND THE IMPACT ON CONSUMERS, AGRICULTURE, BUSINESS AND INTERSTATE COMMERCE;)

((2) THE TECHNOLOGICAL FEASIBILITY OF IMPLEMENTING THE PROGRAM INCLUDING SAFETY CONSIDERATIONS;)

((3) THE POTENTIAL REDUCTION IN ENERGY CONSUMED IN MINNESOTA WHICH WOULD RESULT FROM IMPLEMENTING THE PROGRAM;)

((4) SUBSTANTIAL STATE NEED FOR THE PROGRAM IN RELATION TO THE PROGRESS OF SIMILAR ENERGY CONSERVATION PROGRAMS UNDERTAKEN BY THE FEDERAL ENERGY AGENCY UNDER THE MANDATE OF THE FEDERAL ENERGY POLICY AND CONSERVATION ACT OF 1975.)

(FOR THE PURPOSES OF THIS SUBDIVISION "ECONOMIC FEASIBILITY" MEANS THAT THE BENEFITS FROM REDUCED ENERGY CONSUMPTION AND THE SAVINGS IN OPERATING COSTS THROUGHOUT THE ESTIMATED AVERAGE LIFE OF THE PRODUCT OUTWEIGH;)

((A) ANY INCREASE TO PURCHASERS IN INITIAL CHARGES FOR, OR, MAINTENANCE EXPENSES OF, THE PRODUCT WHICH IS LIKELY TO RESULT FROM IMPLEMENTING THE PROGRAM;)

((B) ANY LESSENING OF THE UTILITY, SAFETY, DEPENDABILITY OR PERFORMANCE OF THE PRODUCT; AND)

((C) ANY NEGATIVE EFFECTS ON COMPETITION.)

*Beginning January 1, 1978, no new room air conditioner shall be sold or installed or transported for resale into Minnesota unless it has an energy efficiency ratio of 7.0 or higher. For purposes of this subdivision, "energy efficiency ratio" means the ratio of the cooling capacity of the air conditioner in British thermal units per hour to the total electrical input in watts under designated operating conditions. This subdivision shall not apply to air conditioners in Minnesota on October 1, 1977. No person may transport non-complying units into this state in excess of what he can reasonably anticipate selling prior to January 1, 1978.*

Sec. 14. Minnesota Statutes 1976, Section 116H.12, is amended by adding a subdivision to read:

*Subd. 11. Beginning January 1, 1979, no new residential*

- (a) forced air type central furnace,
- (b) cooking appliance manufactured with an electrical supply cord, or
- (c) clothes drying equipment designed to burn natural gas equipped with a continuously burning pilot shall be sold or installed in Minnesota.

Sec. 15. Minnesota Statutes 1976, Section 116H.121, is amended to read:

**116H.121 [ENERGY CONSERVATION STANDARDS IN CERTAIN PUBLIC BUILDINGS.]** *Subdivision 1.* Before February 1, 1977, the commissioner of administration in consultation with the director, shall amend the rules concerning heat loss, illumination, and climate control standards promulgated pursuant to (MINNESOTA STATUTES, 1975 SUPPLEMENT,) section 116H.12, subdivision 4, to include standards for all existing buildings heated by oil, coal, gas, or electric units which are owned by the state, the university of Minnesota, any city, any county, or any school district. Compliance with standards adopted pursuant to this section shall not be mandatory for buildings owned by any city, county or school district, *except as otherwise provided by this section.*

*Subd. 2.* *Effective January 1, 1978, the illumination standards promulgated pursuant to subdivision 1, shall be mandatory for all public buildings where economically feasible. For the purposes of this subdivision, "public building" means any building which is open to the public during normal business hours and which exceeds 5,000 square feet in gross floor area. The director shall specify the formula for determining economic feasibility and shall take appropriate measures prior to January 1, 1978 to inform building owners and managers of the requirements of this subdivision and to assist them in complying with it.*

*Subd. 3.* *No enclosed structure or portion of an enclosed structure constructed after January 1, 1978 and used primarily as a commercial parking facility for three or more motor vehicles shall be heated. Incidental heating resulting from building exhaust air passing through a parking facility shall not be prohibited, provided that substantially all useful heat has previously been removed from the air.*

Sec. 16. Minnesota Statutes 1976, Section 116H.124, is amended to read:

**116H.124 [LOCAL GOVERNMENTAL SURVEYS AND FUEL COST ESTIMATES.]** Before January 1, 1980, the governing body of each city and county shall complete a survey of

all existing city owned or county owned buildings within their respective jurisdictions which buildings are heated by oil, coal, electric, or gas units. Buildings heated by oil or interruptable gas shall be surveyed first. The survey shall determine, based upon a formula specified by the director, the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. The governing body of a city or county may contract with any municipal building official appointed pursuant to section 16.861, or with the state building inspector to perform the energy conservation survey. Each governing body shall estimate, based upon a formula specified by the director, the annual potential savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each building within its jurisdiction if that building were improved to comply with the energy conservation standards. Each governing body shall file the energy conservation survey and estimated fuel procurement data for *at least half* the buildings within its jurisdiction with the director before December 31, 1978, and *all remaining buildings by December 31, 1979*, for his review and comment.

Sec. 17. Minnesota Statutes 1976, Section 116H.126, is amended to read:

116H.126 [PUBLIC SCHOOL SURVEYS.] Before January 1, 1980, each school district shall complete a survey of all existing public school buildings which it owns or operates and which are heated by oil, gas, coal, or electric units in order to determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. Buildings heated by oil or interruptable gas shall be surveyed first. The results of the energy conservation survey shall be recorded on a form furnished by the director. A school district may contract with any municipal building official appointed pursuant to section 16.861 or with the state building inspector to perform the energy conservation survey. Each school district shall estimate, based upon a formula specified by the director, the annual savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each public school building within the district if it were improved to comply with the energy conservation standards.

Each school district shall file the energy conservation survey and estimated fuel procurement data for (EACH) *at least half the public school (BUILDING) buildings* within the district with the director before December 31, 1978, and *all remaining buildings by December 31, 1979*, for his review and comment.

Sec. 18. Minnesota Statutes 1976, Chapter 116H, is amended by adding a section to read:

[116H.129] [ENERGY CONSERVATION IN RESIDENTIAL BUILDINGS.] *Subdivision 1. Before January 1, 1978,*

*the commissioner of administration, in consultation with the director and the appropriate standing committees of the legislature, shall promulgate minimum energy efficiency standards for existing residential buildings. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current average residential energy costs in Minnesota as certified by the director, will exceed the cost of the energy conserving requirements amortized over a period of five years.*

*By February 15, 1978, the director shall make recommendations to the legislature on methods to obtain compliance with the standards set forth in this subdivision.*

*Subd. 2. Before January 1, 1978, the commissioner of administration, in consultation with the director, shall by rule amend the standards concerning heat loss, illumination, and climate control promulgated pursuant to section 116H.12, subdivision 4, to require that electrical service to individual dwelling units in buildings containing two or more units be separately metered, with individual metering readily accessible to the individual occupants. The standards authorized by this subdivision shall only apply to buildings constructed after the effective date of the amended standards. Buildings intended for occupancy primarily by persons who are 62 years of age or older or handicapped, or which contain a majority of units not equipped with complete kitchen facilities, shall be exempt from the provisions of this subdivision.*

Sec. 19. Minnesota Statutes 1976, Section 116H.13, Subdivision 4, is amended to read:

Subd. 4. After promulgation of the criteria for assessment of need, any (UTILITY, COAL SUPPLIER OR PETROLEUM SUPPLIER) *person proposing to construct a large energy facility* shall apply for a certificate of need (TO CONSTRUCT A NEW LARGE ENERGY) *prior to construction of the facility.* The application shall be on forms and in a manner established by the director. In reviewing each application the director shall hold at least one public hearing pursuant to chapter 15.

Sec. 20. Minnesota Statutes 1976, Section 126.111, is amended to read:

126.111 [ENVIRONMENTAL CONSERVATION EDUCATION.] *Subdivision 1.* The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socio-ecological principles, the production of appropriate curriculum materials and implementation in the public schools in the state.

*Subd. 2. The commissioner of education in consultation with the director of the energy agency shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socio-economic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as funds become available.*

**Sec. 21. [HEATING FUEL INVENTORY STUDY.]** *In order to avoid potential heating fuel shortages, the Minnesota energy agency is directed to conduct a study of the heating fuel storage capacity of the state. The energy agency shall report its findings and recommendations to the legislature by November 15, 1977. The report shall include:*

*(a) an estimate of cumulative capacity of all heating fuel storage facilities in the state;*

*(b) a determination of normal fill levels for storage facilities; and*

*(c) an estimate of whether or not the state's storage capacity is adequate.*

*Based upon the survey's findings, the energy agency's recommendations in the report shall include:*

*(a) measures the state can take to ensure that storage capacity is filled prior to the beginning of the heating season; and*

*(b) measures the state can take to initiate construction and/or utilization of additional storage facilities if increased storage is found to be necessary.*

**Sec. 22.** *The director of the energy agency in consultation with the director of the housing finance agency shall develop pamphlets and radio and television messages on the energy conservation and housing programs available in Minnesota. The pamphlets shall include information on available tax credits for residential energy conservation measures, residential retrofitting loan and grant programs, and data on the economics of energy conservation measures. Before the pamphlets or media messages are released for general distribution they shall be reviewed by the appropriate standing committees of the legislature.*

**Sec. 23.** *By December 31, 1977, the director of the energy agency, after consulting with the appropriate standing commit-*

tees of the legislature, shall develop a comprehensive legislative proposal dealing with the legal, institutional, and financial issues surrounding solar energy use in Minnesota, including the creation and protection of sun rights, the modification of building codes, and the provision of reliable backup heating systems.

Sec. 24. The energy agency shall contract with the university of Minnesota, the departments of agricultural engineering, and agricultural and applied economics to carry out a research and demonstration project to study the feasibility of developing an agriculturally derived ethyl alcohol supplement to be blended with diesel fuel so as to produce a liquid fit for use as a fuel in diesel engines used for agricultural purposes. In carrying out the project, the departments shall utilize to the fullest extent possible, studies, data and reports of public agencies, private organizations and corporations, research institutes and other institutions of higher education. Before the project begins it shall be presented to the energy agency for review and comment.

An interim report shall be provided by September 1, 1978, to the energy agency and the Minnesota department of agriculture for review and comment. The university shall then provide the energy agency with a final report and recommendations which shall be provided to the legislature by January 1, 1979.

The project report shall include, but is not limited to, results from field studies of demonstration projects, and a review of the technical feasibility, possible energy impacts, biomass options, economic feasibility, agricultural sources and policy recommendations. A review of the relevant literature and a glossary shall also be included.

Sec. 25. [APPROPRIATIONS.] Subdivision 1. The sum of \$50,000 is appropriated from the general fund to the commissioner of administration for the purposes of sections 1 to 6 and 18 during the biennium beginning July 1, 1977.

Subd. 2. \$200,000 shall be appropriated from the general fund to the Minnesota energy agency which shall be designated as the lead agency for the purposes of section 10 for the biennium beginning July 1, 1977. The state planning agency, the pollution control agency, the department of natural resources, and the department of transportation shall be participating agencies. The approved complement of the agencies shall be increased as follows:

Energy agency	3 unclassified positions
State planning agency	1 unclassified position
Pollution control agency	1 unclassified position

*Department of natural resources* 1 unclassified position

*Department of transportation* 1 unclassified position

*Subd. 3. The sum of \$25,000 is appropriated from the general fund to the department of education for the purposes of section 20 during the biennium beginning July 1, 1977.*

*Subd. 4. The sum of \$25,000 is appropriated from the general fund to the director of the energy agency for the purpose of section 23 during the fiscal year beginning July 1, 1977. The approved complement of the energy agency shall be increased by one unclassified position until December 31, 1977.*

*Subd. 5. The sum of \$75,000 is appropriated from the general fund to the director of the energy agency to be used for the purpose of section 22 during the biennium beginning July 1, 1977.*

*Subd. 6. The sum of \$18,000 is appropriated from the general fund to the director of the energy agency for the purpose of studying and reporting to the legislature by January 15, 1978, on state impacts of increased insulation activity including the need for insulation product and application standards, the need for state assistance in insuring adequate insulation supplies, and such other issues as the study may identify. The approved complement of the energy agency shall be increased by one unclassified position until January 15, 1978.*

*Subd. 7. The sum of \$50,000 is appropriated from the general fund to the energy agency for the purpose of section 24. This appropriation shall not lapse but shall be available for expenditure until January 1, 1979.*

*Subd. 8. The sum of \$15,000 is appropriated from the general fund to the energy agency for the purposes of section 11 during the biennium beginning July 1, 1977.*

*Sec. 26. Minnesota Statutes 1976, Sections 325.811, 325.812 and Laws 1974, Chapter 307, Section 19, are repealed.*

*Sec. 27. This act is effective the day following its final enactment; except that section 2, subdivision 2, is effective July 1, 1978."*

Further, amend the title as follows:

Page 1, line 8, after the semicolon insert "requiring certain energy studies, programs and proposals,".

Page 1, line 14, after the first semicolon insert "16.866, Subdivision 1;".

Page 1, line 15, delete “, and by adding a subdivision”.

Page 1, line 19, after “repealing” insert “Minnesota Statutes 1976, Sections 325.811; 325.812; and”.

We request adoption of this report and repassage of the bill.

House Conferees: WILLARD MUNGER, DAVID BEAUCHAMP and WILLIAM DEAN.

Senate Conferees: JERALD ANDERSON, JOHN BERNHAGEN and EMILY ANNE STAPLES.

Munger moved that the report of the Conference Committee on H. F. No. 522 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.-07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.-124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

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 109 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeln	Braun	Enebo	Jensen	Langseth
Adams	Brinkman	Ewald	Johnson	Lehto
Anderson, B.	Byrne	Faricy	Jude	Lemke
Anderson, G.	Carlson, A.	Forsythe	Kahn	Mangan
Anderson, I.	Carlson, L.	Fudro	Kalis	Mann
Arlandson	Casserly	Fugina	Kelly, R.	McCarron
Battaglia	Clark	George	Kelly, W.	McCollar
Beauchamp	Clawson	Gunter	Kempe, A.	McEachern
Begich	Cohen	Hanson	Kempe, R.	Metzen
Berg	Corbid	Haugerud	King	Moe
Berglin	Cummiskey	Heinitz	Knickerbocker	Munger
Berkelman	Dahl	Hokanson	Kostohryz	Murphy
Birnstihl	Dean	Jacobs	Kroening	Neisen
Brandl	Ellingson	Jaros	Laidig	Nelson

Norton	Reding	Schulz	Stanton	Welch
Novak	Rice	Searle	Stoa	Wenstrom
Osthoff	Rose	Searles	Suss	Wenzel
Patton	St. Onge	Sherwood	Swanson	White
Pehler	Samuelson	Sieben, H.	Tomlinson	Williamson
Petrafeso	Sarna	Sieben, M.	Vanasek	Wynia
Pleasant	Savelkoul	Simoneau	Voss	Speaker Sabo
Prahl	Scheid	Skoglund	Waldorf	

Those who voted in the negative were:

Albrecht	Den Ouden	Fjoslien	Nelsen, M.	Wigley
Anderson, D.	Eckstein	Friedrich	Niehaus	Zubay
Anderson, R.	Eken	Kaley	Peterson	
Biersdorf	Erickson	Kvam	Spanish	
Carlson, D.	Evans	Nelsen, B.	Wieser	

The bill was repassed, as amended by Conference, and its title agreed to.

Rose was excused between the hours of 1:30 p.m and 2:45 p.m.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 562, A bill for an act relating to motor vehicles; requiring informational labels on new pickup trucks; providing penalties.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1582, A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 613, A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1054, A bill for an act relating to welfare; aid to families with dependent children; changing certain eligibility qualifications; amending Minnesota Statutes 1976, Sections 256.73, Subdivisions 1, 2, 4, and by adding subdivisions; and 256.79.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 937, A bill for an act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1610, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes with certain conditions; amending Minnesota Statutes 1976, Sections 16.72, Subdivision 5, and by adding a subdivision; 161.125, Subdivision 1, and by adding a subdivision; 169.86, by adding a subdivision; 174.50, Subdivision 7; 219.40; 299D.03, Subdivision 5; 473.121, Subdivisions 18, 19, 20, and by adding a subdivision; 473.402; 473.405, Subdivisions 1 and 2; 473.411, Subdivisions 1 and 3; 473.413, Subdivision 8; 473.415; 473.445, Subdivision 1; 473.446, Subdivision 1; and 473.141, Subdivision 4; and Chapters 174 and 473, by adding sections; repealing Minnesota Statutes 1976, Sections 161.125, Subdivision 2; 161.50; 174.06, Subdivision 4; 219.401; 473.121, Subdivision 17; 473.411, Subdivision 2; 473.421; 473.422; 473.423; 473.424; 473.425; 473.437; 473.443; 473.445, Subdivision 2; 473.446, Subdivisions 4 and 5; 473.447; and Laws 1974, Chapter 534, as amended.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 451, A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes 1976, Sections 47.51; 47.52; 47.53; 47.54; and 47.55.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1051, A bill for an act relating to public welfare; catastrophic health insurance; aid to families with dependent

children, medical assistance, supplemental aid, and general assistance; altering eligibility criteria; providing authority for local agencies to contract with nonprofit organizations for work program services; appropriating money; amending Minnesota Statutes 1976, Sections 62E.52, Subdivisions 2 and 5, and by adding a subdivision; 62E.53, Subdivision 2; 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; 256D.11, Subdivision 4; and 256D.37, Subdivision 2.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

H. F. No. 1030, A bill for an act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance plans; eliminating certain open enrollment requirements for nonprofit health service plans; revising the Minnesota comprehensive health insurance act of 1976; revising the Minnesota catastrophic health expense protection act of 1976; making necessary improvements and corrections; further prescribing the powers and duties of the commissioner of insurance; further prescribing the powers and duties of the commissioner of public welfare; providing a limitation on medical assistance; amending Minnesota Statutes 1976, Chapter 62E, by adding a section; and Sections 62A.02, Subdivision 3; 62A.17, Subdivision 6; 62D.10, Subdivision 1; 62E.02, Subdivisions 2, 8, 11 and 21; 62E.03, Subdivision 2; 62E.04, Subdivision 4, and by adding a subdivision; 62E.06; 62E.08; 62E.09; 62E.10, Subdivisions 1, 3, and 7; 62E.11, Subdivision 5; 62E.13, Subdivisions 2 and 4; 62E.14, Subdivision 1; 62E.53; and 62E.54, Subdivision 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

H. F. No. 586, A bill for an act relating to taxation; information contained in tax returns; amending Minnesota Statutes 1976, Sections 290.081; 290.61; and 290A.17.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

H. F. No. 320, A bill for an act relating to labor; prohibiting mandatory tip pooling; providing for a change in the application of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, Subdivision 9; 177.24; 177.28, Subdivision 4.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

H. F. No. 315, A bill for an act relating to state government; state zoological board; providing for a member residing in Dakota county; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File :

H. F. No. 420, A bill for an act relating to education; Montessori schools; excluding Montessori schools from day care regulation; appropriating money; amending Minnesota Statutes 1976, Section 245.791.

The Senate has appointed as such committee Messrs. Schaaf, Humphrey and Sieloff.

House File No. 420 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 124.

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. 124

A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for battered women; appropriating money; amending Minnesota Statutes 1976, Section 256D.05, by adding a subdivision.

May 21, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 124 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 124 be amended as follows:

Page 4, line 23, after "*community*" insert "*or governmental*".

Page 4, line 28, after "*of*" insert "*five*".

Page 5, line 7, delete "*from*" and insert "*. In appointing the project coordinator the commissioner shall give due consideration to*".

Page 6, after line 11, insert :

*“Sec. 8. [DISPLACED WORKER PROGRAMS.] The executive director of the governor’s manpower office may enter into arrangements with existing private or nonprofit organizations and agencies with experience in dealing with displaced homemakers to provide counseling and training services. The director shall assist displaced homemakers in applying for appropriate welfare programs and shall take welfare allowances received into account in setting the stipend level. Income received as a stipend under these programs shall be totally disregarded for purposes of determining eligibility for and the amount of a general assistance grant.”.*

Page 6, after line 19, insert :

*“There is appropriated from the general fund to the executive director of the governor’s manpower office the sum of \$100,000 for the purposes of section 8.”.*

Page 6, line 21, delete “Section” and insert “Sections” and delete “is” and insert “and 8 are”.

Renumber the sections.

Further amend the title :

Page 1, line 6, after “collection;” insert “authorizing counseling and training services for displaced homemakers;”.

Page 1, line 8, after “women” insert “and displaced homemakers”.

We request adoption of this report and repassage of the bill.

Senate Conferees: B. ROBERT LEWIS, GERRY SIKORSKI and WILLIAM G. KIRCHNER.

House Conferees: PHYLLIS L. KAHN, DONALD SAMUELSON and RUSSELL P. STANTON.

Kahn moved that the report of the Conference Committee on S. F. No. 124 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 124, A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for battered women; appropriating money; amend-

ing Minnesota Statutes 1976, Section 256D.05, by adding a subdivision.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Hokanson	Moe	Sieben, H.
Adams	Cohen	Jacobs	Munger	Sieben, M.
Anderson, B.	Corbid	Jaros	Murphy	Simoneau
Anderson, D.	Cummiskey	Jensen	Neisen	Skoglund
Anderson, G.	Dahl	Johnson	Nelsen, B.	Spanish
Anderson, I.	Dean	Jude	Nelson	Stanton
Anderson, R.	Den Ouden	Kahn	Niehaus	Stoa
Arlandson	Eckstein	Kaley	Norton	Suss
Battaglia	Ellingson	Kalis	Novak	Swanson
Beauchamp	Enebo	Kelly, W.	Patton	Tomlinson
Begich	Erickson	Kempe, A.	Pehler	Vanasek
Berg	Esau	Kempe, R.	Peterson	Voss
Berglin	Evans	King	Petrafeso	Waldorf
Berkelman	Ewald	Knickerbocker	Pleasant	Welch
Biersdorf	Faricy	Kostohryz	Prahl	Wenstrom
Birnstihl	Fjoslien	Kroening	Reding	Wenzel
Brandl	Forsythe	Kvam	Rice	White
Braun	Friedrich	Langseth	St. Onge	Wieser
Brinkman	Fudro	Lehto	Samuelson	Wigley
Byrne	Fugina	Lemke	Sarna	Williamson
Carlson, A.	George	Mangan	Savelkoul	Wynia
Carlson, D.	Gunter	Mann	Scheid	Zubay
Carlson, L.	Hanson	McCollar	Searle	Speaker Sabo
Casserly	Haugerud	McDonald	Searles	
Clark	Heinitz	Metzen	Sherwood	

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. 649.

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. 649

A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing

for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' bonds; eliminating certification of local treasurers' bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2; 273.04; 273.05, Subdivisions 1 and 2; 273.06; 273.061, Subdivision 3; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, by adding a section.

May 19, 1977.

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 649 report that we have agreed upon the items in dispute and recommend as follows:

The House recede from its amendments and S. F. No. 649 be amended as follows:

Page 2, line 10, after "270.49" delete "and" and insert a new comma.

Page 2, line 10, after "270.493," insert "and section 7 of this act,".

Page 2, line 17, after "270.50," insert "or failure to fill a vacancy in the office within 90 days pursuant to section 7 of this act,".

Page 3, line 20, reinstate "townships" and delete "towns".

Page 3, line 31, after "[BASE TAX.]" insert "(a) Except as provided in clauses (b) and (c),".

Page 4, line 9, before "in" insert "(b)".

Page 4, line 9, delete "or constructed".

Page 4, line 12, delete ", computed as if the property had been".

Page 4, delete lines 13 to 16 and insert "which would have been due in the year following the year in which the property was purchased, computed as if the property had been homesteaded on January 2 of the year purchased.".

Page 4, after line 16, insert "(c) *In the case of property constructed for homestead purposes by a person 65 years of age or older with title held as provided in this section, the "base tax" shall be the tax which is due in the year following the year in which the property was substantially completed and homesteaded as of January 2.*".

Page 6, line 17, after the period insert "*If the vacancy is not filled within 90 days, the office shall be terminated.*".

We request adoption of this report and repassage of the bill.

Senate Conferees: FLORIAN CHMIELEWSKI, MARVIN B. HANSON and ARNULF UELAND, JR.

House Conferees: ROBERT VANASEK, VICTOR SCHULZ and JAMES EVANS.

Kelly, W., moved that the report of the Conference Committee on S. F. No. 649 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 649, A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' bonds; eliminating certification of local treasurers' bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2; 273.04; 273.05, Subdivisions 1 and 2; 273.06; 273.061, Subdivision 3; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, by adding a section.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Byrne	Dahl	Ewald
Adams	Begich	Carlson, A.	Dean	Faricy
Albrecht	Berg	Carlson, D.	Den Ouden	Fjoslien
Anderson, B.	Berglin	Carlson, L.	Eckstein	Forsythe
Anderson, D.	Berkelman	Casserly	Eken	Friedrich
Anderson, G.	Biersdorf	Clark	Ellingson	Fudro
Anderson, I.	Birnstihl	Clawson	Enebo	Fugina
Anderson, R.	Brandl	Cohen	Erickson	George
Arlandson	Braun	Corbid	Esau	Gunter
Battaglia	Brinkman	Cummiskey	Evans	Hanson

Haugerud	Knickerbocker	Murphy	St. Onge	Suss
Heinitz	Kostohryz	Neisen	Samuelson	Swanson
Hokanson	Kroening	Nelsen, B.	Sarna	Tomlinson
Jacobs	Kvam	Nelson	Savelkoul	Vanasek
Jaros	Laidig	Niehaus	Scheid	Voss
Jensen	Langseth	Norton	Schulz	Waldorf
Johnson	Lehto	Novak	Searle	Welch
Jude	Lemke	Osthoff	Searles	Wenstrom
Kahn	Mangan	Patton	Sherwood	Wenzel
Kaley	Mann	Pehler	Sieben, H.	White
Kalis	McCollar	Peterson	Sieben, M.	Wieser
Kelly, R.	McDonald	Petrafeso	Simoneau	Wigley
Kelly, W.	McEachern	Pleasant	Skoglund	Williamson
Kempe, A.	Metzen	Prahl	Spanish	Wynia
Kempe, R.	Moe	Reding	Stanton	Zubay
King	Munger	Rice	Stoa	Speaker Sabo

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. 1395.

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. 1395

A bill for an act relating to education; public television and radio; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

May 21, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1395 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1395 be further amended as follows:

Page 2, delete lines 19 to 32, and insert:

**“Sec. 3. [LEGISLATIVE COMMISSION.]** *Subdivision 1. A legislative commission is hereby created to study public broadcasting in the state. The commission shall conduct studies including, but not limited to the following issues:*

*(a) Statewide expansion of public broadcasting to serve unmet educational, cultural and informational needs by utilizing existing facilities at post-secondary institutions and other public broadcasters, and adding of facilities to approximate statewide coverage and achieve live interconnection among the stations;*

*(b) Structure and governance of future development including the fixing of responsibility for decisions as to programming, planning and development with a balancing of insulation from governmental control and accountability to the citizens of the state;*

*(c) Financing of capital expenditures, operating costs, and future development with available legislative funding and non-state support;*

*(d) Programming to serve unmet or partially met educational and informational audience needs; use of the programming to strengthen instructional and continuing education activities of the post-secondary systems; and integration of local, regional and statewide broadcasting into the total programming effort.*

**Subd. 2. [MEMBERS, REIMBURSEMENT.]** *The bipartisan commission shall consist of five members of the house of representatives appointed by the speaker and five members of the senate appointed by the senate committee on committees. Any vacancy shall be filled by the appointing power.*

*Members of the commission shall be reimbursed in the same manner and amount as for attendance at legislative meetings. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.*

**Subd. 3. [RECOMMENDATIONS.]** *The commission shall act from the time its members are appointed until January 15, 1978. It shall report its findings and recommendations to the legislature not later than January 15, 1978.*

**Subd. 4. [MEETINGS, STAFF.]** *The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in subdivisions 1 to 6. It shall select a chairman and other officers from its membership and employ staff as necessary.*

**Subd. 5. [GIFTS AND GRANTS.]** *The commission may solicit and accept gifts and grants available for use to accomplish the purposes of subdivisions 1 to 6.*

*Subd. 6. [APPROPRIATION.] The sum of \$25,000 is appropriated from the general fund to the commission to pay its expenses.*

*Subd. 7. [EFFECTIVE DATE.] This section is effective the day following final enactment."*

Page 3, delete lines 1 to 32.

Page 4, delete lines 1 to 23.

Renumber the remaining section.

Page 4, line 24, delete "sums" and insert "sum".

Page 4, line 25, delete "are" and insert "is".

Page 4, delete lines 30 and 31.

Further, amend the title as follows:

Page 1, line 2, delete "and".

Page 1, line 3, delete "radio".

Page 1, line 4, after the semicolon insert "creating a legislative commission on public broadcasting;"

We request adoption of this report and repassage of the bill.

Senate Conferees: SAM GEORGE SOLON, HUBERT H. HUMPHREY III and NANCY BRATAAS.

House Conferees: DAVID BEAUCHAMP, RAY FARICY and JAMES PEHLER.

Beauchamp moved that the report of the Conference Committee on S. F. No. 1395 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1395, A bill for an act relating to education; public television and radio; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Hokanson	Moe	Searles
Adams	Cohen	Jacobs	Munger	Sherwood
Albrecht	Corbid	Jaros	Murphy	Sieben, H.
Anderson, B.	Cummiskey	Jensen	Neisen	Sieben, M.
Anderson, D.	Dahl	Johnson	Nelsen, B.	Simoneau
Anderson, G.	Dean	Jude	Nelsen, M.	Skoglund
Anderson, I.	Den Ouden	Kaley	Nelson	Spanish
Anderson, R.	Eckstein	Kalis	Niehaus	Stanton
Arlandson	Eken	Kelly, R.	Norton	Stoa
Battaglia	Ellingson	Kelly, W.	Novak	Suss
Beauchamp	Enebo	Kempe, A.	Osthoff	Swanson
Begich	Erickson	Kempe, R.	Patton	Tomlinson
Berg	Esau	King	Pehler	Vanasek
Berglin	Evans	Knickerbocker	Peterson	Voss
Berkelman	Ewald	Kostohryz	Petrafeso	Waldorf
Biersdorf	Faricy	Kroening	Pleasant	Welch
Birnstihl	Fjoslien	Kvam	Prahl	Wenstrom
Brandl	Forsythe	Langseth	Reding	Wenzel
Braun	Friedrich	Lehto	Rice	White
Brinkman	Fudro	Lemke	St. Onge	Wieser
Byrne	Fugina	Mangan	Samuelson	Wigley
Carlson, A.	George	Mann	Sarna	Williamson
Carlson, D.	Gunter	McCollar	Savelkoul	Wynia
Carlson, L.	Hanson	McDonald	Scheid	Zubay
Casserly	Haugerud	McEachern	Schulz	Speaker Sabo
Clark	Heinitz	Metzen	Searle	

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. 1467.

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. 1467

A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1976, Sections 10.30; 16A.095, Subdivision 2; 16A.10, Subdivisions 1 and 2; 16A.11, Subdivisions 2 and 3; 43.09, Subdivision 2; 43.31; 98.46, by adding a subdivision; 168.33, Subdivisions 2 and 7; 176.602; 183.545, Subdivisions 1, 3 and 4; 183.57, Subdivision 2; 186.04;

260.311, Subdivision 2; 268.06, Subdivision 25; 296.06, Subdivision 2; 296.12, Subdivision 1; 326.241, Subdivision 3; 362.125; 363.14, by adding a subdivision; 462.389, Subdivision 4; Chapter 16A, by adding a section; Laws 1971, Chapter 121, Section 2, as amended; and Laws 1976, Chapter 260, Section 3; repealing Minnesota Statutes 1976, Sections 15.61, Subdivision 3; 16.173; 16A.095, Subdivision 1; 16A.12 and 176.603.

May 21, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1467 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 1467 be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [STATE DEPARTMENTS; APPROPRIATIONS.] The sums set forth in the columns designated “APPROPRIATIONS” are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1977”, “1978”, and “1979”, wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

	APPROPRIATIONS Available for the year Ending June 30,	
	1978	1979
	\$	\$
<b>Sec. 2. THE LEGISLATURE</b>		
Subdivision 1. For the House of Representatives .....	7,100,000	8,000,000
Subd. 2. For the Senate .....	5,155,350	5,539,910
Subd. 3. Legislative Coordinating Commission		
(a) Legislative Reference Library .....	258,910	244,460

	1978	1979
	\$	\$
(b) Revisor of Statutes .....	1,098,401	1,442,317
(c) Office of Legislative Research Science and Technology Project .....	47,250	47,250
Subd. 4. Legislative Audit Com- mission		
(a) Legislative Audit Commis- sion .....	25,000	25,000
(b) Legislative Auditor .....	1,830,652	1,885,224
Subd. 5. Legislative Commission on Pensions and Retirement .....	98,500	98,500
Subd. 6. Mississippi River Parkway Commission .....	10,000	10,000
For 1977 — \$3,000		
This appropriation is from the trunk highway fund.		
Subd. 7. Legislative Commission to Review Administrative Rules .....	30,213	30,213
Sec. 3. SUPREME COURT		
Subdivision 1. General Operations and Management .....	1,821,426	1,897,857
Subd. 2. Supreme Court Contingent	28,750	3,750
If the appropriation for either year is insufficient, the appropriation for the other year is available for it.		
Subd. 3. Judges' Retirement .....	690,000	710,000

To be disbursed by the executive  
director of the Minnesota state retire-  
ment system, subject to the provisions  
of Laws 1975, Chapter 418.

	1978	1979
	\$	\$
Sec. 4. DISTRICT COURT .....	2,617,970	2,617,970
For 1977 — \$19,000		

To be disbursed by the commissioner of finance.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 5. JUDICIAL COUNCIL .....	148,086	153,975
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The amounts that may be expended from this appropriation for each activity are as follows:

**Judicial Council Expenses**

1978	1979
\$ 1,800	\$ 4,700

**County Judicial Advisory Service**

\$ 45,977	\$ 47,530
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**Office of Administrator for Fifth and Eight District Courts**

\$ 100,259	\$ 101,745
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If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 6. BOARD ON JUDICIAL STANDARDS .....	105,000	104,000
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**Approved Complement — 2**

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The board on judicial standards shall annually review the compliance of each district, county, municipal, or probate

1978                      1979  
\$                                      \$

judge with the provisions of Minnesota Statutes, Section 546.27. The board shall notify the commissioner of finance of each judge not in compliance. If the board finds that a judge has compelling reasons for noncompliance, it may decide not to issue the notice.

Upon notification that a judge is not in compliance, the commissioner shall not pay the judge his salary.

The board may cancel a notice of non-compliance upon finding that a judge has returned his status to compliance, but in no event shall a judge be paid his salary for the period in which the notification of noncompliance is in effect.

Sec. 7. STATE LAW LIBRARY

General Operations and Management .....	274,650	278,199
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Approved Complement — 9

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 8. PUBLIC DEFENDER

General Operations and Management .....	587,493	593,121
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Approved Complement — 23

The amounts that may be expended from this appropriation for each activity are as follows:

Public Defender Operations

1978	1979
\$ 424,801	\$ 424,223

None of this appropriation shall be used for the defense of misdemeanors unless the city or county public de-

	1978	1979
	\$	\$

fender, if any, refuses or is unable to defend and then only by order of the court.

#### Legal Assistance to Minnesota Prisoners

\$ 105,533	\$ 103,363
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Legal assistance to Minnesota prisoners shall serve the civil legal needs of persons confined to state institutions. None of these funds shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

Legal assistance to Minnesota prisoners shall make an interim report to the legislative commission to review administrative rules on or before July 1, 1978. The commission shall review and comment on the propriety of the cases handled and may, using the provisions of Minnesota Statutes, Section 3.965 suspend the activities of legal assistance to Minnesota prisoners. Unencumbered money shall cancel to the general fund.

#### Legal Advocacy Project

\$ 57,159	\$ 65,535
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Sec. 9. TAX COURT OF APPEALS	78,791	78,997
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#### Approved Complement — 2

#### Sec. 10. CONTINGENT ACCOUNTS

Subdivision 1. The appropriations in this section shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

	1978	1979
	\$	\$
Subd. 2. General .....	3,387,000	4,681,000

Of this appropriation, \$255,468 in the second year is available for the Minnesota environmental education board. \$175,000 each year is available for the resource recovery grants-in-aid program in the pollution control agency.

Subd. 3. Game and Fish .....	50,000	50,000
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This appropriation is from the game and fish fund.

Subd. 4. Motor Vehicle .....	75,000	75,000
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This appropriation is from the highway user tax distribution fund for the purpose of supplementing any requirements of the department of public safety, motor vehicle services section, for salaries, supplies, and expense.

Subd. 5. Postage .....	250,000	250,000
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For postage rate increases during the biennium ending June 30, 1979, where sufficient appropriations are not available.

Of the above amount \$125,000 each year is appropriated from the highway user tax distribution fund to meet the needs of the motor vehicle section of the department of public safety.

Subd. 6. Traffic Safety .....	75,000	75,000
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This appropriation is from the trunk highway fund for the purpose of supplementing any requirements of the department of public safety for traffic safety programs.

Subd. 7. Criminal Justice .....	810,000	810,000
---------------------------------	---------	---------

This appropriation is available to provide additional matching money for the various state agencies and local gov-

	1978	1979
	\$	\$

ernments for programs qualifying under the safe streets and omnibus crime control act of 1968, as amended.

Matching money shall only be used for the grant for which it was provided. Before any matching money not used by the subgrantee can be used as match for other grants, the governor, after consultation with the legislative advisory commission, must approve its expenditure.

At least 30 days before action by the legislative advisory commission, the crime commission shall submit the individual project requests to the finance and appropriation committees for review.

#### Sec. 11. GOVERNOR

Subdivision 1. General Support	999,246	1,019,863
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The amounts that may be expended from this appropriation for each activity are as follows:

##### General Operations and Management

\$ 984,246	\$ 1,002,363
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If the commissioner of public safety assigns a highway patrol officer as a personal aide to the governor below the rank of sergeant, the officer shall receive the rank and pay of a sergeant while on the assignment.

##### Personal Expenses Connected With Office

\$ 15,000	\$ 15,000
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##### Official Governor's Portrait

\$ 2,500
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Subd. 2. Interstate Representation and Cooperation	199,122	200,855
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1978      1979  
\$            \$

The amounts that may be expended from this appropriation for each activity are as follows:

National Governors Conference

\$ 24,750    \$ 26,483

Education Council

\$ 20,000    \$ 20,000

Upper Great Lakes Regional Commission—State Share

\$ 71,000    \$ 71,000

This appropriation shall cancel if the federal support for the regional commission is withdrawn.

Great Lakes Basin Commission—State Share

\$ 22,300    \$ 22,300

Upper Mississippi Basin Commission — State Share

\$ 45,000    \$ 45,000

Missouri River Basin Commission — State Share

\$ 16,072    \$ 16,072

Subd. 3. Liaison for Spanish Speaking People ..... 50,224    -0-

Approved Complement — 2

Subd. 4. Governor's Commission on Crime Prevention and Control ..... 69,767    69,767

Approved Complement — 86

General — 35

Federal — 51

	1978	1979
	\$	\$
<p>57 percent of all part B federal money received for planning purposes shall be used for grants to regional and local units of government. If the state appropriation for planning at the state level exceeds federal match requirements, the excess shall be used for grants to regional and local units of government.</p>		
Subd. 5. Governor's Manpower Office .....	1,200,000	1,200,000
<p>This appropriation is the state match for grants to community action agencies and for administrative costs of the economic opportunity activity.</p>		
Subd. 6. Governor's Task Force on Waste and Mismanagement .....	75,000	75,000
<p>Approved Complement — 2</p>		
<p>The task force shall search out instances of governmental waste or mismanagement, document the facts of each case, and recommend to the governor how these instances can be curtailed or eliminated. A follow-up procedure shall be instituted to make certain that the governor's directives are followed. A rewards program shall be established to recognize positive accomplishments by public employees.</p>		
<p>If the appropriation for either year is insufficient, the appropriation for the other year is available for it.</p>		
<p>This subdivision is effective and the appropriation for fiscal 1978 is available the day following final enactment.</p>		
<p>Sec. 12. LIEUTENANT GOVERNOR.</p>		
Subdivision 1. General Operations and Management .....	260,894	263,524
<p>Approved Complement — 9</p>		
Subd. 2. Personal Expenses Connected With Office .....	2,000	2,000

	1978	1979
\$	\$	

The budget for the office of lieutenant governor includes money to establish a federal relations office in Washington, D.C. to provide services to the executive and legislative branches of Minnesota state government.

Sec. 13. SECRETARY OF STATE

General Operations and Management .....	593,303	832,409
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Approved Complement — 27

The amounts that may be expended from this appropriation for each activity are as follows:

Elections and Documents

\$ 140,124    \$ 428,599

For 1977 — \$15,440

Uniform Commercial Code

\$ 37,084    \$ 37,846

For 1977 — \$2,478

Corporations

\$ 258,120    \$ 204,390

Administration

\$ 157,975    \$ 161,574

The secretary of state with the approval of the commissioner of finance may transfer unexpended balances among the above activities. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 14. STATE AUDITOR .....	209,521	209,642
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Approved Complement — 111

	1978	1979
	\$	\$
General — 8		
Revolving — 103		
<p>The state auditor shall return to the general fund \$50,000 appropriated by Laws 1973, Chapter 720, Section 10, Subdivision 3 to the state auditor's revolving fund for a study of local government accounting systems, practices, and reporting.</p>		
Sec. 15. STATE TREASURER . . .	452,820	458,975
Approved Complement — 26		
General — 22		
Special Revenue — 4		
Sec. 16. ATTORNEY GENERAL		
Approved Complement		
1978 — 191		1979 — 187
General — 186		184
Federal — 5		3
Subdivision 1. General Operations and Management . . . . .	4,945,782	4,875,792
Subd. 2. Special Contingent . . . . .	25,000	25,000

This appropriation shall not be available for paying the costs of special, legal, accounting, and investigative personnel retained in cases arising under Minnesota Statutes, Section 501.12, hereafter filed unless the attorney general shall decide in a case that all the beneficiaries are not adequately represented, or that there is a likelihood that the purpose of the trust may be frustrated without his intervention and that the state has a substantial interest in carrying out the purpose of the trust.

	1978	1979
	\$	\$
Subd. 3. Antitrust .....	224,059	225,465

This appropriation is for costs and expenses incurred by the attorney general in enforcing and making claims under state and federal antitrust laws.

The attorney general shall report the purposes for which the moneys appropriated by this subdivision are utilized. The reports shall be made to the committee on finance of the senate and the committee on appropriations of the house of representatives at the end of each fiscal year.

If an appropriation in subdivisions 2 and 3 for either year is insufficient, the appropriation for the other year is available for it.

Subd. 4. Minnesota Peace Officers Training Board

(a) General Operations and Management .....	76,795	79,125
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Approved Complement — 3

(b) Reimbursements to Local Governments .....	300,000	300,000
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Reimbursements for costs of substitute local protection while officers attend regular training courses. Reimbursement shall be for basic training only and not for in-service training.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 17. ETHICAL PRACTICES ..	147,019	146,880
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Approved Complement — 5

Sec. 18. INVESTMENT BOARD ..	875,528	898,099
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Approved Complement

	1978	1979
	\$	\$
1978 — 29      1979 — 30		
Sec. 19. STATE PLANNING AGENCY		
Subdivision 1. General Operations and Management .....	8,119,853	7,227,369
Approved Complement — 186		
General — 108		
LCMR — 47		
Federal — 29		
Revolving — 2		

The amounts that may be expended from this appropriation for each program are more specifically described in the following subdivisions of this section.

Subd. 2. State Planning and Development .....	333,753	335,924
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The amounts that may be expended from this appropriation for each activity are as follows:

State Development Planning

\$ 21,005      \$ 21,412

\$120,000 has been placed in the general contingent account to develop state and regional growth plans and recommend a policy for economic alternatives in Minnesota.

This money shall be authorized for use by the governor, upon recommendation of the legislative advisory commission.

The director of the state planning agency shall select individuals to complete the study, including those who,

	1978	1979
	\$	\$

by profession, analyze regional economic growth patterns. The selection shall be done in cooperation with appropriate legislative committees and staff in the House of Representatives and Senate as designated by the Speaker of the House of Representatives and the President of the Senate who shall be involved in the ongoing progress of the study. The study shall be done in a manner which encourages participation by the regional development commissions and should incorporate work completed by the commission on Minnesota's future.

The study shall (1) examine social, environmental and economic costs and benefits of economic development; (2) consider demographic shifts utilizing data from the state demographer, which affect employment patterns, needs for educational institutions, tax bases and other growth factors in an area; (3) identify relationships of economic development to these demographic changes in Minnesota; (4) consider the effects of emmigration and immigration; and (5) make recommendations for optional patterns of economic development in Minnesota considering social, environmental and economic needs as well as demographic shifts.

The director of the state planning agency shall present the plans and recommendations to the Minnesota legislature no later than November 15, 1978.

#### Housing Studies

\$	16,746	\$	16,984
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#### Issue Analysis

\$	15,000	\$	15,000
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#### State/Local/Regional Policy Development

\$	55,559	\$	55,746
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	1978	1979
	\$	\$
<b>Program Review</b>		
\$ 25,409	\$	25,452
<b>Planning Information</b>		
\$ 19,600	\$	19,897
<b>Population Forecasts</b>		
\$ 180,434	\$	181,433
<b>Subd. 2. Functional Area</b>		
<b>Planning</b> .....	4,722,721	3,967,865

The amounts that may be expended from this appropriation for each activity are as follows:

**Health Planning**

    \$ 71,646   \$ 82,892

**Development Disabilities Grants**

    \$ 102,178   \$ 103,084

**Transportation Systems Planning**

    \$ 42,741   \$ 43,326

**Environmental Systems Planning**

    \$ 335,387   \$ 339,131

The agency may charge a fee to each user of the Minnesota land management information system.

**Environmental Quality Council  
Administration**

    \$ 436,821   \$ 449,784

Money appropriated in this activity shall include a study of the feasibility of establishing an office of environmental analysis for the state of Minnesota

1978

1979

\$

\$

to be responsible for the completion of environmental impact statements for the Minnesota state agencies. The study, which should be completed in cooperation with the committee on finance in the senate and the committee on appropriations in the house of representatives in time for consideration by the 1978 legislative session, shall include a financial analysis of the personnel and budget requirements of establishing the office. The analysis should compare fiscal requirements of establishing a new office of environmental analysis with the present system of preparing environmental impact statements.

#### Critical Areas Planning

\$ 327,659      \$ 78,763

Of this appropriation, \$232,215 in fiscal 1978 is for financial aid to local governments within critical areas. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

#### Power Plant Studies

\$ 460,902      \$ 474,331

#### Land Use Planning

\$ 194,799      197,409

#### EIS/Special Studies

\$ 2,000,000      \$ 2,000,000

This appropriation is for expenses incurred in hearings and for allocation to appropriate state agencies for the preparation of environmental impact statements. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

	1978	1979
	\$	\$

The balance of the appropriations made by Laws 1976, Chapter 331, Section 20 to the State Planning Agency for the copper-nickel regional environmental impact study shall not cancel on June 30, 1977 but shall remain available until expended.

**Environmental Conservation Library Grant**

\$ 101,000	\$ 101,000
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**Minnesota Environmental Education Board**

\$ 252,685
------------

This appropriation is for state and regional environmental education councils. No less than 50 percent of the efforts of the state and regional councils shall be directed to cooperation with and service for other groups, agencies, and institutions for the dissemination of environmental information.

**Human Resources Planning**

\$ 396,903	\$ 98,145
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\$300,000 in fiscal 1978 is for human services board grants to single and multi-county boards for initial planning and for start-up operating costs. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Subd. 3. Regional and Local Planning and Management Assistance	2,753,399	2,607,748
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The amounts that may be expended from this appropriation for each activity are as follows:

**Regional Assistance**

\$ 142,015	\$ 143,737
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	1978	1979
	\$	\$

### Technical Assistance

\$ 1,388,884    \$ 1,248,511

Of this amount \$100,000 in the first year is for completion of the local government fiscal study and \$134,000 in the first year is for completion of the Minneapolis-St. Paul study.

\$897,000 in fiscal 1978 and \$845,000 in fiscal 1979 is for land use planning grants to local governments.

### Planning Assistance Grants

\$ 972,500    \$ 965,500

This appropriation is for regional planning assistance grants.

### Community Development Corporations

\$ 250,000    \$ 250,000

No more than ten percent of this amount shall be expended for administrative costs.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 4. General Administration . . .	309,980	315,832
---------------------------------------	---------	---------

For 1977 — \$8,000

The director of the state planning agency with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose or for grants among the above programs and activities. All transfers shall be reported forthwith to the committee on finance in the senate and the committee on appropriations in the house of representatives.

	1978	1979
	\$	\$
<b>Sec. 20. ADMINISTRATION</b>		
General Operations and Management	13,889,977	14,053,131
Approved Complement — 1052		
General — 484		
Special — 9		
Federal — 18		
Revolving — 541		

The amounts that may be expended from this appropriation for each program are as follows:

**Program and Management Improvement**

\$ 623,559    \$ 633,570

**Management Information Services**

\$ 495,867    \$ 500,091

**General Services**

\$11,734,623    \$11,864,083

Of this appropriation, \$250,000 in fiscal 1978 is for an energy survey of state buildings.

This appropriation includes the following sums to assist in the provision of criminal and juvenile defense to indigent individuals:

St. Paul — Neighborhood Justice Center, Inc.

For cases arising in Ramsey county.

\$ 90,000    \$ 95,000

1978      1979

\$

\$

Minneapolis — Legal Rights Center,  
Inc.

For cases arising in Hennepin county.

\$ 50,000      \$ 55,000

Duluth — Duluth Indian Legal Assis-  
tance Program

For cases arising in St. Louis and  
Mille Lacs Counties.

\$ 80,000      \$ 85,000

Cass Lake — Leech Lake Reservation  
Criminal and Juvenile Defense Corp.

For cases arising in Cass, Itasca,  
Hubbard, and Beltrami Counties.

\$ 47,500      \$ 52,500

White Earth — White Earth Reser-  
vation Criminal and Juvenile Defense  
Corp.

For cases arising in Mahnomen,  
Becker, and Clearwater Counties.

\$ 47,500      \$ 52,500

Each corporation, in order to insure  
broad support and continued operation,  
is strongly encouraged to seek addi-  
tional monetary support from federal  
agencies, local governments, private  
agencies, and community groups, and  
after June 30, 1978, is required to pro-  
vide a minimum of 10 percent match  
from nonstate sources.

#### General Support

\$ 1,035,928      \$ 1,055,387

The commissioner of administration  
with the approval of the commissioner  
of finance may transfer unencumbered

	1978	1979
	\$	\$
balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.		

Sec. 21. CAPITOL AREA  
ARCHITECTURAL AND PLANNING  
BOARD .....

65,891	66,625
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Approved Complement — 2

Sec. 22. FINANCE

General Operations and Management	4,961,649	4,587,833
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Approved Complement — 124

The amounts that may be expended from this appropriation for each program are as follows:

Financial Operations

\$ 2,493,220	\$ 2,560,832
--------------	--------------

Financial Management

\$ 1,449,639	\$ 1,490,874
--------------	--------------

General Support

\$ 518,790	\$ 536,127
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The commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Public employment study

\$ 500,000
------------

None of this appropriation may be expended until the commissioner of fi-

	1978	1979
	\$	\$

nance has consulted with the legislative advisory commission as provided in Minnesota Statutes, Section 3.30.

Any balance remaining on June 30, 1978 shall not cancel, but is available for the second year.

All units of state and local government, including retirement systems, shall furnish information requested by the department of finance. The department of finance shall submit its report and recommendations to the legislature by January 15, 1979.

### Sec. 23. PERSONNEL

General Operations and Management	2,289,007	2,290,570
Approved Complement — 107		
General — 93		
Federal — 7		
Revolving — 7		

The amounts that may be expended from this appropriation for each program are as follows:

#### Personnel Technical Services

\$ 663,711	\$ 662,472
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#### Training and Development

\$ 314,955	\$ 308,064
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By November 1, 1977, each state department shall submit to the committee on finance of the senate and the committee on appropriations of the house of representatives a list showing, by line item, the amount of money for employee training in its fiscal 1978 and 1979 budgets.

	1978	1979
	\$	\$

By January 1, 1978, the commissioner of personnel shall promulgate rules for the establishment and administration of special career training programs for class C civil service employees. The commissioner may begin rulemaking the day following final enactment of this act.

By July 1, 1978, each state department shall have a plan approved by the commissioner of personnel to use 50 percent of its training money for special career training programs for class C civil service employees. The money shall be used only for this purpose.

Employee, Employer Services

\$ 482,799	\$ 490,714
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Local Government Services

\$ 30,452	\$ 30,859
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General Support

\$ 797,090	\$ 798,461
------------	------------

The commissioner of personnel with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

In the case of state departments, agencies, and institutions that are financed in whole or in part with federal money, the portion of the cost of collecting social security contributions that is chargeable to federal money shall be reimbursed from federal money, and the amount necessary is appropriated from federal money for that purpose.

The cost of collecting employees' social security contributions and the

	1978	1979
	\$	\$

state's matching share for reimbursement to the U. S. Secretary of the Treasury for state departments, agencies, and institutions whose salaries are provided by open, standing, continuing, or revolving appropriations or so called dedicated receipt accounts shall be reimbursed to the state agency revolving fund from those appropriations or dedicated receipt accounts, and the amount necessary is appropriated from those appropriations and accounts for that purpose.

Sec. 24. PERSONNEL BOARD	28,453	-0-
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Approved Complement — 1

Sec. 25. REVENUE

General Operations and Management	21,194,293	21,907,244
Approved Complement — 933		

The amounts that may be expended from this appropriation for each program are as follows:

Revenue Management

\$ 6,055,073	\$ 6,417,680
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Income, Sales, and Use Tax Management

\$11,256,743	\$11,504,012
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Property and Special Taxes Management

\$ 3,800,817	\$ 3,903,595
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Assessors Board and Assessors Training

\$ 81,660	\$ 81,957
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The commissioner of revenue with the approval of the commissioner of finance may transfer unencumbered balances among the above programs.

	1978	1979
	\$	\$
Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.		

Sec. 26. AGRICULTURE

General Operations and Management	10,165,141	11,091,228
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Approved Complement — 483

General — 403

Special — 77

Federal — 3

The amounts that may be expended from this appropriation for each program are as follows:

Development and Protection of Agricultural Resources

\$ 7,554,370	\$ 8,443,494
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Food Processing and Economic Practices

\$ 1,702,704	\$ 1,731,660
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General Support

\$ 908,067	\$ 916,074
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The appropriation for General Support includes the following amounts for grants to agricultural societies and associations.

(a) For Expenses of the Junior Livestock Show in Duluth

\$ 1,400	\$ 1,400
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To be paid to the junior livestock association of Duluth and to be expended

	1978	1979
	\$	\$
by the association for the payment of the expenses and transportation of boys and girls displaying exhibits and in attendance at the junior livestock show at Duluth and for prizes awarded to exhibitors at said show.		

(b) For Aid to Minnesota Livestock Breeders Association

\$	14,200	\$	14,200
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(c) For Aid to Northern Sheep Growers Associations

\$	1,125	\$	1,125
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(d) For Aid to Southern Sheep Growers Associations at LeSueur, Minnesota

\$	500	\$	500
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(e) For Red River Valley Livestock Associations

\$	7,500	\$	7,500
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The amount appropriated by clause (e) shall be disbursed pursuant to provisions of Minnesota Statutes, Section 38.02.

(f) For the Red River Valley Dairymen's Association, Inc., for the purpose of promoting better dairying

\$	1,500	\$	1,500
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Clauses (b), (c), (d), (e), and (f) shall be expended under provisions of Minnesota Statutes, Section 17.07.

(g) Aid to County and District Agricultural Societies

\$	320,000	\$	320,000
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1978

1979

\$

\$

Of the amount appropriated by clause (g), \$4,500 each year is for livestock premiums to county fair associations for carrying on boys' and girls' club work.

The amount appropriated by clause (g) shall be disbursed according to Minnesota Statutes, Section 38.02.

Out of the amounts appropriated by clause (g), \$1,000 each year shall be available for agricultural aid to the Red Lake Band of Chippewa Indians, to be expended as may be directed by the Indian council for the purpose of encouraging activities and arts that will advance the economic and social interest of their people and particularly to promote a program of agricultural development that will utilize to the greatest possible extent the lands and forest owned by them. This appropriation may be used to help maintain an agricultural extension service, to promote 4-H club work, or for premiums for the competitive display of exhibits at any fair or exposition that may be arranged under the direction of the council.

(h) For Aid in Payment of Premiums at Exhibitions of Poultry for the poultry associations mentioned in Laws 1949, Chapter 718, Section 7, Subdivision 8

\$ 3,500 \$ 3,500

Out of the amounts appropriated by clause (h) the amount of \$1,125 shall be allotted each fiscal year to aid the Minnesota state poultry association in the payment of premiums and other necessary expenses, exclusive of salaries or wages of any kind, at its annual exhibition.

The northern poultry association (being a consolidation of 14 northwestern county associations) shall receive not to exceed \$150.

	1978	1979
	\$	\$

The commissioner of agriculture with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

### Sec. 27. LIVESTOCK SANITARY BOARD

General Operations and Management .....	1,128,454	1,139,665
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Approved Complement — 45

This appropriation includes \$1,500 each year for payment of indemnities. If the appropriation for indemnities for either year is insufficient, the appropriation for the other year is available for it. Indemnities of less than \$1 shall not be paid.

### Sec. 28. NATURAL RESOURCES

General Operations and Management .....	47,984,856	48,530,981
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Approved Complement — 1402

General — 816

LCMR — 56

Game and Fish — 494

Federal — 34

Agency — 2

Of this appropriation, \$32,552,008 for the first year and \$27,653,800 for the second year are from the general funds; \$14,332,848 for the first year and \$14,777,181 for the second year are from the game and fish fund.

	1978	1979
	\$	\$

The amounts that may be expended from this appropriation for each program are as follows:

**Administrative Management Services**

\$ 4,707,197    \$ 4,664,593

Of this appropriation, \$134,000 in fiscal 1978 and \$133,000 in fiscal 1979 is for environmental impact statements.

\$350,000 in fiscal 1978 and \$200,000 in fiscal 1979 is for the youth conservation corps, of which \$175,000 for fiscal 1978 and \$100,000 for fiscal 1979 is for planting, timber stand improvement, and forest development on state owned lands, other than trust fund lands for forestry purposes.

**Regional Administration**

\$ 2,417,599    \$ 2,460,005

**Field Services Support**

\$ 3,353,002    \$ 3,391,722

**Water Resources Management**

\$ 2,167,872    \$ 1,937,217

For 1977 — \$79,050

Any unencumbered balance of the appropriation for 1977 is available until June 30, 1978.

\$50,000 in fiscal 1978 is for construction and modification of the Knife river dam pursuant to Laws 1971, Chapter 939, and represents money previously appropriated but not spent. This amount is available until expended.

\$150,000 in fiscal 1978 is for repair of the lake Byllesby dam, provided that

	1978	1979
	\$	\$

this appropriation is matched by Dakota and Goodhue counties. This amount is available until expended.

\$25,000 is for completion of the repair and reconstruction of the Pine Lawn park dam owned by the city of Grand Meadow, including silt removal, subject to approval of a work program by the legislative commission on Minnesota resources.

#### Mineral Resources Management

\$ 1,932,690    \$ 1,958,771

For 1977 — \$69,614

\$202,514 in fiscal 1978 and \$210,961 in fiscal 1979 is for mineland reclamation.

\$500,000 in fiscal 1978 and \$500,000 in fiscal 1979 is for peat studies.

#### Forest Management

\$ 6,868,791    \$ 5,922,114

For 1977 — \$486,000

\$500,000 each year is from the consolidated conservation areas account.

\$482,803 in fiscal 1978 and \$190,612 in fiscal 1979 is for a forest inventory. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

\$100,000 each year is for emergency fire fighting. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$671,875 the first year is for a radio communication system. Any unexpended

	1978	1979
	\$	\$

balance remaining in the first year shall not cancel but is available for the second year of the biennium.

\$60,000 is for acquisition of an easement, right of way, tract, or other interest in land necessary for suitable alternative public road access to General C. C. Andrews state forest. The access shall be located on the southeast quarter of the southeast quarter and the southwest quarter of the southeast quarter, Section 2, Township 44, Range 20 West. The road may be a limited access road in whole or in part. This acquisition and construction is not subject to the \$1,500 limitation contained in Minnesota Statutes, Section 88.09. This appropriation may not be expended until the city of Willow River enters into an agreement with the commissioner of natural resources for the permanent maintenance of the road access. This appropriation is available until the project is completed.

#### Fish Management

\$ 4,647,950    \$ 4,789,408

#### Wildlife Management

\$ 4,564,151    \$ 4,662,746

\$600,000 each year is from the wildlife acquisition fund for the acquisition of wildlife management areas.

\$300,000 each year is for deer habitat improvement.

#### Ecological Surveys and Services

\$ 555,667    \$ 564,999

#### Parks and Recreation Management

\$ 7,134,786    \$ 7,053,483

	1978	1979
	\$	\$

The approved complement includes five trails coordinators.

\$159,481 is for the program to employ needy elderly persons to maintain recreational facilities as specified in Minnesota Statutes, Section 84.025, Subdivision 8, plus interest accrued on the sum of \$659,481 from the date of receipt of that amount from the federal government pursuant to Public Law 94-369, Title II. The commissioner of finance shall transfer these amounts from the federal fund to the general fund. These amounts are available upon enactment and until expended.

Amounts appropriated by Laws 1975, Chapter 204, Section 55, Subdivision 6, Paragraphs (a) and (c) shall not cancel but remain available until expended for dam and spillway repair in the Lake Bronson state park, improvement of the sewer system in Whitewater state park, a maintenance building in Fort Snelling state park, and construction and repair of dams and channel excavation to manage water levels on Heron Lake in Jackson county.

\$182,190 in fiscal 1978, and \$184,480 in fiscal 1979 is for maintenance of canoe and boating routes.

\$59,731 in fiscal 1978 and \$46,328 in fiscal 1979 is for development of canoe and boating routes.

\$1,200,000 each year represents unfunded gas taxes paid for snowmobiles and shall be used for acquisition, development and maintenance of recreational trails and for related purposes.

Notwithstanding any other law to the contrary money appropriated for trails may be used to fence snowmobile trails to protect private property.

Soil and Water Conservation Commission

1978

1979

\$

\$

\$ 813,508 \$ 817,303

\$425,000 each year is for grants in aid to soil and water conservation districts.

\$252,088 in fiscal 1978, and \$252,433 in fiscal 1979 is for flood plain management in the southern Minnesota river basin study area II, of which \$229,667 each year is for grants to watershed districts and other local units of government.

#### Enforcement of Natural Resources Laws and Rules

\$ 5,247,495 \$ 5,308,620

\$75,000 each year is for reservation conservation law enforcement. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$450,000 each year is for the acquisition, development, and maintenance of sites for public access to public waters and for lake improvements. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$10,000 each year is for the purpose of controlling smelt fishing activities on the north shore, including development of parking facilities, traffic control, coordination of regulatory agencies, control of trespass and vandalism, control of littering and sanitation, and public information and education. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Land Acquisition

\$ 3,565,148 —0—

This appropriation represents part of the unencumbered balance of the appro-

	1978	1979
	\$	\$
<p>priations for land acquisition made in Laws 1975, Chapter 204, Section 55, and in Laws 1975, Chapter 415, Section 1, remaining on June 30, 1977. If the unencumbered balance is less than the amount appropriated by this clause plus the amount appropriated from the unencumbered balance by section 33, subdivision 7, paragraph (d), the amount of this appropriation is reduced so that the amount appropriated does not exceed the unencumbered balance.</p>		

This appropriation shall be expended for the same purposes and subject to the same conditions as the unencumbered balances from which it comes.

The commissioner of natural resources with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 29. ZOOLOGICAL BOARD

General Operations and Management .....	3,575,535	4,947,678
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Approved Complement

	1978 — 157	1979 — 165
General — 155		163
Special — 1		1
Federal — 1		1

The appropriation in fiscal year 1979 will be from the Minnesota zoological garden general account.

The amounts that may be expended from this appropriation for each program are as follows:

	1978	1979
	\$	\$
Operations and Visitors Services		
	\$ 2,713,008	\$ 3,616,850
Animal Management		
	\$ 664,037	\$ 918,837
General Support		
	\$ 198,490	\$ 411,991

The director of the Minnesota zoological garden with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The fee structure for the Minnesota zoological garden shall not exceed \$2.50 for adults, age 17 and over, \$1.25 for children, ages 6-16, and free for children 5 and under.

Sec. 30. WATER RESOURCES BOARD .....	82,372	84,318
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Approved Complement — 3

All hearings of the water resources board shall be solely in the performance of expressed statutory duties.

Up to \$8,000 of salaries each year may be used for field training of an employee who is a graduate of an engineering college, which sum shall be matched by watershed districts providing training experience through contractual agreements with the board.

Sec. 31. POLLUTION CONTROL AGENCY. Subdivision 1. General Operations and Management .....	5,165,877	4,865,178
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	\$	1978	\$	1979
Approved Complement — 266				
General — 177				
LCMR — 11				
Federal — 78				

The amounts that may be expended from this appropriation for each program are more specifically described in the following subdivisions of this section.

Subd. 2. Operations and Management .....	4,756,877	4,690,178
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The amounts that may be expended from this appropriation for each activity are as follows:

Water Pollution Control

\$1,934,941 \$ 1,959,088

Air Pollution Control

\$ 541,222 \$ 548,461

Solid Waste Pollution Control

\$ 457,891 \$ 450,301

Regional Support

\$ 446,197 \$ 448,864

General Support

\$ 1,376,626 \$ 1,283,464

For 1977 — \$94,120

Any unencumbered balance of the appropriation for 1977 is available until June 30, 1978.

The director of the pollution control agency with the approval of the com-

	1978	1979
\$		\$

missioner of finance may transfer un-encumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The health department shall continue to render such staff services as the agency may require from time to time through health's division of environmental health. The health department shall be reimbursed from this appropriation for the cost thereof.

Subd. 3. Special Studies .....	225,000	-0-
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The agency shall negotiate with the federal government, or any agency, bureau, or department thereof, for the purpose of securing or obtaining any grants of assistance in the completion of these studies.

The agency shall complete a model waste water facilities plan for a rural community and provide to the legislature by January 1, 1979 a thorough examination of all alternatives presently available for improved treatment in small rural communities.

Any unexpended balance remaining in the first year shall not cancel but is available for the second year of the biennium.

The appropriation in subdivision 3 includes \$50,000 for a special study for an evaluation of the resource recovery grants-in-aid program and the practical options available to communities in the state of Minnesota for source reduction, source separation and resource recovery.

Subd. 3. Pollution Control Grants...	184,000	175,000
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	1978	1979
	\$	\$

The amounts that may be expended from this appropriation for each activity are as follows:

## Automobile Recycling

\$ 175,000	\$ 175,000
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## Resource Recovery

\$ 9,000	\$ 0
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If an appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available for it.

## Sec. 32. ENERGY

General Operations and Management	1,332,450	1,300,552
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## Approved Complement

1978 — 49	1979 — 45
General — 39	38
LCMR — 4	4
Federal — 6	3

The amounts that may be expended from this appropriation for each program are as follows:

## Energy Conservation

\$ 266,045	\$ 267,800
------------	------------

## Energy Education and Local Services

\$ 236,615	\$ 241,158
------------	------------

## Certificates of Need

\$ 244,701	\$ 238,399
------------	------------

	\$	1978	\$	1979
Alternative Energy Research				
	\$	147,012	\$	106,387
Forecasting and Data Systems				
	\$	178,806	\$	180,878
General Support				
	\$	259,271	\$	265,930

The director of the energy agency with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

### Sec. 33. NATURAL RESOURCES ACCELERATION

Subdivision 1. Legislative commission on Minnesota resources .....	180,000	180,000
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Together with any sums received as grants-in-aid from federal sources and any sums granted by private sources to carry out the purposes of the commission. Federal and private funds shall not cancel but remain available until expended.

The commission shall during the 1977-79 biennium review the work programs and progress reports required under subdivision 12 of this section and report its findings and recommendations to the committee on finance of the senate, committee on appropriations of the house of representatives and other appropriate committees. The commission shall establish oversight committees to continue review of a variety of natural resource subject areas as it deems necessary to carry out its legislative charge.

	1978	1979
\$		\$

The commission shall continue to monitor the activities regarding establishment and development of Voyageurs National Park, and will cooperate and coordinate with the citizens advisory committee and all appropriate state, federal and local agencies and shall advise the legislature if necessary, on matters affecting state policy related thereto.

Subd. 2. Department of Agriculture .....	50,255	50,000
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Framework water plan — phase II. For the department role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved.

Subd. 3. Department of Economic Development .....	21,786	20,000
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Framework water plan — phase II. For the department role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved.

Subd. 4. Energy Agency

(a) Framework water plan — phase II .....	106,927	105,000
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For the agency role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved. The water management information system shall be developed consistent and compatible with the Minnesota land management information system.

	1978	1979
	\$	\$
(b) Alternative energy grants ..	200,000	200,000

This appropriation is available for grants to implement research and demonstration projects on alternative energy sources particularly appropriate to this state. At least one fourth of this amount shall be allocated for projects with high potential for commercialization. This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

(c) Energy grant monitoring ..	25,000	25,000
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For implementation of Minnesota Statutes 1976, Section 116H.128 and to insure that federal programs are employed to the best advantage of the state.

(d) Energy grant application assistance .....	50,000	50,000
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This appropriation is available for the agency to make or assist in making grant proposals and applications requiring extensive technical preparation for projects with very large potential financial and technical impacts.

#### Subd. 5. Department of Health

(a) Framework water plan — phase II .....	20,173	20,000
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For the department role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved.

	1978	1979
	\$	\$
(b) Southeast Minnesota groundwater contamination .....	20,600	20,500

The department shall coordinate a multiagency approach to define the nature, extent and projected problems and solutions relating to contamination of groundwater in southeast Minnesota, involving the college of veterinary medicine, the Minnesota and United States geologic surveys. In addition the department shall develop appropriate models to project probable and possible future results.

Of this amount, the department shall contract with the United States geologic survey for an amount up to \$20,500 of state money which shall be at least equally matched with federal moneys, to analyze the interflow in uncased multi-aquifer wells.

#### Subd. 6. Minnesota Historical Society

(a) Restoration of Fort Snelling— final appropriation .....	125,000	125,000
(b) Statewide archeologic survey .....	125,000	125,000

For a two year program to properly collate existing data and acquire data by survey, on additional significant sites. The final report shall be an authoritative document on the location, characteristics and significance for preservation of archeologic sites which will serve to eliminate the delays in environmental assessments and impact statements caused in recent times by lack of this information. The information shall be collected and organized in a manner consistent and compatible with the Minnesota land management information system. Confidentiality and disclosure requirements shall be observed where not in conflict with the objec-

	1978	1979
	\$	\$
tives of producing a meaningful viable and useful report.		
(c) Outdoor recreation act implementation .....	10,000	10,000

For the second biennium of analysis, master planning and other activities required by Minnesota Statutes 1976, Chapter 86A. Work programs and status reports by the several agencies shall be submitted jointly. For the purposes of this subdivision, the Minnesota historical society is exempted from the competitive bidding procedures of Minnesota Statutes, Section 16.07.

Subd. 7. Department of Natural Resources

(a) Framework water plan— phase II .....	112,863	112,863
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For the department role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved. From this appropriation the department shall determine a standard delineation of watershed boundaries and prepare an appropriate map for official state use. The format shall be consistent and compatible with other water information systems and the Minnesota land management information system.

(b) Topographic mapping .....	314,000	314,000
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To convert certain maps to the 7 1/2 minute scale and update those high priority maps which are obsolete, according to priorities established and reported by the state mapping advisory committee in February, 1977. Information shall be processed into the Minnesota land management information system as applicable.

	1978	1979
	\$	\$
(c) Outdoor recreation act implementation .....	401,446	401,446

For the second biennium of analysis, master planning and other activities required by Minnesota Statutes 1976, Chapter 86A. Work programs and status reports by the several agencies shall be submitted jointly.

(d) State land recreation development .....	6,833,250
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To be expended in accordance with Minnesota Statutes 1976, Chapter 86A. These funds shall only be expended for development within the authorized or designated boundaries of state operated parks and recreation areas. Of this amount, \$2,400,000 is appropriated from the state parks development account, of which \$1,436,750 may be used for major rehabilitation. At least 90 percent of all moneys provided through this subdivision shall be spent only upon projects eligible for land and water conservation fund match or reimbursement.

\$3,000,000 of this appropriation represents part of the unencumbered balance of the appropriations for land acquisition made in Laws 1975, Chapter 415, Section 1, Subdivision 2, remaining on June 30, 1977. If the unencumbered balance is less than the amount appropriated by this clause the amount of this appropriation is reduced so that the amount appropriated does not exceed the unencumbered balance.

(e) Upper St. Croix riverway development and acquisition .....	750,000
---	---------

For land development and acquisition within the project area, to provide the balance of the state share of the state-federal project. Up to \$400,000 may be spent for acquisition if deemed necessary and all expenditures must be eligible for federal reimbursement.

	1978	1979
	\$	\$
(f) Management Upper St. Croix		
<p>The unexpended balance of the appropriation made in Laws 1975, Chapter 204, Section 55, Subdivision 6, Paragraph d, which could not be spent due to administrative delay beyond state control, is reappropriated for the same purpose.</p>		
(g) Planning for wild, scenic and recreational rivers	227,500	227,500
<p>For expenses related to data gathering, planning, public hearings and other activities preparatory to possible official designation of rivers or river segments as wild, scenic or recreational.</p>		
(h) Peat inventory project	125,000	125,000
<p>The department shall prepare an inventory of major peat areas describing the locations, types, amounts and qualities of peat, shall ascertain suitabilities for different uses and implement the terms of matching grants which may be received from the national science foundation or other sources. Grants or matching moneys so received are appropriated for this purpose.</p>		
(i) Iron range information analysis	50,000	50,000
<p>The department shall develop and implement an information system for the data currently available and for new data which may be produced. Existing and prospective data shall be organized in a format consistent and compatible with the Minnesota land management information system, and shall be processed into that system.</p>		
(j) Long range plan	165,500	165,500
<p>In the coming biennium the department shall conduct an accelerated department wide planning effort to produce a long range plan which effective-</p>		

	1978	1979
	\$	\$

ly shows the interagency and interdivisional cooperative processes which will be implemented to insure multidisciplinary approaches to resource management. The goals, objectives and policies of each division and the entire department shall be concise, clearly stated and effectively interrelated. After the biennium, periodic updating of the plan shall be accomplished within the regular budget.

(k) Land records systems merger	45,000	
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The department shall merge the land classification and land ownership records by July, 1978 to produce a single system for use in both research and administration in the department. The new system shall be consistent and compatible with the Minnesota land management information system and the resulting information provided to that system as applicable.

(l) Standardized land transactions	17,500	17,500
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The department shall, in conjunction with other agencies, develop and implement the processes and forms necessary to produce a comprehensive standard land record system capable of interface with existing resource and facility data systems and the Minnesota land management information system.

(m) Statewide comprehensive outdoor recreation plan—surveys . . . . .	165,000	165,000
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The department shall conduct a two year accelerated survey effort to procure the data on recreation participation and public opinion on recreation management necessary and sufficient to not only comply with federal requirements for an eligible plan, but also to provide quality data for incorporation into state and regional recreation and resource management decision making. The department shall also prepare and

	1978	1979
	\$	\$
submit a suitable plan in order to maintain federal funding eligibility without lapse.		
(n) Soil and water conservation board sediment and erosion control grants-in-aid. ....	251,000	250,000

This appropriation is available to provide funds for a demonstration grant-in-aid program to assist local units of government or local soil and water conservation districts in solving sediment and erosion control problems by providing matching funds not to exceed 50 percent of the total cost or 50 percent of the local share if federal funds are used. Guidelines for program operation and grant distribution shall be subject to approval by the legislative commission on Minnesota resources. Of the amount provided, not less than 90 percent shall be distributed as grants-in-aid. The board shall administer the grant-in-aid program. Priority for distribution of funds shall be given to projects eligible for federal matching funds. Projects designed to solve streambank and roadside erosion shall be given first priority.

If state legislation is enacted in 1977 which duplicates this program, this appropriation shall be placed into the natural resources federal reimbursement account and shall be in addition to the amounts appropriated in that account.

#### Subd. 8. Pollution Control Agency

(a) Framework water plan— phase II .....	18,904	18,903
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For the agency role in phase II of the framework water and related land resources planning effort. The water resources council, or board if created, shall coordinate the work programs and reports of all agencies involved. Staff necessary to accomplish this work shall be provided from among existing agency

	1978	1979
	\$	\$
staff unless the agency determines that the particular duties are so technical and other programs of such high priority that hiring new staff is essential to success of the overall framework water planning.		
(b) Lake improvement grants-in-aid	692,813	692,813

The pollution control agency shall administer this appropriation to provide grants-in-aid to local units of government including lake improvement districts. Only grant proposals eligible for aid from the federal clean lakes act (section 314 of PL 92-500) shall be eligible under this program. State grants shall be available to provide up to 50 percent of the nonfederal share of each project and available only to projects with an approved federal grant. This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

Subd. 9. State Planning Agency

(a) Framework water plan—  
phase II

The agency shall be involved in phase II of the framework water and related land resources planning effort. The agency shall assist the other agencies involved on the interdisciplinary aspects of the issues which are identified and the policies which might be affected by alternative potential solutions to problems, using regular agency budget resources.

(b) Copper nickel regional impact study	1,021,000	1,021,000
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1978

1979

\$

\$

For the final phase of the study initiated in 1975. The environmental quality council shall provide the expenditure plans, coordination and direction of the study. Staffing authorizations created through past and current appropriations for this study expire June 30, 1979 or sooner as study progress dictates. The primary objective of this study effort is preparation and submittal to the legislature in the 1979 session, of a report which provides the basis for legislative policy making in this issue area.

(c) Outdoor recreation act implementation .....	32,500	32,500
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To provide both the staff for the agency review process required and the administrative support for the outdoor recreation advisory council, pursuant to Minnesota Statutes, Chapter 86A.

(d) Mapping and remote sensing information center .....	5,000	5,000
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The agency shall establish a center and an advisory committee of user agency personnel. The agency will manage the information on what products already exist, coordinate proposed remote sensing and mapping efforts to avoid unnecessary duplication and generally improve access to available products. All states agencies shall cooperate with the center to provide information on both present and proposed remote sensing or mapping products and shall adjust proposed remote sensing activities to accommodate the widest practical use of the proposed products. Future operation of the center shall be supported from the regular agency budget, if justified.

(e) Manual of standard land terms .....	5,000	
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	1978	1979
\$		\$

The agency shall produce by January 1, 1978 a manual which provides standard terms for use in describing land use and land cover in a format suitable to all state agencies involved to any extent in use of natural resource data. The terms in the manual shall be consistent and compatible with the Minnesota land management information system.

(f) Demonstration project MLMIS .....	55,000	55,000
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The agency shall conduct a one time pilot project, as the completion phase of development of the Minnesota land management information system, which will demonstrate the applicability of the system at the regional and local level. Further implementation at the regional or local level shall be provided only with regional or local financial support.

(g) Grants-in-aid for local recreation and natural areas .....	2,000,000	2,000,000
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This appropriation is to pay up to 50 percent of the total cost or 50 percent of the local share if federal matching funds are used, of long term lease, acquisition and development for recreational projects for the purposes described in Laws 1965, Chapter 810, Section 23, as amended by Laws 1969, Chapter 1139, Section 48, Subdivision 7, Paragraph g, except that no lake improvement grants are authorized under this subdivision and the per project limit for state grants shall be \$200,000.

\$2,000,000 of this appropriation shall be reserved for projects outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2.

The state planning agency shall administer the natural resources and land and water conservation fund grants-in-aid to local units of government. Not-

	1978	1979
	\$	\$
withstanding any other law to the contrary these grants are not contingent upon the matching of federal grants.		

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

(h) Grants-in-aid for regional recreation and natural areas	2,000,000	2,000,000
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This appropriation is available to pay up to 50 percent of the total cost or 50 percent of the local share, where federal matching funds are used, for long term lease, acquisition and major development for recreation projects, natural areas and open space serving a regional need to counties, local units of government, special units of government and public educational institutions authorized to acquire, maintain and operate recreational and natural areas.

\$2,000,000 of this appropriation shall be reserved for projects outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2.

Priorities for the use of funds provided in this subdivision will be given to projects eligible for federal funding and which are consistent with priorities established by regional recreation and open space plans.

The amount needed but not to exceed \$1,000,000, in fiscal year 1978 and \$1,000,000 in fiscal year 1979, from this appropriation shall be transferred to the metropolitan council to pay principal and interest coming due in the respective fiscal years on bonds issued pursuant to Laws 1974, Chapter 563,

1978

1979

\$

\$

Section 7, Subdivision 2; none of this amount may be expended for professional services.

The state planning agency shall administer the natural resources and land and water grants-in-aid program.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

(i) Regional significance designation .....	45,000	45,000
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The agency shall make grants to the various regional development commissions or other appropriate bodies, outside the area defined in Minnesota Statutes 1976, Section 473.121, Subdivision 2, to provide partial assistance to be distributed pursuant to the regular fiscal year contracts with the respective commissions. The grants are for the preparation of lists of existing and prospective sites and facilities within each region which indicate, by priority for both acquisition and development, those areas which are considered as having regional significance. After July 1, 1978, grants-in-aid for recreation and natural areas under paragraph h, above, shall be made, so far as feasible, consistent with the listing prepared and submitted under this paragraph.

It is anticipated that this program will expire on or before June 30, 1979. If administrative rules are deemed necessary for this particular program by the attorney general, the agency shall amend existing administrative rules as applicable.

(j) Uniform generalized forest maps		
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	1978	1979
	\$	\$
<p>The unexpended balance of the appropriation made in Laws 1975, Chapter 204, Section 55, Subdivision 7, Paragraph c, which could not be spent due to delay of the state forest inventory, is reappropriated.</p>		
<p>Subd. 10. Regents of the university of Minnesota</p>		
(a) Mines directory .....	12,500	12,500
<p>To the department of civil and mineral engineering for publication of the directory. Future publishing of the directory shall be included in the regular budget.</p>		
(b) Pilot plant—copper nickel process .....	200,000	
<p>To the department of civil and mineral engineering to develop and implement a pilot plant operation to demonstrate bulk and differential flotation of copper nickel ore. The work program shall be reviewed by the director of the regional impact study and interim and final results submitted in sufficient time for incorporation into the reports of the study.</p>		
(c) Study of autogenous grinding and tailings analysis—copper nickel ...	100,000	100,000
<p>To the department of civil and mineral engineering to conduct studies on autogenous grinding techniques and to analyze copper nickel tailings both for the potential energy and environmental effects and to determine the mineral reclamation potential. The director of the copper nickel regional impact study shall review and comment upon the work program.</p>		
(d) Publish regional soils atlas ...	35,000	35,000
<p>To the agricultural experiment station to finish publication of the soil</p>		

	1978	1979
	\$	\$
atlas series regional scale for the entire state.		

(e) Accelerated detailed soil survey	483,500	483,500
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To the agricultural experiment station for acceleration of detailed county soil surveys. The costs of the program shall be shared between local, state and federal units of government, on a pro rata basis depending upon land ownership by the respective levels of government. The work program shall be developed in concert with the members of the Minnesota cooperative soil survey.

(f) Southeast Minnesota ground-water contamination	30,000	30,000
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To the Minnesota geological survey to study the geology and subsurface drainage in the karst region of southeastern Minnesota. The work program shall be developed in concert with the department of health and submitted jointly with the other agencies involved.

(g) Publish geologic data	50,000	50,000
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To the Minnesota geologic survey to publish important existing data not presently available in a form sufficient to meet current requests.

(h) Aeromagnetic mapping assessment	100,000	100,000
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To the Minnesota geologic survey. Of this amount \$50,000 is to conduct a feasibility analysis and recommend a strategy for state involvement in aeromagnetic mapping and up to \$150,000 is available to conduct pilot efforts to evaluate that strategy in further development of a state plan for aeromagnetic data collection. Expenditure of the latter amount is subject to the recommendation of the legislative commission on Minnesota resources. Data shall be collected in a format consistent and

	1978	1979
	\$	\$
compatible with the Minnesota land management information system and provided to that system.		
(i) Southeast Minnesota ground-water contamination .....	22,287	22,286

To the college of veterinary medicine, for an epidemiological study related to the human and animal health effects of well water. The work program shall be developed in concert with the department of health and submitted jointly with the other agencies involved. Maximum effort shall be exerted to obtain matching moneys or in kind services to expedite or improve the study.

(j) Assessment of lake improvement techniques—Eagle Lake .....	50,090	25,000
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To the Morris branch for a fifth year benchmark study and report by December 15, 1978 which evaluates the effectiveness of the lake improvement techniques employed on Eagle lake, in conjunction with other state and federal agencies.

#### Subd. 11. Professional services

##### (a) Department of natural resources

Of the amounts appropriated to the commissioner of natural resources in this section for land acquisition and development purposes, not more than 15 percent may be expended for professional services.

##### (b) State planning agency

Of the amounts appropriated in subdivision 9, paragraphs (g) and (h) of this section, not more than \$249,000 may be spent by the state planning agency for administration of the grants-in-aid programs specified there in.

1978

1979

\$

\$

## (c) Pollution control agency

Of the amount appropriated in subdivision 8 (b) for lake improvement grants, not more than five percent may be spent by the pollution control agency for administration of the grants-in-aid programs specified therein.

## Subd. 12. Work programs

It is a condition of acceptance of the appropriations made by this section that the agency or entity receiving the appropriation shall submit work programs and semiannual progress reports in the form determined by the legislative commission on Minnesota resources. None of the moneys provided in this section may be expended unless the commission has approved the pertinent work program.

## Subd. 13. Natural resources federal reimbursement account

Federal reimbursements and match money received for the purposes described in Minnesota Statutes, Chapter 86, regardless of the source of state match, credit or value used to earn the reimbursement or match shall in the first instance be credited to a federal receipt account by the state agency receiving the reimbursement or match. Any state department or agency, including the Minnesota historical society and the university of Minnesota, which receives reimbursements or matching moneys as described above shall transfer those amounts to the natural resources federal reimbursement account. Of the amounts transferred, \$1,000,000 is appropriated for the purposes of that account.

Any land and water conservation fund moneys received over and above the normal state apportionment from that fund are also appropriated for the purposes of this reimbursement account.

	1978	1979
\$		\$

This appropriation is additional to the specific amount appropriated from the amounts transferred in this subdivision.

These appropriations are available for the purposes of state land acquisition and development as described in this section, when the acquisition and development is deemed to be of an emergency or critical nature. In addition these moneys are available for studies initiated by the legislative commission on Minnesota resources that are found to be proper in order for the commission to carry out its legislative charge.

Requests for allocation from the account for acquisition or development must be accompanied by a certificate signed jointly by the state planning officer and commissioner of natural resources, showing a review of the application against Minnesota Statutes, Chapter 86A. Copies of the certification must be submitted to the appropriate legislative committees and commissions.

After all the federal reimbursement and matching moneys are received for the Upper St. Croix riverway project, this account may be used to provide additional state moneys for acquisition and development on that project, and the necessary amounts are appropriated for the project. This appropriation is additional to the specific amounts appropriated in this subdivision.

The appropriations made in this subdivision shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures.

Subd. 14. For all appropriations in this section, if the appropriation for either year is insufficient, the appro-

	1978	1979
	\$	\$

priation for the other year is available for it.

## Sec. 34. COMMERCE

General Operations and Management	4,594,445	4,677,598
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Approved Complement — 215

The amounts that may be expended from this appropriation for each program are as follows:

Supervision of State Chartered  
Financial Institutions

\$ 1,576,774	\$ 1,600,790
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For 1977 — \$32,784

## Investment Protection

\$ 638,439	\$ 651,547
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For 1977 — \$19,500

## Consumer Services

\$ 374,549	\$ 382,548
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## Regulation of Insurance Companies

\$ 1,258,786	\$ 1,281,754
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For 1977 — \$7,700

## General Support

\$ 745,897	\$ 760,959
------------	------------

For 1977 — \$4,200

The commission with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee

	1978	1979
	\$	\$
on appropriations in the house of representatives.		
Sec. 35. BOARD OF ABSTRACTORS .....	3,962	3,639
Sec. 36. BOARD OF ACCOUNTANCY .....	130,588	135,716
Approved Complement — 2		
Sec. 37. BOARD OF ARCHITECTURE, ENGINEERING AND LAND SURVEYING .....	203,862	206,209
Approved Complement—7		
Sec. 38. BOARD OF BARBER EXAMINERS .....	80,015	80,646
Approved Complement — 3		
Sec. 39. BOARD OF COSMETOLOGY .....	328,817	333,630
Approved Complement — 16		
Sec. 40. BOARD OF ELECTRICITY .....	1,616,940	1,671,265
Approved Complement—18		
Sec. 41. BOARD OF EXAMINERS IN WATCHMAKING .....	6,314	6,020
Sec. 42. BOARD OF BOXING .....	22,258	22,258
Approved Complement — 1		
Sec. 43. LABOR AND INDUSTRY		
General Operations and Management .....	4,705,525	4,777,496
Approved Complement		

	\$	1978	\$	1979
General — 205	206			
Federal—44			44	

The amounts that may be expended from this appropriation for each program are as follows:

**Employment Standards Regulation and Enforcement**

\$ 586,229    \$ 594,558

**Workers' Compensation Regulation and Enforcement**

\$ 2,243,529    \$ 2,285,878

The commissioner shall establish a pool of court reporters sufficient to allow the authorized number of reporters to handle all the cases in the department for which their services are needed.

**Code Enforcement**

\$ 585,076    \$ 595,128

**OSHA Regulation and Enforcement**

\$ 773,558    \$ 782,978

**General Support**

\$ 517,133    \$ 518,954

For 1977 — \$33,140

The commissioner of labor and industry with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

	1978	1979
	\$	\$
Sec. 44. MEDIATION SERVICES		
General Operations and Management	672,374	684,266
Approved Complement — 25		

The director shall charge a fee to each participant at a labor relations education seminar or workshop so that all expenditures except salaries of bureau employees are reimbursed at least 100 percent. Receipts shall be credited to the general fund.

For the purposes of Minnesota Statutes, Section 43.067, the head of the bureau of mediation services shall be considered to be the commissioner of labor and industry.

#### Sec. 45. PUBLIC EMPLOYMENT RELATIONS BOARD

General Operations and Management	43,269	42,313
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Approved Complement — 1

#### Sec. 46. PUBLIC SERVICE

General Operations and Management	3,504,990	3,549,497
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Approved Complement

1978 — 133      1979 — 134

The amounts that may be expended from this appropriation for each program are as follows:

#### Utility Regulation

\$ 855,633    \$ 885,259

#### Transportation and Warehouse Regulation

\$ 120,424    \$ 122,557

	1978	1979
	\$	\$
<b>Weights and Measures</b>		
	\$ 1,237,527	\$ 1,245,523
<b>General Support</b>		
	\$ 1,291,406	\$ 1,296,158

The public service department with the approval of the commissioner of finance may transfer unencumbered balances among the above programs.

#### Sec. 47. EMPLOYMENT SERVICES

Summer Youth Employment . . . . .	250,000	250,000
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If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

This appropriation is available the day following final enactment and until expended.

The commissioner of finance shall transfer these amounts from the federal fund to the general fund.

#### Sec. 48. ECONOMIC DEVELOPMENT

General Operations and Management	2,066,948	2,135,691
Approved Complement — 48		
General — 47		
LCMR — 1		

The amounts that may be expended from this appropriation for each program are as follows:

<b>Business and Industry Services</b>		
	\$ 876,583	\$ 905,055

1978

1979

\$

\$

Of this appropriation, \$85,000 in fiscal 1978 and \$90,000 in fiscal 1979 is for a grant to the Port Authority of Duluth.

Of the appropriation for business and industry services no more than \$62,500 each year shall be spent for domestic advertising and promotion.

Advertising is defined as all nonpersonal communication in measured media under clear sponsorship, including television, radio, print, outdoor media and direct mail. Promotion is defined as personal forms of sponsored communication, including trade shows, exhibits, consumer education, demonstration activities, and convention and conference attendance.

#### Tourism Industry Services

\$ 658,516    \$ 688,266

\$200,000 each year is for tourism advertising and promotion.

\$175,000 the first year and \$200,000 the second year is for tourism grants. The commissioner of economic development may enter into project agreements with organizations or corporations for the purpose of developing the tourism potential of the state. If in the judgment of the commissioner a project will make a meaningful contribution to the tourism development of the state, he may enter into local or regional agreements. No agreement shall be for more than 50 percent of the total annual project cost.

#### Administration Services

\$ 531,849    \$ 542,370

The commissioner shall recommend a schedule of fees pursuant to section

	1978	1979
	\$	\$

16A.128 to be charged for services rendered by the department in furnishing reports, publications, or related publicity or promotional material that is paid for from this appropriation. The fees prescribed by the commissioner shall be commensurate with the cost of furnishing the services or the distribution objective of the department for the material produced. All fees for services and materials shall be collected by the department and deposited in the general fund.

Department publications may contain advertising and may receive advertising revenue from profit and nonprofit organizations, associations, individuals and corporations, other state, federal or local government agencies. Advertising revenues collected by the department shall be deposited in the general fund. The commissioner shall set advertising rates and fees commensurate with services rendered and distribution objectives.

The commissioner of economic development with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### Sec. 49. MILITARY AFFAIRS

General Operations and Management .....	3,300,599	3,371,396
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Approved Complement — 183

General — 170

Federal — 13

Plus additional personnel as may be financed entirely from federal money

	1978	1979
	\$	\$
for the period federal money is available.		

The amounts that may be expended from this appropriation for each program are as follows:

**Maintenance of Military Training Facilities**

\$ 2,555,798	\$ 2,617,997
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**General Support**

\$ 744,801	\$ 753,399
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The adjutant general with the approval of the commissioner of finance may transfer unencumbered balances between the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Notwithstanding any other provision of this act or any other law, the portion of appropriations made in this section that relate to facility maintenance and repairs shall be available for allotment, encumbrance and expenditure upon passage of this act, for the purpose of financing federal reimbursement contracts.

**Sec. 50. VETERANS AFFAIRS**

General Operations and Management .....	2,609,667	2,571,903
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**Approved Complement**

1978—163	1979—228
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The amounts that may be expended from this appropriation for each program are as follows:

**Veterans Benefits**

	1978	1979
	\$	\$
\$ 1,124,802		\$ 1,142,921

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Of this appropriation, \$61,000 each year is for war veterans and war orphans education aid, to be expended pursuant to Minnesota Statutes, Section 197.75.

#### Veterans Services

\$ 734,757	\$ 747,613
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#### Veterans Home

\$ 734,676	\$ 665,229
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Of the amounts appropriated for the veterans home, including any additional federal money and dedicated receipts that are available for maintenance and repair, not to exceed \$1,839,921 is for salaries for the year ending June 30, 1978, and \$2,610,449 is for salaries for the year ending June 30, 1979, but may be augmented by money appropriated for salary increases by the 1977 legislature.

Federal aid, compensation, or reimbursement from the federal government or otherwise received by the Minnesota veterans home, and all receipts from maintenance charges are reappropriated to be used for the purpose of supplementing this appropriation; however, any income in excess of \$2,109,939 for fiscal year 1978, and \$3,003,165 for fiscal year 1979 shall reduce the general fund appropriation by a like amount.

No portion of the money appropriated for salaries shall be used to pay merit increases to employees in the unclassified service.

1978                      1979  
\$                                      \$

No commissary privileges including food, laundry service, janitorial service, and household supplies shall be furnished to any employee paid from this appropriation.

Big Island Veterans Camp

\$    15,432    \$    16,140

The commissioner of veterans affairs with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 51. PUBLIC SAFETY

General Operations and Management .....	44,737,792	45,148,618
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Approved Complement

	1978 — 1683	1979 — 1703	
General —	279	279	
Special Revenue —	101	112	
Trunk Highway —	1021	1024	
Highway User —	209	220	
Federal —	73	68	

The above approved complement includes 504 for all unclassified patrol officers and supervisors of the highway patrol. This complement shall not be exceeded during the biennium. Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section provided

1978

1979

\$

\$

that the above complement shall be reduced accordingly.

No new highway patrol supervisory positions shall be established, with the exception of special duty assigned ranks for the length of assignment only.

Of this appropriation, \$27,507,457 for the first year and \$28,144,898 for the second year are from the trunk highway fund for traffic safety programs. The commissioner of finance shall transfer on a quarterly basis the appropriation made from the trunk highway fund in this section. \$7,440,828 for the first year and \$7,711,215 for the second year are from the highway user tax distribution fund for the administration of motor vehicle laws.

Of this appropriation, \$9,757,007 for the first year and \$9,260,000 for the second year are from the general fund.

The amounts that may be expended from this appropriation for each program are as follows:

Administration and Related Services

\$ 1,384,660    \$ 1,455,065

Investigation, Enforcement and  
Emergency Assistance

\$27,072,446    \$27,041,572

Of this appropriation, \$720,000 is for the purpose of investigating cross jurisdictional criminal activity. County sheriffs or the chief administrative officer of city police departments may use up to \$250,000 for criminal investigatory activity including purchases of drugs and acquisition of information relating to possession and sale of controlled substances. County sheriffs or the chief administrative officer of city police departments may use up to \$200,-

	1978	1979
	\$	\$
000 for criminal investigatory activity, including purchases of contraband and information relating to receiving or selling stolen goods. Application for money shall be made to the commissioner of public safety on forms and pursuant to procedures developed by the superintendent of the bureau of criminal apprehension and shall describe the type of intended criminal investigation and an estimate of the amount of money required. A report shall be made to the commissioner at the conclusion of any investigation for which this money is used stating: (1) the number of persons arrested, (2) the nature of the charges filed against them, (3) the nature and value of controlled substances or contraband purchased or seized, and (4) the amount of this money paid to informants during the investigation. Unused funds shall be returned to the commissioner by the reporting agency. Applications to the commissioner shall be maintained as confidential records. Reports at the conclusion of an investigation are public records. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.		

\$50,000 each year is for the bureau of criminal apprehension to provide in-service training for peace officers on a regional basis.

\$23,158 is to reimburse the city of Breckenridge for fire disaster costs and fire related costs over and above normal fire call procedures incurred pursuant to directions from the state fire marshal and otherwise.

\$320,362 in fiscal 1978, and \$371,179 in fiscal 1979 is for the air patrolling of highways.

The commissioner shall develop a plan to transfer ten administrative sergeants and three pilots to patrolling

1978

1979

\$

\$

of highways by November 1, 1977 and shall implement the plan by January 1, 1978.

The commissioner shall maintain not more than three helicopters in flight condition.

The commissioner shall continue the air watch traffic patrol at a level of service at least equal to that currently provided, even though this may require some helicopter pilots to perform more than one duty.

The personnel involved in the support of the weigh scale and spot motor vehicle inspection programs shall be provided by the commissioner of transportation. This appropriation is from the trunk highway fund.

This appropriation provides sufficient money to operate the mobile truck weighing program on a 12 month basis.

#### Licensing

\$15,943,968    \$16,314,436

The primary computer development effort of the department shall be to functionally integrate the motor vehicle, driver license, and traffic records information systems of the department. Projects currently planned or underway that would redesign these record systems shall be terminated. To the extent they are consistent with a functionally integrated information system, the objectives of any terminated project shall be incorporated in the objectives of the record integration project.

#### Ancillary Services

\$ 336,718    \$ 337,540

Of this appropriation \$32,500 each year is appropriated from the state airports fund for the civil air patrol.

	1978	1979
	\$	\$

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 52. INDIAN AFFAIRS INTERTRIBAL BOARD .....	159,886	162,562
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Approved Complement — 7

Sec. 53. COUNCIL FOR THE HANDICAPPED .....	215,625	232,623
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Approved Complement — 8

Sec. 54. HUMAN RIGHTS

General Operations and Management	717,118	726,943
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Approved Complement — 45

General — 33

Federal — 12

The amounts that may be expended from this appropriation for each program are as follows:

Human Rights Enforcement

\$ 424,292	\$ 431,054
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Management, Planning and  
Information Service

\$ 292,826	\$ 295,889
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The commissioner of human rights with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the sen-

	1978	1979
	\$	\$

ate and the committee on appropriations of the house of representatives.

Sec. 55. MINNESOTA MUNICIPAL BOARD .....	135,648	137,461
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Approved Complement — 4

Sec. 56. TORT CLAIMS .....	750,000	750,000
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To be disbursed by the commissioner of finance.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Sec. 57. WORKERS' COMPENSATION

For 1977 — \$601,824

To be transferred by the commissioner of finance to the department of labor and industry compensation revolving fund in payment of obligations incurred by the following agencies in the amounts as indicated:

Legislative Audit Commission .....	11,429
Supreme Court .....	318
District Court .....	2,418
Secretary of State .....	59
Administration .....	110,727
Revenue .....	30,761
Agriculture .....	45,607
Livestock Sanitary Board .....	3,532
Natural Resources .....	272,465
Commerce .....	7,544

	1978	1979
	\$	\$
Labor and Industry .....	16,447	
Public Service .....	16,028	
Military Affairs .....	50,933	
Veterans' Affairs .....	9,630	
Public Safety .....	23,926	

Of the amount appropriated, \$78,494 is from the game and fish fund.

The appropriations in this act for the operation of each state department or agency, except the department of natural resources, in fiscal 1978 and 1979 include amounts needed to pay workers' compensation obligations to the state compensation revolving fund. It is the intent of the legislature not to appropriate additional money at any future time to pay workers' compensation obligations for fiscal 1978 and 1979, except for the department of natural resources or as may be required by an increase in the statutory level of workers' compensation benefits.

#### Sec. 58. UNEMPLOYMENT COMPENSATION

For 1977 — \$1,250,220

To the commissioner of finance for transfer to the unemployment compensation fund in reimbursement for unemployment compensation benefits paid to former employees of the following agencies in the amounts as indicated:

Supreme Court .....	1,575
Governor's Commission on Crime Prevention .....	17,321
Secretary of State .....	3,701
Attorney General .....	3,612

	1978	1979
	\$	\$
Administration .....	47,864	
Agriculture .....	53,377	
Natural Resources .....	1,027,350	
Labor and Industry .....	22,616	
Mediation Services .....	1,545	
Public Service .....	4,027	
Economic Development .....	6,692	
Military Affairs .....	15,503	
Veterans' Affairs .....	18,129	
Public Safety .....	23,392	
Human Rights .....	3,516	

Of the amount appropriated, \$226,070 is from the game and fish fund.

The appropriations in this act for the operation of each state department or agency, except the department of natural resources, in fiscal 1978 and 1979 include amounts needed to pay unemployment compensation obligations to the unemployment compensation fund. It is the intent of the legislature not to appropriate additional money at any future time to pay unemployment compensation obligations for fiscal 1978 and 1979, except for the department of natural resources or as may be required by an increase in the statutory level of unemployment compensation benefits.

Sec. 59. The appropriation made to the commissioner of administration by Laws 1976, Chapter 333, Section 17, Subdivision 2, shall not cancel but is available until June 30, 1978.

Sec. 60. [TRANSFERS.] Subdivision 1. The commissioner of finance

1978

1979

\$

\$

shall make the transfers provided for in this section.

Subd. 2. The commissioner shall transfer the sum of \$5,224.39 from the highway user tax distribution fund to the general fund to correct an underestimate in the cost of collecting the tax on gasoline and gasoline substitutes during the 1973-75 biennium.

Subd. 3. The commissioner shall transfer the sum of \$1,683,437.99 from the highway user tax distribution fund to the general fund to reimburse the general fund for the cost of collecting the tax on gasoline and gasoline substitutes and the cost of bond premiums during the 1975-77 biennium.

Sec. 61. [DETAILS.] *The staffs of the senate finance committee and the house appropriations committee shall, at the request of agencies receiving appropriations in this act and the commissioner of finance, provide wherever available detailed information on the activities and objects of expenditures that go into the appropriation totals.*

Sec. 62. [OPEN APPROPRIATION FOR COST OF LIVING ADJUSTMENTS.] *Subdivision 1. There is appropriated to the commissioner of finance from the appropriate funds in the state treasury the sums necessary to pay cost of living increases to classified employees and unclassified employees who are paid salaries comparable to employees in civil service pay schedules A, B and C and the labor service. The increases may be paid to covered employees of the legislative, executive and judicial branches of state government, employees of the state highway patrol, employees of the Minnesota historical society and nonacademic employees of the university of Minnesota who are paid by state funds, if the increases are authorized by law during the 1977 session of the legislature or if the increases are authorized by appropriate resolutions for employees of the legislature. Cost of living adjustments authorized by Minnesota Statutes, Section 43.127, shall be paid pursuant to this section.*

Subd. 2. *The commissioner shall transfer the amounts to the appropriate accounts. Sums so transferred are appropriated for the biennium beginning July 1, 1977.*

*Subd. 3. Any sums certified and transferred to the university of Minnesota under the provisions of this section shall only be used for the purpose certified. Any sum transferred that exceeds the increased cost above the amount appropriated for that purpose shall be returned and deposited in the state treasury.*

**Sec. 63. [PAYMENT OF BASIC LIFE INSURANCE AND HEALTH BENEFIT COVERAGE.]** *In the event that premium rates for basic life insurance and basic health benefit coverage authorized for eligible state employees and their dependents are increased over the rates in existence at the time of the passage of this act, the commissioner of finance is authorized to transfer the required amounts to the appropriate accounts of state agencies and the university of Minnesota. The sums of money necessary for the purposes are appropriated from such account and funds in the state treasury. In order to enable the commissioner of finance to maintain proper records covered by the appropriations made by this section he may require certification in connection therewith as he may deem necessary from any state departments or the university of Minnesota whose members receive benefits pursuant to Minnesota Statutes, Sections 43.42 to 43.50. The sums transferred are appropriated. The appropriations made by this section are for the biennium beginning July 1, 1977.*

**Sec. 64. [COMPUTER SYSTEM DEVELOPMENT.]** *In all cases where an appropriation made in this act includes money for computer system development, development shall not proceed beyond PRIDE phase I until the project has been reviewed and approved by the commissioners of administration and finance. All approved projects shall be reported to the chairmen of the house appropriation committee and senate finance committee to receive their recommendation on the project. A recommendation is advisory only. In the case of rejected projects, the commissioner of finance shall cancel the unencumbered balance of the appropriation allotted for development of the project.*

**Sec. 65. [FORT SNELLING OFFICERS' ROW.]** *Subdivision 1. The commissioner of administration, if authorized by a deed from the federal government regarding the following described property, may sell and convey to any individual or organization any or all of the historic homes located along Taylor Avenue, Fort Snelling, known as "Officers' Row" and the annex building, these being numbered 151 to 161, and the lands on which the buildings are situated. Any sale shall be made on a competitive bid basis under terms and conditions in addition to those contained in this section that the commissioner deems appropriate and the conveyance shall be made subject to a perpetual easement in favor of the state of Minnesota for the purpose of preserving the historical character of the exterior of the buildings and their grounds. The commissioner shall enter into a contract for deed. The contract shall require the purchaser to comply*

*with the provisions of this section and shall not extend the period of time for the payment of the purchase price. The contract for deed shall require, as a condition of the contract, that the purchaser shall, in addition to making all necessary payments, make the necessary changes to place the buildings in compliance with state building code standards applicable to the buildings' classification and occupancy before the state will issue the quit claim deed.*

*Subd. 2. In the event any or all of the buildings are not sold under the provisions of subdivision 1, the commissioner of administration may lease any or all of the unsold buildings. The terms of the lease shall provide that the lessee maintain and preserve the historical exterior of the buildings and maintain the property for public park or public recreational purposes. The provisions of this subdivision are not subject to Minnesota Statutes 1976, Section 16.02, Subdivision 14.*

*Subd. 3. Within 30 days of the enactment of this section the commissioner of natural resources and the director of the Minnesota historical society shall submit their recommendations as to criteria for acceptable use of the buildings to the commissioner of administration. The recommendations are advisory only. The commissioner of administration shall finally determine acceptable use criteria and may reject any bid for sale or any lease that does not meet such criteria. The commissioner shall not demolish any of the buildings until he has first consulted with the chairmen of the senate finance committee and the house appropriations committee and received their recommendations thereon. The recommendations are advisory only.*

*Subd. 4. Any sale or lease shall require the purchaser or lessee to cause the buildings to meet the state building code standards applicable to the buildings' classification and occupancy within a stated period of time. Failure to bring the building up to standard within the specified time limit shall be cause to cancel the lease or, in the case of sale, the failure will be in violation of the contract for deed and the contract will cancel. If the contract for deed is cancelled, the state shall retain amounts paid by the purchaser as payment for use of the premises.*

*Subd. 5. The commissioner of natural resources and the director of the Minnesota historical society shall forthwith take all necessary steps to have the use plan that was submitted to the United States of America on June 28, 1971, amended to permit the state to sell or lease the buildings designated in subdivision 1.*

*Subd. 6. The sum of \$75,000 appropriated for Fort Snelling Officers' Row preservation and restoration by Laws 1975, Chapter 204, Section 55, Subdivision 5, Clause (g) is appropriated to the commissioner of administration to conduct architectural and engineering studies of the buildings and lands described above, prepare other information he deems necessary to sell or*

*lease the property, pay the costs of advertising the property, and pay any other costs related to the sale or lease of the property.*

*Subd. 7. This section is effective the day following final enactment.*

**Sec. 66. [4.191] [PLANNING PROGRAMS.]** *Prior to commencing a study, research, or planning program, a state agency or department shall file with the state planning agency on a form prescribed by the agency, a description of the proposed project, including title, purpose, staff assigned, consultants to be used, cost, completion date, and other information prescribed by the agency as appropriate. The agency shall develop rules to exclude from the filing requirement projects that the agency determines are of minor significance.*

*Upon completion of the project, a copy shall be filed with the state planning agency. The state planning agency shall review the planning programs of state departments and agencies and submit to the legislature by November 15 of each year a report of findings and recommendations.*

**Sec. 67. Minnesota Statutes 1976, Section 5.08, Subdivision 2, is amended to read:**

**Subd. 2. [DISTRIBUTION.]** 15,000 copies of the legislative manual shall be printed and distributed as follows:

(1) (25) 50 copies shall be available to each member of the legislature on request;

(2) 50 copies to the state historical society;

(3) 25 copies to the state university;

(4) 60 copies to the state library;

(5) Two copies each to the library of Congress, the Minnesota veterans home, the state universities, the state high schools, the public academies, seminaries, and colleges of the state, and the free public libraries of the state;

(6) One copy each to the state institutions not hereinbefore mentioned, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the supreme court, the judges of the district court, the senators and representatives in Congress from this state, and the county auditors;

(7) One copy to each public school, to be distributed through the superintendent of each school district; and

(8) The remainder may be disposed of as the secretary of state deems best (, AND AT A PRICE THE SECRETARY OF STATE SHALL ESTABLISH. ALL RECEIPTS FROM THE SALE OF THE LEGISLATIVE MANUAL SHALL BE DEPOSITED TO THE GENERAL FUND).

Sec. 68. Minnesota Statutes 1976, Section 5.09, is amended to read:

5.09 [LEGISLATIVE MANUAL, STUDENTS' EDITION.] The secretary of state, subject to the approval of the president (PRO TEM) of the senate and speaker of the house of representatives, shall prepare, compile, edit, and distribute a brief edition of the legislative manual, as provided in section 5.08, suitable for (SALE TO) school pupils (AT A PRICE TO BE FIXED BY THE SECRETARY OF STATE).

Sec. 69. Minnesota Statutes 1976, Section 10.30, is amended to read:

10.30 [EMPLOYEES' COMPENSATION REVOLVING FUND, REIMBURSEMENT.] In all cases where any state department owes the employees' compensation revolving fund, created by sections 176.591, 176.601 and 176.611, for claims paid its employees, and no direct appropriation is made therefor, such department shall reimburse the revolving fund from the (FUNDS AVAILABLE TO IT FOR SUPPLIES AND EXPENSE) *money appropriated for operation of the department.*

Sec. 70. Minnesota Statutes 1976, Section 16.025, Subdivision 1, is amended to read:

16.025 [PERFORMANCE OF CERTAIN WORK FOR STATE AGENCIES.] Subdivision 1. [NATURE OF WORK.] The commissioner of administration may repair, alter, or construct machinery, furniture, or other property for any officer, department, or agency of the state, or construct any partition or alter any arrangement of an office upon written requisition by such officer or the head of such department or agency. Any such requisitions involving the public or ceremonial areas of the state capitol building shall be executed in conformance with the policies and standards set for the capitol by the capitol area architectural and planning board and the commissioner of administration pursuant to section 15.50, subdivision 2, clause (h). Such requisition shall be subject to the allotment and encumbrance provisions of Laws 1939, Chapter 431. In addition to the foregoing, the commissioner may provide centralized operation and maintenance services, excluding janitorial cleaning, for such state owned buildings as are specified in section 16.02, subdivision 6. The commissioner shall charge and collect for such services in the manner prescribed in subdivision (2) 3 for repairs, alteration, or construction.

Sec. 71. Minnesota Statutes 1976, Section 16A.095, Subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT OF PROGRAM.] (THE COMMISSIONER OF FINANCE SHALL DEVELOP THE BUDGET PROCESS TO ACCOMPLISH THE POLICY AS STATED IN SUBDIVISION 1 FOR STATE DEPARTMENTS AND AGENCIES, PROVIDED, THAT SUCH PROCESS NEED NOT COMPLY WITH OTHER PROVISIONS OF LAW RELATING TO THE SETTING FORTH OF EXPENDITURES BY ORGANIZATIONAL UNITS, CHARACTER AND OBJECTS OF EXPENDITURE.) The commissioner of finance shall promulgate regulations and instructions applicable to budget preparation governing the classification of expenditures and the content, and submission of budget requests and appropriation measures. The commissioner of finance shall *from time to time* select agencies and departments to implement *improvements* in the budget system. The commissioner of finance shall make recommendations to the legislature on the subject of any legislation or special appropriations which may be required for implementation of *improvements* in the budgeting system for all state departments and agencies. (SUCH) *The* budget system shall, to the greatest extent practicable, emphasize alternative approaches in the program development and criteria for performance evaluation and measurement. All state departments and agencies shall cooperate with the commissioner of finance to assure implementation of budgets which meet the requirements of the commissioner of finance and which give due regard to the requirements of the various departments and agencies involved. No state agency shall begin or install any system of program or programmatic budgeting until (THEY HAVE) *it has* first secured the explicit permission of the commissioner of finance.

Sec. 72. Minnesota Statutes 1976, Section 16A.10, Subdivision 1, is amended to read:

16A.10 [COMMISSIONER TO PREPARE BUDGET.] Subdivision 1. [BUDGET ESTIMATE FORMS.] It shall be the duty of the commissioner, or his designated deputy, to prepare the budget for all state departments and agencies, subject to the approval of the governor. *By May 1 of each even-numbered year, the commissioner shall furnish the committee on finance of the senate and the committee on appropriations of the house of representatives with copies of the budget forms he proposes to use in the detailed budget estimates presented by the governor to the legislature and shall receive their recommendations on possible improvements in the forms. The recommendations are advisory only.* The commissioner shall furnish every department, official, and agency of the state authorized to expend state moneys with a sufficient number of budget estimate forms for its use by September first of each even-numbered year. The budget forms shall be so drawn as to show actual expenditures

for the two preceding fiscal years, estimated expenditures for the current fiscal year, and estimates for each fiscal year of the succeeding biennium, the same data in respect to departmental receipts, and an estimated appropriation balance at the end of the current fiscal year. The estimated expenditures shall be classified to set forth the data by funds (, ORGANIZATION UNITS,) and character (, AND OBJECTS) of expenditures, and the (ORGANIZATION UNITS) agency may be subclassified by (FUNCTIONS) programs and activities. The department revenue estimates shall show the basis upon which the estimates were made and the factors involved in the same, and shall be classified so as to show receipts by funds, (ORGANIZATION UNITS, AND SOURCES OF INCOME) programs, and activities. *The estimates of expenditures and revenue shall be based upon the law in existence at the time the estimates are prepared.*

Sec. 73. Minnesota Statutes 1976, Section 16A.10, Subdivision 2, is amended to read:

Subd. 2. [FILING BUDGET ESTIMATES.] Each (SUCH) state department, official, or agency shall, not later than the first day of October preceding the convening of the legislature, file with the commissioner its estimates in the form provided, including a (FULL) concise explanation of its requests for any increased appropriations and for the expansion of services and the addition of new activities, a statement of the work accomplished during the preceding biennium and the work proposed to be done for the next biennium, and a list of all employees, their titles and their salaries. The commissioner shall prepare estimates for all departments, boards, and agencies that fail to file requests. *The commissioner shall transmit a copy of the budget estimates and accompanying information for the biennial budget as submitted by each department or agency to the commissioner to the committee on finance of the senate and to the committee on appropriations of the house of representatives on or before the 15th day of November of each even-numbered year.*

Sec. 74. Minnesota Statutes 1976, Section 16A.11, Subdivision 2, is amended to read:

Subd. 2. [BUDGET MESSAGE.] Part 1 of the budget shall consist of a budget message prepared by the governor, including his recommendations with reference to the fiscal policy of the state government for the coming biennium, describing the important features of the budget plan, embracing a general budget summary setting forth the aggregate figures of the budget so as to show the balanced relation between the total proposed expenditures and the total anticipated income, with the basis and factors on which the estimates are made, the amount to be borrowed, and other means of financing the budget for the ensuing biennium, compared with the corresponding figures for at least the last two completed fiscal years and the current year. The bud-

get plan shall be supported by explanatory schedules or statements, classifying the expenditures contained therein by (ORGANIZATION UNITS, OBJECTS,) *agencies* and funds, and the income by (ORGANIZATION UNITS) *agencies*, sources, funds, and the proposed amount of new borrowing, as well as proposed new tax or revenue sources. The budget plan shall be submitted for all special and dedicated funds, as well as the general fund, and shall include the estimated amounts of federal aids, for whatever purpose provided, together with estimated expenditures therefrom.

Sec. 75. Minnesota Statutes 1976, Section 16A.11, Subdivision 3, is amended to read:

Subd. 3. [DETAILED BUDGET ESTIMATES.] Part 2 of the budget shall embrace the detailed budget estimates both of expenditures and revenues. It shall also include statements of the bonded indebtedness of the state government, showing the actual amount of the debt service for at least the past two completed fiscal years, and the estimated amount for the current fiscal year and for the next two fiscal years, the debt authorized and unissued, the condition of the sinking funds, and the borrowing capacity. It shall also contain any statements relative to the financial plan which the governor may deem desirable or which may be required by the legislature. *The detailed estimates shall include the budget request of each department of agency arranged in tabular form so it may readily be compared with the governor's budget for each department or agency. They shall also include, as part of each agency's organization chart, a summary of the personnel employed by the agency, showing the complement approved by the legislature for the current biennium, additional complement positions authorized through the governor or the commissioner of finance, positions transferred into or out of the agency, additional part-time and seasonal positions and the number of employees of all kinds actually employed by the agency on June 30 of the last complete fiscal year. To the extent practical, the summary of personnel shall also be shown for each functional division of the agency, and for each fund and type of appropriation.*

Sec. 76. Minnesota Statutes 1976, Chapter 16A, is amended by adding a section to read:

[16A.123] [APPROVED COMPLEMENT.] *The approved complement set for an agency by law limits the number of persons who may be employed by the agency at any one time. The approved complement does not apply to independent contractors. In addition to the approved complement, part-time employees, seasonal or intermittent employees, summer student help, service workers, preservice trainees employed pursuant to affirmative action programs approved by the commissioner of personnel, CETA employees, or employees engaged in repair or construction projects may be employed with the advance approval of the com-*

*missioner of finance who shall determine the need for them and that money is available. The approved complement applies to persons employed by the agency regardless of the fund or appropriation from which they are paid.*

*Additional full-time employees over the number of the approved complement may be employed on the basis of public necessity or emergency. If the employee is to be paid from a direct appropriation, the addition shall not be made without the written approval of the governor. The governor shall not approve the addition until after he has consulted with the legislative advisory commission and the commission has made its recommendation on the matter. The recommendation is advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. If the employee is not to be paid from a direct appropriation, the addition may be made with the written approval of the commissioner of finance who shall determine the need for it and that money is available. The commissioner of finance shall promptly notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the additions.*

Sec. 77. Minnesota Statutes 1976, Section 43.31, is amended to read:

**43.31 [SERVICES AVAILABLE TO POLITICAL SUBDIVISIONS.]** The services and facilities of the state personnel department and its staff shall be available upon request, subject to rules prescribed therefor by the commissioner, to political subdivisions of the state. In making such service and facilities available, it shall be understood that requirements for the enforcement and administration of the provisions of this chapter shall be given precedence and that the political subdivisions shall reimburse the state for the reasonable cost of such services and facilities.

The commissioner may enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees. The commissioner may also join or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration. (THERE IS HEREBY APPROPRIATED TO THE STATE PERSONNEL DEPARTMENT FROM SUCH MONEYS AS ARE CREDITED TO THEIR ACCOUNT AN AMOUNT SUFFICIENT TO PAY FOR THE PURPOSES OF THIS SECTION.)

Sec. 78. Minnesota Statutes 1976, Section 85A.02, is amended by adding a subdivision to read:

*Subd. 16. The board may acquire by lease-purchase or installment purchase contract, transportation systems, facilities and equipment that it determines will substantially enhance the*

public's opportunity to view, study or derive information concerning the animals to be located in the zoological garden, and will increase attendance at the garden. The contracts may provide for: (1) the payment of moneys over a twelve year period, or over a longer period not exceeding twenty-five years if approved by the commissioner of administration; (2) the payment of money from any funds of the board not pledged or appropriated for another purpose; (3) indemnification of the lessor or seller for damage to property or injury to persons due primarily to the actions of the board or its employees; (4) the transfer of title to the property to the board upon execution of the contract or upon payment of specified amounts; (5) the reservation to the lessor or seller of a security interest in the property; and (6) any other terms that the board determines to be commercially reasonable. Property so acquired by the board, and its purchase or use by the board, or by any non-profit corporation having a concession from the board requiring its purchase, shall not be subject to taxation by the state or its political subdivisions. Each contract shall be subject to the provisions of chapter 16, relating to competitive bidding, provided that the board is not required to readvertise for competitive proposals for any transportation system, facilities and equipment heretofore selected from competitive proposals taken pursuant to section 85A.03, subdivisions 4 and 4a.

Sec. 79. Minnesota Statutes 1976, Section 85A.04, Subdivision 1, is amended to read:

85A.04 [ZOOLOGICAL GARDEN ACCOUNTS IN THE GENERAL FUND.] Subdivision 1. [MINNESOTA ZOOLOGICAL GARDEN GENERAL ACCOUNT.] A Minnesota zoological garden general account is created in the general fund. All receipts from the operation of the Minnesota zoological garden shall be deposited to the credit of such account (AND ARE HEREBY APPROPRIATED ANNUALLY TO THE STATE ZOOLOGICAL BOARD TO CARRY OUT THE TERMS AND PROVISIONS OF THIS CHAPTER). Money in this account may be expended as appropriated biennially for operation, capital improvements, and equipment of the Minnesota zoological garden, including lease rentals and for acquisition of wild and domestic animals therefor and for payment of the principal of and interest on Minnesota state zoological garden bonds.

Sec. 80. Minnesota Statutes 1976, Section 186.04, is amended to read:

186.04 [ASSESSMENTS FOR EXPENSE.] Every rule, regulation, or standard prescribed or approved by the governor shall contain provisions for assessing against and collecting from all persons, firms, and corporations, subject to the rules, regulations, or standards, as employer or employee, on a fair and equitable basis therein set forth, assessments sufficient for expenses incurred in connection with the promulgation of the

rules, regulations, or standards, and administration, to be paid to the state treasurer *and credited to the general fund*, as may be prescribed. *Expenses of promulgation and administration shall be paid from appropriations for that purpose.*

Sec. 81. Minnesota Statutes 1976, Section 241.045, Subdivision 4, is amended to read:

Subd. 4. [COMPENSATION; EXPENSES.] Each member of the board other than the chairman shall receive as compensation the sum of (\$20,000) *\$22,000* per year, payable in the same manner as other employees of the state. The chairman of the board shall receive as compensation his salary as an officer of the department of corrections, which shall not be less than the salary of the other members of the board. In addition to the compensation herein provided, each member of the board shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties in the same manner as other employees of the state. This compensation and these expenses shall be paid out of the general fund in the same manner as the salaries and expenses of other state officers are paid, except that the salary and expenses of the chairman of the board shall be paid out of funds appropriated to the commissioner of corrections.

Sec. 82. Minnesota Statutes 1976, Section 268.06, Subdivision 25, is amended to read:

Subd. 25. [PAYMENTS TO FUND BY STATE AND POLITICAL SUBDIVISIONS IN LIEU OF CONTRIBUTIONS.] In lieu of contributions required of employers under this law, the state of Minnesota or its political subdivisions governed by this law shall pay into the unemployment compensation fund an amount equivalent to the amount of benefits paid and one half of the extended benefits paid to individuals based on wages paid by the state of Minnesota or such political subdivisions. If benefits paid an individual are based on wages paid by both the state of Minnesota or such political subdivisions and one or more other employers, the amount payable by the state of Minnesota or such political subdivisions to the fund shall bear the same ratio to total benefits paid to the individual as the base-period wages paid to the individual by the state of Minnesota or such political subdivisions bear to the total amount of base-period wages paid to the individual by all his base-period employers. The amount of payment required under this subdivision shall be ascertained by the commissioner semi-annually. (IF THE AMOUNT OF BENEFITS PAID IN ANY FISCAL YEAR FROM THE FUND TO FORMER EMPLOYEES PAID FROM ANY ONE ACCOUNT FROM WHICH SALARIES ARE PAID AS ASCERTAINED BY THE COMMISSIONER EXCEEDS THREE PERCENT OF THE TOTAL WAGES PAID TO ALL EMPLOYEES FROM THAT SALARY ACCOUNT DURING THE PRECEDING COMPLETED FISCAL YEAR, THE EXCESS AMOUNT SHALL BE PAID TO THE FUND BY IN-

CLUDING SUCH SUM IN THE BIENNIAL BUDGET AS SUBMITTED BY THE COMMISSIONER OF THE DEPARTMENT OF ADMINISTRATION AND SHALL BE PAID FROM SUCH MONEYS IN THE STATE TREASURY THAT HAVE NOT OTHERWISE BEEN APPROPRIATED.)

Sec. 83. Minnesota Statutes 1976, Section 326.241, Subdivision 3, is amended to read:

Subd. 3. [FEES AND FINANCES; DISPOSITION.] All (LICENSE) fees collected under the provisions of (LAWS 1967, CHAPTER 602) sections 326.241 to 326.248 are to be credited to the general fund. (OF) The unexpended balance in a special fund of the board as of July 1, (1973, THOSE PORTIONS ATTRIBUTABLE TO PREVIOUSLY COLLECTED LICENSE FEES CREDITED TO THE FUND, BUT NOT INSPECTION FEES HELD IN ESCROW) 1977, shall be credited to the general fund. The expenses of administering sections 326.241 to 326.248 shall be paid from appropriations made to the board of electricity.

Sec. 84. Minnesota Statutes 1976, Section 362.125, is amended to read:

362.125 [PROMOTIONAL EXPENSES.] In the promotion of tourism and economic development of the state of Minnesota, the state commissioner of economic development may expend from moneys appropriated by the legislature for such purposes in the same manner as private persons, firms, corporations and associations make expenditures for such purposes (AND IN SO DOING SHALL NOT BE GOVERNED BY THE PROVISIONS OF CHAPTER 16, EXCEPT THOSE RELATING TO BUDGET AND ALLOTMENT). For purposes of allotment, encumbrance and disbursement all transactions for promotional purposes shall be coded under the commissioner of finance's object of expenditure code for advertising. The encumbrance shall be made on a miscellaneous encumbrance requisition. Any such expenditures for food, lodging or travel shall not be governed by the travel regulations of the commissioner of administration.

Sec. 85. Minnesota Statutes 1976, Section 363.14, Subdivision 1, is amended to read:

363.14 [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION, DISTRICT COURT JURISDICTION, ATTORNEY'S FEES, AND COSTS.] Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] A person may bring a civil action seeking redress for an unfair discriminatory practice, upon withdrawal of the complaint from the department of human rights, at the following times:

(a) Within (90) 45 days after the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner, or, if the charging party requested a reconsideration, within (90) 45 days after the commissioner has reaffirmed his determination of no probable cause; or

(b) After (90) 45 days but within one year after the filing of a charge if at or prior to the time of bringing the civil action a hearing has not been held pursuant to section 363.071.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the commissioner, and upon his receipt thereof the commissioner shall cause all proceedings in the department relating to the charge to terminate. No charge shall be filed or reinstated with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Upon application by the complaining party to the district court at a special term thereof and in such circumstances as the court may deem just, the court may appoint an attorney for such person and may authorize the commencement of the action without payment of fees, costs, or security.

Upon timely application, the court may, in its discretion, permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Upon request, the court may, in its discretion, stay further proceedings for not more than 60 days pending further efforts of the department to obtain voluntary compliance.

Sec. 86. Minnesota Statutes 1976, Section 472.13, Subdivision 1, is amended to read:

472.13 [APPROPRIATION TO DEVELOPMENT REVOLVING FUND.] Subdivision 1. There is hereby appropriated out of the general fund in the state treasury not otherwise appropriated the sum of \$1,500,000 to the state executive council to be used for the purposes set forth in these sections (, INCLUDING) *excluding* the necessary cost of administration thereof. The sum hereby appropriated shall be credited to a special account in the state treasury to be known as the development revolving fund to be drawn upon and used by the state agency in the manner and for the purposes provided for in these sections.

Sec. 87. Minnesota Statutes 1976, Section 490.15, Subdivision 1, is amended to read:

490.15 [ESTABLISHMENT; COMPOSITION.] Subdivision 1. The board on judicial standards is established and consists of one judge of the district court, one judge of a municipal court, one judge of county court, two lawyers who have practiced law in the state for ten years and four citizens who are not judges, retired judges or lawyers. The (BOARD MAY EMPLOY OR APPOINT AN) executive secretary *is appointed by the governor*. Members representing the district, municipal and county courts shall be appointed by their respective judicial organizations and the lawyer members shall be appointed by the board of governors of the Minnesota state bar association. The citizen members shall be appointed by the governor with the advice and consent of the senate. No member shall serve more than two full four-year terms or their equivalent. Membership terminates if a member ceases to hold the position that qualified him for appointment.

Sec. 88. Minnesota Statutes 1976, Chapter 624, is amended by adding a section to read:

[624.718] *Notwithstanding any other law to the contrary, cities of the first class may enforce local laws, ordinances or regulations governing the transfer of pistols that are more restrictive than state laws governing the transfer of pistols.*

Sec. 89. Minnesota Statutes 1976, Section 626.553, is amended to read:

626.553 [GUNSHOT WOUNDS; INVESTIGATIONS, REPORTS.] *Subdivision 1.* Upon receipt of the report required in sections 626.52 and 626.53, the sheriff or chief of police receiving the report shall determine the general cause of the wound, and if he determines that the wound was caused by an action connected with the occupation or sport of hunting or shooting he shall immediately conduct a detailed investigation into the facts **surrounding the incident or occurrence which occasioned the injury or death reported.** The investigating officer shall report the findings of his investigation to the commissioner of natural resources on forms provided by the commissioner for this purpose.

*Subd. 2.* *Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes, notification shall be filed within thirty days of the incident by the officer's department head with the commissioner of public safety. The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report with the legislature by November 15 of each even numbered year containing summary information concerning use of firearms by peace officers.*

Sec. 90. Minnesota Statutes 1976, Section 626.846, is amended by adding a subdivision to read:

*Subd. 3. A peace officer who has satisfactorily completed a law enforcement training program in a post-secondary vocational-technical institute within the state which (1) is approved by the state board of education, (2) consists of 2,000 hours or more of basic police training, and (3) complies with rules with respect to curriculum promulgated by the attorney general, shall be exempt from the training requirements of this section, provided the peace officer successfully completes one year of employment as a probationary officer with a single law enforcement agency. Upon written notification to the executive director from the chief supervisor of the law enforcement agency that a peace officer under his supervision has fulfilled the requirements of the subdivision, the executive director shall certify the peace officer pursuant to section 626.845, clause (d). Provided, however, that nothing in this subdivision shall prevent any law enforcement agency from imposing any other training requirements upon peace officers it supervises or as a condition of employment.*

Sec. 91. Laws 1971, Chapter 121, Section 2, as amended by Laws 1973, Chapter 217, Section 1, is amended to read:

Sec. 2. [REIMBURSEMENT.] (THERE IS ANNUALLY APPROPRIATED FROM THE GAME AND FISH FUND \$5,000 TO THE DEPARTMENT) *The commissioner of natural resources (TO) may reimburse (THE SUM OF \$2,500 TO) the county of St. Louis and (\$2,500 TO) the county of Lake for actual expenditures for carrying out the provisions of this act.*

Sec. 92. Laws 1976, Chapter 260, Section 3, is amended to read:

Sec. 3. [16.97] [CRIMINAL AND JUVENILE DEFENSE GRANTS.] *Subdivision 1. (THE SUMS) Money appropriated (BY THIS ACT) for the provision of criminal and juvenile defense to indigent individuals shall be distributed by the commissioner of administration in consultation with the attorney general to (ONE) the non-profit criminal and juvenile defense (CORPORATION IN EACH OF THE FIVE NAMED LOCALITIES) corporations designated by law. (FUNDS) Money may not be disbursed to a corporation in the Leech Lake reservation area (AND) or the White Earth reservation area without prior approval by the respective reservation business committee. (FUNDS SHALL BE DISBURSED TO THOSE NON-PROFIT CRIMINAL AND JUVENILE DEFENSE CORPORATIONS DESIGNATED BY THE COMMISSIONER OF ADMINISTRATION BY JULY 1 OF EACH YEAR) Within its geographic area of responsibility each corporation shall accept cases involving felony, gross misdemeanor, and misdemeanor charges, and juvenile cases, where financial eligibility standards are met, unless there is a legal reason for rejecting a case. A corporation may accept cases arising outside of its geographic area of responsibility, as it deems appropriate. The commissioner of adminis-*

tration shall give notice 30 days in advance and conduct a hearing if he has reasonable grounds to believe (FUNDS) money appropriated (BY) for this (ACT ARE) purpose is being improperly used, or (,) if, in consultation with the attorney general, he has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. (FUNDS) Payment shall cease from the date of notice until either the commissioner determines that the (FUNDS) money appropriated (BY THIS ACT) will be properly handled, or the commissioner, in consultation with the attorney general, determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance.

*Subd. 2. An employee, administrator, or officer of a recipient of the money provided by this section who discriminates on the basis of sex, race, color, national origin, religion, or creed is guilty of a gross misdemeanor.*

Sec. 93. [BALANCE TRANSFERRED.] *The unencumbered balance of each fund or account abolished by this act is transferred to the general fund.*

Sec. 94. [DATA PRIVACY.] *If not otherwise provided for by a chapter of Minnesota Laws 1977, the provision of Section 15.162, Subdivision 2a and the provisions of Section 15.1642 which would have expired as of June 30, 1977, shall be in effect until July 31, 1978.*

Sec. 95. *Minnesota Statutes 1976, Sections 4.19; 15.61, Subdivision 3; 16.025, Subdivision 2; 16.173; 16A.095, Subdivision 1; 16A.12; 138.025, Subdivision 9; and 299D.03, Subdivision 4, are repealed.*

Sec. 96. [PLASTIC MILK BOTTLES.] *Notwithstanding any law to the contrary, no prohibition on the retail sale or the offer for retail sale of milk in nonreturnable, nonrefillable plastic containers shall be effective prior to July 1, 1978. This section is effective the day following final enactment."*

Further, delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1976, Sections 5.08, Subdivision 2; 5.09; 10.30; 16.025, Subdivision 1; 16A.095, Subdivision 2; 16A.10, Subdivisions 1 and 2; 16A.11, Subdivisions 2 and 3; 43.31; 85A.02, by adding a subdivision; 85A.04, Sub-

division 1; 186.04; 241.045, Subdivision 4; 268.06, Subdivision 25; 326.241, Subdivision 3; 362.125; 363.14, Subdivision 1; 472.-13, Subdivision 1; 490.15, Subdivision 1; 626.553; 626.846, by adding a subdivision; Chapters 16A, by adding a section and 624, by adding a section; Laws 1971, Chapter 121, Section 2, as amended; and Laws 1976, Chapter 260, Section 3; repealing Minnesota Statutes 1976, Sections 4.19; 15.61, Subdivision 3; 16.025, Subdivision 2; 16.173; 16A.095, Subdivision 1; 16A.12; 138.025, Subdivision 9; and 299D.03, Subdivision 4.

We request adoption of this report and repassage of the bill.

Senate Conferees: HUBERT H. HUMPHREY III, WINSTON W. BORDEN, GERALD L. WILLET, SAM G. SOLON and ROBERT G. DUNN.

House Conferees: NEIL S. HAUGERUD, PHYLLIS L. KAHN, GARY W. LAIDIG, DWAYNE A. KING and GORDON O. VOSS.

Haugerud moved that the report of the Conference Committee on S. F. No. 1467 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1467, A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1976, Sections 10.30; 16A.095, Subdivision 2; 16A.10, Subdivisions 1 and 2; 16A.11, Subdivisions 2 and 3; 43.09, Subdivision 2; 43.31; 98.46, by adding a subdivision; 168.33, Subdivisions 2 and 7; 176.602; 183.545, Subdivisions 1, 3 and 4; 183.57, Subdivision 2; 186.04; 260.311, Subdivision 2; 268.06, Subdivision 25; 296.06 Subdivision 2; 296.12, Subdivision 1; 326.241, Subdivision 3; 362.125; 363.14, by adding a subdivision; 462.389, Subdivision 4; Chapter 16A, by adding a section; Laws 1971, Chapter 121, Section 2, as amended; and Laws 1976, Chapter 260, Section 3; repealing Minnesota Statutes 1976, Sections 15.61, Subdivision 3; 16.173; 16A.095, Subdivision 1; 16A.12 and 176.603.

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 85 yeas and 41 nays as follows:

Those who voted in affirmative were:

Adams	Battaglia	Brandl	Clark	Dean
Anderson, B.	Beauchamp	Brinkman	Cohen	Eckstein
Anderson, D.	Berg	Byrne	Corbid	Eken
Anderson, G.	Berglin	Carlson, L.	Cummiskey	Ellingson
Arlandson	Berkelman	Casserly	Dahl	Enebo

Erickson	Jaros	Mann	Petrafeso	Stanton
Fariy	Johnson	McEachern	Reding	Stoa
Fjoslien	Jude	Moe	Rice	Suss
Forsythe	Kahn	Munger	Sarna	Swanson
Friedrich	Kalis	Murphy	Scheid	Vanasek
Fudro	Kelly, W.	Neisen	Schulz	Voss
Fugina	Kempe, A.	Nelson	Searle	Welch
George	King	Norton	Sherwood	Wenstrom
Hanson	Kroening	Novak	Sieben, H.	White
Hangerud	Laidig	Osthoff	Sieben, M.	Williamson
Hokanson	Langseth	Patton	Simoneau	Wynia
Jacobs	Mangan	Pehler	Skoglund	Speaker Sabo

Those who voted in the negative were:

Abeln	Carlson, D.	Kaley	Metzen	Tomlinson
Albrecht	Clawson	Kelly, R.	Nelsen, B.	Waldorf
Anderson, I.	Den Ouden	Kempe, R.	Niehaus	Wenzel
Anderson, R.	Esau	Knickerbocker	Peterson	Wigley
Begich	Evans	Kostohryz	Pleasant	Zubay
Bierdorf	Ewald	Kvam	Prahl	
Birnstihl	Gunter	Lehto	Saveikoul	
Braun	Heinitz	McCollar	Searles	
Carlson, A.	Jensen	McDonald	Spanish	

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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 83, A bill for an act relating to crime victims reparations; eliminating the minimum claim amount necessary for reparations; raising the amount of reparations paid to claimants suffering economic loss; amending Minnesota Statutes 1976, Sections 299B.02; 299B.03, Subdivision 2; 299B.04; 299B.05, by adding a subdivision; 299B.06, Subdivisions 1 and 2; and 299B.07, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Carlson, A., moved that the House concur in the Senate amendments to H. F. No. 83 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 83, A bill for an act relating to crime victims reparations; raising the amount of reparations paid to claimants suffering economic loss; appropriating money; amending Minnesota Statutes 1976, Section 299B.04.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Metzen	Sherwood
Adams	Cohen	Jaros	Moe	Sieben, H.
Albrecht	Corbid	Jensen	Munger	Sieben, M.
Anderson, B.	Cummiskey	Johnson	Murphy	Simoneau
Anderson, D.	Dahl	Jude	Neisen	Skoglund
Anderson, G.	Dean	Kahn	Nelsen, B.	Spanish
Anderson, I.	Den Ouden	Kaley	Nelson	Stanton
Anderson, R.	Eckstein	Kalis	Niehaus	Stoa
Arlandson	Eken	Kelly, R.	Norton	Suss
Battaglia	Ellingson	Kelly, W.	Novak	Swanson
Beauchamp	Enebo	Kempe, A.	Osthoff	Tomlinson
Begich	Erickson	Kempe, R.	Patton	Vanasek
Berg	Esau	King	Pehler	Voss
Berglin	Evans	Knickerbocker	Peterson	Waldorf
Berkelman	Ewald	Kostohryz	Petraleso	Welch
Biersdorf	Faricy	Kroening	Pleasant	Wenstrom
Birnstihl	Fjoslien	Kvam	Reding	Wenzel
Brandl	Forsythe	Laidig	Rice	White
Braun	Friedrich	Langseth	St. Onge	Wieser
Brinkman	Fudro	Lehto	Samuelson	Wigley
Byrne	Fugina	Lemke	Sarna	Williamson
Carlson, A.	George	Mangan	Savelkoul	Wynia
Carlson, D.	Gunter	Mann	Scheid	Zubay
Carlson, L.	Hanson	McCollar	Schulz	Speaker Sabo
Cassery	Haugerud	McDonald	Searle	
Clark	Heintz	McEachern	Searles	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 447, A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Carlson, D., moved that the House concur in the Senate amendments to H. F. No. 447 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 447, A bill for an act relating to Chisago county; authorizing Chisago county to issue revenue bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of the facilities.

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 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Hokanson	McEachern	Sieben, M.
Adams	Cohen	Jacobs	Metzen	Simoneau
Albrecht	Corbid	Jaros	Munger	Skoglund
Anderson, B.	Cummiskey	Jensen	Murphy	Spanish
Anderson, D.	Dahl	Johnson	Neisen	Stanton
Anderson, G.	Dean	Jude	Nelsen, B.	Stoa
Anderson, I.	Den Ouden	Kahn	Nelson	Suss
Anderson, R.	Eckstein	Kaley	Niehaus	Swanson
Arlandson	Eken	Kalis	Norton	Tomlinson
Battaglia	Ellingson	Kelly, R.	Novak	Vanasek
Beauchamp	Enebo	Kelly, W.	Patton	Voss
Begich	Erickson	Kempe, A.	Peterson	Waldorf
Berg	Esau	Kempe, R.	Petrafeso	Welch
Berglin	Evans	King	Pleasant	Wenstrom
Berkelman	Ewald	Knickerbocker	Prahl	Wenzel
Biersdorf	Faricy	Kostohryz	Reding	White
Birnstihl	Fjoslien	Kroening	Rice	Wieser
Brandl	Forsythe	Kvam	St. Onge	Wigley
Braun	Friedrich	Laidig	Samuelson	Williamson
Brinkman	Fudro	Langseth	Sarna	Wynia
Byrne	Fugina	Lehto	Savelkoul	Zubay
Carlson, A.	George	Lemke	Scheid	Speaker Sabo
Carlson, D.	Gunter	Mangan	Schulz	
Carlson, L.	Hanson	Mann	Searles	
Casserly	Haugerud	McCollar	Sherwood	
Clark	Heinitz	McDonald	Sieben, H.	

Those who voted in the negative were:

Pehler                      Searle

The bill was repassed, as amended by the Senate, and its title agreed to.

### SPECIAL ORDERS

S. F. No. 1015 was reported to the House.

St. Onge moved that S. F. No. 1015 be re-referred to the Committee on Appropriations. The motion prevailed.

The following conference committee report was received:

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 415

A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

May 21, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 415 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments, and that H. F. No. 415 be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. “Confidential data on individuals” means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant an emergency classification pursuant to section 15.1642 of both criminal and civil investigative data, or on (JUNE 30, 1977) *July 31, 1978*, whichever occurs first.

Sec. 2. Minnesota Statutes 1976, Section 15.162, Subdivision 3, is amended to read:

Subd. 3. "Data on individuals" includes all records, files and processes which contain any data in which an individual is or can be identified and which (IS KEPT) *are retained* or intended to be (KEPT) *retained* on a permanent or temporary basis. It includes (THAT) *data* collected, stored, (AND) *or* disseminated by manual, mechanical, electronic or any other means. Data on individuals (INCLUDES DATA) *are* classified as public, private or confidential.

Sec. 3. Minnesota Statutes 1976, Section 15.162, Subdivision 4, is amended to read:

Subd. 4. "Individual" means a natural person. In the case of a minor (INDIVIDUAL UNDER THE AGE OF 18), "individual" (SHALL MEAN) *includes* a parent or guardian (ACTING IN A REPRESENTATIVE CAPACITY, EXCEPT WHERE SUCH MINOR INDIVIDUAL INDICATES OTHERWISE) *or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.*

Sec. 4. Minnesota Statutes 1976, Section 15.162, Subdivision 5, is amended to read:

Subd. 5. "Political subdivision" (INCLUDES COUNTIES, MUNICIPALITIES) *means any county, statutory or home rule charter city, school (DISTRICTS) district, special district and any (BOARDS, COMMISSIONS, DISTRICTS OR AUTHORITIES) board, commission, district or authority created pursuant to law, local ordinance or charter provision.* It includes any non-profit corporation which is a community action agency organized *pursuant to the economic opportunity act of 1964 (PL88-452) as amended,* to qualify for public funds, or any nonprofit social service agency which performs services under contract to any political subdivision, statewide system or state agency, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with state agencies, political subdivisions or statewide systems.

Sec. 5. Minnesota Statutes 1976, Section 15.162, Subdivision 6, is amended to read:

Subd. 6. "Responsible authority" (AT THE) *in a state (LEVEL) agency or statewide system means (ANY OFFICE ESTABLISHED) the state official designated by law or by the commissioner as the (BODY) individual responsible for the collection (AND), use and dissemination of any set of data on individuals or summary data. "Responsible authority" in any*

political subdivision means the (PERSON) *individual* designated by the governing (BOARD) *body* of that political subdivision as the *individual responsible for the collection, use, and dissemination of any set of data on individuals or summary data*, unless otherwise provided by state law. (WITH RESPECT TO STATEWIDE SYSTEMS, "RESPONSIBLE AUTHORITY" MEANS THE STATE OFFICIAL INVOLVED, OR IF MORE THAN ONE STATE OFFICIAL, THE OFFICIAL DESIGNATED BY THE COMMISSIONER.)

Sec. 6. Minnesota Statutes 1976, Section 15.1642, is amended to read:

15.1642 [EMERGENCY CLASSIFICATION.] Subdivision 1. [APPLICATION.] The responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data (UNDER SECTION 15.162, SUBDIVISION 2A OR 5A) *on individuals as private or confidential*, for its own use and for the use of other similar agencies, *political subdivisions or statewide systems on an emergency basis until a proposed statute can be acted upon by the legislature. The application for emergency classification is public (DATA).*

*Upon the filing of an application for emergency classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 30 days, or until the application is disapproved or granted by the commissioner, whichever is earlier.*

Subd. 2. [CONTENTS OF APPLICATION.] An application for emergency classification shall include and the applicant shall have the burden of clearly establishing at least the following information:

(a) That no statute currently exists which either allows or forbids classification (UNDER SECTION 15.162, SUBDIVISION 2A OR 5A) *as private or confidential*;

(b) That (THE) data *similar to that for which the emergency classification is sought (ON INDIVIDUALS)* has been treated as either private or confidential by (CUSTOM OF LONG STANDING WHICH HAS BEEN RECOGNIZED BY) other (SIMILAR) state agencies or (OTHER SIMILAR) political subdivisions, (IF ANY,) and by the public; *and*

(c) That a compelling need exists for immediate emergency classification, which if not granted could adversely affect the public interest or the health, safety, well being or reputation of the data subject.

Subd. 3. *The commissioner shall either grant or disapprove the application for emergency classification within 30 days after*

*it is filed. If the commissioner disapproves the application, he shall set forth in detail his reasons for the disapproval, and shall include a statement of what classification he believes is appropriate for the data which is the subject of the application. Ten days after the date of the commissioner's disapproval of an application, the data which is the subject of the application shall become public data on individuals, unless the responsible authority submits an amended application for emergency classification which requests the classification deemed appropriate by the commissioner in his statement of disapproval or which sets forth additional information relating to the original proposed classification. Upon the filing of an amended application, the data which is the subject of the amended application shall be deemed to be classified as set forth in the amended application for a period of 15 days or until the amended application is granted or disapproved by the commissioner, whichever is earlier. The commissioner shall either grant or disapprove the amended application within 15 days after it is filed. Five working days after the date of the commissioner's disapproval of the amended application, the data which is the subject of the application shall become public data on individuals. No more than one amended application may be submitted for any single file or system which contains data on individuals.*

*If the commissioner grants (THE) an application for emergency classification, it shall (BE SUBMITTED WITH) become effective immediately, and the complete record relating to the application shall be submitted to the attorney general, who shall review the classification as to form and legality. (THE ATTORNEY GENERAL SHALL,) within 20 days, (EITHER) the attorney general shall approve the classification, disapprove a classification as confidential but approve a classification as private, or disapprove the classification. If the attorney general disapproves a classification, the data which is the subject of the classification shall become public data five working days after the date of the attorney general's disapproval.*

*Subd. 4. All applications for emergency classification which are pending on the effective date of this section shall be deemed to have been filed on the effective date of this section.*

**Subd. (3) 5. [EXPIRATION OF EMERGENCY CLASSIFICATION.]** All emergency classification granted under this section and still in effect shall expire on (JUNE 30, 1977) *July 31, 1978*. No emergency classifications shall be granted after (JUNE 30, 1977) *July 31, 1978*.

**Sec. 7. Minnesota Statutes 1976, Section 15.165, is amended to read:**

**15.165 [RIGHTS OF SUBJECTS OF DATA.]** *Subdivision 1. The rights of individuals on whom the data is stored or to be stored shall be as (FOLLOWS:) set forth in this section.*

((A)) *Subd. 2.* An individual asked to supply private or confidential data concerning himself shall be informed of: ((1) BOTH) (a) the purpose and intended use of the requested data, (2) *within the collecting state agency, political subdivision or statewide system;* (b) whether he may refuse or is legally required to supply the requested data, AND (3) ; (c) any known consequence arising from his supplying or refusing to supply private or confidential data: *and (d) the identity of other persons or entities authorized by state or federal law to receive the data.*

((B)) *Subd. 3.* Upon request to a responsible authority, an individual shall be informed whether he is the subject of stored data on individuals, *and whether it (BE) is classified as public, private or confidential.* Upon his further request, an individual who is the subject of stored (PUBLIC OR) private data on individuals shall be shown the data without any charge to him and, if he desires, *shall be informed of the content and meaning of that data.* After an individual has been shown the *private* data and informed of its meaning, the data need not be disclosed to him for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected. The responsible authority shall provide copies of the *private* data upon request by the individual subject of the data, PROVIDED THAT). The cost of providing copies (IS) *shall be borne by the (REQUESTING) individual.*

*The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If he cannot comply with the request within that time, he shall so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.*

((C)) *Subd. 4.* An individual may contest the accuracy or completeness of public or private data concerning himself. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days *either: (a) correct the data (IF THE DATA IS) found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (b) notify the individual (OF DISAGREEMENT) that he believes the data to be correct.* Data in dispute shall (NOT) be disclosed (EXCEPT UNDER CONDITIONS OF DEMONSTRATED NEED AND THEN) only if the individual's statement of disagreement is included with the disclosed data.

The determination of the responsible authority (IS APPEALABLE IN ACCORDANCE WITH) *may be appealed pursuant to the provisions of the administrative procedure act relating to contested cases.*

Sec. 8. *This act is effective the day following final enactment.*"

Further, delete the title and insert:

"A bill for an act relating to privacy of data on individuals; definitions; emergency classifications by commissioner; rights of individuals; amending Minnesota Statutes 1976, Sections 15.162, Subdivisions 2a, 3, 4, 5, and 6; 15.1642; and 15.165."

We request adoption of this report and repassage of the bill.

House Conferees: SHIRLEY A. HOKANSON, DAVID J. BEAUCHAMP, LINDA L. BERGLIN, HARRY SIEBEN, JR. and WILLIAM D. DEAN.

Senate Conferees: ROBERT J. TENNESSEN, TOM A. NELSON, JOHN B. KEEFE, GENE MERRIAM and JACK DAVIES.

Hokanson moved that the report of the Conference Committee on H. F. No. 415 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 415, A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

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 113 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Dean	Hanson	King
Adams	Braun	Eckstein	Haugerud	Knickerbocker
Anderson, B.	Brinkman	Eken	Heinitz	Kostohryz
Anderson, D.	Byrne	Ellingson	Hokanson	Kroening
Anderson, G.	Carlson, A.	Enebo	Jacobs	Laidig
Anderson, I.	Carlson, D.	Ewald	Jaros	Langseth
Arlandson	Carlson, L.	Faricy	Jensen	Lehto
Battaglia	Casserly	Fjoslien	Johnson	Mangan
Beauchamp	Clark	Forsythe	Kahn	McCollar
Begich	Clawson	Friedrich	Kaley	McEachern
Berg	Cohen	Fudro	Kelly, R.	Metzen
Berglin	Corbid	Fugina	Kelly, W.	Moe
Berkelman	Cummiskey	George	Kempe, A.	Munger
Birnstihl	Dahl	Gunter	Kempe, R.	Murphy

Neisen	Peterson	Sarna	Spanish	Wenstrom
Nelsen, B.	Petraleso	Savelkoul	Stanton	White
Nelsen, M.	Pleasant	Scheid	Stoa	Wigley
Nelson	Prahl	Schulz	Suss	Williamson
Norton	Reding	Searles	Swanson	Wynia
Novak	Rice	Sieben, H.	Tomlinson	Zubay
Osthoff	Rose	Sieben, M.	Vanasek	Speaker Sabo
Patton	St. Onge	Simoneau	Voss	
Pehler	Samuelson	Skoglund	Welch	

Those who voted in the negative were:

Albrecht	Erickson	Kvam	Niehaus	Wenzel
Anderson, R.	Esau	Mann	Searle	Wieser
Den Ouden	Kalis	McDonald	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

Anderson, I., 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.

There being no objection the order of business reverted to Introduction and First Reading of House Bills.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Voss, Dean, George, Berg and Casserly introduced:

H. F. No. 1698, A bill for an act relating to metropolitan government; providing for election of the chairman and other members of the council; amending Minnesota Statutes 1976, Section 473.123, Subdivisions 2 and 3, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wenzel; Kelly, W.; Vanasek; Laidig and Jude introduced:

H. F. No. 1699, A bill for an act relating to taxation; providing that compensation for service in the Minnesota national guard be exempt from the income tax; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Berkelman and Lehto introduced:

H. F. No. 1700, A bill for an act relating to the city of Duluth; firemen's service pensions and survivor benefits.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McEachern and Dahl introduced:

H. F. No. 1701, A bill for an act relating to education; vocational education; providing aid for heating horticultural laboratories; amending Minnesota Statutes 1976, Section 124.57.

The bill was read for the first time and referred to the Committee on Education.

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Birnstihl, Lemke, Kalis, Kvam and Mann introduced:

H. A. No. 54, A proposal to locate seed certification responsibilities within the Department of Agriculture.

The advisory was referred to the Committee on Agriculture.

Fugina introduced:

H. A. No. 55, A proposal for reviewal of the procedure for dispensing of pharmaceuticals which carry prescription.

The advisory was referred to the Committee on Health and Welfare.

Wynia; Abeln; Kelly, R.; Kahn and Ellingson introduced:

H. A. No. 56, A proposal to study discrimination in insurance.

The advisory was referred to the Committee on Financial Institutions and Insurance.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 550, 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 boards, school districts, educational cooperative service units, the commissioner of education, the state board of education and the state board for vocational education; changing the method of distributing the agricultural tax credit; providing for tuition and tuition subsidies for certain post-secondary vocational-technical school students; establishing formulas for current funding of adult and secondary vocational education, capital expenditure equalization aid and school lunch aid; providing a June 1 date for the discharge or termination of certain teachers; increasing the number of early childhood and family education pilot programs; establishing certain incentives for teacher mobility; allowing the experimental pairing of certain districts; requiring review and comment by the commissioner of education on certain construction projects; appropriating money; amending Minnesota Statutes 1976, Sections 3.9271; 3.9272; 3.9275; 120.10, Subdivisions 1 and 2; 120.17, Subdivisions 1, 1a, 5a and 7a; 121.11, Subdivision 5; 121.88; 121.902; 121.908, by adding a subdivision; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivisions 1 and 2; 122.21, Subdivision 6; 123.335, Subdivision 2; 123.351, Subdivisions 4 and 5; 123.39, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2 and by adding a subdivision; 123.742, Subdivision 1; 124.11; 124.14, Subdivisions 1 and 2; 124.17, Subdivisions 1 and 2 and by adding a subdivision; 124.19, Subdivision 1; 124.212, Subdivisions 1, 3a, 4, 6b, 7b, 8a, and by adding subdivisions; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3 and 6; 124.223; 124.24; 124.26, Subdivisions 1 and 4; 124.271, Subdivision 2; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.563, Subdivisions 1 and 3; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 125.08; 125.12, Subdivisions 3, 4 and 10; 125.17, Subdivision 3; 128A.02, Subdivisions 2 and 3; 128A.06; 273.132; 273.138, Subdivision 3; 275.124; 275.125, Subdivisions 2a, 4, 8, 9, 9a, 12, 13 and by adding subdivisions; 466.06; 475.61, Subdivision 4; and Chapters 6, by adding a section; 121, by adding a section; 124, by adding sections; 136A, by adding a section; 354, by adding sections; and 354A, by adding sections; Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapter 775, Section 4, Subdivision 2, as amended; Laws 1969, Chapter 1060, Section 7, as amended; Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended; Laws 1976, Chapter 20, Sections 3 and 7; Laws 1976, Chapter 271, Section 8, Subdivision 1, and Section 94; repealing Minnesota Statutes 1976, Sections 123.40, Subdivision 7; 124.04; 124.19, Subdivision 2; 124.212, Subdivisions 3a and 19; 124.215, Subdivisions 2a, 3, 4, 5, 7 and 8; 124.221; 124.222, Subdivisions 4 and 5; 124.23; 124.25; 124.271, Subdivision 1; 124.30; 124.562, Subdivisions 5 and 6; 124.563, Subdivision 4; 124.565, Subdivisions 2 and 5; 124.57, Subdivisions 1 and 3 as added; 124.271, Subdivision 1; 126.021; 126.022; 126.024; 273.138, Subdivision 7; 473.633; and 473.635.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservaton standards; requiring certain energy studies, programs and proposals; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 16.866, Subdivision 1; 116H.02, Subdivision 5; 116H.07, Subdivision 1; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H, by adding sections; repealing Minnesota Statutes 1976, Sections 325.811; 325.812; and Laws 1974, Chapter 307, Section 19.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 415, A bill for an act relating to privacy of data on individuals; definitions; emergency classifications by commissioner; rights of individuals; amending Minnesota Statutes 1976, Sections 15.162, Subdivisions 2a, 3, 4, 5, and 6; 15.1642; and 15.165.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 411.

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. 411

A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853.

May 23, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 411 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendment and that S. F. No. 411, the House unofficial engrossment, be further amended as follows:

Page 2, line 10, after "following" insert "*11 members*".

Page 3, line 6, delete "; *and*" and insert a period.

Page 3, line 7, delete "(*f*)", delete ", *to*" and insert "*shall*".

Page 4, line 15, after "*complaints;*" insert "*the setting of fees;*".

Page 5, line 9, after "recruitment" insert "*and licensing*".

Page 5, line 10, strike "nonelective".

Page 8, line 20, strike "certify" and insert "license".

Page 8, line 21, after "completed" insert "certified".

Page 9, after line 14, insert:

"Sec. 8. Minnesota Statutes 1976, Section 626.846, is amended to read:

**626.846 [ATTENDANCE, FORFEITURE OF POSITION.]**

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any peace officer employed or elected on or after July 1, (1967) 1978, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population of more than 1,000 according to the last federal census shall (ATTEND A PEACE OFFICERS TRAINING COURSE WITHIN 12 MONTHS OF HIS APPOINTMENT) *not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843, except as provided in section 626.853.*

Subd. 2. Every peace officer who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population of more than 1,000 according to the last federal census, on a temporary basis or for a probationary term, shall forfeit his position unless he has (SATISFACTORILY COMPLETED, WITHIN THE TIME PRESCRIBED BY THE RULES AND REGULATIONS PROMULGATED) *been licensed by the board pursuant to sections 626.841 to (626.854, AN APPROVED PEACE OFFICER TRAINING PROGRAM) 626.853, except as provided in section 626.853.* Any other peace officer employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses *and be licensed by the board* subject to the rules (AND REGULATIONS) promulgated pursuant to (SECTIONS 626.841 TO 626.854) *section 626.843.*

Subd. 3. *A peace officer who has received a permanent appointment prior to July 1, 1978, shall be licensed by the board if the officer has met the requirements of sections 626.841 to 626.853 in effect on June 30, 1977 and if the officer has requested licensing by the board. An elected or appointed town constable who takes office on or after July 1, 1978, if his duties are substantially similar to those of a peace officer as determined by the board, shall be licensed by the board in respect to his term of office as if he has met the licensing requirements of the board."*

Page 12, after line 1, insert:

"Sec. 14. Minnesota Statutes 1976, Section 214.01, Subdivision 3, is amended to read:

Subd. 3. "Non-health related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, the board of cosmetology examiners established pursuant to section 155.04, the board of assessors established pursuant to section 270.41, the board of architecture, engineering and land surveying established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.541, the board of boxing established pursuant to section 326.33, the board of examiners in watchmaking established pursuant to section 326.541, the board of boxing established pursuant to section 341.02, (AND) the board of abstractors established pursuant to section 386.63, *and the peace officer standards and training board established pursuant to section 626.841.*"

Page 12, line 9, delete "\$10,000" and insert "\$90,000".

Renumber the sections.

Further, amend the title in line 6 after "Sections" by inserting "214.01, Subdivision 3;" and in line 8, after "626.845;" by inserting "626.846;".

We request adoption of this report and repassage of the bill.

Senate Conferees: BILL MCCUTCHEON, GERRY SIKORSKI and ROBERT G. DUNN.

House Conferees: HARRY SIEBEN, JR., NEIL S. HAUGERUD and DONALD M. MOE.

Moe moved that the report of the Conference Committee on S. F. No. 411 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 411, A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853.

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 101 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jude	Norton	Sieben, M.
Adams	Clawson	Kahn	Novak	Skoglund
Anderson, D.	Cohen	Kaley	Osthoff	Spanish
Anderson, G.	Corbid	Kelly, R.	Patton	Stanton
Anderson, I.	Cummiskey	Kelly, W.	Pehler	Stoa
Anderson, R.	Dahl	Kempe, R.	Peterson	Suss
Arlandson	Dean	King	Petrafeso	Swanson
Battaglia	Eken	Knickerbocker	Pleasant	Tomlinson
Beauchamp	Enebo	Kostohryz	Prahl	Voss
Begich	Erickson	Kroening	Reding	Waldorf
Berg	Evans	Langseth	Rice	Welch
Berglin	Ewald	Lehto	Rose	Wenstrom
Berkelman	Faricy	Mangan	St. Onge	Wenzel
Birnstihl	Forsythe	Mann	Samuelson	White
Brandl	George	McDonald	Sarna	Williamson
Brinkman	Hanson	McEachern	Savelkoul	Wynia
Byrne	Hokanson	Metzen	Scheid	Speaker Sabo
Carlson, A.	Jacobs	Moe	Schulz	
Carlson, D.	Jaros	Munger	Searle	
Carlson, L.	Jensen	Murphy	Sherwood	
Cassery	Johnson	Nelson	Sieben, H.	

Those who voted in the negative were:

Albrecht	Eckstein	Kalis	Neisen, B.	Zubay
Anderson, B.	Fjoslien	Kvam	Niehaus	
Biersdorf	Friedrich	Lemke	Searles	
Braun	Fugina	McCollar	Wieser	
Den Ouden	Heinitz	Neisen	Wigley	

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. 311.

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. 311

A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; providing for the compensation of certain judges upon compliance with certain provisions of the law; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; 487, by adding a section; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; 490.124, Subdivision 7; and Chapters 530; 531; 532; and 633.

May 23, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 311 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 311 be further amended as follows:

Strike everything after enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 2.722, is amended to read:

2.722 [JUDICIAL DISTRICTS.] *Subdivision 1.* [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts two or more judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley; five judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 12 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; six judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 19 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; five judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; six judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; four judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; three judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahanomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; six judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; six judges; and permanent chambers shall be maintained in Anoka, Stillwater, and such other places as may be designated by the chief judge of the district.

*Subd. 2. [ALTERING BOUNDARIES.] The supreme court, with the consent of a majority of the chief judges of the judicial districts, may alter the boundaries or change the number of judicial districts, except the second and fourth judicial districts.*

Sec. 2. Minnesota Statutes 1976, Section 2.724, is amended to read:

2.724 [CHIEF JUSTICE OF SUPREME COURT, DUTIES.] Subdivision 1. When public convenience and necessity require it, the chief justice of the supreme court may assign any judge of (THE DISTRICT) any court to serve and discharge the duties of judge of any (OTHER) court in a judicial district not his own at such times as the chief justice may determine. A judge may appeal his assignment to serve on a court in a judicial district not his own to the supreme court and the appeal shall be decided before the assignment is effective. Notwithstanding the provisions of this subdivision, no judge shall be assigned to serve on a court in a judicial district which is located more than 50 miles from the boundary of his judicial district for more than 15 working days in any 12 month period, unless he consents to the assignment.

*A transferred judge shall be subject to the assignment powers of the chief judge of the judicial district to which he is transferred.*

Subd. 2. To promote and secure more efficient administration of justice, the chief justice of the supreme court of the state shall supervise and coordinate the work of the (DISTRICT) courts of the state. The supreme court may provide by rule that the chief justice not be required to write opinions as a member of the supreme court. Its rules may further provide for it to hear and consider cases in divisions, and it may by rule assign temporarily any retired justice of the supreme court or one district court judge at a time to act as a justice of the supreme court. Upon the assignment of a district court judge to act as a justice of the supreme court a district court judge previously acting as a justice may continue to so act to complete his duties. Any number of justices may disqualify themselves from hearing and considering a case, in which event the supreme court may assign temporarily a retired justice of the supreme court or a district court judge to hear and consider the case in place of each disqualified justice. At any time that a retired justice is acting as a justice of the supreme court under this section, he shall receive, in addition to his retirement pay, (SUCH) a further sum, to be paid out of the general fund of the state, as shall afford him the same salary as an associate justice of the supreme court.

Subd. 3. (WHEN PUBLIC CONVENIENCE AND NECESSITY REQUIRE IT, THE CHIEF JUSTICE OF THE SUPREME COURT MAY ASSIGN ANY MUNICIPAL JUDGE

OF THE STATE TO SERVE AND DISCHARGE THE DUTIES OF A MUNICIPAL JUDGE IN ANY OTHER MUNICIPALITY NOT HIS OWN, AT SUCH TIMES AS THE CHIEF JUSTICE MAY DETERMINE. ANY MUNICIPALITY SO SERVED BY A MUNICIPAL JUDGE OTHER THAN ITS OWN SHALL PAY SUCH JUDGE ALL SUMS FOR TRAVEL, MEALS, LODGING AND COMMUNICATIONS NECESSARILY PAID OR INCURRED BY HIM AS A RESULT OF SUCH ASSIGNMENT TOGETHER WITH THE PER DIEM PAYMENT SPECIFIED FOR A SPECIAL JUDGE OF A MUNICIPAL COURT BY SECTION 488.22, SUBDIVISION 1.)

(SUBD. 4.) The chief justice of the supreme court may assign a retired justice of the supreme court to act as a justice of the supreme court pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a retired judge of (THE DISTRICT) any court to act as a judge of (THE DISTRICT) any court (IN ANY JUDICIAL DISTRICT OR ANY OTHER COURT) except the supreme court. (THE CHIEF JUSTICE MAY ASSIGN ANY OTHER RETIRED JUDGE TO ACT AS A JUDGE OF ANY COURT WHOSE JURISDICTION IS NOT GREATER THAN THE JURISDICTION OF THE COURT FROM WHICH HE RETIRED. UNLESS OTHERWISE PROVIDED BY LAW,) A judge acting pursuant to this subdivision shall receive pay and expenses in the amount and manner provided by law for (ACTIVELY SERVING RETIRED DISTRICT) judges *serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving.* (A JUDGE ACTING PURSUANT TO THIS SUBDIVISION OR ANY OTHER LAW PROVIDING FOR THE SERVICE OF RETIRED JUDGES SHALL BE PAID ONLY HIS EXPENSES FOR SERVICE PERFORMED WHILE STILL RECEIVING THE FULL PAY OF THE OFFICE FROM WHICH HE RETIRED.)

*Subd. 4. The chief justice shall exercise general supervisory powers over the courts in the state. His powers shall include, but not be limited to:*

*(a) Supervision of the courts' financial affairs, programs of continuing education for judicial and nonjudicial personnel and planning and operations research;*

*(b) Serving as chief representative of the court system and as liaison with other governmental agencies for the public; and*

*(c) Supervision of the administrative operations of the courts. The chief justice may designate other justices or judges to assist him in the performance of his duties.*

Sec. 3. Minnesota Statutes 1976, Section 43.43, Subdivision 2, is amended to read:

Subd. 2. "State employee" for the purpose of determining eligibility for the basic life insurance and basic health benefits coverage hereunder means:

(1) An employee in the classified service of the state civil service paid on a state payroll;

(2) An employee in the unclassified service of the state paid on a state payroll who is not excluded from any of the provisions of sections 43.42 to 43.49;

(3) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission;

(4) A judge of the supreme court or an officer or employee of such court; a judge of the district court, *a judge of county court, a judge of county municipal court, a judge of probate court*;

(5) A salaried employee of the public employees retirement association;

(6) Full time military or civilian personnel in the unclassified service of the department of military affairs whose salary is paid from state funds;

(7) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(8) An employee of the regents of the University of Minnesota, who is a member of the academic staff with the rank of instructor, research fellow, or above, including a lecturer, serving on not less than 75 percent regular appointment;

(9) An employee of the regents of the University of Minnesota and a member of the civil service staff under the civil service plan, adopted by the university of Minnesota, who is employed on a monthly salaried appointment;

(10) An employee of the state university board or the state board for community colleges who is a member of the academic staff, who is employed for not less than a 75 percent time basis, and who is paid on a state salary payroll; or

(11) An employee of the state university board or the state board for community colleges who is either in the classified service or the unclassified service of the state civil service whose salary is paid from the university board of the state of Minnesota, revenue fund or the university activity fund. The required

premium payment of such an employee is to be paid, however, from the fund from which the employee's salary is paid.

(12) A member of the state legislature.

(13) A seasonal employee of the waters, soils and minerals division of the state department of natural resources whose duties include the sampling, weighing or grading of iron ore, taconite, or other minerals; provided that the employee shall receive the benefits provided in sections 43.42 to 43.50, at no cost to the employee for the period in each calendar year when the employee is not working at his occupation, and the premiums therefor shall be paid from the same salary fund or account as the salary of the employee.

(14) A person employed in the state service as a pre-service trainee on a full time basis.

Sec. 4. Minnesota Statutes 1976, Section 43.47, Subdivision 6, is amended to read:

Subd. 6. (A JUDGE OF ANY COURT, AND) An officer or employee (THEREOF) of any court except as otherwise provided in section 43.43;

Sec. 5. Minnesota Statutes 1976, Section 271.01, Subdivision 1, is amended to read:

271.01 [CREATION.] Subdivision 1. [MEMBERSHIP, APPOINTMENT, QUALIFICATIONS.] There is hereby created a tax court of appeals, herein called the tax court of appeals, as an independent agency of the executive branch of the government, in the department of revenue, but not in any way subject to the supervision or control of the commissioner of revenue. The tax court of appeals shall consist of three judges, each of whom shall be a citizen of the state, appointed by the governor, by and with the advice and consent of the senate. They shall be selected on the basis of their experience with and knowledge of taxation and tax laws. (SO FAR AS PRACTICABLE, THEY SHALL BE NONPARTISAN IN THEIR POLITICAL AFFILIATIONS, AND NOT MORE THAN TWO OF THEM SHALL BE MEMBERS OF OR AFFILIATED WITH THE SAME POLITICAL PARTY OR ORGANIZATION.) No judge of the tax court of appeals shall hold any other office under this state or any of its political subdivisions, nor any other office or position the salary for which is paid, in whole or in part, from appropriations from the tax revenues of the state of Minnesota, nor any office under the government of the United States or any other state, nor be a candidate for an elective office under the laws of this state or of the United States or of any other state. No judge of the tax court of appeals shall hold any position of trust or profit or en-

gage in any occupation or business which would conflict with or be inconsistent with his duties as a judge of the tax court of appeals, nor serve on or under any political committee or other organization interested in any election, nor take part, directly or indirectly, in any election campaign in the interest of any political party or other organization or any candidate or measure to be voted upon by the people. No judge of the tax court of appeals shall act as attorney, counselor, or accountant in the matter of any tax, fee, or assessment imposed or levied under authority of this state or any political subdivision thereof.

Sec. 6. Minnesota Statutes 1976, Section 480.15, is amended by adding subdivisions to read:

*Subd. 10a. The court administrator shall prepare uniform standards and procedures for the recruitment, evaluation, promotion, in-service training and discipline of all personnel in the court system other than judges, referees, judicial officers, court reporters and court services officers. The court administrator shall file a report on the uniform standards and procedures with the legislature by June 30, 1978.*

*Subd. 10b. The court administrator shall promulgate and administer uniform requirements for court budget and information systems, the compilation of statistical information, and the collection, storage and use of court records.*

Sec. 7. Minnesota Statutes 1976, Section 480.17, is amended to read:

**480.17 [JUDGES; CLERKS; OTHER OFFICERS; TO COMPLY WITH REQUESTS OF THE COURT ADMINISTRATOR AND DISTRICT ADMINISTRATORS.]** *Subdivision 1. The judges and clerks of the courts and all other officers, state and local, shall comply with all requests made by the court administrator after approval by the chief justice, for information and statistical data bearing on the state of the dockets of such courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system.*

*Subd. 2. The failure of a judge or state or local officer to comply with requests made by the court administrator pursuant to subdivision 1 is grounds for removal from office by the appointing authority. Nothing in this subdivision shall be construed to restrict the power of the district court to remove a clerk of court from office.*

*Subd. 3. Every clerk of court shall also comply with requests for statistical or other information made by the district administrator of the judicial district in which the clerk serves.*

Sec. 8. Minnesota Statutes 1976, Section 480.18, is amended to read:

480.18 [CONFERENCE OF JUDGES; JUDGE'S EXPENSES.] *At least once each year* the (SUPREME COURT OF THIS STATE MAY PROVIDE BY RULE OR SPECIAL ORDER FOR THE HOLDING IN THIS STATE OF AN ANNUAL) *chief justice shall call a conference* of the judges of the courts of record of this state (, AND OF MEMBERS OF THE RESPECTIVE JUDICIARY COMMITTEES OF THE LEGISLATURE, AND OF INVITED MEMBERS OF THE BAR,) for the consideration of matters relating to judicial business, the improvement of the judicial system, and the administration of justice. Each judge attending (SUCH) *the* annual judicial conference shall be entitled to be reimbursed for his necessary expenses to be paid from state appropriations made for the purposes of sections 480.13 to 480.20.

Sec. 9. Minnesota Statutes 1976, Chapter 480, is amended by adding a section to read:

[480.22] *The supreme court shall designate the location of chambers for judges of all courts in the state after consultation with the judges of the affected judicial district. Chambers locations set forth in section 2.722, subdivision 1, shall remain in effect until changed pursuant to this section.*

Sec. 10. Minnesota Statutes 1976, Section 484.08, is amended to read:

484.08 [DISTRICT COURTS TO BE OPEN AT ALL TIMES.] The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays. (, FOR THE TRANSACTION OF SUCH BUSINESS AS MAY BE PRESENTED, INCLUDING THE ISSUANCE OF WRITS AND PROCESSES, THE HEARING OF MATTERS OF LAW IN PENDING ACTIONS AND PROCEEDINGS, AND THE ENTRY OF JUDGMENTS AND DECREES THEREIN; AND, IN ADDITION TO THE GENERAL TERMS APPOINTED BY LAW TO BE HELD, WHICH MAY BE ADJOURNED FROM TIME TO TIME, THE JUDGE OF THE DISTRICT COURT, OR ONE THEREOF IN DISTRICTS OF MORE THAN ONE JUDGE, MAY BY ORDER FILED WITH THE CLERK, CONVENE THE COURT IN ACTUAL SESSION DURING THE VACATION PERIOD ON A DATE NAMED IN THE ORDER, FOR THE TRIAL OF BOTH CIVIL ACTIONS INVOLVING PUBLIC INTEREST AND CRIMINAL ACTIONS, WHENEVER IN HIS JUDGMENT PUBLIC INTERESTS WILL THEREBY BE PROMOTED. WHEN SO CONVENED, THE COURT MAY, BY ORDER ENTERED IN THE MINUTES BY THE CLERK, DIRECT THE ISSUANCE OF SPECIAL VENIRES FOR GRAND AND PETIT

JURIES, RETURNABLE ON A NAMED DATE, FOR THE PERFORMANCE OF SUCH DUTIES AS MAY BE SUBMITTED BY THE COURT IN THE USUAL COURSE OF PROCEDURE. CIVIL ACTIONS INVOLVING PUBLIC INTERESTS MAY BE NOTICED FOR TRIAL AT AN ADJOURNED SITTING OF SUCH TERM OCCURRING MORE THAN EIGHT DAYS AFTER THE DATE OF CALLING SAME, AND INFORMATIONS BY THE COUNTY ATTORNEY CHARGING THE COMMISSION OF CRIMES WITHIN THE COUNTY MAY, AS AUTHORIZED BY LAW, BE PRESENTED AT SUCH TERMS, AND ANY SUCH INFORMATION THEN PRESENTED AND FILED AND ALL INDICTMENTS THEN RETURNED BY THE SPECIAL GRAND JURY SHALL BE PROCEEDED WITH BY THE COURT IN ALL RESPECTS IN HARMONY WITH THE LAW APPLICABLE TO OTHER CASES AND OTHER TERMS OF THE COURT. THE JUDGE OF THE DISTRICT COURT MAY ALSO, BY ORDER FILED WITH THE CLERK, APPOINT SPECIAL TERMS IN ANY COUNTY OF THE DISTRICT FOR THE HEARING OF MATTERS OF LAW) *The terms of the district courts shall be continuous.*

Sec. 11. Minnesota Statutes 1976, Section 484.54, is amended to read:

484.54 [EXPENSES OF JUDGES.] *Subdivision 1.* (THE JUDGES OF THE DISTRICT COURT SHALL BE PAID, IN ADDITION TO THE AMOUNTS NOW PROVIDED BY LAW, ALL SUMS THEY SHALL HEREAFTER PAY OUT WHILE ABSENT FROM THEIR PLACES OF RESIDENCE IN THE DISCHARGE OF THEIR OFFICIAL DUTIES, EXCEPT THAT A JUDGE SHALL NOT BE PAID SUCH TRAVEL EXPENSES FOR TRAVEL FROM HIS PLACE OF RESIDENCE TO AND FROM HIS PERMANENT CHAMBERS.)

*Except as provided in subdivision 2,* judges shall be compensated for travel and subsistence expenses in the same manner and amount as state employees. Additionally, judges of the district court shall be reimbursed for all sums, not reimbursed by counties, they shall necessarily hereafter pay out for only the following purposes: telephone tolls, postage, expressage, stationery, including printed letterheads and envelopes for official business; membership dues in (THE AMERICAN BAR ASSOCIATION AND AFFILIATED SECTIONS,) the state bar association and affiliated local district associations, and state and local district judges association; and registration fees, tuition, travel and subsistence for attending educational programs, attendance at which is approved by the supreme court (; AND, FOR DELEGATES AS DESIGNATED BY THE SUPREME COURT, TRAVEL AND SUBSISTENCE FOR ATTENDING REGULAR MEETINGS OF THE AMERICAN BAR ASSOCI-

ATION AND ITS AFFILIATED SECTIONS. TRAVEL AND SUBSISTENCE EXPENSES SHALL BE PAID IN THE SAME MANNER AND AMOUNT AS FOR STATE EMPLOYEES).

*Subd. 2. A judge shall be paid travel expenses for travel from his place of residence to and from his permanent chambers only for a period of two years after the effective date of this section or the date he initially assumes office, whichever is later.*

*Subd. 3. Each judge claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the judge, of all allowable expenses actually paid by him. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid by the commissioner of finance from appropriations for this purpose.*

Sec. 12. Minnesota Statutes 1976, Section 484.62, is amended to read:

484.62 [COMPENSATION AND REPORTER.] When (SUCH) *a* retired judge undertakes such services, he shall be provided at the expense of the county in which he is performing (SUCH) *the* service with a reporter, selected by (SUCH) *the* retired judge, clerk, bailiff, if the judge deems a bailiff necessary, and a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county in which (SUCH) *the* service is rendered and shall be paid in addition to his retirement compensation and not affecting the amount thereof, the sum of \$50 per diem for such additional service, together with travel pay in the (SUM OF NINE CENTS PER MILE) *same amount and manner as other state employees* and his actual expenses incurred in (SUCH) *the* service, said payment to be made in the same manner as the payment of salaries for (DISTRICT) judges *of the district court*, on certification by the (PRESIDING OR SENIOR) *chief* judge of the *judicial* district or by the chief (JUDGE) *justice* of the supreme court of the state of Minnesota. A deputy clerk may act as bailiff when called to do so for the purposes of this section.

Sec. 13. Minnesota Statutes 1976, Section 484.63, is amended to read:

484.63 [APPEAL.] *Subdivision 1. (ANY PERSON CONVICTED OF A PETTY MISDEMEANOR OR A VIOLATION OF A MUNICIPAL ORDINANCE PUNISHABLE BY A FINE ONLY MAY APPEAL FROM THE CONVICTION TO THE DISTRICT COURT UPON QUESTIONS OF LAW ONLY. ANY PERSON CONVICTED OF A VIOLATION OF A MUNICIPAL ORDINANCE FOR WHICH A SENTENCE OF IMPRISONMENT IS AUTHORIZED MAY APPEAL TO THE*

DISTRICT COURT IN THE SAME MANNER AND WITH THE SAME EFFECT AS PROVIDED BY CHAPTER 633, EXCEPT THAT THE APPELLANT SHALL NOT HAVE THE RIGHT TO A JURY TRIAL UNLESS HE WAS CONVICTED OF THE VIOLATION OF A MUNICIPAL ORDINANCE, CHARTER PROVISION, RULE OR REGULATION FOR WHICH A SENTENCE TO IMPRISONMENT IS AUTHORIZED AND HE WAS NOT TRIED BY JURY IN THE MUNICIPAL COURT) *An aggrieved party may appeal to the district court from a determination of a county court or a county municipal court as provided in section 487.39. The appeal shall be heard by a panel of three judges in the district in which the action was first adjudicated. The judges shall be assigned by the chief judge of the judicial district. Upon request by the chief judge of the judicial district the supreme court may temporarily assign a judge from another district to serve on an appellate panel pursuant to section 2.724, subdivision 1.*

*Subd. 2. The chief judge of the judicial district may schedule appellate terms for the hearing of appeals from lower courts. He shall give three weeks' written notice of every appellate term to the clerks of the district court in the counties in which the appeals arose.*

*Subd. 3. Pleading, practice, procedure and forms in appellate actions shall be governed by rules of procedure adopted by the supreme court for appeal from county to district court. On appeal to the district court briefs shall be acceptable if reproduced from a typewritten page by any means which produces a clear black on white copy.*

Sec. 14. Minnesota Statutes 1976, Section 484.65, Subdivision 1, is amended to read:

484.65 [FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT.] Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge *appointed by the chief judge of the judicial district to serve for a term not exceeding two years.* The judge appointed (OR ELECTED) to (SAID) *this office shall be designated as the district court judge, family court division. (SAID DISTRICT COURT JUDGE SHALL BE ELECTED OR APPOINTED IN THE MANNER AS PROVIDED FOR THE ELECTION OR APPOINTMENT OF OTHER DISTRICT COURT JUDGES, EXCEPT THAT HE SHALL BE DESIGNATED DISTRICT COURT JUDGE, FAMILY COURT DIVISION, AND AT THE PRIMARY OR GENERAL ELECTION THE OFFICE SHALL BE SO DESIGNATED ON THE BALLOT.) No judge may be appointed to serve consecutive terms as the district court judge, family court division.*

Sec. 15. Minnesota Statutes 1976, Section 484.65, Subdivision 6, is amended to read:

Subd. 6. Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court. *A person appointed to fill a vacancy in the office of district court judge, family court division shall serve in that office for the unexpired portion of the term during which the vacancy occurred, but may not be appointed to serve as district court judge, family division during the next consecutive term.*

Sec. 16. Minnesota Statutes 1976, Section 484.66, is amended to read:

484.66 [DISTRICT ADMINISTRATOR; FOURTH JUDICIAL DISTRICT.] Subdivision 1. In the county of Hennepin, the district (COURT) administrator shall assume the statutory duties of the clerk of district court.

Subd. 2. The duties, functions and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the clerk of district court shall be performed by the district (COURT) administrator, (WHOSE OFFICE IS) *who shall be appointed (BY THE DISTRICT COURT JUDGES OF THE FOURTH JUDICIAL DISTRICT) pursuant to section 17.*

The district (COURT) administrator, subject to the approval of a majority of the judges of the district court, *and a majority of the judges of the county municipal court in the fourth judicial district*, shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes as are deemed necessary for this purpose. Such reorganization, reallocation or delegation, or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute or law to be performed by the clerk of district court.

Sec. 17. Minnesota Statutes 1976, Chapter 484, is amended by adding a section to read:

[484.67] [DISTRICT ADMINISTRATOR.] *Subdivision 1. [APPOINTMENT.] By November 1, 1977, the chief judge of the judicial district in each judicial district shall appoint a single district administrator, subject to the approval of the supreme court, with the advice of the judges of the judicial district.*

*The district administrator shall serve at the pleasure of a majority of the judges of the judicial district.*

Subd. 2. [STAFF.] *The district administrator shall have such deputies, assistants and staff as the judges of the judicial district deem necessary to perform the duties of the office.*

*Subd. 3. [DUTIES.] The district administrator shall:*

*(a) Assist the chief judge in the performance of his administrative duties;*

*(b) Manage the administrative affairs of the courts of the judicial district;*

*(c) Supervise the clerks of court and other support personnel, except court reporters, who serve in the courts of the judicial district;*

*(d) Comply with the requests of the state court administrator for statistical or other information relating to the courts of the judicial district; and*

*(e) Perform any additional duties that are assigned to him by law or by the rules of court.*

*Subd. 4. The district administrator shall serve as secretary for meetings of the judges of the judicial district.*

*Subd. 5. The office budget of the district administrator shall be set by the chief judge of the judicial district and apportioned among the counties of the district.*

*Subd. 6. The salary of the district administrator shall be set by the state court administrator within the limits provided in section 15A.083, and shall be paid by the state. The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year.*

**Sec. 18.** Minnesota Statutes 1976, Section 485.01, is amended to read:

**485.01 [APPOINTMENT; BOND; DUTIES.] (THERE SHALL BE ELECTED IN EACH COUNTY) A clerk of the district court(, WHO,) for each county within the judicial district shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the (COUNTY BOARD) chief judge of the judicial district, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. (IN THE SECOND JUDICIAL DISTRICT THE AMOUNT OF SUCH BOND SHALL BE \$10,000 AND IN THE FOURTH JUDICIAL DISTRICT THE AMOUNT OF SUCH BOND SHALL BE \$25,000, WHICH) The bond, with his oath of office, shall be filed for record with the county recorder. (SUCH) The clerk shall perform all duties assigned him by law and by the**

rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

Sec. 19. Minnesota Statutes 1976, Section 485.018, is amended by adding a subdivision to read:

*Subd. 2a. Upon certification by the state court administrator that the clerk of district court has failed to perform any of the duties assigned to him by law or by rule of court, the county board shall withhold the salary of the clerk, and shall not pay the salary until receipt of notice from the state court administrator that the clerk has performed the duties assigned to him by law or by rule of court.*

*Nothing in this subdivision shall be construed to prohibit the judges of the district court from removing a clerk of district court from office.*

Sec. 20. Minnesota Statutes 1976, Section 487.01, Subdivision 1, is amended to read:

487.01 [PROBATE AND COUNTY COURTS; PROVISIONS.] Subdivision 1. A probate court, which shall be a court of record having a seal, and, except in the counties of Hennepin and Ramsey shall also be a county court, is established in each county. (THE COURT SHALL BE OPEN FOR THE TRANSACTION OF BUSINESS AT THE COUNTY SEAT AT ALL REASONABLE HOURS.) Hearings may be had at such times and places in the county as the court may deem advisable. (THE NECESSARY AND REASONABLE TRAVELING EXPENSES OF JUDGES, JUDICIAL OFFICERS, REFEREES, REPORTERS, CLERKS, AND EMPLOYEES IN ATTENDING HEARINGS IN PLACES OTHER THAN THE COUNTY SEAT INCIDENT TO THEIR DUTIES SHALL BE PAID BY THE COUNTY) *The county courts of the state shall be in continuous session and shall be deemed open at all times, except on legal holidays and Sundays.*

Sec. 21. Minnesota Statutes 1976, Section 487.01, Subdivision 3, is amended to read:

Subd. 3. The following *combined* probate and county court districts are established: Kittson, Roseau and Lake of the Woods; Marshall, Red Lake and Pennington; Norman(, CLEARWATER) and Mahnomen; Cass and Hubbard; Wadena and Todd; Mille Lacs and Kanabec; (WILKIN,) Big Stone and Traverse; (SWIFT AND STEVENS; POPE,) Grant and Douglas; (LAC QUI PARLE, YELLOW MEDICINE AND CHIPPEWA;) Lincoln and Lyon; (MURRAY AND PIPESTONE; JACKSON AND COTTONWOOD;) Rock and Nobles; Dodge and Olmsted; Lake and Cook; (AITKIN AND CARLTON; SIBLEY, MEEKER AND McLEOD; MARTIN, WATONWAN AND FARIBAULT, HOUSTON AND FILLMORE; NICOLLET

AND LE SUEUR; WINONA AND WABASHA;) Pine, Isanti and Chisago; Sherburne, Benton and Stearns. *Notwithstanding the provisions of this paragraph the separation of combined county court districts by concurrent action of county boards before April 23, 1977, shall continue to be in effect unless the districts are combined pursuant to subdivision 6.*

A combined county court district may be separated into single county courts by the (CONCURRENCE OF THE COUNTY BOARDS OF THE RESPECTIVE COUNTIES AFFECTED) *supreme court*. Vacancies in the office of judge created by such a separation shall be filled in the manner herein provided for the selection of other county court judges.

The single county court districts so created by such separation shall each be entitled to one judge, subject to the provisions of subdivision 5, clause (5), provided, however, that if the number of judges of the combined county court district exceeds the number of counties, then, upon separation into single county court districts, the county having the largest population determined by the last United States census shall be entitled to two judges and in the event there are more judges than counties remaining, the county having the next largest population determined by the last United States census shall also be entitled to two judges.

In each other county except Hennepin and Ramsey, the probate court of the single county is also the county court of the county and shall be governed by the provisions of sections 487.01 to 487.39.

Sec. 22. Minnesota Statutes 1976, Section 487.01, Subdivision 5, as amended by Laws 1977, Chapter 35, Section 14, is amended to read:

Subd. 5. Each county court district shall elect one county court judge except:

(1) The district consisting of St. Louis county shall elect six judges; two of the county court judges shall reside and serve in and be elected at large by the voters of St. Louis county; two of the county court judges shall reside and serve in and be elected by the voters in that part of St. Louis county south of the following described line: South of the south line of township 55; the area to be known as the south district; one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northwest district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and west of the west line of range 18 and excluding that part of Portage township west of the west line of range 18; and one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northeast district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and

east of the west line of range 18 and including that part of Portage township west of the west line of range 18.

(2) The district consisting of Dakota county, the district consisting of Anoka county and the district consisting of Stearns, Sherburne and Benton shall each elect five judges;

(3) The (DISTRICT CONSISTING OF OLMSTED AND DODGE COUNTIES, THE DISTRICT CONSISTING OF WINONA AND WABASHA COUNTIES AND THE DISTRICT CONSISTING OF WASHINGTON COUNTY) *following districts* shall each elect three judges (;) : *Olmsted and Dodge counties, Washington county, Blue Earth county, Pine, Isanti and Chisago counties;*

(4) The (DISTRICT CONSISTING OF BLUE EARTH COUNTY, THE DISTRICT CONSISTING OF CLAY COUNTY, THE DISTRICT CONSISTING OF SIBLEY, MEEKER AND MCLEOD COUNTIES, THE DISTRICT CONSISTING OF MARTIN, WATONWAN AND FARIBAULT COUNTIES AND THE DISTRICT CONSISTING OF PINE, CHISAGO AND ISANTI COUNTIES) *following districts* shall each elect two county court judges (:): *Clay county, Carver county, Cass and Hubbard counties, Crow Wing county, Douglas and Grant counties, Freeborn county, Marshall county, Red Lake and Pennington counties, Mower county, Otter Tail county, Rice county, Scott county, Winona county, Wright county, Kandiyohi county.*

(5) The number of judges to be elected may be increased by the county board of the affected county or by the concurrence of the county boards of those affected counties combined into districts; provided that no new judge positions authorized pursuant to this section may be created without specific statutory authorization. *Notwithstanding the other provisions of this subdivision, county judge positions created by county board action prior to April 23, 1977, shall be continued unless terminated pursuant to subdivision 6.*

Sec. 23. Minnesota Statutes 1976, Section 487.01, Subdivision 6, is amended to read:

Subd. 6. For the more effective administration of justice, *the supreme court may combine two or more county court districts (MAY COMBINE THEIR RESPECTIVE COUNTY COURT DISTRICTS) into a single county court district (BY CONCURRENCE OF THE COUNTY BOARDS OF THE RESPECTIVE COUNTIES AFFECTED).* If districts are combined, the office of a judge may be terminated at the expiration of his term and he shall be eligible for retirement compensation under the provisions of (SECTION 487.06) *sections 490.121 to 490.132. If the office of a judge who has not qualified for retirement compensation is terminated he shall upon attaining age 62 or more; be entitled to an annuity or proportionate annuity as*

*computed under the provisions of sections 490.121 to 490.132 based upon his years of service as a judge. A judge whose office is terminated shall continue to receive the insurance coverage provided for a judge of the office but shall pay the premiums himself.*

Sec. 24. Minnesota Statutes 1976, Section 487.02, Subdivision 1, as amended by Laws 1977, Chapter 35, Section 15, is amended to read:

487.02 [PAYMENT OF EXPENSES.] Subdivision 1. The salary and traveling expenses of a judge of the county court shall be paid by the state in the amount prescribed by section 15A.083. Expenses shall be paid *by the state* in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 25. Minnesota Statutes 1976, Section 487.08, is amended to read:

487.08 [JUDICIAL OFFICERS ABOLISHED.] (WHEN THE JUDICIAL BUSINESS OF A COUNTY COURT REQUIRES, THE COUNTY COURT MAY APPOINT ONE OR MORE FULL OR PART-TIME JUDICIAL OFFICERS WHO SHALL BE LEARNED IN THE LAW AND WHOSE SALARY SHALL BE FIXED BY THE COUNTY COURT, WITH THE APPROVAL OF THE COUNTY BOARD OR BOARDS OF THE COUNTIES OF THE DISTRICT, AND PAID BY THE COUNTY. THEY SHALL SERVE AT THE PLEASURE OF THE COUNTY COURT. THEY SHALL HEAR AND TRY SUCH MATTERS AS SHALL BE ASSIGNED TO THEM BY THE COUNTY COURT JUDGE. BEFORE ENTERING UPON THE DUTIES OF OFFICE EACH JUDICIAL OFFICER SHALL TAKE AND SUBSCRIBE AN OATH, IN THE FORM PROVIDED BY LAW FOR JUDICIAL OFFICERS, AND A CERTIFIED COPY OF THE OATH SHALL BE FILED IN THE OFFICE OF EACH OF THE COUNTY AUDITORS WITHIN THE COUNTY COURT DISTRICT) *The office of judicial officer is abolished.*

Sec. 26. Minnesota Statutes 1976, Section 487.25, Subdivision 6, is amended to read:

Subd. 6. [TRIALS BY JURY; ORDINANCES.] (IN A TRIAL UPON A CHARGE OF A VIOLATION OF ANY MUNICIPAL ORDINANCE, CHARTER PROVISION, RULE OR REGULATION, THE DEFENDANT SHALL HAVE A RIGHT TO A TRIAL BY JURY) *In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.*

Sec. 27. Minnesota Statutes 1976, Section 487.35, Subdivision 1, is amended to read:

487.35 [JUSTICES OF THE PEACE.] Subdivision 1. [ABOLISHED.] (ON THE DATE LAWS 1971, CHAPTER 951 BECOMES EFFECTIVE IN A COUNTY COURT DISTRICT) The office of justice of the peace is abolished (WITHIN EVERY MUNICIPALITY IN WHICH THE COUNTY COURT HOLDS REGULAR SESSIONS OR ESTABLISHES AN ORDINANCE AND TRAFFIC VIOLATIONS BUREAU. FOR PURPOSES OF THIS SUBDIVISION, THE TERM MUNICIPALITY INCLUDES ANY TOWNSHIP, PART OF WHICH IS WITHIN THE BOUNDARIES OF AN AFFECTED MUNICIPALITY.).

Sec. 28. Minnesota Statutes 1976, Section 487.39, is amended to read:

487.39 [APPEALS.] Subdivision 1. An aggrieved party may appeal to (A) *the* district court (JUDGE) from a determination of a county court or a *county municipal court*. The provisions of this section govern all appeals from the county court and the *county municipal court*; appeal provisions of all other statutes are inapplicable except as stated in (SUBDIVISION 3) *Minnesota Statutes, Section 484.63.*

(a) Except as provided in clause (b), the appeal in a civil case shall be taken by filing written notice thereof with the clerk of court of the county in which the action was heard not more than 30 days after written notice of the court's determination has been served upon the aggrieved party or his attorney, or in any event within three months after the determination in a civil case.

(b) In the appeal of petty misdemeanor, ordinance or criminal cases the written notice of appeal shall be filed with the clerk of court of the county in which the action was heard within ten days of the conviction or other determination, and sentencing thereon, appealed from.

(c) A written notice of appeal shall be served by the appellant upon all parties to the original proceedings or their attorneys not more than five days after filing a written notice of appeal and proof of such service shall be filed with the clerk of county court or *county municipal court* in the county in which the action was heard not more than three days after the service of such notice on the opposite party or his attorney. The appeal shall be heard and determined by a district court (JUDGE) *appellate panel pursuant to section 484.63.*

Subd. 2. The appeal shall be confined to the typewritten record. By stipulation of all parties, the record may be shortened. The district court (JUDGE) shall, upon request, hear oral argument and receive written briefs. The district court (JUDGE)

may affirm, reverse or modify the judgment or order appealed from, or take any other action as the interests of justice may require. On appeal from an order, the district court (JUDGE) may review any order affecting the order from which the appeal is taken and an appeal from a judgment may review any order involving the merits or affecting the judgment. The supreme court shall formulate rules of appellate procedure applicable to a district court (JUDGE) *panel* hearing appeals from a county court or county municipal court. Until otherwise provided, the rules of appellate procedure applicable to appeals to the supreme court shall apply to (A) *the* district court (JUDGE) hearing appeals from a county court or a county municipal court, except as provided in this section. An appeal may be taken from the determination of a district court (JUDGE) to the supreme court with leave of the supreme court.

(SUBD. 3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS 1 AND 2, AN APPEAL FROM A DETERMINATION OF THE COUNTY COURT IN A CASE IN WHICH THE PRESIDING JUDGE OR JUDICIAL OFFICER WAS NOT LEARNED IN THE LAW SHALL BE TO THE DISTRICT COURT UNDER THE PROVISIONS OF LAW NOW GOVERNING APPEALS FROM PROBATE COURT AND THE CASE SHALL BE HEARD DE NOVO.)

Sec. 29. Minnesota Statutes 1976, Section 488A.01, Subdivision 10, is amended to read:

Subd. 10. [CONTINUOUS TERMS.] The court shall be open every day, except Sundays and legal holidays. (THE COURT SHALL HOLD A GENERAL TERM FOR THE TRIAL OF CIVIL ACTIONS COMMENCING ON THE FIRST MONDAY FOLLOWING LABOR DAY OF EACH YEAR AND CONTINUING UNTIL THE NEXT GENERAL TERM, WITH SUCH ADJOURNMENTS AS THE JUDGES MAY DETERMINE TO BE NECESSARY AND PROPER) *The term of the court shall be continuous.*

Sec. 30. Minnesota Statutes 1976, Section 488A.01, is amended by adding a subdivision to read:

Subd. 14. [APPEALS.] *Appeals from the county municipal court to the district court shall be subject to the provisions of Minnesota Statutes, Sections 484.63 and 487.39.*

Sec. 31. Minnesota Statutes 1976, Section 488A.021, Subdivision 8, as amended by Laws 1977, Chapter 35, Section 16, is amended to read:

Subd. 8. [SALARIES.] Each judge shall be paid by the state an annual salary in the amount prescribed by section 15A.083. If a judge dies while in office, the amount of his salary

remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses *by the state* in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 32. Minnesota Statutes 1976, Section 488A.10, Subdivision 1, is amended to read:

488A.10 [PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CRIMINAL PROCEEDINGS.] Subdivision 1. [GENERAL.] Save as otherwise provided in this (ACT) *chapter*, pleadings, practice, procedure and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision, rule or regulation are governed by the statutes and common law rules which govern in a similar action or proceeding in the district court of Hennepin county (other than those applying peculiarly to felony or gross misdemeanor charges) or by statutes which govern in *county courts* (OF JUSTICES OF THE PEACE) *in chapter 487* in the absence of statutes or common law rules governing in said district court.

Sec. 33. Minnesota Statutes 1976, Section 488A.10, Subdivision 6, is amended to read:

Subd. 6. [TRIALS BY JUDGE WITHOUT JURY.] (A CHARGE OF A VIOLATION OF ANY PETTY MISDEMEANOR LAW OF THIS STATE OR MUNICIPAL ORDINANCE, CHARTER PROVISION, RULE OR REGULATION, SHALL BE HEARD, TRIED AND DETERMINED BY A JUDGE WITHOUT A JURY, AND THE DEFENDANT SHALL HAVE NO RIGHT TO A JURY TRIAL ON SUCH A CHARGE, EXCEPT AS REQUIRED BY SECTION 169.03 OR OTHERWISE REQUIRED BY LAW. IN THE EVENT OF SUCH TRIAL WITHOUT JURY, THERE SHALL BE A RIGHT OF APPEAL AS PROVIDED IN SECTION 488.20) *In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.*

Sec. 34. Minnesota Statutes 1976, Section 488A.111, is amended to read:

488A.111 [PAYMENT OF COURT EXPENSES.] All salaries of (THE JUDGES OF THE MUNICIPAL COURT OF THE COUNTY OF HENNEPIN,) court reporters, the clerk, deputy clerks and all other employees of (SAID) *the county municipal court of Hennepin county* (COURT,) and all expenses of (SAID) *the court* shall be paid from the treasury of Hennepin county. The board of county commissioners of Hennepin county is authorized to levy taxes annually against each dollar of taxable property within the county as may be necessary for the establishment, operation and maintenance of the court.

Sec. 35. Minnesota Statutes 1976, Section 488A.12, Subdivision 5, is amended to read:

Subd. 5. [CONTINUOUS TERM.] The judges shall hold terms of court (FROM TIME TO TIME AS NECESSARY) *continuously* to hear and dispose of all claims as promptly as feasible after filing.

Sec. 36. Minnesota Statutes 1976, Section 488A.18, Subdivision 11, is amended to read:

Subd. 11. [TERMS.] The court shall be (OPEN EVERY DAY,) *in continuous session and deemed open at all times* except Sundays and legal holidays. (THE COURT SHALL HOLD A GENERAL TERM FOR THE TRIAL OF CIVIL ACTIONS WITH SUCH ADJOURNMENTS AS THE JUDGES MAY DETERMINE TO BE NECESSARY AND PROPER.)

Sec. 37. Minnesota Statutes 1976, Section 488A.18, is amended by adding a subdivision to read:

*Subd. 14. [APPEALS.] Appeals from the county municipal court to the district court shall be subject to the provisions of Minnesota Statutes, Sections 484.63 and 487.39.*

Sec. 38. Minnesota Statutes 1976, Section 488A.19, Subdivision 10, as amended by Laws 1977, Chapter 35, Section 17, is amended to read:

Subd. 10. [SALARIES.] Each judge shall be paid by the state an annual salary in the amount prescribed by section 15A.083. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses *by the state* in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 39. Minnesota Statutes 1976, Section 488A.27, Subdivision 1, is amended to read:

488A.27 [PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CRIMINAL PROCEEDINGS.] Subdivision 1. [GENERAL.] Save as otherwise provided in this (ACT) *chapter*, pleading, practice, procedure and forms in actions or proceedings charging violation of a statute, ordinance, charter provision, rule or regulation shall be governed by the statutes and common law rules which govern in a similar action or proceeding in the district court (other than those applying peculiarly to felony or gross misdemeanor charges) or by statutes which govern in *county* courts (OF JUSTICES OF THE PEACE) *in chapter 487* in the absence of statutes or common law rules governing in district court.

Sec. 40. Minnesota Statutes 1976, Section 488A.27, Subdivision 6, is amended to read:

Subd. 6. [TRIALS BY JUDGE WITHOUT JURY.] (A CHARGE OF A VIOLATION OF ANY PETTY MISDEMEANOR LAW OF THIS STATE, MUNICIPAL ORDINANCE, CHARTER PROVISION, RULE OR REGULATION, OTHER THAN A VIOLATION DEALING WITH DRIVING WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE OR NARCOTIC DRUG, SPEEDING THAT IS A THIRD OR FURTHER OFFENSE OCCURRING IN ONE YEAR, OR CARELESS OR RECKLESS DRIVING WHERE A PERSONAL INJURY IS INVOLVED, SHALL BE HEARD, TRIED AND DETERMINED BY A JUDGE WITHOUT A JURY AND THE DEFENDANT SHALL HAVE NO RIGHT TO A JURY TRIAL ON SUCH A CHARGE, EXCEPT AS REQUIRED BY SECTION 169.03 OR AS OTHERWISE REQUIRED BY LAW. IN THE EVENT OF SUCH TRIAL WITHOUT JURY, THERE SHALL BE A RIGHT OF APPEAL AS PROVIDED IN SECTION 488.20, AND PROVIDED FURTHER THAT WHERE THERE HAS BEEN A CONVICTION IN A TRIAL WITHOUT JURY AS PROVIDED ABOVE, THE COMMISSIONER OF TRANSPORTATION SHALL NOT BY REASON THEREOF REVOKE OR SUSPEND THE DEFENDANT'S DRIVER'S LICENSE) *In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.*

Sec. 41. Minnesota Statutes 1976, Section 488A.281, is amended to read:

488A.281 [PAYMENT OF COURT EXPENSES.] All salaries of (THE JUDGES OF THE MUNICIPAL COURT OF THE COUNTY OF RAMSEY,) court reporters, the court administrator, and all other employees of (SAID) *the county municipal court of Ramsey county* (COURT,) and all expenses of (SAID) *the court* shall be paid from the treasury of Ramsey county in biweekly installments. The board of county commissioners of Ramsey county is authorized to levy taxes annually against each dollar of taxable property within the county as may be necessary for the establishment, operation and maintenance of the court. (SUCH) *The tax is not subject to any limitation on taxing power contained in any other law or charter provision and is in addition to any other tax levied by (SUCH) that body.*

Sec. 42. Minnesota Statutes 1976, Section 488A.29, Subdivision 5, is amended to read:

Subd. 5. [TERMS OF COURT.] The judges shall hold terms of court (FROM TIME TO TIME AS NECESSARY) *continuously* to hear and dispose of all claims as promptly as feasible after filing.

Sec. 43. Minnesota Statutes 1976, Section 525.04, is amended to read:

525.04 [JUDGE; ELECTION, QUALIFICATIONS, BOND.] There shall be elected in (EACH COUNTY A) *Hennepin county and Ramsey county* probate (JUDGE) *judges* who shall be learned in the law (, EXCEPT THAT PROBATE JUDGES NOW IN OFFICE SHALL BE CONSIDERED LEARNED IN THE LAW INSOFAR AS BEING ELIGIBLE TO CONTINUE IN OFFICE AND TO BE RE-ELECTED TO SAME). Before (HE) *a judge* enters upon the duties of his office he shall execute a bond to the state in the amount of \$1,000, approved by the county board and conditioned upon the faithful discharge of his duties. (SUCH) *The* bond with his oath shall be recorded in the office of the county recorder. The premiums on (SUCH) *the* bond and the expenses of (SUCH) *the* recording and filing shall be paid by the county. An action may be maintained on (SUCH) *the* bond by any person aggrieved by the violation of the conditions thereof.

Sec. 44. Minnesota Statutes 1976, Section 525.081, Subdivision 7, is amended to read:

Subd. 7. No judge of the probate court (IN ANY COUNTY HAVING A POPULATION OF 25,000 OR MORE,) shall practice as an attorney or counselor at law, nor shall he be a partner of any practicing attorney in the business of his profession, *nor shall he serve as an appraiser in any estate proceeding.*

Sec. 45. [CHIEF JUDGE.] *Subdivision 1. By July 1, 1977, the judges of the district, county, county municipal and probate courts resident in each of the judicial districts shall meet and elect from among their number a single chief judge and an assistant chief judge. The chief judge and the assistant chief judge shall serve a term of two years beginning July 1 of the year in which they are elected. No judge may serve as chief judge or assistant chief judge for more than two consecutive two-year terms.*

*The seniority of judges and rotation of the position of chief judge or assistant chief judge shall not be criteria for the election of the chief judge or the assistant chief judge.*

*A chief judge or assistant chief judge may be removed for cause as chief judge or assistant chief judge by the chief justice of the supreme court, or by a majority of the judges of the judicial district.*

Subd. 2. [LIMITATION.] *Every chief judge elected prior to July 1, 1981, shall be a judge of the district court. A chief judge elected on or after July 1, 1981 may be a judge of the district, county, county municipal or probate court.*

*Subd. 3. [ADMINISTRATIVE AUTHORITY.] In each judicial district, the chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the courts within the judicial district. The chief judge shall make assignments of judges to serve on the courts within the judicial district, and assignments may be made without the consent of the judges affected. The chief judge may assign any judge of any court within the judicial district to hear any matter in any court of the judicial district. When a judge of a court is assigned to another court he is vested with the powers of a judge of the court to which he is assigned. A judge may not be assigned to hear matters outside his judicial district pursuant to this subdivision.*

*Subd. 4. [SEMI-ANNUAL MEETINGS; JUDICIAL CONFERENCE AGENDA.] The chief judges shall meet at least semi-annually to consider problems relating to judicial business and administration. After consultation with the judges of their respective districts the chief judges shall prepare in conference and submit to the chief justice of the supreme court a suggested agenda for the judicial conference held pursuant to section 480.18.*

*Subd. 5. [JUDGES' MEETINGS.] The chief judge shall convene a conference at least semi-annually of all judges of the judicial district to consider administrative matters and rules of court and to provide advice and counsel to the chief judge.*

**Sec. 46. Minnesota Statutes 1976, Section 15A.083, as amended by Laws 1977, Chapter 35, Section 13, is amended to read:**

**15A.083 [SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH.] Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:**

- (1) Chief justice of the supreme court ..... \$52,000
- (2) Associate justice of the supreme court ..... 49,000
- (3) District judge, judge of county court (learned in the law), probate court, and county municipal court ..... (40,000)
- 42,000
- (4) Judge of a county court (not learned in the law) ..... 27,000

**Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be**

paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota ..... (\$40,000) \$42,000.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

*Subd. 3.* Beginning January 1, 1978, the entire compensation of county, probate and county municipal court judges shall be paid by the state. Beginning on July 1, 1977, the salary increases provided in (THIS ACT) *Laws 1977, Chapter 35, Section 13, and this act* for county, probate and county municipal judges shall be paid by the state. All payments made pursuant to sections 490.11 and 490.12, subdivision 1, after January 1, 1978, shall be made by the state regardless of whether the payments commenced before or commence after (THE EFFECTIVE DATE OF THIS ACT) *July 1, 1977.*

*Notwithstanding any other provision in this section to the contrary, an increase in compensation provided a district or supreme court judge in this act shall not take effect as to any judge of the district court or any justice of the supreme court who served in the district or supreme court prior to July 1, 1967, until that judge submits an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106.*

**Subd. (3) 4. [RANGES FOR OTHER JUDICIAL POSITIONS.]** Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of positions for which ranges have been provided shall fix individual salaries under the provisions of section 15A.081, subdivision 2.

Public defender .....	\$35,000
State court administrator .....	27,400 - (35,000) 37,400
District administrator .....	25,000 - 35,000
County attorneys council executive director .....	20,400 - 29,700

**Subd. 4. [TAX COURT OF APPEALS.]** Salaries of judges of the tax court of appeals . . . . \$15,000

**Subd. 5. [REFEREE SALARIES.]** Notwithstanding any other law or ordinance to the contrary, no referee or hearing examiner employed by a court in this state shall receive a salary

which is in excess of 90 percent of the salary paid a judge of the court by which he is employed.

Sec. 47. [APPROPRIATION.] *Subdivision 1. There is hereby appropriated from the general fund to the commissioner of finance for the biennium beginning July 1, 1977, the sum of \$300,000 for the purpose of paying the salaries of district administrators.*

*Subd. 2. There is hereby appropriated from the general fund to the commissioner of finance for the biennium beginning July 1, 1977, the sum of \$1,350,000 for the purposes of paying the compensation increases, reimbursing the expenses, and making other payments to or on behalf of judges which are authorized by this act.*

Sec. 48. [REFEREES ABOLISHED.] *Notwithstanding any other provision of law, the position of referee in the county municipal and district courts of the state is hereby abolished.*

Sec. 49. [REPEALER.] *Minnesota Statutes 1976, Sections 15A.083, Subdivision 2; 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.34; 484.47; 485.02; 487.03, Subdivision 4; 487.05; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivisions 7 and 8; 488A.18, Subdivision 12; 488A.19, Subdivisions 8, 9 and 10; 490.124, Subdivision 7; 525.081, Subdivisions 1, 2, 3, 4, 5, 6, 8 and 9; and Chapters 488; 530; 531; 532; 633 and Extra Session Laws 1971, Chapter 42, are repealed.*

Sec. 50. [EFFECTIVE DATE.] *Subdivision 1. Sections 25 and 48 are effective July 31, 1978.*

*Subd. 2. Section 45 is effective the day following final enactment.*

*Subd. 3. The remainder of this act is effective July 1, 1977.*

*Subd. 4. On July 1, 1977, a person elected to the office of district court judge, family court division, pursuant to Minnesota Statutes 1976, Section 484.65, Subdivision 1, shall no longer be designated as the district court judge, family court division, but he shall serve as a district court judge for the term of office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court."*

Further, strike the title and insert:

"A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; prescribing duties of the supreme court adminis-

trator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; prescribing the duties and salary of the district administrator; abolishing the offices of justice of the peace, judicial officers and referees; providing for appellate panels in district court; appropriating money; amending Minnesota Statutes 1976, Sections 2.722; 2.724; 15A.083, as amended; 43.43, Subdivision 2; 43.47, Subdivision 6; 271.01, Subdivision 1; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018; 487.01, Subdivisions 1, 3, 5, as amended, and 6; 487.02, Subdivision 1 as amended; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488A.01, Subdivision 10, and by adding a subdivision; 488A.021, Subdivision 8, as amended; 488A.10, Subdivisions 1 and 6; 488A.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11, and by adding a subdivision; 488A.19, Subdivision 10, as amended; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; 524.04; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; repealing Minnesota Statutes 1976, Sections 15A.083, Subdivision 2; 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.05; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivisions 7 and 8; 488A.18, Subdivision 12; 488A.19, Subdivisions 8, 9 and 10; 490.124, Subdivision 7; 525.081, Subdivisions 1, 2, 3, 4, 5, 6, 8 and 9; and Chapters 488; 530; 531; 532; 633; and Extra Session Laws 1971, Chapter 42."

We request adoption of this report and repassage of the bill.

Senate Conferees: ROBERT J. TENNESSEN, NEIL DIETERICH and JACK DAVIS.

House Conferees: GORDON O. VOSS, HARRY SIEBEN, JR., and DAVID J. BEAUCHAMP.

Voss moved that the report of the Conference Committee on S. F. No. 311 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 311, A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district ad-

ministrator; abolishing the office of justice of the peace; providing for appellate panels in district court; providing for the compensation of certain judges upon compliance with certain provisions of the law; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; 487, by adding a section; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; 490.124, Subdivision 7; and Chapters 530; 531; 532; and 633.

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 110 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Moe	Searle
Adams	Cohen	Johnson	Munger	Searles
Albrecht	Cummiskey	Jude	Murphy	Sherwood
Anderson, B.	Dean	Kahn	Neisen	Sieben, H.
Anderson, I.	Den Ouden	Kaley	Nelsen, B.	Sieben, M.
Arlandson	Eken	Kalis	Nelson	Simoneau
Battaglia	Ellingson	Kelly, R.	Norton	Skoglund
Beauchamp	Enebo	Kelly, W.	Novak	Spanish
Begich	Evans	Kempe, R.	Osthoff	Stoa
Berg	Ewald	King	Patton	Suss
Berglin	Faricy	Knickerbocker	Pehler	Swanson
Berkelman	Fjoslien	Kostohryz	Peterson	Tomlinson
Biersdorf	Forsythe	Kroening	Petrufeso	Voss
Brandl	Friedrich	Laidig	Pleasant	Waldorf
Braun	Fudro	Langseth	Reding	Welch
Brinkman	Fugina	Lehto	Rice	Wenstrom
Byrne	George	Mangan	Rose	Wenzel
Carlson, A.	Gunter	Mann	Samuelson	White
Carlson, D.	Hanson	McCollar	Sarna	Wigley
Carlson, L.	Heinitz	McDonald	Savelkoul	Wynia
Cassery	Hokanson	McEachern	Scheid	Zubay
Clark	Jacobs	Metzen	Schulz	Speaker Sabo

Those who voted in the negative were:

Anderson, D.	Corbid	Jaros	Niehau	Wieser
Anderson, G.	Eckstein	Kempe, A.	St. Onge	Williamson
Anderson, R.	Erickson	Kvam	Stanton	
Birnstihl	Esau	Lemke	Vanasek	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 5, A house concurrent resolution relating to adjournment until 1978.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and pursuant to House Concurrent Resolution No. 5, the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, January 17, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

COMMUNICATIONS AND ANNOUNCEMENTS  
RECEIVED SUBSEQUENT TO ADJOURNMENT

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 25, 1977

The Honorable Martin Sabo  
Speaker of the House

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 56, An act relating to children; providing visitation rights to minor children in certain cases;

H. F. No. 90, An act relating to intoxicating liquor; authorizing cities to issue additional on-sale licenses by referendum;

H. F. No. 140, An act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior;

H. F. No. 261, An act relating to veterans; permitting the commissioner of veterans affairs to act as guardian for minors or incompetents without posting bond;

H. F. No. 313, An act relating to unemployment compensation; providing eligibility for benefits for certain retired workers;

H. F. No. 635, An act relating to insurance; increasing solicitors license fees; authorizing issuance of cease and desist orders and injunctions; prescribing and clarifying penalties;

H. F. No. 675, An act relating to insurance; changing the filing date for annual statements of township mutual companies; changing limitations on property insurable by township mutual companies; changing limitations on investments by township mutual companies;

H. F. No. 791, An act relating to state lands; authorizing the lease of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 26, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 45, An act relating to environmental protection; prohibiting retail sale of milk in nonreturnable, nonrefillable plastic containers; prescribing penalties.

H. F. No. 79, An act relating to real estate; placing restrictions on who may acquire title; providing enforcement powers; providing penalty;

H. F. No. 106, An act relating to the city of St. Cloud; firemen's widows benefits;

H. F. No. 206, An act relating to welfare; increasing the personal allowance for persons in care facilities;

H. F. No. 257, An act relating to banks, trust companies and savings banks; rule making authority; fees for special investigations; accounts maintained by banking division employees; fees; banks minimum organizational capital, surplus and undivided profits; providing for certified deposit of capital funds in a

custodial bank; providing for banks annual audit systems, approval and reports; state banks minimum capital requirements, establishing investigatory fee for application to acquire trust authority; trust company minimum capital requirements; relating to boards of directors of financial institutions; clarification of certain language;

H. F. No. 296, An act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association; providing protection for policy-owners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota;

H. F. No. 460, An act relating to retirement; adjustment in annuities through the adjustable fixed benefit fund;

H. F. No. 491, An act relating to retirement; police pensions in the city of Crookston.

H. F. No. 672, An act relating to insurance; providing for determination of the participation ratio; providing for higher limits of liability coverage and uninsured motorist coverage;

H. F. No. 733, An act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for construction and reconstruction of certain bridges; appropriating money.

H. F. No. 808, An act relating to local improvement; contracts; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract;

H. F. No. 817, An act relating to highway traffic regulations; weight limitations; providing that weight increases for haulers of raw and unfinished forest products shall be statewide during certain periods;

H. F. No. 829, An act relating to landlord and tenant; establishing period for which interest is payable on security deposit; providing a measure of damages for the improper withholding of security deposits and the improper withholding of rent payments;

H. F. No. 914, An act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court;

H. F. No. 916, An act relating to welfare; child support; authorizing additional procedures in collection of support payments; updating uniform reciprocal enforcement of support act;

H. F. No. 917, An act relating to public welfare; appropriating money for the Vinland National Center.

H. F. No. 921, An act relating to public employees; designating the number of arbitrators to resolve labor dispute;

H. F. No. 947, An act relating to railroads; allowing reduced rates for transportation of waste material for reprocessing;

H. F. No. 954, An act relating to juries; enacting the uniform juror selection and service act; providing for the selection and service of grand and petit jurors; providing penalties;

H. F. No. 972, An act relating to fire and casualty loss insurance companies; regulating termination of agency contracts; requiring certain notice before termination; prescribing civil penalties.

H. F. No. 1017, An act relating to consumer protection; regulating invention development services; prescribing contract terms and disclosures to customers; defining terms; requiring invention developers to file a bond; providing penalties.

H. F. No. 1079, An act relating to agriculture; seeds; changing the basis for listing restricted noxious weed seeds on labels; prohibiting certain acts; increasing fees;

H. F. No. 1107, An act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Itasca county; appropriating money.

H. F. No. 1129, An act relating to Ramsey county; codifying existing laws relating to the composition, terms, selection and redistricting of the board of commissioners; providing for the time and place of certain board meetings; authorizing rules of procedure and the keeping and publication of a board journal;

H. F. No. 1155, An act relating to the revisor of statutes; providing for engrossing and enrolling duties; clarifying disclosure of bill drafting records;

H. F. No. 1161, An act relating to education; correcting and eliminating certain erroneous and obsolete references and text relating to state universities and community colleges;

H. F. No. 1184, An act relating to the city of Lakeville, authorizing an increase in firemen's service pensions;

H. F. No. 1259, An act relating to the city of Savage; fire-fighter's service pensions.

H. F. No. 1275, An act relating to agriculture; grain inspection and weighing; fees; providing a basis for establishing and adjusting fees;

H. F. No. 1310, An act relating to unemployment compensation; providing for conformity with federal requirements; providing for agricultural and domestic service employees; altering covered employment; regulating employer's contributions; providing for the noncharging of certain benefits; providing for extended benefits; providing for certain public employees; changing total disqualification based on receipt of social security; allowing certain political activities;

H. F. No. 1337, An act relating to taxation; removing membership dues, fees and assessments received by certain homeowners associations from definition of gross income for corporate income tax purposes;

H. F. No. 1386, An act relating to agriculture; clarifying certain terms; eliminating six months license provision; permitting license suspension; permitting waiver of the right to a hearing; clarifying weighing locations and weighing fees;

H. F. No. 1405, An act relating to state employees; providing for investment options for deferred compensation;

H. F. No. 1498, An act relating to public welfare; mandating the working of certain general assistance recipients; allowing the use of general assistance funds for the work equity program; empowering the commissioner of public welfare to contract for recipient services and grant distribution;

H. F. No. 1518, An act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 271.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 27, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 41, An act relating to public safety; requiring fire detection devices in certain residential housing;

H. F. No. 231, An act relating to transportation; particular uses of highway right of way; permitting advertising on bus shelters;

H. F. No. 297, An act relating to group health care plans; providing right to convert to individual coverage upon termination of certain employee health care plans;

H. F. No. 314, An act relating to Olmsted county; authorizing electronic recording of trial proceedings; providing for costs and payment; requiring a report to the legislature;

H. F. No. 319, An act relating to daytime activity centers; renaming them developmental achievement centers;

H. F. No. 324, An act relating to sheriffs; increasing certain fees and mileage allowances;

H. F. No. 769, An act relating to taxation; providing an exemption from the gasoline and special fuels tax for certain municipal transit systems;

H. F. No. 800, An act relating to crimes; clarifying the requirements for carrying a pistol in public; regulating the transfer of pistols; requiring a waiting period for certain pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; prescribing penalties;

H. F. No. 902, An act relating to state finance; authorizing payments pursuant to grievance resolutions;

H. F. No. 952, An act relating to courts; sixth judicial district; authorizing the position of domestic relations referee in St. Louis county;

H. F. No. 1004, An act relating to worker's compensation; limiting expenses and profit includable in workers' compensation insurance premiums; permitting the commissioner of insurance to employ an actuary; including legislators in coverage; requiring owners to elect non-coverage; excluding certain family corporations and certain nonprofit associations from coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for the distribution of physician's reports; providing for adjustments to benefit payments; creating a workers' compensation study commission; appropriating money;

H. F. No. 1094, An act relating to insurance; providing for competitive bids on group contracts for certain public bodies;

H. F. No. 1193, An act relating to the City of Bloomington in Hennepin County and the City of South St. Paul in Dakota county; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement;

H. F. No. 1201, An act relating to insurance; requiring insurers to supply cover sheets for insurance policies; requiring insurers to issue readable insurance policies; establishing testing procedures for readability;

H. F. No. 1223, An act relating to administrative procedures; providing for notice in various administrative decisions; removing hearing requirements in certain application proceedings when no objections to the application are received;

H. F. No. 1305, An act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitious and conflicting provisions superseded by or conflicting with other provisions of law;

H. F. No. 1421, An act relating to natural resources; designating wild rice as the official state grain.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

May 27, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 500, An act relating to financial institutions; regulating lenders of conventional mortgage loans; regulating mortgages and escrow accounts; requiring registration and reporting; regulating installment loans; postponing the expiration of a usury exception; abolishing a usury exception.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

June 2, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 6, An act relating to human rights; prohibiting employment and education discrimination based on age;

H. F. No. 15, An act appropriating money for the development of recreation facilities for the handicapped at Islands of Peace Park;

H. F. No. 16, An act relating to insurance; providing for interest on unpaid benefits;

H. F. No. 26, An act relating to labor; granting public employees paid leaves of absence to engage in world athletic competition;

H. F. No. 82, An act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony;

H. F. No. 83, An act relating to crime victims reparations;

H. F. No. 105, An act relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota;

H. F. No. 129, An act directing the higher education coordinating board to monitor and study credit transferability, the acceptance of credits at full value, and the placing of certain credits on transcripts;

H. F. No. 167, An act relating to public welfare; providing liability insurance to all foster boarding homes licensed by the department of public welfare;

H. F. No. 176, An act providing for the issuance of Minnesota identification cards and the use thereof;

H. F. No. 180, An act appropriating money to fund a program of graduate training in family practice for physicians;

H. F. No. 223, An act relating to taxation; providing that sales tax on telephone service charges be payable by person paying for the service;

H. F. No. 242, An act relating to the department of public service; providing for its proper operation;

H. F. No. 256, An act relating to insurance; providing for regulation of aircraft and inland marine insurance;

H. F. No. 259, An act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies;

H. F. No. 293, An act authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain, operate and levy taxes for such purposes;

H. F. No. 315, An act relating to state government; state zoological board; providing for a member residing in Dakota county;

H. F. No. 320, An act relating to labor; prohibiting mandatory tip pooling; providing for a change in the application of the tip credit in computing minimum wage;

H. F. No. 331, An act relating to motor vehicles; requiring information as to all owners in applications for registration or certificate of title;

H. F. No. 343, An act relating to obscenity; prohibiting the promotion or employment of minors as models alone or with others in sexual performances for purposes of preparing an obscene work;

H. F. No. 351, An act relating to historic sites; providing for the administration and control of additional sites by the Minnesota historical society;

H. F. No. 398, An act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants;

H. F. No. 411, An act relating to the city of Columbia Heights; providing for police department relief association;

H. F. No. 415, An act relating to privacy of data on individuals;

H. F. No. 437, An act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations;

H. F. No. 447, An act relating to Chisago county; authorizing Chisago county to issue revenue bonds to finance the cost of facilities for the county nursing home;

H. F. No. 451, An act relating to banks; authorizing a bank to establish two detached banking facilities;

H. F. No. 456, An act relating to the operation of state government; providing for the purchase of certain motor vehicles for use by investigative and undercover agents of the department of public safety;

H. F. No. 462, An act relating to public health; requiring the provision of health record information to certain persons;

H. F. No. 522, An act relating to energy; extending the application of the state building code to all cities and counties;

H. F. No. 530, An act relating to commerce; regulating the use of credit life and credit health and accident insurance;

H. F. No. 536, An act relating to civil service; providing that promotion and place of service are separate considerations;

H. F. No. 559, An act relating to education; higher education coordinating board; student financial aid;

H. F. No. 562, An act relating to motor vehicles, requiring informational labels on new pickup trucks;

H. F. No. 585, An act altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes;

H. F. No. 586, An act relating to taxation; information contained in tax returns;

H. F. No. 611, An act relating to retirement; date for payment of monthly annuities and benefits;

H. F. No. 613, An act relating to the operation of state government; establishing an office of volunteer services within the office of the governor;

H. F. No. 676, An act relating to intoxicating liquor; civil liability for illegal sale, barter or gift thereof;

H. F. No. 723, An act relating to economic development; providing grants to community development corporations;

H. F. No. 728, An act relating to corrections; prescribing powers of probation officers;

H. F. No. 756, An act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a tac-omite tailings disposal facility;

H. F. No. 772, An act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses;

H. F. No. 789, An act relating to elections; establishing voter registration in all counties;

H. F. No. 801, An act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems;

H. F. No. 818, An act relating to highway traffic regulations; implements of husbandry, restricting the speed of certain implements of husbandry on the highways;

H. F. No. 823, An act relating to public health, permitting plastic well casings in certain counties;

H. F. No. 848, An act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program;

H. F. No. 856, An act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents;

H. F. No. 875, An act relating to housing; providing an exception to the interest limitation for borrowing by housing and redevelopment authorities;

H. F. No. 938, An act relating to Ramsey county and the city of Saint Paul; providing for construction of necessary highway improvements;

H. F. No. 962, An act relating to appropriations; abolishing open appropriations for various purposes;

H. F. No. 967, An act relating to education; quality education council; expanding duties and functions;

H. F. No. 971, An act relating to insurance; providing financial requirements for nonprofit health service plan corporations;

H. F. No. 980, An act relating to public health; regulations for the preservation of public health;

H. F. No. 993, An act relating to taxation; providing an alternative tax on liquor in metric containers; authorizing commissioner of revenue to order metric conversion;

H. F. No. 1015, An act relating to human rights; clarifying the scope of sex discrimination;

H. F. No. 1030, An act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance plans;

H. F. No. 1040, An act relating to finance; deleting obsolete provisions; changing and clarifying cross-references; authorizing commissioner of finance to transfer money to revolving funds in certain cases;

H. F. No. 1052, An act relating to human services; providing grants to plan and organize human services programs;

H. F. No. 1054, An act relating to welfare; aid to families with dependent children;

H. F. No. 1060, An act relating to education; loans to medical students;

H. F. No. 1102, An act relating to state agencies; revising procedures relating to the purchasing and furnishing of goods and services;

H. F. No. 1113, An act relating to welfare; clarifying the powers of guardianship by the commissioner;

H. F. No. 1215, An act relating to environmental protection; prohibiting the construction or operation of radioactive waste management facilities within Minnesota;

H. F. No. 1226, An act relating to metropolitan airports; authorizing reimbursement to commission members; clarifying its organization and authority;

H. F. No. 1236, An act relating to water resources; creating a water planning board;

H. F. No. 1252, An act relating to the Minnesota state water pollution control funds; clarifying eligibility for 15 percent matching grants financed by the funds;

H. F. No. 1276, An act providing for pilot dental health programs;

H. F. No. 1283, An act relating to economic development; industrial development bonds;

H. F. No. 1300, An act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes;

H. F. No. 1475, An act relating to taxation; changing the definition of gross income for income tax purposes; increasing individual credits; restricting availability of low income credit; increasing rates.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

June 2, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 1457, An act relating to state lands; authorizing the conveyance of certain lands in Aitkin county;

H. F. No. 1582, An act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice data communications network;

H. F. No. 157, An act relating to public utilities; providing for refund of overcharges if certain rates become effective before approval by the public service commission;

H. F. No. 937, An act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

June 8, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 550, An act relating to education; providing for aids to education; tax levies, and the distribution of tax revenues;

H. F. No. 1051, An act relating to public welfare; catastrophic health insurance; aid to families with dependent children, medical assistance, supplemental aid, and general assistance; altering eligibility criteria;

H. F. No. 1510, An act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the University of Minnesota and its hospitals;

H. F. No. 1630, An act relating to claims against the state;

H. F. No. 1631, An act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; capitol area grounds improvements; authorizing the establishment of a service center; authorizing state building bonds; appropriating money.

Sincerely,

**RUDY PERPICH**  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

June 9, 1977

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 1610, An act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes with certain conditions.

Sincerely,

**RUDY PERPICH**  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

May 23, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
23		177	May 20	May 20
96		178	May 20	May 20
143		179	May 20	May 20
147		180	May 20	May 20
191		181	May 20	May 20
218		182	May 20	May 20
226		183	May 20	May 20
254		184	May 20	May 20
296		185	May 20	May 20
368		186	May 20	May 20
380		187	May 20	May 20
388		188	May 20	May 20
442		189	May 20	May 20
466		190	May 20	May 20
556		191	May 20	May 20

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<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
557		192	May 20	May 20
562		193	May 20	May 20
581		194	May 20	May 20
586		195	May 20	May 20
587		196	May 20	May 20
628		197	May 20	May 20
683		198	May 20	May 20
719		199	May 20	May 20
720		200	May 20	May 20
722		201	May 20	May 20
767		202	May 20	May 20
816		203	May 20	May 20
860		204	May 20	May 20
922		205	May 20	May 20
964		206	May 20	May 20
968		207	May 20	May 20
1051		208	May 20	May 20
1064		209	May 20	May 20
1127		210	May 20	May 20
1196		211	May 20	May 20
1291		212	May 20	May 20
1298		213	May 20	May 20
	33	214	May 20	May 20
	40	215	May 20	May 20

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	76	216	May 20	May 20
	114	217	May 20	May 20
	166	218	May 20	May 20
	198	219	May 20	May 20
	212	220	May 20	May 20
	323	221	May 20	May 20
	339	222	May 20	May 20
	384	223	May 20	May 20
	445	224	May 20	May 20
	461	225	May 20	May 20
	524	226	May 20	May 20
	541	227	May 20	May 20
	542	228	May 20	May 20
	691	229	May 20	May 20
	920	230	May 20	May 20
	922	231	May 20	May 20
	930	232	May 20	May 20
	1038	233	May 20	May 20
	1172	234	May 20	May 20
	1194	235	May 20	May 20
	1471	236	May 20	May 20
	1474	237	May 20	May 20

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
 OFFICE OF THE SECRETARY OF STATE  
 ST. PAUL 55155

May 26, 1977

The Honorable Martin O. Sabo  
 Speaker of the House of Representatives  
 The Honorable Edward J. Gearty  
 President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	56	238	May 25	May 25
	90	239	May 25	May 25
	140	240	May 25	May 25
	261	241	May 25	May 25
	313	242	May 25	May 25
	635	243	May 25	May 25
	675	244	May 25	May 25
	791	245	May 25	May 25
102		246	May 25	May 25
223		247	May 25	May 25
270		248	May 25	May 25
288		249	May 25	May 25
506		250	May 25	May 25
541		251	May 25	May 25
558		252	May 25	May 25
603		253	May 25	May 25

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
625		254	May 25	May 25
766		255	May 25	May 25
796		256	May 25	May 25
828		257	May 25	May 25
928		258	May 25	May 25
1023		259	May 25	May 25
1077		260	May 25	May 25
1087		261	May 25	May 25
1174		262	May 25	May 25
1175		263	May 25	May 25
1293		264	May 25	May 25
1309		265	May 25	May 25
1338		266	May 25	May 25
1362		267	May 25	May 25

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

May 27, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in

the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	45	268	May 26	May 26
	79	269	May 26	May 26
	106	270	May 26	May 26
	206	271	May 26	May 26
	257	272	May 26	May 26
	296	273	May 26	May 26
	460	274	May 26	May 26
	491	275	May 26	May 26
	672	276	May 26	May 26
	738	277	May 26	May 26
	808	278	May 26	May 26
	817	279	May 26	May 26
	829	280	May 26	May 26
	914	281	May 26	May 26
	916	282	May 26	May 26
	917	283	May 26	May 26
	921	284	May 26	May 26
	947	285	May 26	May 26
	954	286	May 26	May 26
	972	287	May 26	May 26
	1017	288	May 26	May 26
	1079	289	May 26	May 26

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1977	Date Filed 1977
	1107	290	May 26	May 26
	1129	291	May 26	May 26
	1155	292	May 26	May 26
	1161	293	May 26	May 26
	1184	294	May 26	May 26
	1259	295	May 26	May 26
	1275	296	May 26	May 26
	1310	297	May 26	May 26
	1337	298	May 26	May 26
	1386	299	May 26	May 26
	1405	300	May 26	May 26
	1498	301	May 26	May 26
	1518	302	May 26	May 26

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

May 31, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1977	Date Filed 1977
49		303	May 27	May 27
90		304	May 27	May 27
109		305	May 27	May 27
120		306	May 27	May 27
160		307	May 27	May 27
266		308	May 27	May 27
321		309	May 27	May 27
381		310	May 27	May 27
448		311	May 27	May 27
455		312	May 27	May 27
472		313	May 27	May 27
514		314	May 27	May 27
572		315	May 27	May 27
583		316	May 27	May 27
597		317	May 27	May 27
615		318	May 27	May 27
626		319	May 27	May 27
690		320	May 27	May 27
709		321	May 27	May 27
742		322	May 27	May 27
783		323	May 27	May 27
826		324	May 27	May 27
875		325	May 27	May 27
899		326	May 27	May 27

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
932		327	May 27	May 27
1070		328	May 27	May 27
1236		329	May 27	May 27
1290		330	May 27	May 27
1334		331	May 27	May 27
1489		332	May 27	May 27
	41	333	May 27	May 27
	231	334	May 27	May 27
	297	335	May 27	May 27
	314	336	May 27	May 27
	319	337	May 27	May 27
	324	338	May 27	May 27
	769	339	May 27	May 27
	902	340	May 27	May 27
	952	341	May 27	May 27
	1004	342	May 27	May 27
	1094	343	May 27	May 27
	1193	344	May 27	May 27
	1201	345	May 27	May 27
	1223	346	May 27	May 27
	1305	347	May 27	May 27
	1421	348	May 27	May 27
	800	349	May 27	May 27

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	500	350	May 27	May 27

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

June 3, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	6	351	June 2	June 2
	15	352	June 2	June 2
	16	353	June 2	June 2
	26	354	June 2	June 2
	82	355	June 2	June 2
	83	356	June 2	June 2
	105*	Resolution No. 1	June 2	June 2
	129	358	June 2	June 2
	157	359	June 2	June 2

<i>S.F.</i> No.	<i>H.F.</i> No.	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> 1977	<i>Date Filed</i> 1977
	167	360	June 2	June 2
	176	361	June 2	June 2
	180	362	June 2	June 2
	223	363	June 2	June 2
	242	364	June 2	June 2
	256	365	June 2	June 2
	259	366	June 2	June 2
	298	367	June 2	June 2
	315	368	June 2	June 2
	320	369	June 2	June 2
	331	370	June 2	June 2
	343	371	June 2	June 2
	351	372	June 2	June 2
	398	373	June 2	June 2
	411	374	June 2	June 2
	415	375	June 2	June 2
	437	376	June 2	June 2
	447	377	June 2	June 2
	451	378	June 2	June 2
	456	379	June 2	June 2
	462	380	June 2	June 2
	522	381	June 2	June 2
	530	382	June 2	June 2

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S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1977	Date Filed 1977
	536	383	June 2	June 2
	559	384	June 2	June 2
	562	385	June 2	June 2
	585	386	June 2	June 2
	586	387	June 2	June 2
	611	388	June 2	June 2
	613	389	June 2	June 2
	676	390	June 2	June 2
	723	391	June 2	June 2
	728	392	June 2	June 2
	756	393	June 2	June 2
	772	394	June 2	June 2
	789	395	June 2	June 2
	801	396	June 2	June 2
	818	397	June 2	June 2
	823	398	June 2	June 2
	848	399	June 2	June 2
	856	400	June 2	June 2
	875	401	June 2	June 2
	938	402	June 2	June 2
	962	403	June 2	June 2
	967	404	June 2	June 2
	971	405	June 2	June 2
	980	406	June 2	June 2

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	993	407	June 2	June 2
	1015	408	June 2	June 2
	1030	409	June 2	June 2
	1040	410	June 2	June 2
	1052	411	June 2	June 2
	1054	412	June 2	June 2
	1060	413	June 2	June 2
	1102	414	June 2	June 2
	1113	415	June 2	June 2
	1215	416	June 2	June 2
	1226	417	June 2	June 2
	1252	418	June 2	June 2
	1276	419	June 2	June 2
	1283	420	June 2	June 2
	1300	421	June 2	June 2
	1457	422	June 2	June 2
	1475	423	June 2	June 2
	1582	424	June 2	June 2
	937	425	June 2	June 2
73		426	June 2	June 2
80		427	June 2	June 2
124		428	June 2	June 2
181		429	June 2	June 2
202		430	June 2	June 2

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
274		431	June 2	June 2
311		432	June 2	June 2
411		433	June 2	June 2
649		434	June 2	June 2
655		435	June 2	June 2
695		436	June 2	June 2
743		437	June 2	June 2
830		438	June 2	June 2
896		439	June 2	June 2
971		440	June 2	June 2
977		441	June 2	June 2
1029		442	June 2	June 2
1172		443	June 2	June 2
1349		444	June 2	June 2
1395		445	June 2	June 2
	1236	446	June 2	June 2

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

\* NOTE: The Secretary of State has advised the House of Representatives that there will not be a Chapter 357 to Minnesota Laws 1977. H. F. No. 105 which originally was assigned as Chapter 357 has been corrected to read Resolution No. 1.

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

June 9, 1977

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	550	447	June 8	June 8
	1051	448	June 8	June 8
	1510	449	June 8	June 8
	1630	450	June 8	June 8
	1631	451	June 8	June 8
1337		452	June 8	June 8
1416		453	June 8	June 8

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

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<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	1610	454	June 9	June 9
1467		455	June 9	June 9

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

REPORTS OF CHIEF CLERK

According to the Revisor of Statutes, H. F. No. 1180 is not in proper form to be enrolled. The bill will remain in possession of the House for further consideration in the 1978 session.

REPORT PURSUANT TO JOINT RULE 3.02 (a)

Pursuant to Joint Rule 3.02 (a), H. F. No. 420 and H. F. No. 544 which were being considered by a Conference Committee at the time of adjournment were returned to the House and laid on the table. The Conference Committees were discharged.

REPORT PURSUANT TO JOINT RULE 3.02 (b)

Pursuant to Joint Rule 3.02 (b), the following bill is being returned to the House Standing Committee to which it was last previously referred:

H. F. No. 1343 to the Committee on Governmental Operations.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the following interim commissions and committees:

JOINT LEGISLATIVE STUDY COMMITTEE TO THE DEPARTMENT OF ECONOMIC SECURITY, pursuant to the provisions of Minnesota Laws 1977, Chapter 430, Section 28, Subdivision 2: Clawson, Sieben, H., and Zubay.

LEGISLATIVE COMMISSION TO STUDY PUBLIC BROADCASTING IN THE STATE, pursuant to the provisions of Minnesota Laws 1977,

**Chapter 445, Section 3, Subdivision 1: Arlandson, Beachamp, Dean, Pehler and Wenstrom.**

**TAX STUDY COMMISSION, pursuant to the provisions of Minnesota Laws 1977, Chapter 423, Article VIII, Section 1: Kelly, W.; Evans; Fugina; Jacobs; Searles; Skoglund and Vanasek.**

**COMMISSION TO STUDY AND CONSIDER ALTERNATIVES FOR CONTINUING FINANCING OF THE STATEWIDE 911 TELEPHONE EMERGENCY SYSTEM, pursuant to the provisions of Minnesota Laws 1977, Chapter 311: Welch and Ewald.**

**WORKERS' COMPENSATION STUDY COMMISSION, pursuant to the provisions of Minnesota Laws 1977, Chapter 342: Adams, Kaley and Simoneau.**

**The Speaker announced the resignation of Representative Kahn and the appointment of Representative Lehto to the Advisory Council on the Economic Status of Women.**

**CERTIFICATE**

**I certify that the Journal of the House for Monday, May 23, 1977, including subsequent proceedings, has been corrected and is hereby approved.**

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**