

FORTY-SEVENTH DAY

St. Paul, Minnesota, Saturday, April 28, 1973.

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Arnold	Doty	Keefe, S.	North	Schrom
Bang	Dunn	Kirchner	Novak	Sillers
Berg	Fitzsimons	Kleinbaum	Ogdahl	Spear
Bernhagen	Frederick	Kowalczyk	Olhott	Stassen
Borden	Gearty	Larson	Olson, A. G.	Tennessen
Brown	Hansen, Baldy	Laufenburger	Olson, J. L.	Ueland
Chenoweth	Hansen, Mel	Lewis	O'Neill	Wegener
Chmielewski	Hanson, R.	Lord	Patton	Willet
Coleman	Hughes	McCutcheon	Perpich, A. J.	
Conzemius	Humphrey	Moe	Perpich, G.	
Davies	Josefson	Nelson	Pillsbury	

The Sergeant-at-Arms was instructed to bring in the absent members.

Prayer by the Chaplain.

The roll being called, the following Senators answered to their names:

Anderson	Doty	Kirchner	North	Schaaf
Arnold	Dunn	Kleinbaum	Novak	Schrom
Ashbach	Fitzsimons	Knutson	Ogdahl	Sillers
Bang	Frederick	Kowalczyk	Olhott	Solon
Berg	Gearty	Krieger	Olson, A. G.	Spear
Bernhagen	Hansen, Baldy	Larson	Olson, H. D.	Stassen
Borden	Hansen, Mel	Laufenburger	Olson, J. L.	Stokowski
Brown	Hanson, R.	Lewis	O'Neill	Tennessen
Chenoweth	Hughes	Lord	Patton	Thorup
Chmielewski	Humphrey	McCutcheon	Perpich, A. J.	Ueland
Coleman	Josefson	Milton	Perpich, G.	Wegener
Conzemius	Keefe, J.	Moe	Pillsbury	Willet
Davies	Keefe, S.	Nelson	Renneke	

Quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Blatz, Jensen and Purfeerst were excused from the Session of today. Mr. Tennesen was excused from the Session of today beginning at 10:45 o'clock a. m. Mr. Spear was excused from the Session of today beginning at 2:00 o'clock p. m. Mr. Josefson was excused from this afternoon's Session.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 25, 1973

The Honorable Alec Olson
President of the Senate
State of Minnesota

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

Jeno Paulucci, 525 Lake Avenue South, Duluth, St. Louis County, has been appointed by me to the State Arts Council, effective April 25, 1973, for a term expiring April 1, 1977.

Mr. Conzemius moved that the foregoing appointment be laid on the table. Which motion prevailed.

Mrs. Alvinia O'Brien, 480 Grand Hill, St. Paul, Ramsey County, has been appointed by me to the State Arts Council, effective April 25, 1973, for a term expiring April 1, 1977.

Which was read the first time and referred to the Committee on Rules and Administration.

Sincerely,
Wendell R. Anderson, Governor

April 27, 1973

The Honorable Alec G. Olson
President of the Senate

Sir:

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

S. F. No. 150, An act relating to public health; meeting requirements of the state board of health; amending Minnesota Statutes 1971, Section 144.02.

S. F. No. 188, An act relating to welfare; providing for an exemption for personal property used as an abode in determining eligibility for aid to the disabled and medical assistance; amending Minnesota Statutes 1971, Sections 256.457, Subdivision 3; and 256B.07.

S. F. No. 285, An act relating to motor vehicles; providing for the manufacture of motor vehicle license number plates; amending Minnesota Statutes 1971, Section 168.381.

S. F. No. 566, An act relating to public welfare; transferring authority relating to county nursing homes to the state board of health; repealing Minnesota Statutes 1971, Section 144.583.

S. F. No. 831, An act relating to public welfare; providing for financial responsibility of nonresident parents of state hospital patients; amending Minnesota Statutes 1971, Section 246.51.

S. F. No. 839, An act relating to public health; measles immunization of school children; amending Minnesota Statutes 1971, Section 123.70, Subdivision 1, and by adding subdivisions.

S. F. No. 908, An act authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Cass and Carlton counties.

S. F. No. 994, An act relating to courts; increasing salary of judge of Tower municipal court; amending Minnesota Statutes 1971, Section 488.21, Subdivision 2.

Sincerely,

Wendell R. Anderson, Governor

INTRODUCTION OF BILLS

Messrs. O'Neill, Coleman and Chenoweth introduced—

S. F. No. 2373: A bill for an act relating to retirement; bureau of health personnel in cities of the first class; amending Minnesota Statutes 1971, Section 425.02; and Chapter 425, by adding a section; repealing Laws 1971, Chapter 578, Section 2.

Which was read the first time and referred to the Committee on Governmental Operations.

Mr. Josefson introduced—

S. F. No. 2374: A bill for an act relating to the claim of Lyon county; arising from inadequate appropriations to reimburse Lyon county for probation services rendered to the youth conservation commission; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Mr. Milton introduced—

S. F. No. 2375: A bill for an act relating to the claim of the police department of the village of Lino Lakes; arising from time and costs incurred in pursuing escapees of the Minnesota reception and diagnostic center in Lino Lakes; appropriating money for the payment thereof.

Which was read the first time and referred to the Committee on Finance.

Mr. Olhoft introduced—

S. F. No. 2376: A bill for an act relating to Otter Tail county; providing for the appointment of the county attorney by the board of county commissioners.

Which was read the first time and referred to the Committee on Local Government.

Mr. McCutcheon introduced—

S. F. No. 2377: A bill for an act relating to water safety; regulation of water use by seaplanes; amending Minnesota Statutes 1971, Section 361.26, Subdivision 2.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Mr. McCutcheon introduced—

S. F. No. 2378: A bill for an act relating to the city of St. Paul; prohibiting the city council from either increasing elected officers' salaries during the last 12 weeks of the council's term or providing an increase in such officers' salaries which would take effect during the term in which the increase is approved; amending Laws 1971, Chapter 473, Section 1.

Which was read the first time and referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Stassen, Thorup and Nelson introduced—

S. F. No. 2379: A bill for an act relating to building facilities for handicapped persons; amending Minnesota Statutes 1971, Sections 471.465, Subdivision 2; 471.466; 471.467, Subdivision 1; and 471.-468.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Stassen, Gearty and Nelson introduced—

S. F. No. 2380: A bill for an act relating to the organization and operation of the state government; creating a department of human resources instead of departments of welfare, corrections, health, and human rights, the commission on alcohol problems, and the bureau of criminal apprehension; appropriating money.

Which was read the first time and referred to the Committee on Governmental Operations.

Mr. McCutcheon introduced—

S. F. No. 2381: A bill for an act relating to education; regulating the determination of average daily membership and regulating the accounting system of school districts; amending Minnesota Statutes 1971, Sections 124.17, Subdivision 2; and 123.34, by adding a subdivision.

Which was read the first time and referred to the Committee on Education.

Messrs. Stokowski, Bang and Hansen, Baldy introduced—

S. F. No. 2382: A bill for an act relating to insurance; regulating valuation of policies; amending Minnesota Statutes 1971, Sections 61A.24, Subdivisions 9, 11 and 12; 61A.25, Subdivision 3, and by adding a subdivision.

Which was read the first time and referred to the Committee on Labor and Commerce.

Mr. Hansen, Baldy introduced—

S. F. No. 2383: A bill for an act creating a legislative commission to study the organization of state departments and agencies; appropriating money therefor.

Which was read the first time and referred to the Committee on Governmental Operations.

Mr. North introduced—

S. F. No. 2384: A bill for an act relating to education; teacher tenure act; abolishing tenure for public school administrators in cities of the first class; amending Minnesota Statutes 1971, Section 125.17, Subdivision 1, and by adding subdivisions.

Which was read the first time and referred to the Committee on Education.

Mr. North introduced—

S. F. No. 2385: A bill for an act relating to public welfare; responsibility for support of poor relatives; amending Minnesota Statutes 1971, Section 261.01.

Which was read the first time and referred to the Committee on Health, Welfare and Corrections.

Mr. North introduced—

S. F. No. 2386: A bill for an act relating to domestic relations; child support payments and the validity of certain marriages; amending Minnesota Statutes 1971, Sections 393.07, Subdivision 9; and Chapter 517, by adding a section.

Which was read the first time and referred to the Committee on Health, Welfare and Corrections.

Mr. Hansen, Baldy introduced—

S. F. No. 2387: A bill for an act relating to the issuance of bonds by the village of Emmons.

Which was read the first time and referred to the Committee on Local Government.

Mr. Hansen, Baldy introduced—

S. F. No. 2388: A bill for an act relating to occupations and professions; regulating the definition of the practice of professional engineering; amending Minnesota Statutes 1971, Section 326.02, Subdivision 3.

Which was read the first time and referred to the Committee on Governmental Operations.

Messrs. Doty; Perpich, A. J. and Solon introduced—

S. F. No. 2389: A bill for an act relating to St. Louis county; providing for its tax levy for health purposes; amending Laws 1967, Chapter 501, Section 1.

Which was read the first time and referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Larson, Solon and Laufenburger introduced—

S. F. No. 2390: A bill for an act relating to intoxicating liquor and non-intoxicating malt liquor; days and hours of sale; amending Minnesota Statutes 1971, Sections 340.034, Subdivision 1; and 340.14, Subdivisions 1 and 5.

Which was read the first time and referred to the Committee on Labor and Commerce.

Messrs. Solon, Arnold and Purfeerst introduced—

S. F. No. 2391: A bill for an act relating to game and fish; refunds of certain fishing license fees.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Messrs. Knutson, Thorup and Krieger introduced—

S. F. No. 2392: A bill for an act relating to taxation and the method of valuing agricultural land on the basis of highest and best agricultural use; amending Minnesota Statutes 1971, Section 273.111, Subdivisions 3, 4, 5, 6, 8, 8a, 9, and 11.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Stassen, Milton and McCutcheon introduced—

S. F. No. 2393: A bill for an act relating to highway traffic regulations; vehicle lighting; time of display of lighted lamps; amending Minnesota Statutes 1971, Section 169.48.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Stassen, Anderson and McCutcheon introduced—

S. F. No. 2394: A bill for an act relating to highway traffic regulations; definition of driving a motor vehicle while under the influence of drugs or alcoholic beverages; amending Minnesota Statutes 1971, Section 169.121, Subdivision 1.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Mr. Arnold introduced—

S. F. No. 2395: A bill for an act relating to the county of Itasca; mileage allowance for certain county employees; repealing Laws 1959, Chapter 391.

Which was read the first time and referred to the Committee on Local Government.

Messrs. Coleman, Conzemius and Borden introduced—

S. F. No. 2396: A bill for an act relating to the legislature; establishing the Minnesota job and business climate interim study commission; appropriating money.

Which was read the first time and referred to the Committee on Rules and Administration.

Mr. Hansen, Baldy introduced—

S. F. No. 2397: A bill for an act relating to highway traffic regulations; accidents resulting in injuries or death; prescribing penalties for failure to stop; amending Minnesota Statutes 1971, Section 169.09, Subdivisions 1 and 14.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Mr. Olhoft introduced—

S. F. No. 2398: A bill for an act relating to state lands; conveyance; authorizing the conveyance by the state of certain lands in the county of Otter Tail.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 1503.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 26, 1973

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned. S. F. Nos. 632, 1013, 1073 and 1583.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 27, 1973

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1187: A bill for an act relating to handicapped persons; authorizing the use of rubber stamps as the legal signatures of such persons; amending Minnesota Statutes 1971, Section 645.44, Subdivision 14.

Senate File No. 1187 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 26, 1973

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate do now concur in the amendments by the House to S. F. No. 1187 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1187: A bill for an act relating to persons with a motor disability; authorizing the use of rubber stamps as the legal signatures of such persons; amending Minnesota Statutes 1971, Section 645.44, Subdivision 14.

Was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kirchner	Nelson	Schaaf
Arnold	Doty	Kleinbaum	North	Schrom
Ashbach	Dunn	Knutson	Olhoft	Sillers
Bang	Fitzsimons	Kowalczyk	Olson, A. G.	Solon
Berg	Frederick	Krieger	Olson, H. D.	Spear
Bernhagen	Gearly	Larson	Olson, J. L.	Stassen
Borden	Hansen, Mel	Laufenburger	O'Neill	Stokowski
Brown	Hanson, R.	Lewis	Patton	Thorup
Chenoweth	Hughes	Lord	Perpich, A. J.	Ueland
Chmielewski	Humphrey	McCutcheon	Perpich, G.	Wegener
Coleman	Josefson	Milton	Pillsbury	Willet
Conzemius	Keefe, S.	Moe	Renneke	

Messrs. Hansen, Baldy and Novak voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 613: A bill for an act relating to the counties of Lake and St. Louis; requiring the counties to provide toilet facilities and other environmental protection measures along the north shore of Lake Superior during the time when the smelt season is open; annually appropriating money; amending Laws 1971, Chapter 121.

Senate File No. 613 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 26, 1973

Mr. Perpich, A. J. moved that S. F. No. 613 be laid on the table. Which Motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1507: A bill for an act relating to public welfare; changing the method of determining rates for state hospital care; amending Minnesota Statutes 1971, Section 246.50, Subdivision 5.

Senate File No. 1507 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 26, 1973.

Mr. Borden moved that S. F. No. 1507 be laid on the table. Which motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 118: A bill for an act relating to commerce; home solicitation sales; permitting buyers and lessees of personal property or services to cancel agreements under certain circumstances; and prescribing penalties.

Senate File No. 118 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.
Returned April 26, 1973.

Mr. Lewis moved that the Senate do not concur in the amendments by the House to S. F. No. 118 and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate to act with a like Conference Committee to be appointed on the part of the House. Which motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 627: A bill for an act relating to motor vehicles; licensing and taxation thereof; providing penalties; amending Minnesota Statutes 1971, Sections 168.011, Subdivisions 16 and 17; 168.013, Subdivisions 1, 3, 12, and 15; 168.12, Subdivision 1; and 168.29; repealing Minnesota Statutes 1971, Sections 168.011, Subdivision 24; 168.013, Subdivisions 1a, 10, and 13; 168.015; and 168.165.

Senate File No. 627 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.
Returned April 26, 1973.

CONCURRENCE AND REPASSAGE

Mr. Arnold moved that the Senate do now concur in the amendments by the House to S. F. No. 627 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 627 was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Knutson	Ogdahl	Solon
Arnold	Dunn	Kowalczyk	Olhoft	Spear
Ashbach	Fitzsimons	Krieger	Olson, A. G.	Stassen
Bang	Frederick	Larson	Olson, H. D.	Stokowski
Berg	Gearty	Laufenburger	Olson, J. L.	Tennessen
Bernhagen	Hansen, Mel	Lewis	O'Neill	Thorup
Borden	Hanson, R.	Lord	Patton	Ueland
Brown	Hughes	McCutcheon	Perpich, A. J.	Wegener
Chenoweth	Humphrey	Milton	Perpich, G.	Willet
Chmielewski	Josefson	Moe	Pillsbury	
Coleman	Keefe, S.	Nelson	Renneke	
Conzemius	Kirchner	North	Schaaf	
Davies	Kleinbaum	Novak	Sillers	

Messrs. Hansen, Baldy and Schrom voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 211: A bill for an act relating to county government; providing for optional forms of county government and the optional combination of certain county offices.

Senate File No. 211 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 27, 1973.

Mr. Dunn moved that the Senate do not concur in the amendments by the House to S. F. No. 211 and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate to act with a like Conference Committee to be appointed on the part of the House. Which motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 733: A bill for an act relating to drivers' licenses; application and fees therefor; suspension thereof; amending Minnesota Statutes 1971, Sections 171.06, Subdivisions 1, 2, and 4; 171.13, Subdivision 5; and 171.18; repealing Minnesota Statutes 1971, Section 171.16, Subdivision 4.

Senate File No. 733 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.
Returned April 27, 1973

Mr. Coleman moved that S. F. No. 733 be laid on the table. Which motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 626: A resolution memorializing the President and Congress to restore 90 percent of parity price supports for agricultural commodities.

Senate File No. 626 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.
Returned April 27, 1973

CONCURRENCE AND REPASSAGE

Mr. Olhoff moved that the Senate do now concur in the amendments by the House to S. F. No. 626 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 626 was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 54 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kleinbaum	Novak	Schrom
Arnold	Fitzsimons	Knutson	Olhoff	Sillers
Berg	Frederick	Kowalczyk	Olson, A. G.	Solon
Bernhagen	Gearty	Krieger	Olson, H. D.	Spear
Borden	Hansen, Baldy	Larson	Olson, J. L.	Stassen
Chenoweth	Hanson, R.	Laufenburger	O'Neill	Stokowski
Chmielewski	Hughes	Lord	Patton	Thorup
Coleman	Humphrey	McCutcheon	Perpich, A. J.	Ueland
Conzemius	Josefson	Milton	Perpich, G.	Wegener
Davies	Keefe, S.	Moe	Renneke	Willet
Doty	Kirchner	North	Schaaf	

Those who voted in the negative were:

Ashbach	Brown	Keefe, J.	Pillsbury
Bang	Hansen, Mel	Ogdahl	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1827: A bill for an act relating to the operation of state government for the fiscal year ending June 30, 1973; appropriating money therefor.

Senate File No. 1827 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 27, 1973

Mr. Novak moved that the Senate do not concur in the amendments by the House to S. F. No. 1827 and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate to act with a like Conference Committee to be appointed on the part of the House. Which motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 2166: A bill for an act relating to the organization and operations of the state government; appropriating money to the department of highways, and for other purposes.

Senate File No. 2166 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 27, 1973

Mr. Novak moved that the Senate do not concur in the amendments by the House to S. F. No. 2166 and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate to act with a like Conference Committee to be appointed on the part of the House. Which motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 2167: A bill for an act relating to the organization and operation of state government; appropriating money for the conservation and development of the state's natural resources; providing for maintenance of the Minnesota historical society; for county and district agricultural societies; for various stockbreeders', dairymen's, horticultural

tural and poultry association and societies; for sheriffs' per diem and mileage in certain cases; for vessel tonnage tax; for maintenance of the Sibley house; for maintenance of various semi-state activities; for aids to local subdivisions of government and school districts; for maintenance of the uniform laws commission; for maintenance of the capitol area architectural and planning commission; and for other purposes; and amending Minnesota Statutes 1971, Section 373.23.

Senate File No. 2167 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.

Returned April 27, 1973

Mr. Novak moved that the Senate do not concur in the amendments by the House to S. F. No. 2167 and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate to act with a like Conference Committee to be appointed on the part of the House. Which motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1551 and 1642.

Edward A. Burdick, Chief Clerk, House of Representatives.

Transmitted April 25, 1973

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: 924, 1134, 1217, 1307, 1472, 1567, 284, 285, 534, 1664, 1750, 1841, 1903, 641, 1282, 1333, 1515, 1566, 666, 715, 854, 988, 1329, 1699 and 1931.

Edward A. Burdick, Chief Clerk, House of Representatives.

Transmitted April 26, 1973

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 748, 959, 1214, 1319, 1510, 1578, 1829, 874, 1711, 1969, 1579, 1580, 1671, 1727, 1844 and 2154.

Edward A. Burdick, Chief Clerk, House of Representatives.

Transmitted April 27, 1973

FIRST READING OF HOUSE BILLS

H. F. No. 1551: A bill for an act relating to the county of Ramsey and the city of Saint Paul; authorizing the rendering of emergency or lifesaving service by a physician's trained

mobile intensive care paramedic; under certain circumstances granting immunity from civil liability for good faith emergency lifesaving services rendered by physician's trained mobile intensive care paramedics and also for physicians who render medical advice and instructions to such paramedics while the paramedics are in the performance of lifesaving services.

H. F. No. 1642: A bill for an act relating to Otter Tail county; authorizing a levy for county extension work.

H. F. No. 924: A bill for an act relating to credit unions; amending Minnesota Statutes 1971, Sections 52.04; 52.05; 52.06, Subdivisions 1 and 2; 52.17; and 52.18.

H. F. No. 1134: A bill for an act relating to the organization and operation of state government; the powers and duties of the commissioner of iron range resources and rehabilitation; creation, powers and duties of advisory commission; appropriation of funds; amending Minnesota Statutes 1971, Sections 298.22 and 298.221.

H. F. No. 1217: A bill for an act relating to employees of the state and of the University of Minnesota; prohibiting financial or beneficial interest in state business; exception; providing a penalty; repealing Minnesota Statutes 1971, Sections 16.11, 241.12, and 246.20.

H. F. No. 1307: A bill for an act relating to money; maximum interest rates; exempting certain loans therefrom; amending Minnesota Statutes 1971, Section 334.01.

H. F. No. 1472: A bill for an act relating to Hennepin county; abolishing board of tax levy; repealing special Laws 1879, Chapter 338 as amended.

H. F. No. 1567: A bill for an act relating to education; state aids for summer school or year-round classes; amending Minnesota Statutes 1971, Section 124.20.

H. F. No. 284: A bill for an act relating to the practice of medicine; physicians, surgeons and osteopaths; licensing thereof; amending Minnesota Statutes 1971, Sections 147.021, Subdivision 1.

H. F. No. 285: A bill for an act relating to health; physicians, surgeons and osteopaths; examination and licensing thereof; amending Minnesota Statutes 1971, Section 147.02, Subdivision 1.

H. F. No. 534: A bill for an act relating to workmen's compensation; compensation for permanent partial disability; amending Minnesota Statutes 1971, Section 176.101, Subdivision 3.

H. F. No. 1664: A bill for an act relating to state parks; authorizing additional lands to be included within the boundaries of William O'Brien state park.

H. F. No. 1750: A bill for an act relating to the Crow Wing county welfare board and the county nursing home board; providing for increased compensation.

H. F. No. 1841: A bill for an act authorizing the commissioner of administration to convey the water system at the St. Peter state hospital to the city of St. Peter, Nicollet County, Minnesota.

H. F. No. 1903: A bill for an act authorizing the commissioner of administration to convey the water system at the Brainerd state hospital to the city of Brainerd, Crow Wing county, Minnesota.

H. F. No. 641: A bill for an act relating to excise taxes; the distribution of unrefunded tax for motor boat purposes and the computation of such unrefunded tax; amending Minnesota Statutes 1971, Section 296.421, Subdivision 4.

H. F. No. 1282: A bill for an act relating to probate; establishing conservatorships; prescribing and regulating powers, duties and procedures in conservatorships and guardianships; amending Minnesota Statutes 1971, Sections 525.54; 525.541; 525.542; 525.543; 525.55; 525.551; 525.56; 525.57; 525.58; 525.581; 525.582; 525.59; 525.591; 525.60; 525.61; 525.611; 525.612; and amending Minnesota Statutes 1971, Chapter 525, by adding sections.

H. F. No. 1333: A bill for an act relating to the affairs of decedents; providing for the validity and effect of certain nontestamentary and testamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect, and powers of attorney over accounts.

H. F. No. 1515: A bill for an act relating to decedents' estates; revising a spouse's power to elect against a will; amending Minnesota Statutes 1971, Section 525.215.

H. F. No. 1566: A bill for an act relating to education; requiring all special and independent school districts to provide transportation to pupils living two miles or more from school; amending Minnesota Statutes 1971, Section 123.39, Subdivision 1.

H. F. No. 666: A bill for an act relating to Independent School District No. 332; education; state aids and teacher contracts.

H. F. No. 715: A bill for an act relating to metropolitan transit; exempting property not served by transit system from tax levies; amending Minnesota Statutes 1971, Section 473A.111, Subdivisions 1 and 2.

H. F. No. 854: A bill for an act relating to the designation of a specific route for the great river road in Minnesota; amending Minnesota Statutes 1971, Chapter 161, by adding a section; repealing Minnesota Statutes 1971, Sections 161.143 to 161.147.

H. F. No. 988: A bill for an act relating to Hennepin county; tax levies for the purposes of the county park reserve district; amending Laws 1967, Chapter 721, Section 2, as amended; and Laws 1971, Chapter 954, Section 2.

H. F. No. 1329: A bill for an act relating to tort liability of school districts and certain towns; amending Minnesota Statutes 1971, Section 466.12, Subdivision 4.

H. F. No. 1699: A bill for an act relating to highway traffic regulations; slow moving vehicles, signs required; amending Minnesota Statutes 1971, Section 169.522, Subdivision 1.

H. F. No. 1931: A bill for an act relating to cities of the first class; providing for the transfer of liquor licenses in certain cases; amending Minnesota Statutes 1971, Section 340.57.

H. F. No. 748: A bill for an act relating to the city of Minneapolis; policemen's pension fund, uses and membership; amending Laws 1949, Chapter 406, Sections 7 and 10, as amended.

H. F. No. 959: A bill for an act relating to the town of Canosia; authorizing a tax levy for firemen's relief purposes.

H. F. No. 1214: A bill for an act relating to the village of McKinley; authorizing division and distribution of the assets of its volunteer fire department relief association among existing members thereof.

H. F. No. 1319: A bill for an act relating to the city of Stillwater; firemen's service pensions.

H. F. No. 1510: A bill for an act relating to the city of Anoka; fire department relief association benefits; amending Laws 1971, Chapter 184, Section 1, Subdivisions 2, 3, 4, 5, and 6; Section 2, Subdivision 2; and Sections 4 and 5.

H. F. No. 1578: A bill for an act relating to retirement; firemen's service pensions in the village of Sauk Rapids.

H. F. No. 1829: A bill for an act relating to armories; defining armory; amending Minnesota Statutes 1971, Section 193.139, by adding a subdivision.

H. F. No. 874: A bill for an act relating to safety; requiring the safety glazing of certain glass or plastic panels for doors and enclosures; providing a penalty.

H. F. No. 1711: A bill for an act relating to independent school district No. 94; assumption of indebtedness of former independent school district No. 98 by independent school district No. 94.

H. F. No. 1969: A bill for an act relating to the city of Duluth; authorizing organization of a Spirit Mountain recreation area authority; conferring upon said authority the power and duty to administer, promote, control, direct and manage the organization and ongoing operation of said recreation area; and providing for a tax levy and issuance of bonds.

H. F. No. 1579: A bill for an act relating to police pensions in the city of Saint Paul; amending Laws 1955, Chapter 151, Section 9, Subdivision 6.

H. F. No. 1580: A bill for an act relating to the firemen's relief association in the city of Saint Paul; amending Laws 1955, Chapter 375, Section 22.

H. F. No. 1671: A bill for an act relating to the fire department relief association and firemen's service pensions in the city of Bemidji.

H. F. No. 1727: A bill for an act relating to retirement; volunteer firemen's service pensions; amending Minnesota Statutes 1971, Section 69.06.

H. F. No. 1844: A bill for an act relating to the city of Redwood Falls; authorizing payment of lump sum retirement benefits to firemen.

H. F. No. 2154: A bill for an act authorizing the city of Shakopee to appoint nonresidents of the city to its water, light, power and building commission under certain conditions.

Which were read the first time and referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. Which motion prevailed.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1197: A bill for an act relating to elections; regulating the conduct of campaigns; regulating disclosure of campaign expenditures; limiting certain contributions and expenditures; appropriating money; providing penalties; repealing Minnesota Statutes 1971, Sections 211.02; 211.06; 211.16; 211.17; 211.18; 211.19; 211.20; 211.21; 211.22; 211.23; 211.25; 211.26; and 211.32.

Reports the same back with the recommendation that the bill be amended as follows: Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of this act, the terms defined in this section have the meanings given unless the context clearly indicates otherwise.

Subd. 2. "Election" means a general, special, primary or special primary election, or a convention or caucus of a political party held to nominate or endorse a candidate.

Subd. 3. "Candidate" means an individual who seeks nomination for election, or election to any statewide office or legislative office, other than a federal office for which candidates are required to report under federal laws, whether or not the individual is elected. An individual shall be deemed to seek nomination for election, or election, if he has taken the action necessary under the law of this state to qualify himself for nomination for election, or election, to an office, or received contributions or made expenditures, or has given his consent, implicit or explicit, for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to an office.

Subd. 4. "Political committee" means any combination of two or more individuals, or person other than an individual, which has as a primary purpose to support or oppose any candidate or to influence the result of an election regulated by the laws of Minnesota.

Subd. 5. "Principal political committee" means the political committee designated by a candidate as the committee which may make expenditures on behalf of said candidate.

Subd. 6. "Contribution" means:

(a) A gift, subscription, loan, advance, or deposit of money or anything of value, made to influence the nomination for election, or election, of a person to office;

(b) A contract, promise, or agreement, whether or not legally enforceable, to make a contribution for that purpose;

(c) A transfer of funds between political committees; and

(d) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or committee without charge to influence the nomination for election, or election of a person to office. "Contribution" shall not be considered to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

Subd. 7. "Expenditure" means:

(a) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to office;

(b) A contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; and

(c) A transfer of funds between political committees.

Subd. 8. "Supervisory officer" means state elections commission with respect to all statewide and legislative candidates.

Subd. 9. "Person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

Subd. 10. "Affiliated or connected organization" means (a) an organization which is organized by the reporting committee primarily for the purpose of influencing the nomination or election of candidates for office; or (b) an organization whose primary purpose is to support the reporting committee; or (c) an organization whose membership is generally similar to that of the reporting committee.

Subd. 11. "File" means delivery to the office of state elections commission or in the case of certain filings by persons or political committees to the appropriate county auditor by midnight of the prescribed

filing date, or deposit as certified mail, in an established United States Post Office, postage prepaid, no later than midnight of the second day next preceding the filing date. Certified mail receipts shall be retained as evidence of filing. In the event the mailing deadline falls on a day in which no mail is certified, the next preceding day on which mail is certified shall be deemed the mailing date.

Subd. 12. "Full Name" and "Name" mean the identification of the person usually given for business purposes.

Subd. 13. "Mailing Address" and "Address" mean apartment or building number, street number, city or town and ZIP code.

Subd. 14. "Occupation and Principal Place of Business, if any" mean, if self-employed, type of work or profession and city where self-employed; or, if otherwise employed, type of work or title, name of employer or employing organization and city of employment.

Subd. 15. "Calendar year" is the period January 1 through December 31, inclusive, except in the first year of this act when calendar year shall be the period from the effective date of this act through December 31.

Subd. 16. "Political party" means an organization which shall have maintained in the state, governmental subdivision thereof or precinct therein in question, a party organization, and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at that election and shall have received in the state not less than five percent of the total vote cast for all candidates at that election or whose members in a number equal to at least five percent of the total number of votes cast in the preceding general election in the county where the application is made present to the county auditor a petition for a place on the primary election ballot.

Subd. 17. "Minor party" means any party which ran a candidate on the statewide or legislative ballot at the last general election and is not a political party.

Subd. 18. "Per capita" means per unit of population.

Subd. 19. "Depository" means any bank, savings and loan association or credit union, organized under federal law or state law and transacting business within Minnesota.

Sec. 2. [ORGANIZATION OF POLITICAL COMMITTEES.] Subdivision 1. Every candidate shall designate and cause to be formed a single principal campaign committee.

Subd. 2. Every political committee shall have a chairman and a treasurer.

Subd. 3. No contribution shall be accepted and no expenditure shall be made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer.

Subd. 4. A candidate may at any time, without cause, remove and replace the chairman, treasurer or any other officer, including any deputy treasurer, of the candidate's principal political committee.

Subd. 5. The candidate and members of his principal political committee specified on the statement of organization shall be responsible for complying with the provisions of this act.

Sec. 3. [DEPUTY TREASURERS AND DEPOSITORIES.] Subdivision 1. Any treasurer of a political committee may appoint as many deputy treasurers as deemed necessary provided however that the treasurer shall be responsible for the accounts of all deputy treasurers.

Subd. 2. Any treasurer of a political committee may designate not more than one depository in each county in which a campaign is conducted.

Sec. 4. [ACCOUNTS WHICH MUST BE KEPT.] Subdivision 1. It shall be the duty of a treasurer of a political committee to keep a detailed and exact account of:

(a) All contributions made to or for the committee;

(b) The full name and mailing address of any person making a contribution in excess of \$10, and the date and amount thereof;

(c) All expenditures made by or on behalf of the candidate or committee; and

(d) The full name and mailing address and occupation and the principal place of business, if any, of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

Any person violating any provision of this subdivision shall, upon conviction thereof, be guilty of a misdemeanor.

Subd. 2. It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in an amount in excess of \$100, and for any expenditure in a lesser amount, if the aggregate amount of lesser expenditures to the same person during a calendar year exceeds \$100. A cancelled check showing payment of a bill, together with the bill or invoice stating the purpose of the expenditure, shall be deemed to be a receipted bill. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of not less than six years.

Sec. 5. [REGISTRATION OF POLITICAL COMMITTEES.] Subdivision 1. The treasurer of a political committee shall register with the state elections commission within five days of the date upon which the committee has received contributions or made expenditures or anticipates receiving contributions or making expenditures totalling \$100.

Subd. 2. The statement of organization shall include:

(a) The name and address of the committee;

(b) The names, addresses, and relationships of affiliated or connected organizations;

(c) The geographic area in which it will operate and the purpose of the committee;

(d) The name, address, and position of the custodian of books and accounts;

(e) The name and address of the chairman and the treasurer, who shall be separate individuals, and the name and address of any other principal officers including deputy treasurers, if any;

(f) The name, address, office sought, and party affiliation of (i) each candidate whom the committee is supporting, and (ii) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(g) A statement whether the committee is a continuing one;

(h) A listing of all depositories or safety deposit boxes used.

Subd. 3. Any change in information required in subdivision 2 shall be forwarded to the state elections commission by the chairman or treasurer of the political committee within five days of the change.

Sec. 6. [CONTRIBUTIONS.] Subdivision 1. Anonymous contributions in excess of \$10 shall not be accepted by any committee or candidate. If the donor of any anonymous contribution in excess of \$10 is known to the committee or candidate, it shall be returned to the donor. If the donor is not known, the contribution shall escheat to the state and shall become part of and be added to the state elections campaign fund.

Subd. 2. Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of the contribution, render to the treasurer a detailed account thereof, including the amount, the name and the address of the person making the contribution, and the date on which received.

Subd. 3. All funds of a political committee shall be segregated from, and may not be commingled with any personal funds of officers, members, or associates of the committee.

Subd. 4. All funds received by or on behalf of any candidate or political committee shall within five days after the receipt thereof, Sundays and holidays excepted, be deposited by a treasurer or a deputy treasurer in a designated depository in an account designated, "Campaign Fund of . . . (name of committee)".

Subd. 5. Deposits shall be made using duplicate deposit slips which show the names of the persons contributing or providing the funds deposited, together with a statement of the amount received from each person or that the money was received in the following ways:

(a) from individual contributors who each contributed \$10 or less;

(b) from a fund raising activity in which goods or services are sold and if the proceeds of the activity, less the cost of goods and services, do not exceed \$200. In such case the treasurer shall indicate that, to the best of his knowledge, no individual contributed more than \$10;

(c) from any function described as or resembling a "pass-the-hat" or a "mass collection" if the proceeds of the function which are not identified as being donated by a specific contributor do not exceed \$200. In such case the treasurer shall indicate that, to the best of his knowledge, no unidentified contributor contributed more than \$10. One copy of the deposit slip will be retained by the depository for its records and one copy will be retained by the treasurer for his records. The depository shall not make public or use for any purpose the names of persons contributing or providing the funds deposited pursuant to this subdivision.

Subd. 6. No person shall make a contribution in the name of another person. No person shall knowingly accept a contribution made by one person in the name of another person.

Subd. 7. Any person violating any provision of subdivisions 1 to 4 of this section shall, upon conviction thereof, be guilty of a misdemeanor. Any person violating any provision of subdivision 6 of this section shall, upon conviction thereof, be guilty of a gross misdemeanor.

Sec. 7. [EXPENDITURES.] Subdivision 1. All expenditures, other than the transfer of funds between political committees, must be authorized by the treasurer or deputy treasurer of the committee making the expenditure.

Subd. 2. The transfer of funds between political committees shall be authorized by the treasurer of the political committee making the transfer.

Subd. 3. Any person or political committee which spends an aggregate amount in excess of \$100 on behalf of a candidate must receive from the treasurer of that candidate's principal political committee a prior authorization and certification that the expenditures will not exceed the limits on expenditures imposed by this act.

Subd. 4. The treasurer or deputy treasurer of a political committee may make an authorization for petty cash in any reporting period in a cumulative amount of not more than \$50 per week for statewide races and \$20 per week in legislative races to be used for miscellaneous expenditures. Records for such petty cash accounts shall be kept pursuant to section 4, subdivision 1.

Subd. 5. Each authorization shall state the amount and purpose of the expenditure and shall be signed by the treasurer or deputy treasurer of the committee making the expenditure.

Subd. 6. Any political committee or person which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by the candidate to do so shall include a notice

(a) on the face or front page of all literature and advertisements published or posted, and

(b) at the ends of all advertisements placed on broadcasting stations in connection with the candidate's campaign stating that the committee or person is not authorized by the candidate and that the candidate is not responsible for the activities of the committee or person.

Subd. 7. Any person violating any provisions of subdivisions 1, 2, 3, 4 and 6 of this section shall, upon conviction thereof, be guilty of a misdemeanor.

Sec. 8. [BILLS WHEN RENDERED AND PAID.] Subdivision 1. Every person who shall have any bill, charge or claim against any political committee for any expenditure made in relation to an election shall render in writing to the treasurer of such committee such bill, charge or claim within 30 days after the date of the election in connection with which such bill, charge or claim was incurred. No bill, charge, or claim incurred prior to the election shall be paid which is not so presented within 30 days after such election.

Subd. 2. The candidate, the treasurer and deputy treasurer of any political committee shall be personally responsible for all obligations authorized by the treasurer or deputy treasurer.

Sec. 9. [REPORTS.] Subdivision 1. Every treasurer of a political committee shall file the reports required by this section if the committee received contribution or makes expenditures on behalf of a candidate who stands for election in excess of \$100 in that calendar year.

Subd. 2. The reports shall be filed with the state elections commission by midnight on the following dates

(a) In years in which any candidate being supported does not stand for election:

- 1) January 7
- 2) June 7

(b) In years in which any candidate being supported does stand for election:

- 1) June 7
- 2) August 7
- 3) 5 days before any primary election in which the candidate stands for election
- 4) October 7
- 5) 5 days before any general election in which the candidate stands for election
- 6) 30 days after the last election in which a candidate stands in a calendar year

(c) In special or special primary elections in which a candidate stands for election:

- 1) 30 days before any special or special primary election
- 2) 5 days before any special or special primary election

Subd. 3. Each report under this section shall disclose:

(a) The amount of cash on hand at the beginning of the reporting period;

(b) The full name and mailing address and occupation and the principal place of business, if any, of each person who has made one or more contributions to or for the committee including the purchase of tickets for dinners, luncheons, rallies and similar fundraising events within the calendar year in an aggregate amount or value (i) in excess of \$100, if the contribution or contributions are made in support of candidates for statewide office; or (ii) in excess of \$25 if the contribution or contributions are made in support of candidates for legislative office; together with the amount and date of the contributions, and the aggregate amount of contributions within the calendar year of each contribution so disclosed. The lists of contributors shall be in alphabetical order;

(c) The total sum of individual contributions made to or for the committee during the reporting period and not reported under clause (b);

(d) The name and address of each political committee or candidate from which the reporting committee received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers. The lists shall be in alphabetical order;

(e) Each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing address, occupations and the principal places of business, if any, of the lender or endorsers, if any, and the date and amount of the loans;

(f) The total amount of proceeds from (i) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (ii) mass collections made at such events; and (iii) sales of items such as campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(g) Each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under clauses (b) to (f);

(h) The total sum of all receipts by or for the committee during the reporting period;

(i) The full name and mailing address and occupation and the principal place of business, if any, of each person to whom expenditures have been made by the committee or on behalf of the committee within the calendar year in an aggregate amount or value in excess of \$100, the amount, date and purpose of each expendi-

ture and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made;

(j) The sum of individual expenditures which is not otherwise reported under (i);

(k) The full name and mailing address and occupation and the principal place of business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of the expenditure;

(l) The sum of individual expenditures for personal services, salaries and reimbursed expense which is not otherwise reported under (k);

(m) The total sum of expenditures made by the committee during the reporting period;

(n) The amount and nature of debts and obligations owed by or to the committee, in the form the elections commission may prescribe and a continuous reporting of their debts and obligations after the election (on the schedule set forth in section 9, subdivision 1) until the debts and obligations are extinguished.

(o) The name of each person or political committee which has been authorized by the treasurer to make expenditures on behalf of the candidate and the nature and amount of each authorized expenditure.

Subd. 4. The reports shall cover the time from the last day of the period covered by the last report to seven days prior to the filing date.

Subd. 5. In any statewide contest any contribution of \$3,000 or more or, in any legislative contest, any contribution of \$300 or more, which is not included in the last report prior to an election, shall be reported by telegram within 48 hours after its receipt and in the next required report.

Subd. 6. Every person, other than a political committee who makes expenditures other than by contribution to a political committee, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required of a political committee or candidate. Statements required by this section shall be filed on the dates on which reports by political committees are filed.

Sec. 10. [REPORTS TO COUNTY AUDITOR.] Subdivision 1. All reports or statements that must be filed with the elections commission by the principal campaign committee of legislative candidates shall also be filed with the county auditor.

Subd. 2. When a legislative district lies in more than one county, copies of the reports and statements referred to in subdivision 1, shall be filed with the county auditor of each county in which the legislative district lies.

Subd. 3. The copies of reports filed with the county auditor need not be verified copies.

Subd. 4. Statements and reports filed with county auditors (a) shall be available for public inspection and copying, and (b) shall be restricted in use in the manner provided for in section 14, subdivision 7, clause (d).

Sec. 11. [REQUIREMENTS RESPECTING REPORTS AND STATEMENTS.] Subdivision 1. A report or statement required by this act to be filed by a treasurer of a political committee, or by any other person, shall be signed and certified as true by the person required to file the report.

Subd. 2. A copy of a report or statement shall be preserved by the person filing it for a period of at least six years.

Subd. 3. Contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, such debts and other contracts, agreements and promises shall not be considered as part of the totals of receipts or expenditures until actual payment is made.

Subd. 4. Cash means money, securities at market value, balances on deposit in banks and savings and loan institutions, checks, negotiable money orders and other paper commonly accepted by a bank in a deposit of cash, and cash funds in other repositories.

Subd. 5. Each contribution in kind shall be declared at fair market value and reported on the appropriate schedule of receipts, identified as to its nature and listed as "contribution in kind". The total amount of goods and services contributed in kind shall be deemed to have been consumed in the reporting period in which received. Each contribution in kind shall be declared as an expenditure at the same fair market value and reported on the appropriate expenditure schedule, identified as "contribution in kind".

Subd. 6. In determining the aggregate of a person's contributions, the treasurer shall list contributions from the same donor under the same name. In each instance when a contribution received from a person in a reporting period is added to previously reported unitemized contributions from the same contributor and the aggregate exceeds \$100 in the case of a statewide candidate or exceeds \$25 in the case of a legislative candidate within the calendar year, the name, address, occupation, principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms. In addition, any subsequent contribution received from a contributor who has previously been reported within the calendar year shall be listed on the prescribed reporting forms using the same name as previously reported.

Subd. 7. A political committee making an expenditure for or on behalf of more than one candidate for state or legislative office shall allocate the expenditures among the candidates on a reasonable basis and report this allocation for each candidate. The treasurer shall retain for audit any documents supporting the allocation.

Subd. 8. Each person required to file any report or statement

shall maintain records on the matters required to be reported, including vouchers, cancelled checks, bills, invoices, worksheets, and receipts, which will provide in sufficient detail the necessary information and date from which the filed reports and statements may be verified, explained, clarified and checked for accuracy and completeness, and he shall keep the records available for audit, inspection, or examination by the supervisory officer, or his authorized representatives, for a period of not less than six years from the date of filing of the reports or statements or of changes or corrections thereto. Any person violating any provisions of this subdivision shall, upon conviction thereof, be guilty of a misdemeanor.

Subd. 9. Any person who signs and certifies to be true a report or statement which he knows contains inaccurate information shall be guilty of a felony.

Sec. 12. [CHANGES AND CORRECTIONS.] Any changes in information previously submitted in, and any corrections to a report shall be reported to the elections commission within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall be reported by letter in the same manner as was the information previously submitted and shall identify the form and the paragraph containing the information to be changed or corrected.

Sec. 13. [DISSOLUTION OR TERMINATION.] No political committee shall dissolve until it has settled all of its debts and filed a termination report. The termination report shall include all information required in periodic reports plus a statement as to the disposition of any residual funds.

Sec. 14. [STATE ELECTIONS COMMISSION.] Subdivision 1. There is hereby created a state elections commission which shall be composed of five members. Three of the members shall be appointed by the governor, but no more than two of them shall be members of the same political party. Each of the two political parties, who candidates for governor in the last general election received the highest number of votes in the gubernatorial election, shall appoint one of the two remaining members of the commission.

Subd. 2. Of the original three members appointed by the governor, one shall be appointed for a term of one year, one for a term of three years, and one for a term of five years. The original member appointed by the political party, whose candidate for governor received the highest number of votes cast in the last gubernatorial election, shall be appointed for a term of seven years. The original member appointed by the political party, whose candidate for governor received the second highest number of votes cast in the last gubernatorial election, shall be appointed for a term of nine years. Each of the original terms shall begin on August 1, 1973. All appointments to terms subsequent to the original term except one made to fill a vacancy shall be for terms of nine years. Any appointment to fill a vacancy in an original or subsequent term shall be made in the manner of the original appointment but shall only be for the unexpired term of a member who is being replaced

at a time prior to the end of that member's designated term. All appointments shall be made within 60 days of the date on which a vacancy occurs.

Subd. 3. Three members of the commission shall constitute a quorum and a vacancy in the membership of the commission shall not impair the right of the remaining members to exercise all of the powers of the commission.

Subd. 4. The commission shall hold an organizational meeting within 30 days after August 1, 1973, at which time the members of the commission shall elect a chairman, a vice chairman, and a secretary. The secretary shall keep an appropriate record of all proceedings and actions by the commission. Meetings of the commission shall be at the call of the chairman or at the call of any three members of the commission acting together.

Subd. 5. (a) The commission shall appoint an executive director, who shall be in the unclassified service. The commission may also employ and prescribe the duties of other permanent or temporary personnel as may be necessary to administer this act, subject to appropriation. All personnel shall serve at the pleasure of the commission.

(b) All administrative services, such as supplies, office space and furnishings, payroll preparation and accounting services shall be provided to the commission by the secretary of state.

Subd. 6. Members of the commission shall be:

(a) Compensated at the rate of \$35 per day spent in the performance of their duties, and

(b) Reimbursed for expenses incurred in the performance of their duties at the same rate as other state officers and employees.

Subd. 7. The commission shall:

(a) Prescribe forms for statements and reports required to be filed under this act and make the forms available to persons required to file the statements and reports;

(b) Make available to the persons required to file the reports and statements a manual, setting forth recommended uniform methods of bookkeeping and reporting;

(c) Develop a filing, coding, and cross-indexing system consonant with the purposes of this act;

(d) Make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any report or statement by hand or by duplicating machine, as requested by any person, at the expense of the person; any information copied from reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose. For purposes of this section, "any commercial purpose" means any sale, trade, or barter of any list of names or addresses taken from the reports and statements and any use of

the lists for any surveys or sales promotion activity. For purposes of this section, "soliciting contributions" means requesting gifts or donations of money, or anything of value for any cause or organization—political, social, charitable, religious, or otherwise;

(e) Preserve reports and statements for a period of six years from date of receipt;

(f) Compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(g) Prepare and publish reports as it may deem appropriate;

(h) Prescribe as necessary, suitable rules and regulations to carry out the provisions of this act.

Subd. 8. The commission may make audits and field investigations with respect to statements and reports filed under the provisions of this act and with respect to alleged failures to file any statement or report required under the provisions of this act. In all matters relating to its official duties, the commission shall have the powers possessed by courts of law to issue subpoenas and cause them to be served and enforced. All persons subject to the provisions of this act shall aid the commission in the performance of its duties including, but not limited to, the production for examination of all books, accounts, records, documents, vouchers, cancelled checks, bills, invoices, worksheets and receipts, and the answering under oath of its lawful inquiries.

Sec. 15. Subdivision 1. For the purposes of this act, a candidate for governor and a candidate for lieutenant governor, running together, shall be deemed to be a single candidate and all expenditures made by or on behalf of the candidate for governor and all expenditures made by or on behalf of the candidate for lieutenant governor shall be considered to be expenditures by or on behalf of the candidate for governor.

Subd. 2. No expenditures shall be made and no obligations to make expenditures shall be incurred, by or on behalf of any candidate, which shall result in the aggregate expenditure on behalf of the candidate of an amount in excess of the amounts hereinafter set forth:

(a) For governor and lieutenant governor, running jointly, 15 cents per capita or \$600,000 whichever is greater;

(b) For attorney general, secretary of state, state treasurer and state auditor, separately, five cents per capita or \$200,000 whichever is greater;

(c) For state senator, 25 cents per capita or \$15,000 whichever is greater;

(d) For state representative, 25 cents per capita or \$7,500 whichever is greater.

Subd. 3. Notwithstanding subdivision 2, clause (a), a candidate for the nomination to the office of lieutenant governor at the convention of a political party may spend \$30,000 or five percent of the amount in subdivision 2, clause (a), prior to the time of

nomination. This money shall be in addition to the money which may be expended pursuant to subdivision 2, clause (a).

Subd. 4. The period of time during which the limitation on expenditures, by or on behalf of any candidate, shall be in force, shall be the period commencing with that date on which the receipt of contributions or making of expenditures, in an aggregate amount, by or on behalf of the candidate, exceeds \$100. Any expenditure made following the effective date of this act and prior to the receipt of contributions or making of expenditures in the aggregate amount of \$100 shall be deemed to be expenditures within the limitation established for the office sought by the candidate.

Subd. 5. If a candidate in a primary election, wins the primary election, and his opponent or opponents in said election, between them receive more than 30 percent of the vote cast in that election, the winning candidate shall have added to the aggregate amount which may be expended by or on behalf of that candidate an amount equal to one sixth of the amount which may be spent by or on behalf of that candidate as set forth in subdivision 2 of this section or the amount actually expended by or on behalf of that candidate in the primary election whichever is less.

Subd. 6. For every year prior to, but not including, an election year in which he is on the ballot, a candidate shall have added to the aggregate amount which may be expended by or on behalf of that candidate an amount equal to 20 percent of the amount which may be spent by or on behalf of that candidate as set forth in subdivision 2 of this section. Provided, however, that:

(a) The amount added to the aggregate amount set forth in subdivision 2 of this section, shall not exceed the amount actually expended by or on behalf of that candidate in any year;

(b) The additional amounts of expenditure allowed under this subdivision shall not be cumulative from year to year;

(c) In no event shall the amount expended by or on behalf of any candidate during an election year in which he is on the ballot exceed the amounts allowed under subdivisions 2 and 5 of this section.

(d) Any expenditure charged against those amounts allowed by this subdivision, by or on behalf of any candidate, for goods and services that are used in whole or in part during an election year in which the candidate is on the ballot, shall be treated, at their fair market value in that election year, as expenditures in that election year.

Subd. 7. On or before January 31 of each election year, the state election commission shall determine and cause to be published generally the per capita amounts specified in subdivision 2. In determining the per capita amounts, the state election commission shall use:

(a) In the case of the elections for governor and lieutenant governor, attorney general, secretary of state, state treasurer and state auditor, the total population of the state;

(b) In the case of the elections for state senator, 1/67 of the total population of the state;

(c) In the case of elections for state representative, 1/134 of the total population of the state.

Subd. 8. On or before January 15 of each election year, the state department of health shall certify to the secretary of state the estimated total population of the state as of January 1 of that year.

Sec. 16. [TRANSFERS OF FUNDS.] Subdivision 1. A transfer of funds from any political committee other than a political party, to the principal political committee of a candidate shall not be considered to be an expenditure of funds on behalf of the candidate by the political committee.

Subd. 2. A transfer of funds from a political party to any political committee made for any purpose whatsoever and specifically not limited to influencing the nomination for election, or election, of any person to office is an expenditure by that political party.

Sec. 17. [ADDITIONAL LIMITATIONS.] Subdivision 1. No political party shall make expenditures during any calendar year in an amount in excess of 15 cents per capita or \$600,000 whichever is greater.

Subd. 2. No political party or political committee except the principal political committee of a candidate shall make expenditures, on behalf of a candidate or transfer of funds to the principal political committee of candidate, in an amount in excess of ten percent of the amount that may be spent by or on behalf of that candidate as set forth in section 15.

Subd. 3. If a political party makes expenditures on behalf of any candidate directly and not by transfer to the principal political committee of the candidate on whose behalf the expenditures are being made, the expenditure shall be in addition to the aggregate amount that may be spent by or on behalf of that candidate as set forth in section 15.

Subd. 4. Expenditures by a political party on behalf of candidates of that party generally, without referring to any of them specifically, in any advertisement published or posted, on any broadcast or in any telephone conversation, if that conversation refers to three or more candidates, shall not be subject to the limitations of section 17, subdivisions 2 and 3.

Subd. 5. No person, including the candidate, who has spent an aggregate amount in excess of \$100 on behalf of any candidate may make any additional charge or expenditure for any goods or services to be used by or on behalf of any candidate unless the treasurer of the principal political committee of that candidate certifies to the person that the payment will not violate the provisions of this act placing limits on expenditures by or on behalf

of any candidate. These expenditures in an aggregate amount in excess of \$100 shall be counted against the spending limitations on the principal political committee of that candidate.

Sec. 18. [PRICE ADJUSTMENT.] At the beginning of each calendar year beginning in 1975, the secretary of state shall obtain from the secretary of labor of the United States information as to the percentum difference between the national price index for the 12 months preceding the beginning of the calendar year and the price index for the base period which shall be 1973. Each amount determined under sections 15, subdivision 2, and section 17, subdivision 1, shall be increased by the percentum difference. Each amount so increased shall be the amount in effect for the calendar year. For the purpose of this subdivision, the term "price index" means the average over a calendar year of the consumer price index (all items, United States city average published monthly by the United States Bureau of Labor Statistics). In the event that there is a decline in the price index it shall not result in a reduction in the amounts determined under section 15, subdivision 2, and section 17, subdivision 1 and in any year after 1974 in which there is a decline in the price index, the amounts in effect shall be those in effect for the preceding general election.

Sec. 19. [STATE ELECTIONS CAMPAIGN FUND.] Subdivision 1. There is hereby established an account, within the general fund of the state, to be known as the "state elections campaign fund".

Subd. 2. Within the state elections campaign fund account there shall be maintained separate accounts for the candidates of each political party, each minor party, and a general account.

Sec. 20. [DESIGNATION OF INCOME TAX PAYMENTS.] Subdivision 1. Effective with the taxable years ending after December 31, 1972, every individual whose income tax liability after personal credit for any taxable year is \$1 or more may designate that \$1 shall be paid into the state elections campaign fund. In the case of a joint return of husband and wife having an income tax liability of \$2 or more, each spouse may designate that \$1 shall be paid.

Subd. 2. The taxpayer may designate that the \$1 be paid into the account of a major political party, a minor party, or into the general account.

Subd. 3. The income tax form provided to taxpayers shall include:

(a) A section on the first page in legible type which shall say: "In order to promote financing of election campaigns by the people, the law allows you to allocate \$1 of your taxes to the financing of campaigns of candidates of the party of your choice for state offices. The dollar is not an additional tax. It is an allocation of \$1 of your tax to the state elections campaign fund.

(b) The form shall then contain a line stating: "I wish \$1 of my taxes to be distributed to state candidates." and shall then provide

for boxes which may be marked designating one of the following: (i) each major political party listed in the sequence they are listed on the last general election ballot; (ii) a space for writing in the name of any minor party and (iii) distribution "to all qualifying candidates proportionately".

Subd. 4. All monies designated by individual taxpayers for the state elections campaign fund shall be credited to the appropriate account in the general fund of the state and are annually appropriated for distribution as set forth in subdivisions 5, 6, 7 and 8.

Subd. 5. The monies accumulated in the several accounts of the state elections campaign fund, shall be allocated and distributed in the following manner: In each fiscal year, 10 percent of the monies in each account, except the general account, shall be distributed directly to the party of the candidates to be funded from that account. The distribution shall occur on September 1 of each year.

Subd. 6. [STATEWIDE OFFICES.] (a) In each fiscal year, 36 percent of the monies in each account other than the general account shall be set aside for candidates for statewide office.

(b) Of the amount set aside, in clause (a), 40 percent shall be distributed to the candidates for governor and lieutenant governor jointly and as if one; and 15 percent each shall be distributed to the candidates for secretary of state, state treasurer, state auditor, and attorney general. If there is no nominee of that party, for one of the offices, the share set aside for that office shall be distributed to the other statewide candidates of that party in the same proportions as the original amount.

(c) Within two weeks of the certification by the state canvassing board, of the results of the primary election, the state treasurer shall distribute available funds in each account, other than the general account, of the state elections fund to the appropriate candidates as prescribed in clauses (a) and (b).

(d) Within two weeks of the certification by the state canvassing board of the results of the general election, the state treasurer shall distribute 40 percent of the available funds in the general account in the same proportions as provided in clause (b), to each candidate who received at least five percent of the votes cast for the office for which he was a candidate.

Subd. 7. [STATE SENATORS.] (a) In each fiscal year, 18 percent of the monies in each account, other than the general account, shall be set aside for candidates for state senate.

(b) The amount set aside in clause (a) shall be distributed in equal shares to each of the candidates for state senate of that party.

(c) Within two weeks of the certification by the state canvassing board, of the results of the primary election, the state treasurer shall distribute available funds in each account other than the general account of the state elections fund to the appropriate candidates as prescribed in clauses (a) and (b).

(d) Within two weeks of the certification by the state canvassing board, of the results of the general election, the state treasurer shall distribute 20 percent of the available funds in the general account in the same proportions as provided in clause (b), to each candidate who received at least five percent of the votes cast for the office for which he was a candidate.

Subd. 8. [STATE REPRESENTATIVES.] (a) In each fiscal year, 36 percent of the monies in each account other than the general account shall be set aside for candidates for state representative.

(b) The amount set aside in clause (a) shall be distributed in equal shares to each of the candidates for state representative of that party.

(c) Within two weeks of the certification of the state canvassing board, of the results of the primary election, the state treasurer shall distribute available funds in each account other than the general account to the appropriate candidates as prescribed in clauses (a) and (b).

(d) Within two weeks of the certification by the state canvassing board of the results of the general election, the state treasurer shall distribute 40 percent of the available funds in the general account in the same proportions as provided in clause (b), to each candidate who received at least five percent of the votes cast for the office for which he was a candidate.

Sec. 21. [CONDITIONS ON RECEIVING MONEY FROM STATE FUND.] Subdivision 1. No candidate shall be entitled to receive from the state elections campaign fund, an amount greater than the total amount of expenditures which may be made by or on behalf of the candidate under this act.

Subd. 2. No candidate shall be entitled to receive from the state election campaign fund, an amount greater than the total amount actually expended by or on behalf of the candidate.

Subd. 3. As a condition of receiving any funds from the state elections campaign fund, any candidate, prior to receipt of the funds, shall agree that his principal campaign committee shall not accept contributions exceeding 105 percent of the difference between the amount which may legally be expended by or on behalf of that candidate, and the amount which the candidate receives from the state elections campaign fund.

Subd. 4. In any case in which a political party or minor party for whose candidate funds have been accumulated in the state elections campaign fund, does not have a candidate in any one or more of the categories in which the funds are allocated (statewide office, state representative and state senator), the monies which would be used for distribution to that category or categories shall be transferred to the general account.

Subd. 5. The state elections commission shall prescribe the rules and regulations necessary to facilitate the distribution of monies in the state election campaign fund.

Sec. 22. [PUBLIC FINANCING, WHEN AVAILABLE.] The provisions of Section 20, subdivisions 5, 6, 7, 8 and Section 21, shall apply only to primary elections preceding a statewide general election and statewide elections and specifically do not include special elections, special primary elections, conventions or caucuses of a political party.

Sec. 23. [CIRCUMVENTION PROHIBITED.] Any attempt by a person to circumvent disclosure as provided for in this act, by redirecting funds through another person is a gross misdemeanor.

Sec. 24. [REMEDIES.] Subdivision 1. A person charged with a duty under this act shall be personally liable for the penalty for failing to discharge it.

Subd. 2. A person who believes that a violation of this act has occurred shall report his belief to the state elections commission.

Subd. 3. The state elections commission, the attorney general or the county attorney may seek an injunction in the district court to enforce the provisions of this act upon application by any citizen of this state.

Subd. 4. The district courts of this state shall have jurisdiction to issue injunctions to enforce the provisions of this act upon application by any citizen of this state.

Subd. 5. Unless otherwise provided in this act, a violation of any section of this act is not a crime.

Sec. 24. [PENALTY FOR EXCEEDING LIMITS.] Any principal political committee or political party that makes expenditures in excess of the limitations imposed by sections 15 and 17 shall be subject to a fine equal to three times the amount by which its expenditure exceeded the limit. If the attorney general has reason to believe that a principal political committee or political party has made such excess expenditures, he shall bring an action in the district court of Ramsey County to impose this penalty. All moneys recovered pursuant to this section shall be deposited in the state elections campaign fund.

Sec. 25. [APPROPRIATIONS.] Subdivision 1. There is hereby appropriated to the secretary of state from the general fund \$..... for the purposes of this act.

Subd. 2. There is hereby appropriated to the state elections commission from the general fund \$..... for the purposes of this act.

Sec. 26. Minnesota Statutes 1971, Sections 210.18, 210.19, 210.20, 211.06, 211.16, 211.17, 211.19, 211.20, 211.21, 211.22, 211.25, and 211.32 are repealed."

Further amend the title as follows:

Line 8 after "Sections" strike "211.02; 211.06;" and insert in lieu thereof "210.18; 210.19"

Strike lines 9 through 11 and insert in lieu thereof: "210.20; 211.06; 211.16; 211.17; 211.19; 211.20; 211.21; 211.22; 211.25 and 211.32."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 21: A bill for an act relating to insurance; continuation of group insurance coverage upon termination of employment; amending Minnesota Statutes 1971, Section 62A.10, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [APPLICABILITY.] The provisions of this act shall apply to all group policies or subscriber contracts providing care or payment for care in this state, which are issued or renewed after the effective date of this act by accident and health insurance companies regulated under Minnesota Statutes, Chapter 62A, nonprofit health service plan corporations regulated under Minnesota Statutes, Chapter 62C, and health maintenance organizations regulated under any health maintenance organization enabling act enacted in 1973.

Sec. 2. Subdivision 1. [CONTINUATION OF COVERAGE.] Every group policy or subscriber contract purchased by an employer (other than an agency of the federal government) shall contain a provision which continues coverage for every covered employee, including dependent coverage, if any, for a period of six months following termination of employment for any reason, on the same basis and at the same rates in effect for covered employees.

Subd. 2. [RESPONSIBILITY OF EMPLOYEE.] Every employee electing to continue coverage upon termination of employment shall pay his former employer, on a monthly basis, the cost of continued coverage determined in accordance with subdivision 1.

Subd. 3. [RESPONSIBILITY OF EMPLOYER.] Every employer shall, upon the termination of employment of any covered employee, notify the employee of the option provided by this act, and shall continue the coverage of any employee who so elects and makes payments as provided in subdivision 2.

Sec. 3. The commissioner of insurance may, pursuant to the administrative procedures act, promulgate rules to implement this section."

Further amend the title as follows:

Line 2, after the semicolon and before "continuation" insert "group hospital and medical coverage;"

Line 3, strike "insurance"

Line 4, strike "; amending" and insert a period

Strike lines 5 and 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1895: A bill for an act relating to insurance; requiring the provision of certain health insurance benefits for the treatment of alcoholism and drug and chemical dependencies.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, strike "[60A.065]"

Page 1, line 10, after "insurance" insert "regulated under Minnesota Statutes, Chapter 62A, or nonprofit health service plan corporation regulated under Minnesota Statutes, Chapter 62C"

Page 1, line 15, after "thereunder" insert ", on the same basis as other benefits,"

Page 1, strike lines 19 through 27 and insert

"(2) confinement in a residential primary treatment program as licensed by the State of Minnesota pursuant to diagnosis or recommendation by a doctor of medicine."

Page 1, line 30, strike "of health insurance"

Further amend the title as follows:

Page 1, line 2, after "to" insert "health benefits provided through nonprofit health service plans and"

Page 1, line 3, strike "insurance"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 2041: A bill for an act relating to insurance; reinsurance by life insurance companies of aircraft risks; amending Minnesota Statutes 1971, Section 60A.09, Subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 2244: A bill for an act relating to securities and usury; exemption from usury for margin accounts maintained by broker-dealers; amending Minnesota Statutes 1971, Chapter 334, by adding a section; repealing Minnesota Statutes 1971, Section 80.122.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1188: A bill for an act relating to commerce; limiting deficiency judgments in consumer transactions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, strike "\$5,000" and insert "\$2,000"

Page 2, after line 23, add a section to read:

"Sec. 4. [EFFECTIVE DATE.] This act shall be effective as to all consumer credit transactions entered into after July 31, 1973."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1087: A bill for an act relating to accident and health insurance; providing that references in a policy to "physicians" shall include dentists performing consultation or surgical procedure; amending Minnesota Statutes 1971, Section 62A.03, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Subdivision 1. [APPLICABILITY.] The provisions of this section shall apply to all individual or group policies or subscriber contracts providing payment for care in this state, which are issued or renewed after the effective date of this act by accident and health insurance companies regulated under Minnesota Statutes, Chapter 62A, and nonprofit health service plan corporations regulated under Minnesota Statutes, Chapter 62C.

Subd. 2. [DENTISTS; SURGICAL PROCEDURES.] The word "physician" when used in any policy or contract referred to in subdivision 1 providing for the payment for surgical procedures, or consultation relative thereto while the patient is in a hospital, office, outpatient facility, nursing home, or extended care unit, shall include a dentist performing such procedures or services within the scope of his professional license."

Further amend the title as follows:

Line 2 after "to" and before "accident" insert "health care coverage provided by nonprofit health service plan corporations and"

Line 3 after "insurance" and before the semicolon insert "companies"

Line 6 strike "; amending Minnesota" and insert a period

Strike lines 7 and 8

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 283: A bill for an act relating to education; school board membership in certain associations; requiring filing of financial statements; amending Minnesota Statutes 1971, Section 123.12, Subdivision 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, strike "123.12" and insert "123.33"

Page 1, line 9, strike "12" and insert "10"

Page 1, line 10, strike "12" and insert "10"

Page 1, line 12, strike "board" and insert "boards"

Page 1, line 21, delete "*semiannual*" and insert "*annual*"

Page 1, line 23, delete "*January 15 and July 15*" and insert "*October 1*"

Page 1, line 24, delete "*beginning July 15, 1973*" and after the period insert:

"The statements to the commissioner shall be made on forms prescribed by him no later than 30 days after the close of the fiscal year for the associations in 1973, and no later than July 15 of each year thereafter."

Page 1, after line 24 add new sections as follows:

"Sec. 2. Minnesota Statutes 1971, Section 123.33, Subdivision 14, is amended to read:

Subd. 14. The school board of any school district of this state by a two-thirds vote may become a member of an association of vocational schools and may appoint one or more of its members to attend the annual meeting of such association. The amount of annual membership dues in the association and actual and necessary expenses incurred in attending such meeting shall be paid as other expenses of the district are paid. *The school board of any school district of this state may maintain such membership and pay membership dues only in the event the association files annual financial statements showing detailed expenditures and receipts with the commissioner of education no later than October 1 of each year. The statements to the commissioner shall be made on forms prescribed by him no later than 30 days after the close of the fiscal year for the association in 1973, and no later than July 15 of each year thereafter.*

Sec. 3. *This act is effective July 1, 1973."*

Further amend the title on page 1, line 6, after "Section" by striking "123.12, Subdivision 12" and inserting "123.33, Subdivisions 10 and 14"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1223: A bill for an act relating to public health; regulation of health care facilities providing newborn infant care; amending Minnesota Statutes 1971, Section 144.56, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "*assure that all infants are kept under*" and insert in lieu thereof: "*staff it to assure that all infants are kept in continual attendance by properly trained personnel at all times the infants are in the nursery.*"

Page 1, strike lines 17-18

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 2050: A bill for an act relating to child support; requiring the employer of certain persons required to pay support to withhold, upon order, from the pay of such person and pay the money so withheld over to the department of public welfare; prohibiting certain acts by an employer; amending Minnesota Statutes 1971, Section 256.873.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 2250: A bill for an act relating to public welfare; placing a limit on assets for old age assistance applicants in order to restore conformity with federal regulations; amending Minnesota Statutes 1971, Section 256.18.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was re-referred

S. F. No. 1268: A bill for an act relating to Hennepin county; medical care for the poor; amending Laws 1963, Chapter 738, Section 1, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

Senate Resolution No. 26: A senate resolution urging that the United States Customs Bureau direct all its activities in Minnesota from a central office in Duluth.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 6 through 23 and insert in lieu thereof the following:

"WHEREAS, Customs District No. 34 includes the territory of all of the states of North Dakota and South Dakota and the Minnesota Counties of Kittson, Roseau, Lake of the Woods, Marshall, Polk, Beltrami, Red Lake and Pennington, including the Minnesota custom ports of Noyes, Lancaster, Pine Creek, Roseau, Warroad and Baudette, all of which is under the administration of the District Office at the customs port of Pembina, North Dakota; and

WHEREAS, the District No. 36 Office at the customs port of Duluth, Minnesota, is better equipped and has the disposition to effect fair and adequate administration over the said Minnesota territory; now, therefore,

BE IT RESOLVED, that the United States Secretary of the Treasury be requested to transfer the territory within the State of Minnesota comprising the counties of Kittson, Roseau, Lake of the Woods, Marshall, Polk, Red Lake and Pennington, and the customs ports of Noyes, Lancaster, Pine Creek, Roseau, Warroad and Baudette, from Customs District No. 34 under the administration of the District Office at the Customs Port of Pembina, North Dakota, into Customs District No. 36 under the administration of the District Office at the Customs Port of Duluth, Minnesota.

BE IT FURTHER RESOLVED, that the Secretary of the Senate transmit copies of this resolution to the United States Secretary of the Treasury, the United States Commissioner of Customs, the Regional Commissioner of the Ninth Region of the Customs Bureau, the District Directors of Customs at Duluth and Minneapolis and the Minnesota senators and representatives in Congress."

And further amend the title as follows:

Page 1, strike lines 2 through 5 and insert in lieu thereof the following: "requesting the United States Secretary of the Treasury to transfer the territory within the state of Minnesota from customs District No. 34, under the administration of the district office at the customs port of Pembina, North Dakota, to customs district No. 36, under the administration of the district office at the customs port of Duluth, Minnesota"

And when so amended the resolution do pass. Amendments adopted. Report adopted.

Mr. Coleman, pursuant to Rule 35, requested that Senate Resolution No. 26 be re-referred to the Committee on Rules and Administration. So Senate Resolution No. 26 was re-referred to the Committee on Rules and Administration.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 825: A bill for an act relating to motor vehicles; safety responsibility of owners and operators of motor vehicles; security requirements; amending Minnesota Statutes 1971, Sections 170.-21, Subdivision 3; 170.26; 170.27; 170.32; and 170.34, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 185: A bill for an act relating to education; providing for scholarship grants to medical students who agree to practice in rural communities; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

“Section 1. The state of Minnesota may provide loans in lieu of certain state funds for the cost of the education and living expenses during the time the recipient is enrolled in an accredited medical school in the state of Minnesota, or accredited school of osteopathy the graduates of which are eligible for licensure in Minnesota, if the recipient agrees in writing to practice medicine or osteopathy in a rural community in Minnesota designated as an area in need of medical doctors or osteopaths by the higher education coordinating commission. Each recipient shall execute a note to the state payable on demand for the amount of the loan with interest at six percent per annum payable when the principal is paid. The principal and interest shall be forgiven after the recipient has practiced medicine or osteopathy for five years in an area in need of medical doctors or osteopaths as designated by the higher education coordinating commission. If the recipient fails to fulfill the obligation to practice, the outstanding principal and subsequent interest shall be payable according to terms approved by the higher education coordinating commission. Assistance may be granted for not more than four years in an amount that the commission determines sufficient for the purposes of this act, not to exceed \$6,000 per year. The commission may delay the time for beginning practice not more than four years after the recipient has qualified to practice if the recipient wishes to seek additional medical or osteopathic training.

Sec. 2. There is appropriated \$360,000 for the biennium to the higher education coordinating commission from the general fund for the purpose of this act.

Sec. 3. This act becomes effective the day following final enactment.”

Further amend the title as follows:

Line 3, strike "scholarship grants" and insert in lieu thereof "loans"

Line 3, after "medical" and before "students" insert "and osteopathy"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 464: A bill for an act relating to drugs; penalties and forfeitures for illegal possession, sale, manufacture or distribution of prohibited drugs; amending Minnesota Statutes 1971, Sections 152.15, Subdivision 2; and 152.19, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 152.01, is amended by adding a subdivision to read:

Subd. 17. [APPROPRIATE STATE AGENCY.] "Appropriate agency" means either the bureau of criminal apprehension, the state board of pharmacy, state highway patrol, county sheriffs and their deputies, or city police departments in municipalities containing 25,000 or more inhabitants.

Sec. 2. Minnesota Statutes 1971, Section 152.02, Subdivision 11, is amended to read:

Subd. 11. The state board of pharmacy shall appoint an advisory council on controlled substances consisting of not more than 12 13 members, who shall serve without compensation, to advise it in the administration of this chapter.

Commencing July 1, 1973, six members shall be appointed for a one year term and seven members shall be appointed for a two year term. Thereafter, members shall be appointed for two year terms. Four of the members of the council shall be physicians as designated by the state board of medical examiners. One of the members of the council shall be a pharmacologist, one of the members of the council shall be a pharmacist, and the remainder shall be from among the following: correction or law enforcement officers, judges, representatives of drug treatment or counseling facilities, former drug abusers, education, and students. The members of the council shall select a chairman from among their membership, who may call meetings of the council when requested to do so by any four members of the council.

Sec. 3. Minnesota Statutes 1971, Section 152.02, Subdivision 12, is amended to read:

Subd. 12. *If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the state board of pharmacy, the state board of pharmacy shall similarly control the substance under this act after the expiration of 30 days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance. Such order shall be filed pursuant to Minnesota Statutes, Section 15.0413. If within that 30 day period, the state board of pharmacy objects to inclusion, rescheduling, or deletion, it shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the state board of pharmacy shall publish its decision, which shall be subject to the provisions of Minnesota Statutes 1971, Chapter 15.*

In exercising the authority granted by Laws 1971, Chapter 937, the state board of pharmacy shall be subject to the provisions of Minnesota Statutes 1969, Chapter 15. The state board of pharmacy shall provide copies of any proposed rule under Laws 1971, Chapter 937, to the advisory council on controlled substances at least 30 days prior to any hearing required by Minnesota Statutes 1969, Section 15.0412, Subdivision 4. The state board of pharmacy shall consider the recommendations of the advisory council on controlled substances, which may be made prior to or at the hearing.

Sec. 4. Minnesota Statutes 1971, Section 152.02, Subdivision 13, is amended to read:

Subd. 13. The state board of pharmacy and the advisory council on controlled substances shall study the implementation of Laws 1971, Chapter 937, in relation to the problems of drug abuse in Minnesota and shall report to the legislature *annually* on or before December 1, 1972, their recommendations concerning amendments to Laws 1971, Chapter 937.

Sec. 5. Minnesota Statutes 1971, Section 152.09, Subdivision 2, is amended to read:

Subd. 2. It shall be unlawful for any person to procure, attempt to procure, possess or have in his control a controlled substance by any of the following means:

(1) fraud, deceit, misrepresentation or subterfuge;

(2) using a false name or giving false credit;

(3) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, *podiatrist*, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

Sec. 6. Minnesota Statutes 1971, Section 152.101, Subdivision 2, is amended to read:

Subd. 2. This section shall not apply to a licensed doctor of medicine, a doctor of osteopathy duly licensed to practice medicine,

a licensed doctor of dentistry, a *licensed doctor of podiatry*, or licensed doctor of veterinary medicine in the course of his professional practice, unless such practitioner regularly engages in dispensing any such drugs to his patients for which the patients are charged, either separately or together with charges for other professional services.

Sec. 7. Minnesota Statutes 1971, Section 152.11, is amended to read:

152.11 [WRITTEN OR ORAL PRESCRIPTIONS, REQUISITES.] Subdivision 1. No person may dispense a controlled substance included in Schedule II of section 152.02 without a prescription written by a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a *doctor of podiatry*, or a doctor of veterinary medicine, lawfully practicing his profession in this state. Provided that in emergency situations, as authorized by federal law, such drugs may be dispensed upon oral prescription reduced promptly to writing and filed by the pharmacist. Such prescriptions shall be retained in conformity with section 152.101. No prescription for a Schedule II substance may be refilled.

For the purposes of Laws 1971, Chapter 937, a written prescription or oral prescription, which shall be reduced to writing, for a controlled substance in Schedules II, III, IV or V is void unless (1) it is written in ink and contains the name and address of the person for whose use it is intended; (2) it states the amount of the controlled substance to be compounded or dispensed, with directions for its use; (3) if a written prescription, it contains the signature, address and federal registry number of the prescriber and a designation of the branch of the healing art pursued by the prescriber; and if an oral prescription, the name and address of the prescriber and a designation of his branch of the healing art; and (4) it shows the date when signed by the prescriber, or the date of acceptance in the pharmacy if an oral prescription. Every licensed pharmacist who compounds any such prescription shall retain such prescription in a file for a period of not less than two years, open to inspection by any officer of the state, county, or municipal government, whose duty it is to aid and assist with the enforcement of this chapter. Every such pharmacist shall distinctly label the container with the directions contained in the prescription for the use thereof.

Subd. 2. No person may dispense a controlled substance included in Schedules III or IV of section 152.02 without a written or oral prescription from a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a *doctor of podiatry*, or a doctor of veterinary medicine, lawfully practicing his profession in this state. Such prescription may not be dispensed or refilled except with the written or verbal consent of the prescriber, and in no event more than six months after the date on which such prescription was issued and no such prescription may be refilled more than five times.

Sec. 8. Minnesota Statutes 1971, Section 152.12, Subdivision 1, is amended to read:

152.12 [DOCTORS MAY PRESCRIBE.] Subdivision 1. A licensed doctor of medicine, a doctor of osteopathy, duly licensed to practice medicine, a doctor of dental surgery, or a doctor of dental medicine, or a *licensed doctor of podiatry*, and in the course of his professional practice only, may prescribe, administer, and dispense a controlled substance included in Schedules II through V of section 152.02, or he may cause the same to be administered by a nurse, an intern or an assistant under his direction and supervision.

Sec. 9. Minnesota Statutes 1971, Section 152.12, Subdivision 4, is amended to read:

Subd. 4. Nothing in this chapter shall prohibit the sale to, or the possession of, a controlled substance in Schedules II, III, IV or V by: Registered drug wholesalers, registered manufacturers, registered pharmacies, or any licensed hospital or other licensed institutions wherein sick and injured persons are cared for or treated, or bona fide hospitals wherein animals are treated; or by licensed pharmacists, licensed doctors of medicine, doctors of osteopathy duly licensed to practice medicine, licensed doctors of dental surgery, licensed doctors of dental medicine, *licensed doctors of podiatry*, or licensed doctors of veterinary medicine when such practitioners use controlled substances within the course of their professional practice only.

Nothing in this chapter shall prohibit the possession of a controlled substance in Schedules II, III, IV or V by an employee or agent of a registered drug wholesaler, registered manufacturer, or registered pharmacy, while acting in the course of his employment, or by a patient of a licensed doctor of medicine, a doctor of osteopathy duly licensed to practice medicine, or a licensed doctor of dental surgery, a licensed doctor of dental medicine, a licensed doctor of podiatry, or by the owner of an animal for which a controlled substance has been prescribed by a licensed doctor of veterinary medicine, when such controlled substances are dispensed according to law.

Sec. 10. Minnesota Statutes 1971, Section 152.15, Subdivision 1, is amended to read:

152.15 [VIOLATIONS; PENALTIES.] Subdivison 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 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;

(2) Any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may 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;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction may 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;

(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 (4) (5).

Sec. 11. Minnesota Statutes 1971, 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 be imprisoned for not more than five years or fined not more than \$5,000, or both;

(2) Any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than three years, fined not more than \$3,000, or both;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than three years, fined not more than \$3,000, or both;

(4) A substance classified in Schedule V, ~~or a small amount of marijuana~~ 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 or a small amount of marijuana, 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 misdemeanor. A subsequent violation of this clause within one year is a misdemeanor, and a person so convicted may be required to participate in a medical evaluation. 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.

Sec. 12. Minnesota Statutes 1971, Section 152.15, Subdivision 4, is amended to read:

Subd. 4. Any person 18 years of age or over who violates section 152.09, subdivision 1, clause (1), by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under 18 years of age who is at least three years his junior is punishable by the fine authorized by section 152.15, subdivision 1, clause (1), by a term of imprisonment of up to twice that authorized by section 152.15, subdivision 1, clause (1), or by both. Any person 18 years of age or over who violates section 152.09, subdivision 1, by distributing any other controlled substance listed in Schedules I, II, III, IV, and V, *except marijuana*, to a person under 18 years of age who is at least three years his junior is punishable by the fine authorized by section 152.15, subdivision 1, clauses (2), (3), or (4), by a term of imprisonment up to twice that authorized by section 152.15, subdivision 1, clauses (2), (3), or (4), or both.

Sec. 13. Minnesota Statutes 1971, Section 152.15, Subdivision 5, is amended to read:

Subd. 5. Any person convicted of a second or subsequent offense under Laws 1971, Chapter 937, except as provided in subdivision 1, clauses (1), (2), and (3), and (5) may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

Sec. 14. Minnesota Statutes 1971, Section 152.18, Subdivision 1, is amended to read:

152.18 [DISCHARGE AND DISMISSAL.] Subdivision 1. If any person ~~who has not previously been convicted of a violation of any law of this state or the United States relating to controlled substances~~ is found guilty of a violation of section 152.09, subdivision 1, clause (2) after trial or upon a plea of guilty, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum term of imprisonment provided for such violation. *The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation.* Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of his probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal hereunder shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the department

of public safety solely for the purpose of use by the courts in determining ~~whether or not, in the merits of~~ subsequent proceedings, ~~against~~ such person ~~qualifies hereunder~~. The court shall forward a record of any discharge and dismissal hereunder to the department of public safety who shall make and maintain the nonpublic record thereof as herinbefore provided. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose. ~~Discharge and dismissal hereunder may occur only once with respect to any person.~~

Sec. 15. Minnesota Statutes 1971, Section 152.19, Subdivision 1, is amended to read:

152.19 [FORFEITURES.] Subdivision 1. The following are subject to forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of chapter 152;

(2) All raw materials, *monies*, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of chapter 152;

(3) All property which is used, or intended for use, as a primary container for property described in clauses (1) or (2);

(4) All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in clauses (1) or (2) having a retail value of \$100 or more, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the owner or other person in charge of the conveyance is a consenting party or privy to a violation of chapter 152.

(b) No conveyance is subject to forfeiture under this section unless the owner thereof is privy to a violation of chapter 152, or that the use of the conveyance is such violation otherwise occurred with his knowledge or consent.

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party unless he had knowledge of or consented to the act or omission upon which the forfeiture is based.

(d) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of chapter 152.

Sec. 16. Minnesota Statutes 1971, Section 152.19, Subdivision 3, is amended to read:

Subd. 3. ~~In the event of seizure pursuant to subdivision 2, proceedings under subdivision 4 shall be instituted promptly. In the~~

event of a conviction for a gross misdemeanor or a misdemeanor, any conveyance seized pursuant to subdivision 1, clause (4) of this section or any monies seized pursuant to subdivision 1, clause (2) of this section, shall be returned to the person legally entitled thereto.

Sec. 17. Minnesota Statutes 1971, Section 152.19, Subdivision 5, is amended to read:

Subd. 5. When property is forfeited under laws 1971, Chapter 937, the appropriate state agency may:

- (1) Retain it for official use;
- (2) If otherwise authorized, sell that which is not required to be destroyed by law and which is not harmful to the public;
- (3) Require the commissioner of administration to take custody of the property and remove it for disposition in accordance with law; or
- (4) Forward it to the federal bureau of narcotics and dangerous drugs.

Property shall be forfeited after a conviction deemed to be a felony according to the following procedure:

(1) A separate complaint shall be filed against the property describing it, charging its use in the specified violation, and specifying the time and place of its unlawful use.

(2) If the person arrested is acquitted, the court shall dismiss the complaint against any property seized pursuant to the preceding subdivisions and order the property returned to the persons legally entitled to it.

(3) If after conviction the court finds that the property, or any part thereof, was used in any violation as specified in the complaint, it shall order that the property unlawfully used be sold, destroyed, or disposed of by the appropriate state agency in the following manner:

(a) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(b) Require the commissioner of administration to take custody of the property and remove it for disposition in accordance with law; or

(c) Forward it to the federal bureau of narcotics and dangerous drugs.

(4) Proceeds from the sale of forfeited property, after payment of seizure, storage, and sale expenses and satisfaction of valid liens against the property, shall be forwarded to the state drug abuse authority for distribution of half of the net proceeds among licensed hospitals and licensed drug treatment facilities of this state for the care and treatment of patients with drug related physical and psychological disorders, and licensed drug analysis centers. The remaining half of net proceeds shall be returned to the appropriate state agency.

Sec. 18. Minnesota Statutes 1971, Section 152.19, Subdivision 7, is amended to read:

Subd. 7. Species of plants from which controlled substances in Schedule I, and II, and VI may be derived which have been planted or cultivated in violation of Laws 1971, Chapter 937, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state.

Sec. 13. Minnesota Statutes 1971, Section 153.01, Subdivision 2, is amended to read:

Subd. 2. [PODIATRY.] The word "podiatry" is held to be the diagnosis or medical, mechanical, or surgical treatment of the ailments of the human hand or foot. It shall include the fitting or recommending of appliances, devices, or shoes for the correction or relief of minor foot ailments, except the amputation of the foot, hand, toes, or fingers, or the use of anaesthetics other than local. *It shall include the prescribing or administering of any drugs or medications necessary or helpful to the practice of podiatry as defined by this subdivision, provided, however, that licensed podiatrists shall be restricted in their prescribing or administering of any drugs or medications by the limitations imposed on the scope of practice of podiatry as defined in this chapter.*

Amend the title by striking lines 1 through 8 and insert in lieu thereof the following:

"A bill for an act relating to controlled substances; defining terms; scheduling substances and establishing rescheduling procedures; right to prescribe and possess; penalties and forfeitures for illegal possession, sale, manufacture or distribution of prohibited drugs; amending Minnesota Statutes 1971, Sections 152.01, by adding a subdivision; 152.02, Subdivisions 11, 12, and 13; 152.09, Subdivision 2; 152.101, Subdivision 2; 152.11; 152.12, Subdivisions 1 and 4; 152.15, Subdivisions 1, 2, 4, and 5; 152.18, Subdivision 1; 152.19, Subdivisions 1, 3, 5, and 7; and 153.01, Subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1074: A bill for an act relating to highways; approaches to certain highways; furnishing of culverts; repealing Minnesota Statutes 1971, Section 160.18, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 7 and 8 and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 160.18, Subdivision 1, is amended to read:

160.18 [ACCESS TO ROADS; APPROACHES.] Subdivision 1. [CULVERT TO BE FURNISHED ON EXISTING HIGH-

WAYS.] Except when the easement of access has been acquired, the road authorities as to highways already established and constructed shall *may* furnish one substantial culvert to an abutting owner in cases where the culvert is necessary for suitable approach to such highway."

Further amend the title in line 4, strike "repealing" and insert in lieu thereof "amending"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was re-referred

H. F. No. 574: A bill for an act relating to motor vehicles; maximum length of motor vehicle transport vehicles; amending Minnesota Statutes 1971, Section 169.81, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1615: A bill for an act relating to the public employees retirement association; appointment of assistant attorney general to serve three funds; clarification of language, elimination of unnecessary language; increased contributions, actuarial interest assumption, and benefits on high five years final average salary; providing penalties; amending Minnesota Statutes 1971, Chapter 8, by adding a section; Sections 353.01, Subdivisions 2, 4, 6, 7, 10, 11, 12, 15, 16, 20, 23, 25, 27, 29, and 31, and by adding subdivisions; 353.03, Subdivision 1, and by adding a subdivision; 353.06; 353.08; 353.14; 353.15; 353.18; 353.19; 353.27, Subdivisions 1, 2, 3, 4, and 7, and by adding subdivisions; 353.271, Subdivisions 1 and 2; 353.28, Subdivisions 1, 6, and 8; 353.29, Subdivisions 1, 2, and 3, and by adding subdivisions; 353.30, Subdivision 4, and by adding a subdivision; 353.31, Subdivisions 1 and 8, and by adding a subdivision; 353.32, Subdivisions 1, 2, 4, and 5, and by adding a subdivision; 353.33, Subdivisions 1, 2, 3, and 11; 353.34, Subdivisions 2, 3, and 6; 353.35; 353.36, Subdivision 2, and by adding subdivisions; 353.37, Subdivision 1; 353.40; 353.46, Subdivisions 1, 2, 3, and 4; 353.65, Subdivisions 2 and 3, and by adding a subdivision; 353.656, Subdivisions 3 and 6; 353.657, Subdivisions 1, 2, and 3, and by adding a subdivision; 353.68, Subdivision 4; 353.69; 353.71, Subdivisions 1, 2, 3, and 4; 490.12, Subdivision 5; and Chapter 353, by adding sections; repealing Minnesota Statutes 1971, Sections 353.-01, Subdivisions 24 and 30; 353.015; 353.07; 353.13; 353.26; 353.27, Subdivision 5; 353.28, Subdivisions 2, 3, 4, 7, 9, and 10; 353.30, Subdivision 3; 353.31, Subdivisions 2, 3, 4, 5, 6, 7, 10, and 11; 353.32, Subdivision 3; 353.33, Subdivision 10; 353.36, Subdivisions 5, 6, 7, 8, 9, and 10; 353.37, Subdivisions 2 and 3; 353.39; 353.44; 353.45; 353.46, Subdivision 5; 353.51; 353.52; 353.53; 353.54; 353.-55; 353.56; 353.57; 353.58; 353.59; 353.591; 353.60; 353.61; 353.65,

Subdivision 5; 353.654; 353.655; 353.66; and 353.68, Subdivisions 2, 3, 5, 6, 7, 8, and 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 11, line 11, restore stricken language, except for the word, "actually"

Page 11, lines 12 and 13, restore stricken language and delete new language

Page 11, lines 18, 19 and 20, restore stricken language, except for "his" at the end of the line and delete new language

Page 14, line 16, strike the word "widow", delete the new language and in lieu thereof insert the word "spouse"

Page 14, line 18, at the end of the line add the words "who was"

Page 14, line 19, restore the stricken language

Page 14, line 20, restore the stricken language before the stricken word "his" and restore the stricken word "support"

Page 16, after line 20, add the following new language:

Subd. 34. [ADDITIONAL EMPLOYER CONTRIBUTION; LIMITED.] "Additional employer contribution" except as such term applies to the police and fire fund, means an amount to be applied to the unfunded obligation for prior entry age normal level contribution requirements accumulated to date as determined in accordance with section 356.21. This contribution shall be made from funds available to the employing governmental subdivision; provided, however, that when the contribution payable after June 30, 1973 is in an amount equal to \$85,363,639 plus interest thereon at the rate of seven percent per annum compounded annually, this contribution shall cease."

Page 16, line 26, strike "12" and insert in lieu thereof "13"

Page 16, line 27, strike the last word "the"

Page 16, strike line 28

Page 17, line 1, strike the words, "treasurer, and", and insert in lieu thereof "three trustees, one of whom shall be designated by each of the following associations, Minnesota School Boards Association, League of Minnesota Municipalities, and Association of Minnesota Counties,"; and strike the word, "other"

Page 17, line 3, after the word "association" add ", and one trustee who shall be a retired annuitant elected by other annuitants."; strike the words, "by mail ballot"; delete the new language ", and who" and insert in lieu thereof "Elected trustees"

Page 17, line 9, after the word, "fund" add "and in the case of a retired annuitant, a nominating petition signed by 25 or more such annuitants"

Page 17, line 13, after the word, "distribute", add the words, "by mail"; after the word, "members", add the words, "and annuitants"; strike the words, "a ballot", and insert in lieu thereof "ballots"

Page 18, line 1, strike the word, "member's"

Page 18, lines 2 and 3, strike the words "ex officio members of the board", and insert in lieu thereof "secretary of state"

Page 36, lines 18 and 19, strike the words " , if it is other than a school district,"

Page 38, line 31, at the end of the line add "*for the first 10 years and thereafter by 2.5 percent per year of allowable service*"

Page 38, line 33, delete "1.1" and insert in lieu thereof "one"; at the end of the line add "*for the first 10 years and thereafter by 1.5 percent per year of allowable service*"

Page 40, after line 27, add the following new language:

"Sec. 46. Minnesota Statutes 1971, Section 353.30, Subdivision 3, is amended to read:

"Subd. 3. [OPTIONAL ANNUITIES.] The board of trustees shall establish optional annuities at retirement which shall take the form of ~~an annuity payable for a period certain and for life thereafter, or as a joint and survivor annuity.~~ Such optional forms shall be actuarially equivalent to the forms provided in section 353.29 and this section. In establishing those optional forms the board shall obtain the written recommendation of an approved actuary and these recommendations shall be a part of the permanent records of the board. *Upon retirement a member may select an optional form of annuity in lieu of accepting any other form of annuity which might otherwise be available.*"

Page 43, line 24, strike lines 24 through 28 and on page 44 strike lines 1 through 12

Page 45, line 10, delete the new language "*from the beginning of the third*" and insert in lieu thereof "*after one*"

Page 50, lines 26 and 27, delete the new language "*from the beginning of the third*" and insert in lieu thereof "*after one*"

Page 55, after line 15, add the following new language:

"Subd. 2c. [REFUND OF ADDITIONAL PAYMENTS MADE ON TOTAL SALARY.] *Any member who elected to pay additional contributions and interest based on total salary received in excess of prior salary limitations may make application to the board of trustees for return of the total amount so paid, but not less than the total amount of such contributions and interest; provided, however, said amount shall be so returned without interest thereon. Any member who accepts a refund hereunder shall thereby relinquish all contributory credit with respect to payments which were made on total salary. No matching amount paid by the employer, or assumed by the employer pursuant to certification, shall be repaid.*"

Page 61, strike lines 17 through 24

Page 62, line 25, delete "*sections 353.654 and 353.655*" and insert in lieu thereof "*the law in effect on June 30, 1973*"

Page 63, after line 2, add the following:

"Sec. 75. Minnesota Statutes 1971, Section 353.656, Subdivision 1, is amended to read:

"353.656 [DISABILITY BENEFITS.] Subdivision 1. [DISABILITY IN LINE OF DUTY.] Any member of the police and fire fund less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a police officer or fire fighter subsequent to June 30, ~~1971~~ 1973, as a direct result of an injury, sickness, or other disability incurred in or arising out of an act of duty, which shall render him physically or mentally unable to perform his duties as a police officer or fire fighter, 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 as a police officer or fire fighter from which deductions were made for contribution to the police and fire fund multiplied (a) by in an amount equal to 50 percent of the "average salary" pursuant to section 74 of this act and, (b) by plus an additional two percent of said "average salary" for each year of service in excess of 20. Should disability under this subdivision occur before the member has at least five years of allowable service credit in the police and fire fund, the disability benefit shall be computed on the "average salary" from which deductions were made for contribution to the police and fire fund."

Page 64, line 3, after the stricken language, add: "*Any disabled person who becomes age 55 after June 30, 1973, shall have his annuity computed in accordance with the law in effect on July 1, 1973.*"

Page 66, strike lines 8 through 22

Page 72, line 20, delete "*353.30, Subdivision 3;*"

Page 72, line 26, delete "*and*"

Page 72, line 27, after "9" delete the comma and insert "*; and 355.301*"

Renumber sections

Amend the title as follows:

Page 1, line 23, after "*353.30*" strike "*Subdivision*" and insert in lieu thereof "*Subdivisions 3 and*"

Lines 25 and 26, strike "*;and by adding a subdivision*"

Lines 33 and 34, strike "*and by adding a subdivision*"

Line 35, after "*Subdivisions*" add "*1,*"

Lines 36 and 37, strike "*, and by adding a subdivision*"

Lines 45 and 46, strike "*353.30, Subdivision 3;*"

Line 55, delete "and"

Page 2, line 1, strike the period after "9" and insert "; and 355.301."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1651: A bill for an act relating to public health and welfare, family planning; providing for the dissemination of contraceptive devices, procedures, information and other family planning services; imposing certain duties on various departments of state; repealing Minnesota Statutes 1971, Section 617.251.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. [CITATION.] Sections 1 to 8 may be cited as the "Minnesota Family Planning Act".

Sec. 2. [POLICY AND PURPOSE.] The legislature finds that an unwanted pregnancy and subsequent abortion performed for the sole purpose of terminating an unwanted pregnancy is detrimental to the physical, mental and social well being of the citizens of the state. Furthermore, the legislature finds that the establishment of family planning services and the removal of restrictions on contraceptive information and procedures are means of avoiding unwanted pregnancy which are effective and compatible with individual ethical values.

Sec. 3. [DEPARTMENT OF HEALTH; RESPONSIBILITIES.] Subdivision 1. The Minnesota state department of health shall:

(a) compile, keep current and publish a comprehensive directory of board of health approved public and private family planning services available in this state;

(b) offer and provide training programs for state employees who are in regular contact with and counsel persons who do, or are likely to, desire family planning services; these training programs shall be designed to provide employees with complete information regarding family planning and contraception; and

(c) develop family planning programs in consultation and coordination with other family planning agencies in this state.

Subd. 2. [FAMILY PLANNING CENTERS.] The state board of health shall cause the establishment and operation of family planning centers throughout the state. The centers shall provide counseling, contraceptive and referral services as well as outreach programs. The board shall, pursuant to the administrative procedures act, promulgate rules concerning the operation of the centers. The board may operate the centers directly or may con-

tract with public or nonprofit organizations for the provision of services.

Sec. 4. [DEPARTMENT OF EDUCATION; RESPONSIBILITIES.] Subdivision 1. The state department of education shall develop curricula for the instruction of school pupils in matters relating to family life education, including family planning and contraceptive procedures and devices, and shall establish teacher training programs relative to this instruction.

Subd. 2. The department of education shall require that local school districts provide family life education and information on family planning and contraceptive procedures which shall be available at each public school upon request by teachers, parents, or students, with the concurrence of the parents.

Sec. 5. [DEPARTMENT OF PUBLIC WELFARE; RESPONSIBILITIES.] The department of public welfare shall, pursuant to the provisions of P.L. 92-603, make available, upon request, contraceptive devices and information concerning family planning services.

Sec. 6. [INDIVIDUAL RIGHTS; MEDICAL PRIVILEGES.] Subdivision 1. The refusal of any person to accept family planning services shall in no way affect the right of such person to receive public assistance of public health services or to avail himself of any public benefit.

Subd. 2. The employees of the agencies engaged in the administration of the provisions of this act shall recognize that the right to make decisions concerning family planning and birth control is a fundamental personal right of the individual, and nothing in this act shall in any way abridge such individual right, nor shall any individual be required to state his reason for refusing the offer of family planning services.

Subd. 3. No condition shall be imposed upon the application for or receipt by any person of family planning services provided by any public department or agency, except that such person may be referred to a licensed physician.

Subd. 4. No unit of state or local government, or any hospital, medical center, clinic or pharmacy which is licensed by or otherwise authorized to do business in this state shall have or impose any policy which shall interfere with the physician-patient relationship of any physician or patient who desires to use or dispense any medically acceptable contraceptive procedure, other than abortion, device or information. Provided, however, that the provisions of this subdivision shall not be construed to require any natural person to provide or consult concerning contraceptive procedures, devices or information.

Sec. 7. [ADVERTISING AND SALE OF CONTRACEPTIVE DEVICES.] Notwithstanding any other provision of law or rule or regulation of any state department, agency, board, commission, or of any political subdivision of the state to the contrary, it shall be lawful for any person to advertise and sell in this state in accordance with federal regulations, any contraceptive device.

Sec. 8. "Prescription device" means any device which is required by federal law or regulation to bear the statement "Caution, federal law restricts this device to sale by or on the order of a physician", or words of similar effect.

Sec. 9. Prescription devices shall be sold or dispensed only by those persons permitted to sell or dispense legend drugs pursuant to subdivisions 1 through 8 of this section, or by a nonprofit organization permitted to do so by rule, pursuant to the administrative procedures act, by the state board of health.

Sec. 10. [APPROPRIATIONS.] Subdivision 1. There is hereby appropriated to the state department of health from the general fund \$. for the purposes of this act.

Subd. 2. There is hereby appropriated to the state department of education from the general fund \$. for the purposes of this act.

Sec. 11. [REPEALER.] Minnesota Statutes 1971, Sections 617.251 is repealed."

Amend the title as follows:

Line 7, after "state;" insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

S. F. No. 740: A bill for an act relating to subdivided lands; the regulation of the disposition of lots, parcels, units or interests in lands within real estate subdivisions; to require registration; to protect the purchaser from unfair and deceptive trade practices; to provide for the filing of bonds and performance assurances; to regulate advertising, promotion and sales contracts; to provide for the payment of fees; and to provide penalties; repealing Minnesota Statutes 1971, Sections 83.01 to 83.19.

Reports the same back with the recommendation that the bill be amended as follows:

Page 23, after line 16, add a new subdivision 3 as follows:

"Subd. 3. The state environmental quality standards referred to in section 10, subparagraph (6) above, for the subdivision and development of land in this state shall be established by the environmental quality council. Thereafter, the commissioner shall be required to include such standards in the rules and regulations promulgated pursuant to section 19 hereof."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1464: A bill for an act relating to agriculture; regulation of wholesale produce dealers; creating a produce insolvency account and imposing assessments therefor; appropriating money; amending Minnesota Statutes 1971, Sections 27.001; 27.01, Subdivisions 5, 8, and 9, and by adding a subdivision; 27.04; and Chapter 27, by adding sections.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 12 to 32 and page 2, strike lines 1 through 8, and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 27.001, is amended to read:

27.001. [PUBLIC POLICY.] The legislature recognizes that perishable agriculture products are important sources of revenue to a large number of citizens of this state engaged in producing, processing, manufacturing, or selling such products and that such products cannot be repossessed in case of default. It is therefore declared to be the policy of the legislature that certain financial protection *in the form of a corporate surety bond* be afforded those who are producers on the farm; farmer cooperatives exempted from wholesale produce dealers licensed by reason of Laws 1969, Chapter 471; Minnesota licensed wholesale produce dealers, including the retail merchant purchasing produce directly from farmers; ~~and non profit organizations producing agricultural produce for resale and brokers licensed as a wholesale produce dealer to do business in the state.~~ *In addition, it is recognized that the farmer is in need of additional financial protection since he must rely upon sound marketing practices of a licensed and bonded wholesale produce dealer who has access to commercial sources of credit references not readily available to farmers. Therefore, additional resources beyond the proceeds of the bond are hereby declared to be made available to farmers when the required Wholesale Produce Dealers Bond is insufficient or where due to insolvency, the available resources are insufficient to cover the claims against the wholesale produce dealer.* The provisions of this chapter which relate to perishable agricultural commodities shall be liberally construed to achieve these ends and shall be administered and enforced with a view to carrying out the above declaration of policy."

Page 2, after line 8, insert:

"Sec. 2. Minnesota Statutes 1971, Section 27.01, Subdivision 2, is amended to read:

Subd. 2. [PRODUCE.] The term "produce" includes:

- (a) Perishable fresh fruits and vegetables;
- (b) Milk and cream and products manufactured therefrom;
- (c) Poultry and poultry products;
- (d) Wool, hides, and veal;

(e) *Perishable unmaturred feedstuffs.*"

Page 3, line 28, after "deals" and before "in" insert "only"

Page 4, line 1, strike "only" and insert in lieu thereof "*which is no longer deemed to be "perishable". Packaged dairy products in their finished state shall not be deemed "perishable"*"

Page 4, line 4, strike "\$200" and insert in lieu thereof "\$500"

Page 6, line 17, strike "20" and insert in lieu thereof "30"

Renumber the sections

Further, amend the title as follows:

Page 1, line 7, after "Subdivisions" and before "5" insert "2,"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1591: A bill for an act relating to agriculture, disposal of animal carcasses by renderers and pet food processors; amending Minnesota Statutes 1971, Section 35.82, Subdivision 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after "Subd. 1b.", strike "If a veterinarian examines a domestic animal"

Page 1, strike all of lines 12 through 24, and insert in lieu thereof: "(a) The livestock sanitary board, through its secretary and executive officer, may issue a permit to the owner or operator of a pet food processing establishment or a mink rancher or a supplier of such establishment, located within the boundaries of Minnesota, to transport the carcasses of domestic animals that have died or have been killed otherwise than by being slaughtered for human consumption, over the public highways to his establishment for pet food purposes only. The permit does not allow the interstate movement of carcasses. The permit shall be valid for one year following date of issue unless revoked.

(b) The owner or operator of a pet food processing plant or mink ranch shall employ an official veterinarian. If the veterinarian named in the application is accepted by the board to act as the official veterinarian, he shall be authorized by the board to act as its representative.

(c) Carcasses collected by such owners or operators under permit may be utilized for pet food or mink food purposes provided that the official veterinarian examines such carcass and in his opinion the carcass is suitable for pet food or mink food purposes.

(d) Carcasses not passed by the official veterinarian for pet food or mink food purposes shall be disposed of by a rendering plant operating under permit from the board."

Page 2, line 18, after "that", strike "a"

Page 2, strike all of lines 19 through 23, and insert in lieu thereof *"the owner or operator employs an official veterinarian. If the veterinarian named in the application is accepted by the board to act as the official veterinarian, he shall be authorized by the board to act as its representative."*

(c) Carcasses may be utilized for pet food purposes provided that the official veterinarian examines such carcass and in his opinion the carcass is suitable for pet food purposes. Carcasses not passed by the official veterinarian for pet food purposes shall be disposed of by rendering."

Page 2, line 24, strike "(c)" and insert in lieu thereof "(d)"

Page 4, after line 2, add:

"Sec. 3. Minnesota Statutes 1971, Section 35.82, Subdivision 1a, is repealed."

Amend the title as follows:

Page 1, line 7, after "subdivision" and before the period insert "; repealing Minnesota Statutes 1971, Section 35.82, Subdivision 1a"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1242: A bill for an act relating to insurance; requiring employers and insurers to continue group accident and health policy benefits to disabled employees.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after "disability" insert "or became totally disabled by reason of illness"

Page 1, line 14, after "providing" insert ", offering"

Page 1, line 15, after "employee" insert "who was so enrolled for the coverage"

Page 1, line 17, after "injured" insert "or ill"

Page 1, line 19, strike "following his injury or" and insert "of such disability and"

Page 1, line 20, strike "following his injury" and insert "of such disability"

Page 1, line 20, strike "injured"

Page 1, line 23, after "be" insert "or reasonably become"

Page 2, line 17, strike "a situation" and insert "absence"

Page 2, line 18, strike "created" and insert "caused"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1316: A bill for an act relating to insurance: providing continuing group accident and health coverage for survivors of a deceased employee.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after "providing" insert ", offering"

Page 1, line 13, after "employee" insert "who was so enrolled for the coverage"

Page 1, line 27, after "spouse" strike "," and insert "and/or"

Page 1, line 28, after "child" strike "under the age of 18 years and, if residing in the home" and insert "or children as defined by the group insurance policy."

Page 1, strike lines 29 and 30

Page 2, line 13, strike "costs" and insert "entire cost"

Page 2, line 14, strike "for one year, as follows:" and insert ". Failure of the survivor to make premium payments in advance to the employer shall be a basis in itself for the termination of the coverage without the written consent heretofore required for such termination."

Page 2, strike lines 15 through 28

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1897: A bill for an act relating to handicapped persons; establishing and prescribing duties of the Minnesota commission for the handicapped; transferring certain powers and duties to the commission; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, strike "as"

Page 1, line 26, following "commission" strike "the" and insert in lieu thereof: ". 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 the Department of Public Welfare and from other divisions and sections in

state government which are directly concerned with services for handicapped persons."

Page 1, strike line 27

Page 1, line 28, strike "concerned with services for handicapped persons."

Page 6, following line 25, add a section to read:

"Sec. 5. Minnesota Statutes 1971, Sections 4.08 and 121.34 are repealed."

Amend the title as follows:

Line 7, after "money" and before the period insert "; repealing Minnesota Statutes 1971, Sections 4.08 and 121.34."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was re-referred

S. F. No. 1448: A bill for an act relating to parole and probation; creating a single authority; transferring the powers and duties of the adult corrections commission and the youth conservation commission to the Minnesota corrections authority established hereby; abolishing the adult corrections commission and the youth conservation commission as now constituted; amending Minnesota Statutes 1971, Sections 242.03; 242.09; 242.10; 242.18; 242.19; 242.20; 242.21; 242.25; 242.27; 242.29; 242.32; 243.09; repealing Minnesota Statutes 1971, Sections 241.03; 241.04; 242.04; 242.05; 242.06; 242.07; 242.08; 242.11; 242.265; 242.54; 243.02; 243.03; and 243.04.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, strike "seven" and insert "five"

Page 1, line 22, strike "six" and insert "four"

Page 1, line 23, after "senate" strike the comma and insert a period

Page 1, strike lines 24 through 32

Page 1, line 33, strike "advisory committee" and insert "No more than two members appointed by the governor shall belong to the same political party. Appointments to a vacancy shall be made in the same manner as other appointments, and shall be for the unexpired term"

Page 1, line 33, strike "hereby"

Page 1, line 34, strike "created"

Page 2, line 2, strike "have had formal"

Page 2, strike lines 3 through 7 and insert "*not be required to, have specific or professional attainment, but shall be selected on the basis of sound judgment and the ability to consider both the needs of persons over whom the authority has jurisdiction and the safety of the public. Among the members appointed by the governor, there shall be at least one woman, one man, and one member of a racial minority.*"

Page 2, line 10, after the colon, strike "*two members*" and insert "*one member*"

Page 2, line 11, after "*years;*" and before "*for four years;*" strike "*two members*" and insert in lieu thereof "*one member*"

Page 2, line 13, strike "*; with*" and insert a period

Page 2, line 13, after "*members*" and before "*eligible*" insert "*shall be*"

Page 2, line 13, after "*reappointment*" insert a period.

Page 2, line 14, strike "*except upon good cause shown.*"

Page 2, line 15, strike "*each member*" and insert "*it*"

Page 2, line 15, strike "*hold*"

Page 2, line 16, strike "*over after the expiration of his term*" and insert "*continue*"

Page 2, line 17, strike "*shall have*" and insert "*has*"

Page 2, line 20, strike "*24,000*" and insert "*20,000*"

Page 2, line 23, strike "*provided,*"

Page 2, strike line 24

Page 2, line 25, strike "*salary commensurate with*" and insert "*which shall not be less than*"

Page 3, strike lines 8 through 11 and renumber subsequent subdivisions accordingly

Page 4, line 1, strike "*and*" and insert "*, including but not limited to those*"

Page 4, line 3, strike "*the juvenile courts and*"

Page 4, line 8, strike "*youth*"

Page 4, line 9, strike "*and adult*"

Page 4, strike lines 13-17 and insert in lieu thereof:

"Subd. 9. [REFERENCES.] *All references in Minnesota Statutes to the youth conservation commission relating to persons committed to the commission by the district courts of this state shall, after the effective date of this act, be deemed to refer to the Minnesota corrections authority established by this act.*

All references in Minnesota Statutes to the youth conservation commission or its director relating to juveniles adjudicated delinquent by the juvenile courts of this state shall, after the effective date of this act be deemed to refer to the commissioner of corrections."

Page 5, line 23, following "authority" insert "*and the commissioner of corrections*"

Page 6, line 1, after "authority" and before "upon" insert "*and the commissioner of corrections*"

Page 6, following line 19, insert:

"(3) The commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them the authority to grant or revoke probation, commit to an institution, grant or revoke parole, or issue final discharge to any person under the control of the commissioner pursuant to a commitment to him by a juvenile court of this state. Any person aggrieved by an order issued by such officer may appeal to the commissioner or to a review panel established by the commissioner within his department pursuant to rules issued by the commissioner."

Page 6, line 24, after "authority" and before the comma, insert "*or the commissioner of corrections*"

Page 6, line 24, after "authority" and before "under", insert "*or the commissioner of corrections*"

Page 7, line 4, after "authority" and before "who" insert "*or the commissioner of corrections*"

Page 7, line 14, after "authority" and before "all", insert "*and the commissioner of corrections*"

Page 7, line 18, after the headnote, insert "*Subdivision 1.*"

Page 8, strike lines 4-13

Page 8, line 14, strike "(d)" and insert "(c)"

Page 8, line 17, strike "(e)" and insert "(d)"

Page 8, line 19, strike "(f)" and insert "(e)"

Page 8, line 22, strike "(g)" and insert "(f)"

Page 8, strike all of lines 25-28

Page 9, strike lines 1-9 and insert in lieu thereof "*Subd. 2. When a child has been committed to the commissioner of corrections by a juvenile court, upon a finding of his delinquency, the commissioner may for the purposes of treatment and rehabilitation:*

(a) order his confinement to the state training school, Minnesota home school or the Minnesota Metropolitan Training Center, and such institutions shall accept such persons so committed to them, or to a group foster home under the control of the commissioner of corrections, or to private schools or institutions established by law or incorporated under the laws of this state that may care for delinquent children;

(b) order his release on parole under such supervisions and conditions as the commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

(c) order reconfinement or renewed parole as often as the commissioner believes to be desirable;

(d) revoke or modify any order, except an order of discharge, as often as he believes to be desirable;

(e) discharge the child from his control when he is satisfied that the child has been rehabilitated and that such discharge is consistent with the protection of the public;

(f) if the commissioner finds that the child is eligible for probation or parole and it appears from the commissioner's investigation that conditions in the child's home or guardian are not conducive to the child's treatment or rehabilitation or to his law-abiding conduct, refer the child, together with his findings, to a county welfare board or a licensed child placing agency for placement in a foster care or when appropriate, for initiation of dependency or neglect proceedings as provided in sections 260.011 to 260.301. The commissioner of corrections shall reimburse county welfare boards for foster costs they incur for such children while on probation or parole to the extent that funds for this purpose are made available to the commissioner by the legislature."

Page 9, line 13, strike "it" and insert "the authority or the commissioner of corrections"

Page 9, line 14, after "authority" and before "may" insert "or the commissioner"

Page 10, line 15, after "authority" insert "and the commissioner of corrections"

Page 13, line 18, reinstate the stricken language

Page 13, line 18, strike "Minnesota corrections"

Page 13, line 19, strike "authority"

Page 14, line 20, strike "2 and 3" and insert in lieu thereof "1 and 2 and section 6 of this act"

Page 15, line 21, after "authority" and before "as" insert "and the commissioner of corrections"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Perpich, A. J. from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1388: A bill for an act relating to taxation; assessment of low income real property; amending Minnesota Statutes 1971, Section 273.13, Subdivisions 17 and 17b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 25 through 30 and insert:

"Sec. 2. *Minnesota Statutes 1971, Section 273.13, Subdivision 17b, is repealed.*"

Page 2, strike lines 1 through 13

Amend the title, page 1, strike line 5 and insert:

"Subdivision 17; repealing Minnesota Statutes 1971, Section 273.13, Subdivision 17b."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 583: A bill for an act relating to game and fish; trout stamps and season for taking; amending Minnesota Statutes 1971, Sections 98.46, by adding a subdivision; and 101.41, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 11 and 12, strike "*in waters designated as "trout waters" by the commissioner*" and insert in lieu thereof "*, lake trout, or salmon*"

Page 1, line 13, strike "*individual or combination*"

Page 1, line 14, strike "*special*"

Page 1, line 14, after "*trout*" and before "*fishing*" insert "*, lake trout, and salmon*"

Page 1, lines 14 and 15, strike "*Trout fishing*" and insert in lieu thereof "*Such*"

Page 1, line 16, strike "\$5" and insert in lieu thereof "\$3"

Page 1, line 17, strike "*trout fishing*" and insert in lieu thereof "*such*"

Page 1, lines 18 and 19, strike "*in stocking and restocking the designated "trout waters"*" and insert in lieu thereof "*for the trout, lake trout, and salmon management program*"

Page 1, strike lines 20 to 30

Page 2, strike lines 1 to 25

Renumber the remaining sections

Further amend the title page 1, line 4, strike "Sections" and insert "Section". In lines 5 and 6 strike "; and 101.41, Subdivision 2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1858: A bill for an act relating to auxiliary forests; restricting the creation of new auxiliary forests and the extension of existing auxiliary forest contracts; amending Minnesota Statutes 1971, Chapter 88, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, strike "*upon*" and insert "*the day following its*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1923: A bill for an act relating to tax forfeited lands in Beltrami county; providing for the disposition of proceeds from sales of tax forfeited lands; amending Laws 1967, Chapter 558, Section 1, Subdivisions 3 and 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1900: A bill for an act relating to tax-forfeited land sales; payment for expenses; providing that a greater portion of the receipts from tax-forfeited land sales be paid to the counties to defray expenses; amending Minnesota Statutes 1971, Section 282.-226.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 19, strike the period and insert a comma

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1729: A bill for an act relating to agriculture, dairy promotion act; voting on promotional orders by producer-members of a cooperative association; amending Minnesota Statutes 1971, Section 32B.04, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

Section 1. Minnesota Statutes 1971, Section 32B.04, Subdivision 4, is amended to read:

Subd. 4. The board of directors shall meet within 15 days after their election has been certified by the commissioner. The commissioner and board of directors shall formulate a promotional order establishing a program for research and development to promote the marketing of milk and milk products including but not limited to marketing, research, processing, distribution and advertising. The order shall provide for the method of collecting fees from milk

producers in Minnesota to finance the proposed activities and the fees shall not exceed one percent of the market value of the product sold by the producer. The exact fee must be stated in the promotional order and can be changed only by a referendum vote, conducted in the same manner as the promotional referendum. For the first two years of this promotional order, the fee shall not exceed one half of one percent of market value of the product sold by the producer. The commissioner, with the advice and consent of the board of directors shall hold a public hearing on the promotional order and shall thereafter conduct a referendum on the final promotional order. *For purposes of voting in a referendum on a final order, the vote in the name of a cooperative association of producers shall be deemed the vote of all producer-members of that cooperative association.* The commissioner with the advice and consent of the board of directors shall schedule and specify procedures for the referendum. *A ballot prepared by the board of directors and the commissioner of agriculture shall be sent by each cooperative to its member and non-member producers with a return envelope addressed to the commissioner of agriculture. The ballot shall indicate that the cooperative association intends to vote in favor or in opposition to the question. In the case of member-producers the ballot shall indicate expiration date of the ballot and state that if not returned by said date, the ballot shall be considered to be the vote of the association. The ballot shall be returned to the commissioner of agriculture. A cooperative association shall not be required to bloc vote its producers but in such event it shall inform each producer of its decision and provide each producer with an individual referendum ballot with a return envelope addressed to the commissioner of agriculture.*

Each private processor shall file a list of producers who market their production with said private processor with the commissioner. The commissioner of agriculture will mail each producer who markets through a private processor an individual ballot with a return envelope addressed to the commissioner of agriculture. These ballots shall be returned to the commissioner. The commissioner shall count and tabulate all ballots. The promotional order shall become effective if approved by a majority of those voting in the referendum. The promotional order shall provide amongst other things for the collection of fees from producers by the first buyer. Fees collected shall be expended only for the specific purpose for which collected.

Each cooperative and private processor shall file with the commissioner a list of producers, who market the bulk of their production with said cooperative or private processor.

Sec. 2. Minnesota Statutes 1971, Section 32B.06, Subdivision 2, is amended to read:

Subd. 2. A subsequent referendum, using initial voting procedures, shall be held prior to January 1, ~~1975~~, 1980, and each five years thereafter. The order shall terminate at the end of the calendar year, if a majority referendum vote is negative.

Sec. 2. Minnesota Statutes 1971, Section 32B.09, is amended to read:

32B.09 [REFUND OF FEES; MILK MARKETING PROGRAM.] Any producer may by the use of forms furnished by the commissioner of agriculture have the fee paid pursuant to sections 32B.01 to 32B.13 refunded to him, provided such request for refund is received in the office of the commissioner within ~~60~~ *six months* following the payment of such fee. The date of payment of such fee shall be defined as the date of producer settlement by the first buyer to the producer.

Amend the title as follows:

Line 3, after the semicolon insert "promotion of milk and milk products;"

Line 6, strike "Section" and insert "Sections"

Line 6, strike the period and insert "; 32B.06, Subdivision 2; and 32B.09."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 734: A bill for an act relating to water resources; imposing certain duties in relation thereto on the commissioner of natural resources, department of administration, state planning agency, pollution control agency, department of health, department of economic development, iron range resources and rehabilitation commission, water resources board, department of agriculture, university of Minnesota, state college system, metropolitan council, counties, and municipalities; defining "public waters"; establishing a statewide water information system; providing standards, fees, application procedures, and enforcement for permits for appropriation and use of public waters, and for changing the course, current, or cross-section of public waters; establishing a comprehensive program for control, maintenance, repair, and abandonment of dams and emergency flood levees; establishing a comprehensive program for removal of snags and other debris from streams; appropriating money; amending Minnesota Statutes 1971, Sections 105.37, by adding subdivisions; 105.38, 105.39, Subdivision 1; 105.40, Subdivisions 7, 8, 10, and 13; 105.41; 105.42; 105.43; 105.44, by adding subdivisions; 105.45; 105.49; 105.50; 105.52; 105.64, Subdivision 1; Chapter 105, by adding sections; 106.021, Subdivision 3; 110.14; 110.36; Chapter 110, by adding sections; 115.01, Subdivision 9; and 361.02, Subdivision 12; repealing Minnesota Statutes 1971, Sections 113.01 to 113.06.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 105.41, Subdivision 1, is amended to read:

105.41 [APPROPRIATION AND USE OF WATERS.] Subdivision 1. It shall be unlawful for the state, any person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use any waters of the state, surface or underground, without the written permit of the commissioner, previously obtained upon written application therefor to the commissioner.

Subd. 1a. The commissioner may give such permits subject to such conditions as he may find advisable or necessary in the public interest, shall promulgate by July 1, 1974, in the manner provided by chapter 15, rules governing the allocation of waters among potential water users. These rules shall be based on the following priorities for appropriation and use of water:

First priority—Domestic water supply, excluding industrial and commercial uses of municipal water supply.

Second priority—Any use of water that involves consumption of less than 10,000 gallons of water per day. For purposes of this section "consumption" shall mean water withdrawn from a supply which is lost for immediate further use in the area.

Third priority—Power production, involving consumption in excess of 10,000 gallons per day.

Fourth priority—Agricultural irrigation, involving consumption in excess of 10,000 gallons per day.

Fifth priority—Industrial and commercial uses, involving consumption in excess of 10,000 gallons per day.

Sixth priority — Other uses, involving consumption in excess of 10,000 gallons per day.

Appropriation and use of surface water from streams during periods of flood flows and high water levels shall be encouraged subject to consideration of the purposes for use, quantities to be used, and the number of persons appropriating water.

Appropriation and use of surface water from lakes of less than 500 acres in surface area shall be discouraged.

Diversions of water from the state for use in other states or regions of the United States or Canada shall be discouraged, subject to the jurisdiction of the United States government.

No permit shall be issued under this section unless it is consistent with state, regional, and local water and related land resources management plans, provided that regional and local plans are consistent with statewide plans.

Subd. 1b. No permit shall be required for the appropriation and use of less than a minimum amount to be established by the commissioner by regulation. Permits for more than the minimum amount but less than an intermediate amount to be specified by the commissioner by regulation shall be processed and approved at the municipal, county, or regional level based on regulations to be established by the commissioner by January 1, 1976. The regulations shall

include provisions for reporting to the commissioner the amounts of water appropriated pursuant to local permits. Fees for permits shall be paid to the agency processing them. Fees paid to the commissioner shall be deposited in the state treasury. Fees paid to municipal, county, and regional agencies shall be deposited in their respective treasuries.

Nothing in this section shall be construed to apply to the use of water for domestic purposes serving at any time less than 25 persons, and nothing in this subdivision shall apply to any beneficial uses and rights, outside the geographical limits of any municipality, in existence on July 1, 1937, or to any beneficial uses and rights, within the geographical limits of any municipality, in existence on July 1, 1959.

Sec. 2. Minnesota Statutes 1971, Section 105.42, is amended to read:

105.42 [PERMISSION REQUIRED TO BUILD DAMS.] *Subdivision 1. Except in the construction and maintenance of highways when the control of public waters is not affected, it shall be unlawful for the state, any person, partnership, association, private or public corporation, county, municipality or other political subdivision of the state, to construct, reconstruct, remove, or abandon or make any change in any reservoir, dam or waterway obstruction on any public water; or in any manner, other than in the usual operation of dams beneficially using water prior to July 1, 1937, to change or diminish the course, current or cross-section of any public waters, wholly or partly within the state, without a written permit from the commissioner previously obtained. Application for such permit shall be in writing to the commissioner on forms prescribed by him.*

Subd. 2b. The commissioner shall promulgate by July 1, 1974, in the manner provided by chapter 15, regulations containing standards and criteria governing the issuance and denial of permits under this section. These standards and criteria shall relate to the diversion of water from other uses and changes in the level of public waters to insure that projects will be completed and maintained in a satisfactory manner. After November 15, 1974, a permit shall be granted under this section only when the project conforms to state, regional, and local water and related land resources management plans, and only when it will involve a minimum of encroachment, change, or damage to the environment, particularly the ecology of the waterway. In those instances where a major change in the resource is justified, permits shall include provisions to compensate for the detrimental aspects of the change.

In unincorporated areas and, after January 1, 1975, in incorporated areas, permits that will involve excavation in the beds of public waters shall be granted only where the area in which the excavation will take place is covered by a shoreland conservation ordinance approved by the commissioner and only where the work to be authorized is consistent with the shoreland conservation ordinance. Each permit that will involve excavation in the public waters shall include provisions governing the deposition of spoil materials.

No permit affecting flood waters shall be granted except where the area covered by the permit is governed by a flood plain management ordinance approved by the commissioner and the conduct authorized by the permit is consistent with the flood plain management ordinance, provided that the commissioner has determined that sufficient information is available for the adoption of a flood plain ordinance. No permit involving the control of flood waters by structural means, such as dams, dikes, levees, and channel improvements, shall be granted until after the commissioner has given due consideration to all other flood damage reduction alternatives. In developing his policy with regard to placing emergency levees along the banks of public waters under flood emergency conditions, the commissioner shall consult and cooperate with the office of civil defense.

No permit that will involve a change in the level of public waters shall be granted unless the shoreline adjacent to the waters to be changed is governed by a shoreland conservation ordinance approved by the commissioner and the change in water level is consistent with that shoreland conservation ordinance. Standards and procedures for use in deciding the level of a particular lake must insure that the rights of all persons are protected when lake levels are changed and shall include provisions for providing technical advice to all persons involved, for establishing alternatives to assist local agencies in resolving water level conflicts, and mechanics necessary to provide for local resolution of water problems within the state guidelines.

Subd. 3. The commissioner, subject to the approval of the county board, shall have power to grant permits under such terms and conditions as he shall prescribe, to establish, construct, maintain and control wharfs, docks, piers, levees, breakwaters, basins, canals and hangars in or adjacent to public waters of the state except within the corporate limits of cities or villages.

Sec. 3. Minnesota Statutes 1971, Section 105.44, is amended by adding a subdivision to read:

Subd. 1b. [EXCAVATION CHARGES.] The commissioner shall impose charges for the excavation of minerals from the beds of public waters, as provided in chapter 93.

Sec. 4. Minnesota Statutes 1971, Section 105.49, is amended to read:

105.49 [COOPERATION WITH OTHER AGENCIES.] The commissioner may cooperate and enter into agreements with the United States government, any department of the state of Minnesota, or any state or country adjacent to the state of Minnesota for the purpose of effecting any of the provisions of sections 105.37 to 105.55. He may cooperate with any department of the government of the United States in the execution of surveys within the state.

Personnel of the pollution control agency, the health department, and county and municipal governments shall cooperate with the commissioner in monitoring and enforcing water permits. It shall be the duty of all county attorneys, sheriffs, and other peace officers

and other officers having authority to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of any of the provisions, regulations, standards, orders, or permits specified in sections 105.37 to 105.55.

Sec. 5. [GRANTS IN AID; PRIORITIES.] *The commissioner of natural resources with the assistance of the pollution control agency and the state planning agency shall make an assessment of the need for particular kinds of lake improvements including improvements related to pollution problems, high or low water levels, and any other resource management considerations and to develop by January 1, 1974, criteria for allocating state aid funds among proposed projects. Where these relate to control of or studies of sources and effects of waste per se, any grant funds for such work shall be under the pollution control agency directly or subject to the pollution control agency priority system. Provisions shall be included to insure that any federal program of aid to local lake improvement projects serves to reduce the local share of project costs rather than reducing only the state's share.*

Sec. 6. *Minnesota Statutes 1971, Sections 113.01; 113.02; 113.03; 113.04; 113.05; and 113.06 are repealed."*

Strike the title and insert in lieu thereof:

"A bill for an act relating to water resources; imposing certain duties in relation thereto on the commissioner of natural resources, counties, and municipalities; providing standards for permits for appropriation and use of public waters, and for changing the course, current, or cross-section of public waters; amending Minnesota Statutes 1971, Sections 105.41, Subdivision 1; 105.42; 105.44 by adding a subdivision; 105.49; repealing Minnesota Statutes 1971, Sections 113.01 to 113.06."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 711: A bill for an act relating to natural resources; imposing certain duties on the commissioner of natural resources, regional development commissions, the metropolitan council, and counties; providing standards, fees, and enforcement of permits for utility crossings; establishing state policy with regard to leasing of state-owned shorelands; revising the state program for acquisition of wildlife lands to make it systematic and integrated with other state and federal programs; providing standards, fees, and enforcement for water weed control permits; providing for the establishment of standards and criteria governing drainage systems as they affect lakes, wetlands, wildlife lands, related natural resources, and erosion and flood control; amending Minnesota Statutes 1971, Sections 84.415, Subdivision 1; 84.58 by adding a subdivision; 92.46 by adding a subdivision; 97.481; 98.48, Subdivision 9; 106.021, Subdivision 1, and by adding a subdivision; 106.081, Subdivisions 1, 3, and 4; 106.101, Subdivisions 4 and 5; 106.121, Subdivision 4; 106.201; and 106.221, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 84.415, Subdivision 1, is amended to read:

84.415 [LICENSES, PERMITS.] Subdivision 1. [UTILITY COMPANIES, PERMIT TO CROSS STATE-OWNED LANDS.] *The commissioner of natural resources shall, on or before January 1, 1974, promulgate in the manner provided by Minnesota Statutes, Chapter 15, regulations containing standards and criteria governing the sale of licenses permitting the passage of utilities over public lands and waters. The regulations shall include provisions to insure that all projects for which licenses are sold will have a minimum adverse impact on the environment.* The commissioner of natural resources may, at public or private sale and for such price and upon such terms as ~~he may prescribe~~ *are specified in the regulations* (except where prohibited by law) grant licenses permitting passage over, under, or across any part of any school, university, internal improvement, swamp, tax forfeited or other land or public water under the control of the commissioner of natural resources, or telephone, telegraph, and electric power lines, cables or conduits, underground or otherwise, or mains or pipe lines for gas, liquids, or solids in suspension. Any such license shall be cancelable upon reasonable notice by the commissioner for substantial violation of its terms, or if at any time its continuance will conflict with a public use of the land or water over or upon which it is granted, or for any other cause. All such land or public water shall remain subject to sale or lease or other legal use, but in case of sale, lease or other use there may be excepted from the grant of other disposition of land or public water all rights included in any license over, under, or across it, and the license may contain an agreement that there will be such exception. The commissioner may charge a fee in lieu of but not less than that authorized by subdivision 5 if he issues a license containing an agreement that there will be such an exception. All rights so excepted shall be reserved to the state and be cancelable by the commissioner for the same reasons or cause as they might have been canceled before such sale, lease or other use of the land or water. Upon such cancellation, which shall be only after reasonable notice to the licensee, all rights granted by the license shall be vested in the state and may be granted again by the commissioner on the terms and conditions he may prescribe, but subject to cancellation for the same reasons or causes as they might have been originally canceled unless ownership of the fee and of the license are merged. Any license granted before April 13, 1951, may be governed by it if the licensee and commissioner so agree. Reasonable notice as used in this subdivision means a 90 day written notice addressed to the record owner of the license at the last known address, and upon cancellation the commissioner may grant extensions of time to vacate the premises affected.

Sec. 2. Minnesota Statutes 1971, Section 84.415, Subdivision 5, is amended to read:

Subd. 5. [FEE.] ~~Such licenses or permits shall provide for a fee of not more than \$4 per mile or proportionately for each fraction of a mile, but not less than \$1 annually.~~ In the event the construction of such lines causes damage to timber or other property of the state on or along the same, the license or permit shall also provide for payment to the state treasurer of the amount thereof as may be determined by the commissioner.

All money received under such licenses or permits shall be credited to the fund to which other income or proceeds of sale from such land would be credited, if provision therefor be made by law, otherwise to the general fund.

Sec. 3. Minnesota Statutes 1971, Section 92.46, is amended by adding a subdivision to read:

Subd. 1a. Effective upon enactment of this subdivision, no new leases shall be made pursuant to subdivision 1. In any case where substantial improvements have been made to land leased pursuant to subdivision 1, the commissioner shall require the lessee to comply with applicable county ordinances for the management of shoreland areas and shall cancel any lease for non-compliance with these standards except those sub-standard uses authorized by the county ordinance.

Sec. 4. Minnesota Statutes 1971, Section 106.021, Subdivision 1, is amended to read:

106.021 [POWERS OF COUNTY BOARDS AND OF DISTRICT COURTS.] Subdivision 1. [GENERALLY.] The county boards of the several counties, and the district courts are authorized to make all necessary orders for and cause to be constructed and maintained public drainage systems; to deepen, widen, straighten, or change the channel or bed of any waterway following the general direction thereof, and when practical, terminating therein; to extend the same into or through any municipality for the purpose of securing a suitable outlet; and to construct all needed dikes, dams, and control works and power appliances, pumps, and pumping machinery *in the manner set forth by law.*

Sec. 5. Minnesota Statutes 1971, Section 106.021, Subdivision 2, is amended to read:

Subd. 2. [DRAINAGE OF LAKES.] ~~The board or court is authorized to drain in whole or in part lakes which have become normally shallow and of a marshy character and are not of sufficient depth or volume to be of any substantial public use; provided no No meandered lake basin shall be so drained nor shall a natural watercourse be channelized except upon the determination of the commissioner of natural resources of the state of Minnesota that such lake basin or natural watercourse is not public waters, or pursuant to the permit of the commissioner as provided in subdivision 3.~~

Sec. 6. Minnesota Statutes 1971, Section 106.021, Subdivision 4, is amended to read:

Subd. 4. [APPLICATION TO COMMISSIONER.] The petitioners for any public ditch, or the board or court may make application to the commissioner of natural resources for the authority required by subdivision 3 or for the determination of the status of meandered lakes basins or natural watercourses required by subdivision 2.

Sec. 7. Minnesota Statutes 1971, Section 106.021, is amended by adding a subdivision to read:

Subd. 6. [CRITERIA FOR PROPOSED DRAINAGE SYSTEMS.] *Before January 1, 1974, the commissioner of natural resources shall promulgate, in the manner provided in chapter 15, a list of criteria that county boards must consider when establishing and improving drainage systems. The criteria shall relate to the social, economic, and environmental impact of the proposed drainage system, and shall include but not be limited to the following:*

(a) *An economic analysis of the public benefits derived from the proposed project;*

(b) *An analysis of present and anticipated agricultural land acreage availability and use within the county;*

(c) *An analysis of flooding characteristics of project lands involved;*

(d) *An analysis of alternative measures for the conservation, allocation, and development of the drainage waters;*

(e) *An analysis of water quality effects as a result of the proposed project;*

(f) *An analysis of fish and wildlife resources affected by the proposed project;*

(g) *An analysis of shallow ground water availability, distribution, and use in the project area;*

(h) *An analysis of the overall environmental impact of all the criteria in items (a) to (g).*

Sec. 8. Minnesota Statutes 1971, Section 106.081, Subdivision 1, is amended to read:

106.081 [PRELIMINARY SURVEY AND REPORT.] Subdivision 1. [SURVEY AND REPORT.] The engineer shall promptly proceed and examine all matters set forth in the petition and order—and make such preliminary survey of the territory likely to be affected by the proposed improvement as will enable him to determine whether the same is necessary and feasible—and ~~report accordingly in compliance with the requirements of Minnesota Statutes, Section 106.021~~. If some other plan than that described in the petition is found practical, the engineer shall so report, giving such detail and information as is necessary to inform the court or board on all matters pertaining to the feasibility of the proposed plan, either as outlined in the petition or according to a different plan recommended by the engineer. He shall show all

changes, whether by extension, adding laterals, or otherwise, that may be necessary to make the plan of the proposed improvement practicable and feasible. If the construction of a ditch or drain is involved in the proposed improvement, the engineer shall examine and report the nature and capacity of the outlet and any necessary extension thereof.

Sec. 9. Minnesota Statutes 1971, Section 106.081, Subdivision 3, is amended to read:

Subd. 3. [INCLUSION IN PRELIMINARY REPORT.] If he finds the improvement petitioned for is feasible, *and complies with the requirements of section 106.021*, he shall include in his report a preliminary plan of the proposed system showing thereon the proposed drain and laterals or other improvements, and the outlet thereof, together with the watershed of such drainage system and the lands and properties likely to be affected, including so far as known the names of the owners thereof. He shall show upon such plan the elevation of the outlet and the controlling elevations of the lands likely to be affected and also the probable size and character of the ditches and laterals necessary to make the plan practicable and feasible. All elevations so far as practical shall be referred to standard sea level datum. He shall show in his report the character of the outlet and the sufficiency thereof and also the probable cost of the drains and improvements shown on his plan, and all other information and data necessary to disclose the practicability, necessity and feasibility of the proposed improvement, *including an analysis of the project as required by section 106.021* and such other information as the board or court may order.

Sec. 10. Minnesota Statutes 1971, Section 106.081, Subdivision 4, is amended to read:

Subd. 4. [LIMITATION OF SURVEY.] The engineer shall confine his preliminary survey to the drainage area described in the petition, except to secure outlet, unless authorized by order of the board or court, with the consent of the bondsmen, at a hearing after ten days notice by mail to the petitioners and bondsmen; and any investigation made by the engineer as to outlet, without such order, shall be confined to running the necessary levels to ascertain the distance necessary to secure the proper fall. *The preliminary survey shall include an analysis of the social, economic, and environmental impact of the project as required by section 106.021.*

Sec. 11. Minnesota Statutes 1971, Section 106.091, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER'S REPORT.] ~~Upon request by the board or court the director shall report to the board or court giving his opinion as to sufficiency of the engineer's report and as to the practicability and feasibility of the drainage system or improvements shown therein, together with his comments or recommendations thereon. Such report shall be filed with the auditor or clerk on or before the date fixed for the preliminary hearing or at any continuance thereof. If such report is not requested, the director may, in his discretion, report to the board or court. The commis-~~

sioner of natural resources shall report to the board or court giving his opinion as to the sufficiency and adequacy of the engineer's report. The commissioner shall set forth in his report any matters pertaining to the project which should be further investigated and evaluated in accordance with section 106.021. If the commissioner determines that the report is not adequate and sufficient, he shall so report. The commissioner's initial report shall be filed with the auditor or clerk on or before the date fixed for the preliminary hearing or at any continuance thereof. The commissioner may request additional time for review and evaluation of the engineer's report in cases where such additional time can be shown to be necessary for proper evaluation. However, no request for additional time for filing the commissioner's report may be made after five days from the date of notice by the auditor or clerk that a date is to be fixed for the preliminary hearing. No extension of time shall exceed two weeks from date of the request.

Sec. 12. Minnesota Statutes 1971, Section 106.101, Subdivision 2, is amended to read:

Subd. 2. [HEARING.] The engineer shall attend the hearing and supply such information as may be necessary. The petitioners and all other parties interested may appear and be heard. ~~The director's report, if any, shall be publicly read. Such report shall be deemed advisory only.~~ The commissioner's report on the preliminary plan shall be publicly read and included in the record of proceedings.

Sec. 13. Minnesota Statutes 1971, Section 106.101, Subdivision 4, is amended to read:

Subd. 4. [DISMISSAL.] At said hearing or any adjournment thereof, if it shall appear that the proposed improvement is not feasible, or that the adverse environmental impact is greater than the public benefit or utility based upon the requirements and criteria required to be considered by section 106.021, and no plan is reported by the engineer whereby it can be made feasible and acceptable, or that it is not of public benefit or utility for any other reason, or that the outlet is not adequate, the petition shall be dismissed.

Sec. 14. Minnesota Statutes 1971, Section 106.101, Subdivision 5, is amended to read:

Subd. 5. [FINDINGS AND ORDER.] If the board or court shall be satisfied that the proposed improvement as outlined in the petition or as modified and recommended by the engineer is feasible, that there is necessity therefor, that it will be of public benefit and promote the public health, based upon the requirements and criteria required to be considered by section 106.021, and that the outlet is adequate, the board or court shall so find and by such order shall designate the changes that shall be made in the proposed improvement from that outlined in the petition including such changes as are necessary to minimize or compensate for adverse impact on the environment. These changes may be described in general terms and shall be sufficiently described by filing with the order a map outlining the proposed improvement thereon.

Thereafter the petition shall be treated as modified accordingly. When the ditch shall outlet into an existing county or judicial ditch, the board or court may find that the outlet is adequate subject to confirmation and permission being obtained in accordance with section 106.531. In such case the board or court shall assign a number to the ditch and the board or court shall proceed to act in behalf of the ditch to obtain outlet rights in accordance with section 106.531.

Sec. 15. Minnesota Statutes 1971, Section 106.121, Subdivision 4, is amended to read:

Subd. 4. [DATA AND REPORT.] The engineer shall prepare and submit the following data and report:

(a) A complete map of the drainage system or improvement drawn to scale, showing thereon (1) the termini and course of each drain and whether open or tile, and the location of all other proposed improvements; (2) the location and situation of the outlet; (3) the watershed of the drainage system and the sub-watershed of main branches, if any, together with the location of existing highway bridges and culverts; (4) all lands and properties affected, together with the names of the owners thereof so far as known; (5) public streets, highways and railways affected; (6) the outlines of any meandered lake *basin*, *wetland* and public body of water affected; (7) such other physical characteristics of the watershed as may appear necessary for the understanding thereof.

(b) A profile of all lines of ditch proposed showing graphically, the elevation of the ground and gradient at each 100-foot station, the station number at each section line and at each property line, whether open or tiled, the size of tile and the bottom width and side slope of open ditch sections, and such other information as may appear necessary for the understanding thereof.

(c) Plans for all private bridges and culverts proposed to be constructed by and as a part of the ditch system, together with plans for all other works and items of construction necessary for the completion of the drainage system or improvement. A list showing the required minimum hydraulic capacity of all bridges and culverts at all railway and highway open ditch crossings and at other prospective open ditch crossings where bridges and culverts are not specified to be constructed as a part of the ditch, together with plans and estimates of the cost of highway bridges and culverts required for the information of the viewers in determining benefits and damages.

(d) A tabular statement showing the number of cubic yards of earth to be excavated on all open ditches, the footage of each size of tile on each tile line with the average depth thereof, and all bridges, culverts, works and other construction items required by the plans for the completion of the system, together with the estimated unit cost of each of said items and a summary of the total cost thereof. Such summary shall include an estimate of the cost of fully completing the system, including supervision and other costs thereof.

(e) The acreage which will be required and taken as right of way upon each government lot and 40-acre tract or fraction thereof under separate ownership required for right of way for any open ditch.

(f) Specifications for drain tile shall require that all drain tile used shall comply with the requirements of the American Society for Testing Materials standard specifications for drain tile, except where the depths to which the drains are to be laid or the conditions of the soil, in the opinion of the engineer, require tile of a special and higher quality.

(g) When more economical construction will result, the engineer may recommend that the work be divided into sections and let separately, and that open and tile work or tile and labor thereon be let separately, and the time and manner so far as practicable in which the whole work or any section thereof shall be done.

(h) Such other detail and information as shall appear requisite to fully inform the board or court of the practicability and necessity of the proposed improvements, *including a comprehensive examination of all requirements of section 106.021*, together with his recommendations thereon.

Sec. 16. Minnesota Statutes 1971, Section 106.131, is amended to read:

106.131 [AUTHORITY OF COMMISSIONER; COMMISSIONER'S REPORT.] Upon the filing of the engineer's report, a complete copy thereof shall be transmitted to the ~~director~~ *commissioner* by the auditor or clerk.

The ~~director~~ *commissioner* shall examine the same and within ~~15~~ 30 days make his report thereon to the board or court. If he finds the report incomplete and not in accordance with the provisions of this chapter, he shall so report. If he approves the same as being a ~~practical~~ *an acceptable* plan for the drainage of the lands affected, he shall so state. If he does not approve the plan, he shall file his recommendations for changes deemed advisable, or, if in his opinion, the proposed system or improvement is not ~~practical~~ *of public benefit or utility based upon the requirements or criteria required to be considered by section 106.021*, he shall so report. If a soil survey appears advisable, he shall so advise, and in such event the engineer shall make the soil survey and report thereon before the final hearing. The ~~director's~~ *commissioner's* report shall be directed to the board or court and shall be filed with the auditor or clerk. ~~Such report shall be deemed advisory only.~~

No notice shall issue for the final hearing until the ~~director's~~ *commissioner's* report shall be filed.

Sec. 17. Minnesota Statutes 1971, Section 106.201, is amended to read:

106.201 [ORDER ESTABLISHING.] Subdivision 1. [DISMISSAL.] If it shall appear that the benefits are not more than the total cost, including damages awarded, or that the proposed system will not be of public benefit and utility, or that the same is

not practicable, or *that the system does not comply with requirements of section 106.021*, the board or court shall so find and the petition shall be dismissed.

Subd. 2. [ESTABLISHMENT.] If the board or court shall find that the engineer's and viewers' reports have been made and all other proceedings in the matter had in accordance with law, that the estimated benefits are greater than the total estimated cost, including damages, that the damages and benefits have been duly determined, that the proposed drainage system will be of public utility and benefit, and will promote the public health, that the proposed system is practicable, and that such reports as made or amended are complete, just and correct, *and comply with requirements of section 106.021*, then the board or court shall by order containing such findings, establish the drainage improvement as reported or amended, and adopt and confirm the viewers' report as made or amended.

Sec. 18. Minnesota Statutes 1971, Section 106.221, Subdivision 2, is amended to read:

Subd. 2. [CHANGES DURING CONSTRUCTION.] The contract shall give the engineer the right, with the consent of the board or court, to modify his reports, plans and specifications as the work proceeds and as circumstances may require. It shall provide that the increased cost resulting from such changes will be paid by the county to the contractor at not to exceed the price for like work in the contract. No change shall be made that will substantially impair the usefulness of any part of the drainage system or substantially alter its original character or increase its total cost by more than ten percent of the total original contract price. In no event shall any change be made that will cause the cost to exceed the total estimated benefits found by the board or court, *or will cause any detrimental effects to the public interest as set forth in section 106.021*.

Sec. 19. Minnesota Statutes 1971, Section 106.631, Subdivision 1, is amended to read:

106.631 [APPEALS.] Subdivision 1. [GROUNDS FOR APPEAL.] Any party aggrieved thereby, may appeal to the district court from an order of the board or court made in any proceeding and entered upon its record determining any of the following matters:

- (1) The amount of benefits determined;
- (2) The amount of damages allowed;
- (3) Relative to the allowance of fees or expenses in any proceeding;
- (4) *The sufficiency of the order in meeting the requirements of section 106.021, and any criteria promulgated pursuant thereto.*

Strike the title and insert in lieu thereof:

"A bill for an act relating to natural resources, imposing certain duties on the commissioner of natural resources and counties;

providing standards and enforcement of permits for utility crossings; establishing state policy with regard to leasing of state-owned shorelands; revising the state program for acquisition of wildlife lands to make it systematic and integrated with other state and federal programs; providing for the establishment of standards and criteria governing drainage systems as they affect lakes, wetlands, wildlife lands, related natural resources, and erosion and flood control; amending Minnesota Statutes 1971, Sections 84.415, Subdivisions 1 and 5; 92.46 by adding a subdivision; 106.021, Subdivisions 1, 2, and 4 and by adding a subdivision; 106.081, Subdivisions 1, 3, and 4; 106.091, Subdivision 2; 106.101, Subdivisions 2, 4, and 5; 106.121, Subdivision 4; 106.131; 106.201; 106.221, Subdivision 2; and 106.631, Subdivision 1."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1317: A bill for an act relating to insurance, governmental units; requiring that contracts for employee group insurance be let on competitive bidding; providing for the disclosure of the particulars of such policies of insurance.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, after the period insert, "The aggregate value of benefits provided by a contract entered into after July 1, 1973 shall not be less than those provided by the preexisting contract."

Page 1, line 25, strike "19" and insert "20"

Page 2, line 2, strike "or" and insert "and"

Page 2, line 4, after "examiner" insert "within five months of the annual anniversary date of the contract,"

Page 2, line 8, after "by" strike "its federal agencies and units" and insert, "employers not otherwise exempt"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 2242: A bill for an act creating a banking advisory commission; appropriating money for supplies and expenses.

Reports the same back with the recommendation that the bill be amended as follows:

Line 15, strike "25" and insert "27"

Line 15, strike " , all of whom shall be appointed by the" and insert, " : 5 members of the house of representatives appointed by the

speaker; 5 members of the senate appointed by the senate committee on committees; and 17 members shall be chosen by the governor from within the state"

Line 16, strike "governor and shall serve without compensation"

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 2246: A bill for an act relating to savings banks; authorized investments; amending Minnesota Statutes 1971, Section 50.14, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 2243: A bill for an act relating to public indebtedness; sinking fund; amending Minnesota Statutes 1971, Section 475.66.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 767: A bill for an act relating to public health; authorizing the state board of health to prescribe fees for certain services provided by the board; amending Minnesota Statutes 1971, Chapter 144, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, following "1." insert "*During the biennium ending June 30, 1975, in order to avoid loss of federal funds,*"

Page 1, line 12, after "*regulation*" and before the comma insert "*pursuant to the administrative procedures act*"

Page 1, line 13, strike "*state*"

Page 1, line 13, strike "*of health*"

Page 1, line 17, strike "*now provides*" and insert in lieu thereof "*is authorized to provide by law.*"

Page 1, line 18, strike "*or may be required to provide in the future.*"

Page 1, line 18, strike "*so*"

Page 1, line 19, strike "*such*" and insert "*an*"

Page 1, line 21, strike "*such*" and insert "*the*"

Page 1, strike lines 25 through 29 and insert "*general fund of the state treasury.*"

Page 2, line 1, strike "*January 1, 1974*" and insert "*the day following its final enactment*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 1322: A bill for an act authorizing municipalities to create development districts within their corporate boundaries; to acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote development programs to be carried out in each of the districts created; authorizing the issuance of bonds to carry out such development programs; authorizing the use of the tax increment created in the development districts to pay off the principal and interest on such bonds; authorizing municipalities to operate pedestrian systems and special lighting and similar systems; authorizing municipalities to assess the cost of operations against the development districts; authorizing municipalities to lease space in structures and to lease or sell air rights over structures and to lease or sell property for private development.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 18, after "number." insert "No less than 60 percent of the area of any such district shall consist of land which has been platted and developed. The area of such district shall not be enlarged after three years following the date of designation of such district. At the time of the adoption of the first development district in any municipality, the governing body of that municipality shall by formal action adopt one of the three following alternative restrictive options. Once the choice is made, that municipality must use the same option for all succeeding development districts.

(a) The total acreage included in any one development district shall not exceed one percent of the total acreage of the municipality. At no time shall the total current acreage within development districts for which unrecovered cost of bonds remain exceed three percent of the total acreage of the municipality.

(b) The total market value of taxable real property of any one development district when adopted shall not exceed five percent of the total market value of taxable real property in the municipality as then most recently certified by the county auditor. At no time shall the current total market value of taxable real property within development districts for which unrecovered cost of bonds remain exceed ten percent of the total market value of taxable real property in the municipality as most recently certified by the county auditor.

(c) Any one development district shall not exceed six acres in area. At no time shall another development district be adopted by the governing body of the municipality until all cost of bonds for the previously adopted district has been paid."

Page 3, line 6, after "plazas," insert "malls,"

Page 3, line 12, after the period insert "The use of a public street or public right of way for pedestrian travel only constitutes a public use and shall not require a vacation of the street or right of way."

Page 3, line 28, strike "recommendation from" and insert "consultation with"

Page 4, line 2, after "published" insert "in the official newspaper of the municipality, or if the municipality has no official newspaper,"

Page 5, line 22, after "and" strike "public" and insert "publicly owned"

Page 6, line 9, after "may" strike the rest of the line

Page 6, strike lines 10-15 and insert the following: "authorize, issue, and sell bonds which shall mature within 30 years from 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 hereto in accordance with Minnesota Statutes, 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, and 475.71. All tax increments received by the municipality pursuant to section 7 shall be pledged for the payment of such 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."

Page 7, line 5, strike "according to the original" and insert "in the proportion that the original taxable value bears to the current"

Page 7, line 7, after the word "collected," insert "referred to herein as the tax increment"

Page 8, line 7, after "department" insert "or designate an existing department or office"

Page 9, line 10, after "municipality" strike "may" and insert "shall"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies, pursuant to Rule 35, requested that S. F. No. 1322 be re-referred to the Committee on Rules and Administration. So S. F. No. 1322 was re-referred to the Committee on Rules and Administration.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 2225: A bill for an act relating to the city of Alexandria, the townships of Alexandria, Carlos, Hudson and LaGrand and the sanitary sewer board of the Alexandria lake area sanitary district in the county of Douglas; amending Laws 1971, Chapter 869, Sections 1, Subdivision 2; 4, Subdivision 5; 12, Subdivisions 1 and 2; 13, Subdivision 4; 17, Subdivision 7; and 18, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "869," strike "Section 1" and insert "Section 2"

Further amend the title as follows:

Page 1, line 8 after "Sections" strike "1" and insert "2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 718: A bill for an act relating to the city of Minneapolis; policemen's pension fund, uses and membership; amending Laws 1949, Chapter 406, Sections 7 and 10, as amended.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 1855: A bill for an act relating to city, village, or borough programs of public recreation and playgrounds, the acquisition and betterment of land, buildings, and other facilities therefor, including cultural facilities, and the leasing and sale of such facilities to nonprofit corporations engaged in such programs; amending Minnesota Statutes 1971, Section 471.191, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 2235: A bill for an act relating to drainage; providing that certain surpluses in ditch funds may be transferred to the general revenue fund by the county board; amending Minnesota Statutes 1971, Section 106.451, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 2206: A bill for an act relating to taxation; uniform federal tax lien registration act; amending Minnesota Statutes 1971, Sections 272.483 and 272.484.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 96: A bill for an act relating to motor vehicle insurance; providing for basic reparation insurance benefits, regardless of fault, in cases of accident; limiting the recovery of general damages in bodily injury tort claims; requiring no-fault reparation insurance; providing for the administration of a no-fault reparation system and providing penalties; providing for subrogation by inter-company arbitration; providing for mandatory arbitration of certain claims; repealing Minnesota Statutes 1971, Sections 65B.01 to 65B.27; 168.054; 168.833; 170.21; 170.22; 170.23; 170.231; 170.25 to 170.58; and 171.12, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, strike "48" and insert "50"

Page 2, line 25, strike "reasonable" and insert in lieu thereof "total"

Page 2, line 25, following "charge" insert "not in excess of \$1,500"

Page 4, line 22, strike "having four or more wheels"

Page 4, line 27, strike "having four or more wheels"

Page 7, strike lines 24 through 28

Page 8, strike line 1

Page 9, strike lines 9 through 23 and insert in lieu thereof the following:

"Sec. 5. [PARTIAL ABOLITION OF TORT LIABILITY.] Tort liability with respect to accidents occurring in this state and arising from the ownership, maintenance, or use of a motor vehicle is abolished except as to:

(1) liability of the owner of a motor vehicle involved in an accident if security covering the vehicle was not provided at the time of the accident;

(2) liability of a person in the business of repairing, servicing, or otherwise maintaining motor vehicles arising from a defect in a motor vehicle caused or not corrected by an act or omission in repair, servicing, or other maintenance of a vehicle in the course of his business;

(3) liability of a person for intentionally caused harm to person or property;

(4) liability of a person for harm to property other than a motor vehicle and its contents;

(5) liability of a person in the business of parking or storing motor vehicles arising in the course of that business for harm to a motor vehicle and its contents;

(6) damages for any work loss, replacement services loss, survivor's economic loss, and survivor's replacement services loss, not recoverable as basic reparation benefits by reason of the limitation contained in the provisions on standard weekly limit on benefits for those losses or by reason of the limit on total basic reparation benefits payable for loss arising out of injuries to one person; and

(7) damages for noneconomic detriment, but only if the accident causes death, permanent significant disfigurement, permanent loss of a significant bodily function, or disability which, for not less than 90 days, renders the injured person incapable of performing his principal activity and a substantial portion of his other daily activities.

Page 9, strike lines 24 through 28 and insert in lieu thereof a new section as follows:

"Sec. 6. [REPARATION OBLIGOR'S RIGHTS OF REIMBURSEMENT, SUBROGATION, AND INDEMNITY.] Subdivision 1. A reparation obligor does not have and may not directly or indirectly contract for a right of reimbursement from or subrogation to the proceeds of a claim for relief or cause of action for noneconomic detriment of a recipient of basic or added reparation benefits.

Subd. 2. Except as provided in subdivision 1, whenever a person who receives or is entitled to receive basic or added reparation benefits for an injury has a claim or cause of action against any other person for breach of an obligation or duty causing the injury, the reparation obligor is subrogated to the rights of the claimant, and has a claim for relief or cause of action, separate from that of the claimant, to the extent that (1) elements of damage compensated for by basic or added reparation insurance are recoverable and (2) the reparation obligor has paid or become obligated to pay accrued or future basic or added reparation benefits.

Subd. 3. A reparation obligor has a right of indemnity against a person who has converted a motor vehicle involved in an accident, or a person who has intentionally caused injury to a person or harm to property, for basic and added reparation benefits paid to other persons for the injury or harm caused by the conduct of that person, for the cost of processing claims for those benefits, and for reasonable attorney's fees and other expenses of enforcing the right of indemnity. For purposes of this subdivision, a person is not a converter if he uses the motor vehicle in the good faith belief that he is legally entitled to do so."

Page 10, strike lines 1 to 28

Page 11, strike lines 1 to 19

Page 20, line 12, strike "and"

Page 20, following line 12, insert the following:

"(4) An exclusion, in calculation of net loss, of charges in excess of \$500 for expenses in any way related to funeral, cremation, and burial, and"

Page 20, line 13, strike "(4)" and insert in lieu thereof "(5)"

Page 20, line 13, strike "\$1000" and insert in lieu thereof "\$2500"

Page 49, following line 6, add two new sections to read

"Sec. 38. [EQUITABLE ALLOCATION OF BURDENS AMONG INSURERS.] Subdivision 1. Reparation obligors paying basic or added reparation benefits and owners of motor vehicles suffering uninsured physical damage to the vehicles are entitled to the proportionate reimbursement from other reparation obligors to assure that the allocation of the financial burden of losses will be reasonably consistent with the propensities of different vehicles to affect probability and severity of injury to persons or physical damage to vehicles because the vehicles are of different weight or have different devices for the protection of occupants, other different characteristics, or different regular uses. Reparation obligors paying basic or added reparation benefits for loss arising from injury to persons, and self-insurers who are natural persons bearing equivalent losses arising from their own injuries, are entitled to proportionate reimbursement from basic reparation obligors of other involved vehicles. Insurers paying added reparation benefits for physical damage to vehicles and owners of motor vehicles suffering uninsured physical damage to vehicles are entitled to proportionate reimbursement from reparation obligors who provide property damage liability coverage on other involved vehicles.

Subd. 2. Reparation obligors shall maintain in accordance with rules of the commissioner of insurance statistical records from which can be determined the propensities of different vehicles to affect probability and severity of injury to persons and physical damage to vehicles.

Subd. 3. When the commissioner of insurance determines that adequate supporting information is available he may establish by rule and maintain a system under which rights of reimbursement are determined through pooling, reinsurance, or other form of reallocation procedure in lieu of case-by-case reimbursement. The system may apply to (1) all reparation obligors or (2) all reparation obligors except those who are parties to an agreement entered into under this subdivision and approved by the commissioner of insurance. Two or more reparation obligors, with approval of the commissioner of insurance, may enter into an agreement for settlement of their rights of proportionate reimbursement through a system of pooling, reinsurance, or other reallocation procedure in lieu of case-by-case reimbursement.

Subd. 4. The commissioner of insurance may not approve or establish case-by-case proportionate reimbursement on the basis of fault in cases involving only privately owned passenger motor vehicles designed to carry ten or fewer passengers.

Subd. 5. All claims for case-by-case proportionate reimbursement between insurers, if not settled by agreement, shall be submitted to binding arbitration in accordance with Minnesota Statutes 1971, Chapter 572.

Sec. 39. [ALLOCATION OF BURDENS UNTIL SYSTEM ESTABLISHED.] Subdivision 1. If, in a particular case, there is no applicable system of proportionate reimbursement as authorized by the provisions on equitable allocation of burdens among insurers and the commissioner of insurance has not adopted by rule other criteria for proportionate reimbursement consistent with those provisions, the following standards for case-by-case proportionate reimbursement apply:

(1) In accidents involving motor vehicles in different weight classes, burdens of losses shall be adjusted among reparation obligors, injured persons, and owners of the vehicles in accordance with this section.

(2) The commissioner of insurance shall adopt rules classifying motor vehicles other than two-wheeled vehicles into a number of classes according to weight, including cargo capacity. All passenger vehicles weighing less than 6000 pounds and other vehicles weighing less than 4500 pounds apart from cargo capacity shall be included in a single class. For the purposes of this section, a vehicle in this class is a "low-weight vehicle". The commissioner shall assign by rule to each class, except the low-weight class, a number of percentages determined as hereinafter provided. The highest percentage for a class applies to accidents between vehicles in that class and low-weight vehicles. Other percentages apply to accidents between vehicles of each lighter weight class and vehicles of the class to which the percentage is assigned.

(3) In an accident involving a vehicle of a lighter class and a vehicle of a heavier class, a proportion of costs which would otherwise fall on an injured person as a result of an optional exclusion or deductible, on the owner of the lighter vehicle, or on the reparation obligors paying or obligated to pay added reparation benefits for physical damage to the lighter vehicle or basic or added reparation benefits for injury to the owner, driver, or other occupant of the lighter vehicle is imposed upon the reparation obligor of the heavier vehicle. The proportion of costs to be transferred is the percentage assigned under clause (2). For the purposes of this clause costs are equal to loss in any amount exceeding \$250 in the case of injury to a person or \$100 in the case of damage to a vehicle, subject only to the subtractions, exclusions and limitations described in sections 11, 12, and 13.

(4) Percentages assigned under clause (2) shall be based on evidence of the average increase in severity of occupant injury and vehicle damage sustained by vehicles of the various lighter

classes in accidents involving the class of heavier vehicles to which the percentage is assigned. Percentages shall be set to provide that reparation obligors and owners of vehicles shall bear, on the average, the costs which would result from accidents involving other vehicles of the same class and that reparation obligors and owners of vehicles in each heavier class shall have transferred to them the percentages of costs which on the average arise from the greater weight of vehicles of their class.

(5) Until the commissioner of insurance, in accordance with clause (2), has adopted rules classifying motor vehicles into classes according to weight and assigning percentages to each class, the percentage presumptively applying between a low-weight vehicle and a vehicle not a low-weight vehicle, or between two vehicles not low-weight vehicles, shall be determined by subtracting the weight of the lighter vehicle from the weight of the heavier vehicle, including cargo capacity, dividing the difference by the combined weight of the vehicles, and multiplying by 100 to convert to percentage. However, another percentage applies if a party claiming or defending against a claim for reimbursement under this clause proves that the other percentage is more consistent with allocating the financial burden of losses according to the propensities of vehicles of the different classes to affect probability and severity of injury to persons or physical damage to vehicles.

(6) In accidents involving two-wheeled vehicles burdens of losses shall be adjusted among reparation obligors in accordance with this clause. In an accident involving a two-wheeled vehicle and a low-weight vehicle, 20 per cent of the costs which would otherwise fall on the reparation obligor paying or obligated to pay basic or added reparation benefits of more than \$250 for loss arising from bodily injury to any one rider or passenger of the two-wheeled vehicle is imposed upon the reparation obligor of the low-weight vehicle. In an accident involving a two-wheeled vehicle and a vehicle of a heavier class than the low-weight class the costs to be transferred to the reparation obligor of the heavier vehicle shall be the sum which would be transferred if the two-wheeled vehicle were a low-weight vehicle and 20 percent of the costs which would remain on the two-wheeled vehicle if it were a low-weight vehicle.

(7) In accidents involving more than two vehicles each lighter vehicle shall have transferred from it to reparation obligors of the low-weight or heavier vehicles involved the percentage of cost designated for transfer to the heaviest of those vehicles. Reparation obligors of the low-weight or heavier vehicles shall contribute to the transferred cost in proportion to the respective percentages designated for them in accidents with vehicles of the class of the lighter vehicle or two-wheeled vehicle from which the cost is transferred.

Renumber the remaining sections accordingly.

Page 51, line 2, after "to" strike "43" and insert "45"

Amend the title in line 11 by striking "providing for subrogation by" ; in line 12 strike "inter-company arbitration;"

Line 13, following "claims;" insert "providing for the partial abrogation of tort liability;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2172: A bill for an act creating a legislative commission to study problems relating to the Twin Cities seven county metropolitan area; appropriating money therefor.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, after "is" insert "hereby"

Line 19, strike "proposed 1973" and insert in lieu thereof "preliminary"

Line 20, after "October 31" insert ", 1973"

Line 23, strike "chairmen" and insert in lieu thereof "members"

Line 25, after "representatives" strike the comma and insert in lieu thereof a period, strike the remainder of line 25 and lines 26, 27, 28, and 29.

Page 2, line 8, strike "The chairman of the senate", strike all of line 9, and in line 10 strike "of the commission." and also in line 10 strike "other"

Line 27, strike "another" and insert in lieu thereof "vice chairman"

Line 28, strike "member as the rules of the commission provide"

Page 3, after line 1, add a new section to read:

"Sec. 7. This act shall become effective the day following its final enactment."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1437: A bill for an act relating to the public employees retirement association; pertaining to actuarial valuations and surveys; amending Minnesota Statutes 1971, Section 356.21, Subdivisions 1, 2, 4, and 5; and repealing Minnesota Statutes 1971, Section 355.301.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, strike "unfunded"

Page 3, line 17, delete "obligation of the"

Page 3, line 19, delete "normal" and after "age" insert "normal"

Page 3, line 23, after "*requirements*," add "*(i.e., the present value of future normal costs)*"

Page 3, line 23, at the end of the line, add "*state*,"

Page 3, line 24, delete "*which are being eliminated*"

Page 3, Strike line 25 and insert in lieu thereof, "*that are not scheduled to continue indefinitely*."

Page 3, line 28, delete "*liability*" and insert "*assets*"

Page 4, line 1, delete "*assets*" and insert "*liability*"

Page 4, line 1, delete "*percent*" and insert in lieu thereof "*percentage points*"

Page 4, line 2, after "*or*" insert "*the amount necessary*"

Page 4, line 10, delete "*prior service*" and insert "*obligation for the entry age normal level contribution requirements accumulated to date*"

Page 4, Strike lines 26 to 28

Page 5, Strike lines 1 and 2 and insert:

"(3) Increase or decreases in the accrued liability because of changes in eligibility requirements or groups included in the membership of the fund; and"

Page 5, line 4, after "*reasons*" strike "*, including current rate of contributions;*" and insert a period.

Page 5, strike lines 5 to 8

Page 8, line 1, after "*beneficiaries*," insert "*the present value of*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 2119: A bill for an act relating to welfare; implementing provisions of the social security amendments of 1972; repealing certain obsolete statutory provisions; providing for the centralized disbursement of medical assistance payments; appropriating money; amending Minnesota Statutes 1971, Sections 6.20; 98.47, Subdivision 8; 245.0313; 245.033; 253A.15, Subdivision 11; 256.01, Subdivision 2; 256.12, Subdivision 10; 256.462, Subdivision 3; 256.73, Subdivision 3; 256.935; 256.98; 256B.06; 256B.09; 256B.22; 260.38; 261.03; 261.063; 261.07, Subdivision 2; 275.50, Subdivision 5; 393.06; 393.07, Subdivisions 2 and 6; 462.485; 573.02, Subdivision 1; and Chapter 256B, by adding sections; repealing Minnesota Statutes 1971, Sections 256.11; 256.12, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 16, and 17; 256.13 to 256.23; 256.26; 256.27 to 256.455; 256.457 to 256.461; 256.462, Subdivisions 1, 2, 4, 5, 6, and 7; 256.463 to 256.64; and 256.66 to 256.71.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 28, insert:

"Section 1. Minnesota Statutes 1971, Chapter 144, is amended by adding a section to read:

144.68 [SOCIAL SECURITY AMENDMENTS OF 1972.] *The state board of health shall implement by rule, pursuant to the administrative procedures act, those provisions of the social security amendments of 1972 (P. L. 92-603) required of state health agencies, including rules which:*

(a) *establish a plan, consistent with regulations prescribed by the secretary of health, education, and welfare, for the review by appropriate professional health personnel, of the appropriateness and quality of care and services furnished to recipients of medical assistance; and*

(b) *provide for the determination as to whether institutions and agencies meet the requirements for participation in the medical assistance program, and the certification that those requirements, including utilization review, are being met."*

Page 3, line 23, after "authorized" and before the comma, insert "to promulgate rules"

Page 4, line 10, strike ";UTILIZATION" and insert "."]

Page 4, line 11, strike "REVIEW.] Subdivision 1."

Page 4, strike lines 17 through 21

Page 4, line 26, strike "purpose of assisting in" and insert "financing of"

Page 4, line 27, strike "paying old age benefits, or"

Page 4, line 27, after "children" insert ",or"

Page 4, strike line 28

Page 5, strike lines 22 through 27

Page 6, line 4, after "and" and before "disabled" strike "the"

Page 6, strike lines 7 through 24

Page 7, line 10, after "shall" and before "receive" insert "be helped to"

Page 7, line 10, after "all" and before "benefits" insert "public assistance"

Page 7, line 10, after "benefits" strike "of"

Page 7, strike line 11

Page 7, line 12, strike "and disabled"

Page 7, line 12, strike ",direct relief, or other benefits"

Page 7, line 13, after "state" and before "law" insert "or federal"

Page 7, line 23, strike "in the" and insert "provided for by"

Page 7, line 23, strike "including general relief," and insert "*law*"

Page 7, line 24, strike "aid to"

Page 7, line 25, strike "dependent children,"

Page 7, lines 26 and 27, strike the new language

Page 11, strike lines 4 and 5

Page 11, line 6, strike "*children*" and insert "*medical assistance program*"

Page 13, strike lines 4 through 19

Page 14, line 24, after "to" and before "dependent" insert "*families with*"

Page 15, line 12, after "of" and before "sections" insert "*Minnesota Statutes 1971,*"

Page 15, line 12, reinstate the stricken language

Page 15, line 13, reinstate the stricken language

Page 15, after line 20, insert a new section as follows:

"Sec. 18. Minnesota Statutes 1971, Section 256B.02, Subdivision 3, is amended to read:

Subd. 3. "County of financial responsibility" means:

(a) For an applicant who resides in this state, the county in which he last resided for one year of unexcluded time. If he does not have one year of unexcluded time, the county in which he resided for the longest period of unexcluded time.

(b) For an applicant who has not resided in this state for a full year, the county in which he has resided the longest period of unexcluded time.

(c) For an applicant who has not resided in this state for any period of unexcluded time, the county in which he resides at the time of making application.

(d) The above provisions notwithstanding, the county of financial responsibility for medical assistance shall always be the same county as that from which a recipient is receiving a maintenance grant or money payment under the ~~old age assistance, aid to blind, aid to families with dependent children, aid to disabled or general relief~~ program."

Page 15, line 23, before "Medical" insert "*Subdivision 1.*"

Page 15, line 27, strike "or"

Page 15, strike line 28

Page 16, line 1, strike "*disabled programs*" and insert "*program*"

Page 16, line 4, strike "or"

Page 16, strike line 5

Page 16, line 6, strike "disabled"

Page 17, after line 21, insert:

"Subd. 2. Medical assistance shall also be paid for any person who is a recipient of supplemental security income for the aged, blind and disabled, who meets the criteria of subdivision 1."

Page 18, line 5, strike "Notwithstanding any provision to the contrary."

Page 19, line 10, after "to" and before "dependent" insert "families with"

Page 22, strike lines 17 through 21 and insert "any public assistance program authorized by law;"

Page 23, line 16, strike "to the" and insert "or state aid to recipients of"

Page 24, line 9, after "to" and before "dependent" insert "families with"

Page 26, line 23, after "Sections" and before "256.11;" insert "245.033;"

Page 27, line 1, after "256.455;" and before "256.457;" insert "256.456;"

Page 27, line 2, after "1," and before "4," strike "2,"

Page 27, line 8, after "256.71" and before the comma insert "; and 256.73 Subdivision 3"

Page 27, line 9, after "2," strike "5" and insert "3"

Page 27, line 9, after "6," insert "7,"

Renumber sections in sequence

Amend the title as follows:

Line 9, after "1971," and before "Sections" insert "Chapter 144, by adding a section"

Line 10, after "245.0313;" strike "245.033;"

Line 14, after "256.98;" and before "256B.06;" insert "256B.02, Subdivision 3;"

Line 21, after "Sections" and before "256.11;" insert "245.033;"

Line 24, after "256.27 to" strike "256.455; 256.457 to"

Line 25, after "1," and before "4," strike "2,"

Line 26, after "256.64;" strike "and"

Line 27, after "256.71" and before the period insert "; and 256.-73, subdivision 3"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1896: A bill for an act relating to courts, Ramsey county; providing for creation and the operation and functioning of the Ramsey county municipal court; abolishing certain courts and merging certain courts with the Ramsey county municipal courts; transferring certain duties, functions, and jurisdictions; amending Minnesota Statutes 1971, Sections 488A.18, Subdivisions 1, 7, 10, and by adding a subdivision; 488A.19, Subdivisions 1, 2, 3, and 10; 488A.20, Subdivisions 1, 2, 4, 5, and 6; 488A.21, Subdivision 2; 488A.22, Subdivisions 1 and 3; 488A.24, Subdivision 6; 488A.25, Subdivisions 1 and 2; 488A.27, Subdivisions 6, 11, 12 and by adding a subdivision; 488A.28, by adding a subdivision; 488A.29, Subdivisions 1 and 2; 488A.30, Subdivisions 1, 2, and 4; and 488A.33, Subdivision 7; repealing Minnesota Statutes 1971, Sections 488A.18, Subdivision 5; 488A.19, Subdivision 4; and 488A.23, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "misdemeanor" insert "*and any offense of this state which constitutes a petty misdemeanor*"

Page 3, line 8, after "Paul" insert "*, unless the judges of the court shall decide by court rule that civil jury trials may be held elsewhere in the county*"

Page 3, line 12, after "misdemeanors" insert "*, petty misdemeanors*"

Page 5, line 32, strike "\$26,000" and insert in lieu thereof "\$32,000"

Page 10, line 18, strike everything after the headnote and strike lines 19 through 21 and insert in lieu thereof the following:

"(a) The administrator and other employees of the court shall be paid annual salaries pursuant to a schedule adopted by a majority of judges of the court and approved by the Ramsey county board of commissioners."

Page 11, line 9, strike "\$7,500" and insert in lieu thereof "\$10,000"

Page 11, line 16, strike "\$7,500" and insert in lieu thereof "\$10,000"

Page 22, after line 22, insert a new section to read:

"Sec. 37. [INSTRUCTIONS TO REVISOR OF STATUTES.] In the next and subsequent editions of Minnesota Statutes, the revisor of statutes is directed to make the following changes in the text of Minnesota Statutes 1971, Sections 488A.18 to 488A.34; wherever the terms "clerk" or "clerk of court" appear, replace such terms or their equivalents with the terms "administrator", "court administrator", or "administrator of the court"."

Renumber the sections in sequence.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 2170: A bill for an act relating to the salary of county assessors; amending Minnesota Statutes 1971, Section 273.061, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, reinstate the stricken language

Page 1, line 18, after the stricken language, insert "\$5,900;"

Page 1, line 19, reinstate the stricken language

Page 1, line 20, reinstate the stricken "12,000,"

Page 1, line 20, after the stricken "\$5,200;" insert "\$6,200;"

Page 1, line 22, strike "\$8,500" and insert "\$6,500"

Page 1, line 24, strike "\$8,700" and insert "\$6,700"

Page 1, line 26, strike "\$8,900" and insert "\$6,900"

Page 1, line 28, strike "\$9,100" and insert "\$7,100"

Page 2, line 1, strike "\$9,300" and insert "\$7,300"

Page 2, line 3, strike "\$10,300" and insert "\$8,300"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 900: A bill for an act relating to water pollution control; authorizing certain advisory and regulatory powers of the pollution control agency over sewage disposal systems and sanitary districts; providing for certain tax levies and bond issues; providing penalties; amending Minnesota Statutes 1971, Sections 115.01, Subdivisions 1, 2, 5, and by adding subdivisions; 115.03, Subdivisions 1 and 4, and by adding a subdivision; 115.04; 115.05; Subdivision 1; 115.07, Subdivisions 3, 4, and 6; 115.18, Subdivisions 3 and 9; 115.19; 115.20, Subdivisions 1, 3, 4, 5, 6, 7, and 9; 115.21, Subdivisions 1 to 4; 115.23, Subdivisions 1, 3, and 8; 115.24, by adding a subdivision; 115.25, Subdivisions 1 and 6; 115.28; 115.44, Subdivisions 5 and 8; 115.49, Subdivision 1, and by adding a subdivision; Chapter 115, by adding sections; 116.075, Subdivision 2; 116.08, by adding a subdivision; 414.01, Subdivision 1; and Chapter 414, by adding a section; repealing Minnesota Statutes 1971, Sections 115.07, Subdivision 2; 115.18, Subdivision 10; 115.20, Subdivision 2; 115.33, Subdivisions 1, 3 and 4; 115.34; 115.43, Subdivision 3; 115.45, Subdivision 2; 115.61; 115.62; 115.63; 115.64; 115.65; 115.66; and 115.67.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 115.01, Subdivision 1, is amended to read:

115.01 [DEFINITIONS.] Subdivision 1. The following words and phrases when used in ~~sections 115.01 to 115.09~~ *chapter 115 and, with respect to the pollution of the waters of the state, in chapter 116*, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

Sec. 2. Minnesota Statutes 1971, Section 115.01, Subdivision 2, is amended to read:

Subd. 2. "Sewage" means the water carried waste products from residences, public buildings, institutions or other buildings, *or any mobile source*, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

Sec. 3. Minnesota Statutes 1971, Section 115.01, Subdivision 4, is amended to read:

Subd. 4. "Other wastes" mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, *dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, cellar dirt or municipal or agricultural waste*, and all other substances *not included within the definitions of sewage or and industrial waste set forth in this chapter* which may pollute or tend to pollute the waters of the state.

Sec. 4. Minnesota Statutes 1971, Section 115.01, Subdivision 5, is amended to read:

Subd. 5. ~~"Pollution"~~ *"Pollution of water"*, *"water pollution"*, or *"pollute the water"* means : (a) *the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, or recreational use or other legitimate uses, or to livestock, wild animals, bird birds, fish ; or other aquatic life ; or (b) the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of waters of the state.*

Sec. 5. Minnesota Statutes 1971, Section 115.01, Subdivision 10, is amended to read:

Subd. 10. "Person" means the state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, *including, but not limited to, association, commission or any interstate body*, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, *or other entity*.

Sec. 6. Minnesota Statutes 1971, Section 115.01, is amended by adding subdivision to read:

Subd. 12. "Discharge" means the addition of any pollutant to the waters of the state or to any disposal system.

Subd. 13. "Pollutant" means any "sewage," "industrial waste," or "other wastes," as defined in Chapter 115, discharged into a disposal system or to waters of the state.

Subd. 14. "Toxic pollutants" means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the agency, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring.

Subd. 15. "Point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Subd. 16. "Standards" means effluent standards, effluent limitations, standards of performance for new sources, water quality standards, pretreatment standards, and prohibitions.

Subd. 17. "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

Sec. 7. Minnesota Statutes 1971, Section 115.03, Subdivision 1, is amended to read:

115.03 [POWERS AND DUTIES.] Subdivision 1. The agency is hereby given and charged with the following powers and duties:

(a) To administer and enforce all laws relating to the pollution of any of the waters of the state;

(b) To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

(c) To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of sections 115.01 to 115.09 chapter 115 and, with respect to the pollution of waters of the state, chapter 116;

To make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this subdivision.

(d) To adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable orders, permits, variances, standards, regulations, schedules of compliance, and stipulation agreements, under such conditions as it may prescribe, in order to prevent, control or abate water pollution, or for the installation or operation of disposal systems or parts thereof, or for other equipment and facilities;

(1) Requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this chapter;

(2) Prohibiting or directing the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state or the deposit thereof or the discharge into any municipal disposal system where the same is likely to get into any waters of the state in violation of this chapter and, with respect to the pollution of waters of the state, chapter 116, or standards or regulations promulgated or permits issued pursuant thereto, and specifying the schedule of compliance within which such prohibition or abatement must be accomplished;

(3) Prohibiting the storage of any liquid or solid substance or other pollutant in a manner which does not reasonably assure proper retention against entry into any waters of the state that would be likely to pollute any waters of the state;

(4) Requiring the construction, installation, maintenance, and operation by any person of any disposal system or any part thereof, or other equipment and facilities, or the reconstruction, alteration, or enlargement of its existing disposal system or any part thereof, or the adoption of other remedial measures to prevent, control or abate any discharge or deposit of sewage, industrial waste or other wastes by any person;

(5) Establishing, and from time to time revising, standards or performance for new sources taking into consideration, among other things, classes, types, sizes, and categories of sources, processes, pollution control technology, cost of achieving such effluent reduction, and any non-water quality environmental impact and energy requirements. Said standards of performance for new sources shall encompass those standards for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the agency determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. New sources shall encompass buildings, structures, facilities, or installations from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication by the agency of proposed regulations prescribing a standard of performance which will be applicable to such source. Notwithstanding any other provision of the law of this state, any point source the construction of which is commenced after the date of enactment of this Act and which is so constructed as to meet all

applicable standards of performance for new sources shall, consistent with and subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution Control Act, not be subject to any more stringent standard of performance for new sources during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first. Construction shall encompass any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises;

(6) Establishing and revising pretreatment standards to prevent or abate the discharge of any pollutant into any publicly owned disposal system, which pollutant interferes with, passes through, or otherwise is incompatible with such disposal system.

(7) Requiring the owner or operator of any disposal system or any point source to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, including where appropriate biological monitoring methods, sample such effluents in accordance with such methods, at such locations, at such intervals, and in such a manner as the agency shall prescribe, and providing such other information as the agency may reasonably require.

(8) Notwithstanding any other provision of chapter 115, and with respect to the pollution of waters of the state, chapter 116, requiring the achievement of more stringent limitations than otherwise imposed by effluent limitations in order to meet any applicable water quality standard by establishing new effluent limitations, based upon section 115.01, subdivision (5)(b), including alternative effluent control strategies for any point source or group of point sources to insure the integrity of water quality classifications, whenever the agency determines that discharges of pollutants from such point source or sources, with the application of effluent limitations required to comply with any standard of best available technology, would interfere with the attainment or maintenance of the water quality classification in a specific portion of the waters of the state. Prior to establishment of any such effluent limitation, the agency shall hold a public hearing to determine the relationship of the economic and social costs of achieving such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained and to determine whether or not such effluent limitation can be implemented with available technology or other alternative control strategies. If a person affected by such limitation demonstrates at such hearing that, whether or not such technology or other alternative control strategies are available, there is no reasonable relationship between the economic and social costs and the benefits to be obtained, such limitation shall not become effective and shall be adjusted as it applies to such person.

(9) *To modify, in its discretion, any requirement or limitation based upon best available technology with respect to any point source for which a permit application is filed after July 1, 1977 upon a showing by the owner or operator of such point source satisfactory to the agency that such modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants.*

(e) *To require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof;*

To issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the discharge of sewage, industrial waste or other wastes, or for the installation or operation of disposal systems or parts thereof;

To revoke or modify any permit issued under sections 115.01 to 115.09 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution of any waters of the state;

(f) *to prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by sections 115.01 to 115.09 this chapter and, with respect to pollution of waters of the state, in chapter 116, provided that every rule or regulation affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state; and*

(g) *To conduct such investigations, issue such notices, public and otherwise, and hold such hearings as are necessary or which it may deem advisable and necessary for the discharge of its duties under sections 115.01 to 115.09 this chapter and, with respect to the pollution of waters of the state, under chapter 116, including, but not limited to, the issuance of permits, and to authorize any member, employee, or agent appointed by it to conduct such investigations or, issue such notices and hold such hearings;*

(h) *For the purpose of water pollution control planning by the state and pursuant to the Federal Water Pollution Control Act, as amended, to establish and revise planning areas, adopt plans and programs and continuing planning processes, including, but not limited to, basin plans and areawide waste treatment management plans, and to provide for the implementation of any such plans by means of, including, but not limited to, standards, plan elements, procedures for revision, intergovernmental cooperation, residual treatment process waste controls, and needs inventory and ranking for construction of disposal systems;*

(i) *To train water pollution control personnel, and charge such fees therefor as are necessary to cover the agency's costs. All such fees received shall be paid into the state treasury and credited to*

the water pollution control training fund of the agency, from which the agency shall have the power to make disbursements to pay expenses relating to such training;

(j) To impose as additional conditions in permits to publicly owned disposal systems appropriate measures to insure compliance by industrial and other users with any pretreatment standard, including, but not limited to, those related to toxic pollutants, and any system of user charges ratably as is hereby required under state law or said Federal Water Pollution Control Act, as amended, or any regulations or guidelines promulgated thereunder; and

(k) To set a period not to exceed five years for the duration of any National Pollutant Discharge Elimination System permit:

Sec. 8. Minnesota Statutes 1971, Section 115.03, Subdivision 4, is amended to read:

Subd. 4. It is unlawful for any person to issue or grant a building permit for, or otherwise permit, the construction, enlargement, or relocation of a commercial or industrial building to be used as the place of employment of more than 12 persons, or any other commercial or industrial building to house a process producing industrial or other wastes, unless the sewage or industrial or other waste originating in such buildings is or will be discharged into a disposal system for which a permit has first been granted by the agency *unless the agency has cause not to apply this requirement*, provided that this subdivision shall not apply to building permits issued for buildings, which have an estimated value of less than \$500,000, located or to be located within an incorporated municipality. *After January 1, 1975 if an application for such permit permits is not shall be acted upon by the agency within 90 days after submitted, the permit shall be deemed to be granted*, provided that the agency, for good cause, may order said 90 day period to be extended for a reasonable time.

Sec. 9. Minnesota Statutes 1971, section 115.03, is amended by adding a subdivision to read:

Subd. 5. *Notwithstanding any other provisions prescribed in or pursuant to chapter 115 and, with respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall have the authority to perform any and all acts minimally necessary including, but not limited to, the establishment and application of standards, procedures, regulations, orders, variances, stipulation agreements, schedules of compliance, and permit conditions, consistent with and, therefore not less stringent than the provisions of the Federal Water Pollution Control Act, as amended, applicable to the participation by the state of Minnesota in the National Pollutant Discharge Elimination System (NPDES); provided that this provision shall not be construed as a limitation on any powers or duties otherwise residing with the agency pursuant to any provision of law.*

Sec. 10. Minnesota Statutes 1971, section 115.04, is amended to read:

115.04 [DISPOSAL SYSTEMS AND POINT SOURCES.] Subdivision 1. [INFORMATION.] Any person operating or installing a disposal system or other point source, or portion thereof, when requested by the agency, or any member, employee or agent thereof, when authorized by it, shall furnish to it any information which he may have or which is relevant to the subject of ~~sections 115.01 to 115.09~~ chapter 115 and, with respect to the pollution of waters of the state, of chapter 116.

Subd. 2. [EXAMINATION OF RECORDS.] The agency or any member, employee or agent thereof, when authorized by it, upon presentation of credentials, may examine and copy any books, papers, records or memoranda pertaining to the installation, maintenance, or operation or discharge, including, but not limited to, monitoring data, of a disposal ~~system~~ systems or other point sources, in accordance with the purposes of chapter 115 and, with respect to the pollution of waters of the state, chapter 116.

Subd. 3. [ACCESS TO PREMISES.] Whenever it shall be necessary for the purposes of ~~sections 115.01 to 115.09~~ chapter 115 and, with respect to pollution of waters of the state, chapter 116, the agency or any member, employee, or agent thereof, when authorized by it, upon presentation of credentials, may enter upon any property, public or private, for the purpose of obtaining information or examination of records or conducting surveys or investigations.

Sec. 11. Minnesota Statutes 1971, Section 115.05, Subdivision 1, is amended to read:

115.05 [FINAL ORDER.] Subdivision 1. [NOTICE: HEARING.] No final order of the agency shall be effective as to the vested rights of any person adversely affected thereby nor as to any disposal system or point source operated by any person unless the agency or its authorized officer, member, or agent shall have held a hearing upon the matter therein involved at which evidence may be taken, of which hearing such person shall have had notice as hereinafter provided. Any person who will be directly affected by the final order therein shall have the right to be heard at the hearing and to submit evidence thereat. Written notice specifying the time and place of the hearing shall be served by the agency upon all persons known by it to be directly affected by the final order, personally or by mail not less than 30 days before the date of the hearing. A copy of the final order shall be served in the same manner upon all persons who entered an appearance at the hearing. *Stipulation agreements or permits for treatment works or disposal systems for pollution abatement shall be construed to be orders of the agency.*

Sec. 12. Minnesota Statutes 1971, Section 115.07, Subdivision 3, is amended to read:

Subd. 3. [PERMISSION FOR EXTENSION.] It shall be unlawful for any person to make any change in, addition to or extension of any existing disposal system or point source, or part thereof ~~that would materially alter the method or the effect of treating or disposing of the sewage, industrial waste or other wastes, to effect~~

any facility expansion, production increase, or process modification which results in new or increased discharges of pollutants, or to operate such system or point source, or part thereof as so changed, added to, or extended until plans and specifications therefor shall have been submitted to the agency unless the agency shall have waived the submission thereof to it and a written permit therefor shall have been granted by the agency.

Sec. 13. Minnesota Statutes 1971, Chapter 115, is amended by adding a section to read:

[115.07] [ENFORCEMENT.] *Subdivision 1. [REMEDIES AVAILABLE.] The provisions of Minnesota Statutes, Chapter 115 and Chapter 116 and all regulations, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.*

Subd. 2. [CRIMINAL PENALTIES.] (a) [VIOLATIONS OF LAWS: ORDERS: PERMITS.] (1) Any person who willfully or negligently violates any provision of chapter 115 or chapter 116, or any standard, regulation, variance, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency thereunder, which violation is not included in clause (2) of this subdivision, shall upon conviction be guilty of a misdemeanor.

(2) Any person who willfully or negligently violates any effluent standard and limitation or water quality standard adopted by the agency, any National Pollutant Discharge Elimination System permit issued by the agency or any term or condition thereof, any duty to permit or carry out any recording, reporting, monitoring, sampling, information entry, access, copying, or other inspection or investigation requirement as provided under applicable provisions of chapter 115 and, with respect to the pollution of waters of the state, chapter 116, any National Pollutant Discharge Elimination System filing requirement, shall upon conviction be punished by a fine of not less than \$2,500 in the event of a willful violation or not less than \$300 in the event of a negligent violation. In any case the penalty shall not be more than \$25,000 per day of violation or by imprisonment for not more than one year, or both. If the conviction is for conduct committed after a first conviction of such person under this subdivision, punishment shall be by fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both.

(b) [INFORMATION AND MONITORING.] Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under chapter 115 and, with respect to the pollution of the waters of the state, chapter 116, or standards, regulations, orders, stipulation agreements, schedule of compliance or permits pursuant hereto, or who falsifies, tampers with, or know-

ingly renders inaccurate any monitoring device or method required to be maintained under chapter 115 and, with respect to the pollution of waters of the state, chapter 116, or standards, regulations, variances, orders, stipulation agreements, schedules of compliance, or permits pursuant thereto, shall upon conviction, be punished by a fine of not more than \$10,000 per day of violation, or by imprisonment for not more than six months, or both.

(c) [DUTY OF LAW ENFORCEMENT OFFICIALS.] *It shall be the duty of all county attorneys, sheriffs and other peace officers, and other officers having authority in the enforcement of the general criminal laws to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions, regulations, standards, orders, stipulation agreements, variances, schedule of compliance, or permits.*

Subd. 3 [CIVIL PENALTIES.] *Any person who violates any provision of chapter 115 or chapter 116, except any provisions of chapter 116 relating to air and land pollution caused by agricultural operations which do not involve National Pollutant Discharge Elimination System permits, or of (1) any effluent standards and limitations or water quality standards, (2) any National Pollutant Discharge Elimination System permit or term or condition thereof, (3) any National Pollutant Discharge Elimination System filing requirements, (4) any duty to permit or carry out inspection, entry or monitoring activities, or (5) any rules, regulations, stipulation agreements, variances, schedules of compliance, or orders issued by the agency, shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of not more than \$10,000 per day of violation.*

In addition, in the discretion of the court, the defendant may be required to:

(a) *forfeit and pay to the state a sum which will adequately compensate the state for the reasonable value of cleanup and other expenses directly resulting from unauthorized discharge of pollutants, whether or not accidental;*

(b) *forfeit and pay to the state an additional sum to constitute just compensation for any loss or destruction to wildlife, fish or other aquatic life and for other actual damages to the state caused by an unauthorized discharge of pollutants.*

As a defense to any of said damages, the defendant may prove that the violation was caused solely by (1) an act of God, (2) an act of war, (3) negligence on the part of the state of Minnesota, or (4) an act or failure to act which constitutes sabotage or vandalism, or any combination of the foregoing clauses.

The civil penalties and damages provided for in this subdivision may be recovered by a civil action brought by the attorney general in the name of the state.

Subd. 4. [INJUNCTIONS.] *Any violation of the provisions, regulations, standards, orders, stipulation agreements, variances, schedules of compliance, or permits specified in chapter 115 and chapter*

116, shall constitute a public nuisance and may be enjoined as provided by law in an action, in the name of the state, brought by the attorney general.

Subd. 5. [ACTIONS TO COMPEL PERFORMANCE.] *In any action to compel performance of an order of the agency for any purposes relating to the prevention, control or abatement of pollution under chapter 115 and chapter 116, the court may require any defendant adjudged responsible to do and perform any and all acts and things within his power which are reasonably necessary to accomplish the purposes of the order. In case a municipality or its governing or managing body or any of its officers is a defendant, the court may require him to exercise his powers, without regard to any limitation of any requirement for an election or referendum imposed thereon by law and without restricting the powers of the agency to do any or all of the following, without limiting the generality hereof; to levy taxes, levy special assessments, prescribe service or use charges, borrow money, issue bonds, employ assistance, acquire real or personal property, let contracts or otherwise provide for the doing of work or the construction, installation, maintenance, or operation of facilities, and do all other acts and things reasonably necessary to accomplish the purposes of the order, but the court shall grant the municipality the opportunity to determine the appropriate financial alternatives to be utilized in complying with the court imposed requirements.*

Sec. 14. Minnesota Statutes 1971, is amended by adding a section to read:

[115.072] [RECOVERY OF LITIGATION COSTS AND EXPENSES.] *In any action brought by the attorney general, in the name of the state, pursuant to the provisions of chapter 115 and chapter 116, for civil penalties, injunctive relief, or in an action to compel compliance, if the state shall finally prevail, and if the proven violation was willful, the state, in addition to other penalties provided in chapter 115, may be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses incurred by the state. In determining the amount of such litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.*

All amounts recovered under the provisions of this section and section 13 of this act, subdivisions 3, 4, and 5, shall be paid into the state treasury.

Sec. 15. Minnesota Statutes 1971, Section 115.44, Subdivision 5, is amended to read:

Subd. 5. In establishing such standards, consideration should be given to the following factors:

(a) The extent, if any, to which floating solids may be permitted in the water;

(b) The extent to which suspended solids, colloids or a combination of solids with other substances suspended in water, may be permitted;

(c) The extent to which organism of the coliform group (intestinal bacilli) or any other bacteriological organisms may be permitted in the water;

(d) The extent of the oxygen demand which may be permitted in the receiving waters;

(e) Such other chemical or biological properties necessary for the attainment of the objectives of ~~Laws 1923, Chapter 274 chapter 115 and, with respect to pollution of the waters of the state, chapter 116.~~

(f) Wherever deemed practicable and advisable by the agency, standards specifying the quality and purity, or maximum permissible pollutional content, of effluent entering waters of the state may be established without ~~previously establishing respect to water quality standards; provided, however, that whenever the owner or operator of any point source, after opportunity for public hearing, can demonstrate to the satisfaction of the agency that any effluent limitation proposed for the control of the heat component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of fish and wildlife in and on the body of water into which the discharge is to be made, the agency may impose an effluent limitation for such plan, with respect to the heat component of such discharge, taking into account the interaction of such heat component with other pollutants, that will assure the protection and propagation of a balanced, indigenous population of fish and wildlife in and on that body of water; and provided further that notwithstanding any other provision of chapter 115 and, with respect to the pollution of the waters of the state, chapter 116, any point source of a discharge having a heat component, the modification of which point source is commenced after the date of enactment of this act, and which, as modified, meets applicable effluent limitations, and which effluent limitations will assure protection and propagation of a balanced, indigenous population of fish and wildlife in or on the water into which the discharge is made, shall not be subject to any more stringent effluent limitation with respect to the heat component of its discharge during a ten year period beginning on the date of completion of such modification or during the period of depreciation or amortization of such facility for the purpose of section 167 or 169, or both, of the Internal Revenue Code of 1954, whichever period ends first.~~

Sec. 16. Minnesota Statutes 1971, Section 115.44, Subdivision 8, is amended to read:

Subd. 8. If the agency finds in order to comply with the federal water pollution control act or any other federal law or rule or regulation promulgated thereunder that it is impracticable to comply with the requirements of this section in classifying waters or adopting standards or in meeting any of the requirements thereof, compliance with the requirements of such section are waived to the extent necessary to enable the agency to comply with federal laws and rules and regulations promulgated thereunder. The agency may classify waters and adopt

criteria and standards in such form and based upon such evidence as it may deem necessary and sufficient for the purposes of meeting requirements of such federal laws, notwithstanding any provisions in chapter 115 or any other state law to the contrary. In the event waters are classified and criteria and standards are adopted to meet the requirements of federal law, the agency shall thereafter proceed to otherwise comply with the provisions of this section which were waived as rapidly as is practicable. This authority shall extend to proceedings pending before the agency on ~~April 20, 1967~~ *the effective date of this act.*

Notwithstanding the provisions of subdivision 4, wherever advisable and practicable the agency may establish standards for effluent ~~of~~ *or disposal systems entering discharging into waters of the state* regardless of whether such waters are or are not classified.

Sec. 17. Minnesota Statutes 1971, Section 115.49, Subdivision 1, is amended as follows:

115.49 [COOPERATION BETWEEN MUNICIPALITIES; CONTRACTS.] Subdivision 1. If the agency determines after a hearing on the subject matter that cooperation between two or more municipalities is necessary to *provide for areawide waste management and treatment, in accordance with the Federal Water Pollution Control Act, as amended, or to prevent, control, or abate pollution,* it may adopt a resolution so declaring and determining whether it will be feasible to secure such cooperation by contract between the municipalities concerned.

Sec. 18. Minnesota Statutes 1971, Section 115.49, is amended by adding a subdivision to read:

Subd. 9. Any contract ordered by the agency pursuant to this section may be reformed or terminated upon: (a) mutual agreement among all parties to the contract as exhibited by a joint written application to the agency, and approval thereof by the agency; or (b) unilateral application to the agency by registered mail by any party to such a contract, with a copy thereof served by registered mail upon all other parties to the contract, and subsequent order of reformation or termination of the agreement by the agency. The applicant may in its application for reformation or termination seek other relief in addition to said order of reformation or termination, including, but not limited to, an order directing the refund by the municipality operating the disposal system of overpayments made by the municipality being served during the life of the contract, or the further payment by the municipality being served to the municipality operating the disposal system made necessary by the inadequacy of payments made by the municipality being served to the municipality operating the disposal system during the life of the contract. In the event of a unilateral application to the agency, the agency may, after 30 days written notice, hold a public hearing for the purpose of hearing evidence relating to the application. Pursuant to an application under this subdivision, the agency may enter its order reforming or terminating the contract, ordering a refundment of overpayment or payment of underpayment, as aforesaid, or granting any further relief that is reasonable under the circumstances. Any party aggrieved by the Agency's decision may thereafter appeal to district court from the agency's order.

Sec. 19. Minnesota Statutes 1971, Section 116.05, Subdivision 1, is amended to read:

Subdivision 1. All state departments and agencies are hereby directed to cooperate with the pollution control agency and its director and assist them in the performance of their duties, *and are authorized to enter into necessary agreements with the agency*, and the pollution control agency is authorized to cooperate *and to enter into necessary agreements* with other departments and agencies of the state, with municipalities, with other states, with the federal government and its agencies and instrumentalities, in the public interest and in order to control pollution *under this chapter and chapter 115*.

Sec. 20. Minnesota Statutes 1971, Section 116.075, is amended to read:

116.075 [HEARINGS AND RECORDS PUBLIC.] Subdivision 1. All hearings conducted by the pollution control agency pursuant to ~~this chapter~~ *chapters 115 and 116* shall be open to the public, and the transcripts thereof are public records. All final records, studies, reports, orders and other documents prepared in final form by order of, or for the consideration of, the agency, are public records. Any documents designated as public records by this section may be inspected by members of the public at all reasonable hours and places under such rules and regulations as the agency shall promulgate.

Subd. 2. Any records or other information obtained by the pollution control agency or furnished to the agency by the owner or operator of one or more *air contaminant or water or land pollution* sources which are certified by said owner or operator, *and said certification, as it applies to water pollution sources*, is approved in writing by the director, to relate to (a) ~~production or sales figures~~, (b) processes or *methods of* production unique to the owner or operator, or (c) information which would tend to affect adversely the competitive position of said owner or operator, shall be only for the confidential use of the agency in discharging its statutory obligations, unless otherwise specifically authorized by said owner or operator. Provided, however, that all such information may be used by the agency in compiling or publishing analysis or summaries relating to the general condition of the ~~outdoor atmosphere~~ *state's water, air and land resources* so long as such analyses or summaries do not identify any owner or operator who has so certified. *Notwithstanding the foregoing, the agency may disclose any information, whether or not otherwise considered confidential which it is obligated to disclose in order to comply with federal law and regulations, to the extent and for the purpose of such federally required disclosure.*

Sec. 21. Minnesota Statutes 1971, Section 161.11, is amended to read:

Sec. 116.11 [EMERGENCY POWERS.] In the event that there is imminent *and substantial* danger to the health or welfare of the people of the state, or at any part thereof, as a result of the pollution of air, land or water; upon such finding, the agency may by emergency order direct the *immediate discontinuance or abatement* of such pollution without notice and without a hearing *or at the request of the agency*,

the attorney general of the state may bring an action in the name of the state in the appropriate district court for a temporary restraining order to immediately abate or prevent such pollution. Such agency order or temporary restraining order shall remain effective until notice, hearing and determination are effected pursuant to other provisions of law, or, in the interim, as otherwise ordered. Such agency order shall be appealable to the appropriate district court and the provisions of chapter 15 shall govern the procedure and scope of review on such appeal.

Sec. 22. [REPEALER.] Minnesota Statutes 1971, Sections 115.05, Subdivision 2; 115.07, Subdivisions 2, 4, and 6; 115.43; Subdivision 3; 115.45, Subdivision 2; 115.47; 115.81; 116.08; 116.30, and 116.31 are repealed.

Sec. 23. *This act is effective the day following its final enactment.*

Strike the title and insert in lieu thereof:

"A bill for an act relating to water pollution control; authorizing certain advisory and regulatory powers of the pollution control agency over disposal systems; providing penalties; amending Minnesota Statutes 1971, Sections 115.01, Subdivisions 1, 2, 4, 5, and 10, and by adding subdivisions; 115.03, Subdivisions 1 and 4, and by adding a subdivision; 115.04; 115.05, Subdivision 1; 115.07, Subdivision 3; 115.44, Subdivisions 5 and 8; 115.49, Subdivision 1, and by adding a subdivision; Chapter 115, by adding sections; 116.05, Subdivision 1; 116.075, 116.11; repealing Minnesota Statutes 1971, Sections 115.05, Subdivision 2; 115.07, Subdivisions 2, 4, and 6; 115.43, Subdivision 3; 115.45, Subdivision 2; 115.47; 115.81; 116.08; 116.30 and 116.31."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1716: A bill for an act relating to public water and sewer systems, improvements, and extensions established by counties and district courts; amending Minnesota Statutes 1971, Sections 116A.01, by adding a subdivision; 116A.02, Subdivision 1; 116A.09; 116A.12, Subdivisions 2 and 3a, and by adding subdivisions; 116A.15, Subdivisions 1 and 2; 116A.16; 116A.17, Subdivisions 1, 2, and 4; 116A.18, Subdivision 1; 116A.19, Subdivision 2; 116A.20, Subdivisions 1, 2, and 5; 116A.21; 116A.22; 116A.24, Subdivision 1, and by adding a subdivision; and 273.111, Subdivision 14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 22 and 23, delete "*which has no public facilities for the kind of service to be provided, or*"

Page 19, line 17, restore the stricken word "under"

Page 19, line 25, after "~~secure~~" and before the comma, insert "*this section*"

Page 22, line 25, after the period, insert the following sentence:

"The county board or the commission may also provide by resolution for discontinuance of water service to any premises in the event of non-payment of charges for any water or sewer service provided to the premises, upon reasonable notice to the owner and opportunity for hearing upon any claim that the charges are not properly due and payable."

Page 23, line 16, strike "at the pleasure of the county board"

Page 23, lines 17 and 18, delete "*which appointed them*" and insert in lieu thereof: "*for terms of four years and until their successors are appointed and qualify. The commencement date of the term of each member and his successors shall be fixed by order of the board or court so that as nearly as possible an equal number of members will be replaced or reappointed each year*"

Page 23, line 21, after the period, insert the following:

"When the area served by any system is enlarged pursuant to section 116A.12, subdivision 9, the board or court shall reapportion or increase the membership and reestablish the terms so as to conform to the foregoing provisions, but each member shall continue to serve for the term for which he was appointed. Vacancies due to death, resignation, incapacity to serve, removal, or resignation shall be filled by the appointing boards for the unexpired terms."

Page 24, after line 26, insert a new section:

"Sec. 24. Minnesota Statutes 1971, Section 116A.24, is amended by adding a subdivision to read:

Subd. 4. A commission appointed to construct, operate, and maintain any system pursuant to this section, when authorized by order of the county board or, in the case of a multi-county system, by orders of the county boards of all counties containing areas served by the system, filed with and confirmed by order of the district court, may exercise within the area served by the system and any extensions thereof all powers granted in this chapter to county boards for the financing of the construction, improvement, extension, operation, and maintenance of the system, including the power to levy taxes upon all taxable property within such area, to assess benefits and damages, and to issue general obligation bonds and certificates of indebtedness of the commission, supported by an irrevocable pledge of its power to tax such property, without limitation of rate or amount and without affecting the amount of debt to be incurred or taxes levied by any county or other political subdivision. Such authorization shall be irrevocable so long as any indebtedness of the commission is outstanding."

ReNUMBER the remaining sections.

Amend the title as follows:

Page 1, line 15, strike "a subdivision" and insert "subdivisions"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1617: A bill for an act relating to public welfare; increasing amounts of income disregarded in computing aid to disabled persons; amending Minnesota Statutes 1971, Section 256.455, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 10 through 27, and insert in lieu thereof the following:

"Subd. 5. [FIXING AMOUNT OF ASSISTANCE.] In determining need and in fixing the amount of assistance, there shall be taken into consideration all income and resources of the applicant or recipient; however, of the first \$90 per month of income which is earned the county agency shall disregard not more than the first \$20 thereof plus one half of the remainder, as well as expenses reasonably attributable to the earning of any such income. The amount of assistance which any recipient shall receive shall be determined by the county agency, with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with the rules and regulations promulgated by the commissioner of public welfare and sufficient, when added to all other income and support of the recipient, to provide him with a reasonable subsistence compatible with decency and health. The following amounts shall be disregarded in determining the need of an applicant or recipient: (a) \$7.50 of any monthly income; (b) The first \$20 of earned monthly income exempting the amount disregarded under clause (a); (c) One-half of the next \$60 of such earned income, as well as expenses reasonably attributable to earning of such income under clauses (a) and (b)."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 984: A bill for an act relating to the environment; establishing a state environmental policy, an environmental council and an environmental quality commission; appropriating money; amending Minnesota Statutes 1971, Sections 4.12, Subdivision 2; 40.02; 104.101, Subdivision 3; 115.03, Subdivision 1; and 116.07, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

Section 1. [PURPOSE.] *The purposes of this act are: (a) to declare a state policy that will encourage productive and enjoyable harmony between man and his environment; (b) to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimu-*

late the health and welfare of man; and (c) to enrich the understanding of the ecological systems and natural resources important to the state and to the nation.

Sec. 2. [DECLARATION OF STATE ENVIRONMENTAL POLICY.] Subdivision 1. *The legislature, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high density urbanization, industrial expansion, resources exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state government, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of the state's people.*

Subd. 2. *In order to carry out the policy set forth in this act, it is the continuing responsibility of the state government to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate state plans, functions, programs, and resources to the end that the state may:*

(a) *Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;*

(b) *Assure for all people of the state safe, healthful, productive, and aesthetically and culturally pleasing surroundings;*

(c) *Discourage ecologically unsound aspects of population, economic and technological growth, and develop and implement a policy such that growth occurs only in an environmentally acceptable manner;*

(d) *Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever practicable, an environment that supports diversity, and variety of individual choice;*

(e) *Encourage, through education, a better understanding of natural resources management principles that will develop attitudes and styles of living that minimize environmental degradation;*

(f) *Develop and implement land-use and environmental policies, plans, and standards for the state as a whole and for major regions thereof through a coordinated program of planning and land-use control;*

(g) *Define, designate, and protect environmentally sensitive areas;*

(h) *Establish and maintain statewide environmental information systems sufficient to gauge environmental conditions;*

(i) *Practice thrift in the use of energy and maximize the use of energy efficient systems for the utilization of energy, and minimize the environmental impact from energy production and uses;*

(j) *Preserve important existing natural habitats of rare and endangered species of plants, wildlife, and fish, and provide for the wise use of our remaining areas of natural habitation, including necessary protective measures where appropriate;*

(k) *Reduce wasteful practices which generate solid wastes;*

(l) *Minimize wasteful and unnecessary depletion of nonrenewable resources;*

(m) *Conserve natural resources and minimize environmental impact by encouraging extension of product lifetime, by reducing the number of unnecessary and wasteful materials practices, and by recycling materials to conserve both materials and energy;*

(n) *Improve management of renewable resources in a manner compatible with environmental protection;*

(o) *Provide for reclamation of mined lands and assure that any mining is accomplished in a manner compatible with environmental protection; and*

(p) *Reduce the deleterious impact on air and water quality from all sources, including the deleterious environmental impact due to operation of vehicles with internal combustion engines in urbanized areas;*

(q) *Minimize noise, particularly in urban areas;*

(r) *Prohibit, where appropriate, flood plain development in urban and rural areas;*

(s) *Encourage advanced waste treatment in abating water pollution;*

Sec. 3. [ACTION BY STATE AGENCIES.] Subdivision 1. *The legislature authorizes and directs that, to the fullest extent practicable the policies, regulations and public laws of the state shall be interpreted and administered in accordance with the policies set forth in sections 1 to 6.*

Subd. 2. *All departments and agencies of the state government shall:*

(a) *On a continuous basis, seek to strengthen relationships between state, regional, local and federal-state environmental planning, development and management programs;*

(b) *Utilize a systematic, interdisciplinary approach that will insure the integrated use of the natural and social sciences and the environmental arts in planning and in decision making which may have an impact on man's environment as an aid in accomplishing this purpose there shall be established advisory councils or other forums for consultation with persons in appropriate fields of specialization so as to ensure that the latest and most authoritative findings will be considered in administrative and regulatory decision-making as quickly and as amply as possible;*

(c) *Identify and develop methods and procedures that will ensure that environmental amenities and values, whether quantified or not, will be given at least equal consideration in decision-making along with economic and technical considerations;*

(d) *Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;*

(e) *Recognize the worldwide and long range character of environmental problems and, where consistent with the policy of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize interstate, national and international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;*

(f) *Make available to the federal government, counties, municipalities, institutions and individuals, information useful in restoring, maintaining, and enhancing the quality of the environment, and in meeting the policies of the state as set forth in this act;*

(g) *Initiate the gathering and utilization of ecological information in the planning and development of resource oriented projects; and*

(h) *Undertake, contract for or fund such research as is needed in order to determine and clarify effects by known or suspected pollutants which may be detrimental to human health or to the environment, as well as to evaluate the feasibility, safety and environmental effects of various methods of dealing with pollutants.*

Sec. 4. [ENVIRONMENTAL IMPACT STATEMENTS.] *Subdivision 1. Where there is potential for significant environmental effects resulting from any major governmental action or from any major private action of more than local significance, such action shall be preceded by a detailed statement prepared by the responsible agency or, where no governmental permit is required, by the responsible person, on:*

(a) *The environmental impact of the proposed action, including any pollution, impairment, or destruction of the air, water, land, or other natural resources located within the state;*

(b) *Any direct or indirect adverse environmental, economic, and employment effects that cannot be avoided should the proposal be implemented;*

(c) *Alternatives to the proposed action;*

(d) *The relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity, including the environmental impact of predictable increased future development of an area because of the existence of a proposal, if approved;*

(e) *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;*

(f) *The impact on state government of any federal controls associated with proposed actions; and*

(g) *The multistate responsibilities associated with proposed actions.*

Subd. 2. *The governor shall, by January 1, 1974, prescribe by rule and regulation in conformity with provisions of Minnesota Statutes, Chapter 15, guidelines and regulations setting forth those instances in which environmental impact statements are required to be prepared*

for new and existing actions and to coordinate the processing of such statements among local, state and federal agencies. The governor may by order delegate to any state agency any or all duties imposed upon him by this section. The governor may require the preparation of an environmental impact statement for any action or project not referred to in its guidelines and regulations. Further, the governor may require the revision of an environmental impact statement which is found to be inadequate.

Subd. 3. Upon the filing with the governor of a petition of not less than 500 persons requesting an environmental impact statement on a particular action, the governor shall review the petition 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.

Subd. 4. Prior to the preparation of a final environmental impact statement, the person responsible for the statement shall consult with and request the comments of every governmental office which has jurisdiction by law or special expertise with respect to any environmental effect involved. Copies of the drafts of such statements and the comments and views of the appropriate offices shall be made available to the governor and the public. The final detailed environmental impact statement and the comments received thereon shall precede final decisions on the proposed action and shall accompany the proposal through an administrative review process.

Subd. 5. (a) Permits for natural resources management and development shall include only permits required by the following sections of Minnesota Statutes: 84.415, utility crossings of public lands and waters; 84.45, aircraft operation in wilderness areas; 84.60 and 84.621, underground storage of gas or liquid; 89.17, use of state forest lands; 89.18, roads through state forests; 90.151, cutting and removal of timber; 93.01 to 93.43, exploration and mining of minerals; 104.04, flood plain management ordinances; 105.41, appropriation and use of waters; 105.42, construction of dams, alteration of shorelines and waterways; 105.43, establishment of lake levels; 105.44 and 113.02, irrigation of agricultural lands; 105.485, shoreland conservation ordinances; 93.13 and 105.64, drainage to facilitate mining; 115.03 and 115.43, water pollution; 116.07 and 116.081, air, solid waste, and noise pollution; 117.47, use of state lands for taconite mining; 117.49, condemnation by pipeline companies; 160.20, connecting drains to highway drains; 360.018, subdivision 6, airport construction.

(b) "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

(c) "Pollution, impairment or destruction" has the meaning given it in section 116B.02, subdivision 5.

Subd. 6. No state action significantly affecting the quality of the environment shall be allowed, nor shall any permit for natural resources management and development be granted, where such action or permit has caused or is likely to cause pollution, impairment, or destruction of the air, water, land or other natural resources located within the state, so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health.

safety, and welfare and the state's paramount concern for the protection of its air, water, and other natural resources from pollution, impairment, or destruction. Economic considerations alone shall not justify such conduct.

Subd. 7. Regardless of whether a detailed written environmental impact statement is required by the governor to accompany an application for a permit for natural resources management and development, or a recommendation, project, or program for action, officials responsible for issuance of aforementioned permits or for other activities described herein shall give due consideration to the provisions of this act, as set forth in section 3, in the execution of their duties.

Subd. 8. In order to facilitate coordination of environmental decision making and the timely review of agency decisions, the governor shall establish by regulation a procedure for early notice to the governor and the public of natural resource management and development permit applications and other impending state actions having significant environmental effects.

Subd. 9. Prior to the final decision upon any state project or action significantly affecting the environment or for which an environmental impact statement is required, or within 10 days thereafter, the governor may delay implementation of the action or project by notice to the agency or department and to interested parties. Thereafter, within 45 days of such notice, the governor may reverse or modify the decisions or proposal where he finds, upon notice and hearing, that the action or project is inconsistent with the policy and standards of sections 1 through 6. Any aggrieved party may seek judicial review pursuant to Chapter 15.

Sec. 5. [REVIEW OF AUTHORITY, REPORT.] All agencies of the state government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein that prohibit full compliance with the purposes and provisions of sections 1 to 6, and shall propose to the governor not later than July 1, 1974, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this act.

Sec. 6. Subdivision 1. [EFFECT OF EXISTING OBLIGATIONS.] Nothing in sections 3, 4 or 5 shall in any way affect the specific statutory obligations of any state agency to (a) comply with criteria or standards of environmental quality, (b) coordinate or consult with any federal or state agency, or (c) act or refrain from acting contingent upon the recommendations or certification of any other state agency or federal agency.

Subd. 2. [POLICIES ARE SUPPLEMENTAL.] The policies and goals set forth in sections 1 to 6 are supplementary to those set forth in existing authorizations of state agencies.

Sec. 7. [GOVERNOR, REPORT REQUIRED.] The governor shall transmit to the legislature and make public by November 15 of each year an environmental quality report which shall set forth:

(1) *The status and condition of the major natural, man-made, or altered environmental classes of the state, including, but not limited to, the air, the aquatic, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment;*

(2) *Current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic and other requirements of the state;*

(3) *The adequacy of available natural resources for fulfilling human and economic requirements of the state in the light of expected population pressures;*

(4) *A review of the programs and activities, including regulatory activities, of the federal government in the state, the state and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources;*

(5) *A program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation;*

(6) *A review of identified, potentially feasible programs and projects for solving existing and future natural resources problems;*

(7) *Measures as may be necessary to bring state government statutory authority, administrative regulations and current policies into conformity with the intent, purposes, and procedures set forth in this act;*

(8) *The status of statewide natural resources plans; and*

(9) *A statewide inventory of natural resources projects, consisting of (a) a description of all existing and proposed public natural resources works or improvements to be undertaken in the coming biennium by state agencies or with state funds, (b) a biennial tabulation of initial investment costs and operation and maintenance costs for both existing and proposed projects, (c) an analysis of the relationship of existing state projects to all existing public natural resources works of improvement undertaken by local, regional, state-federal, and federal agencies with funds other than state funds, and (d) an analysis of the relationship of proposed state projects to local, regional, state-federal, and federal plans.*

The purpose of this environmental quality report by the governor is to provide the information necessary for the legislature to assess the existing and possible future economic impact on state government of capital investments in and maintenance costs of natural resources works of improvement.

Sec. 8. Minnesota Statutes 1971, Section 4.12, Subdivision 2, is amended to read:

Subd. 2. The state planning officer shall:

(1) Review current programming and future planning of all state departments and agencies.

(2) Report regularly and on or before January 15 of each odd numbered year to the legislature, reviewing in each report the state planning program, and the progress and development thereof. Thereafter, as soon as practicable, he shall make recommendations for desirable legislation and necessary appropriations.

(3) To the extent practicable coordinate with state budgets the items therein relating to and reflecting statewide planning as authorized by the legislature and as recommended for the consideration of the legislature.

(4) Require each state department and agency having planning programs to regularly file copies thereof with him for review.

(5) Make available to the legislature or any authorized committee or commission thereof information concerning statewide development plans and basic research from which the plans have been developed.

(6) Act as the coordinating agency for the planning activities of all state departments and agencies and local levels of government.

(7) Review all plans filed with the federal government by state departments and agencies pursuant to Minnesota Statutes, Section 16.165, or any other law as a part of his duties prescribed by this section. The commissioner of administration shall furnish the state planning officer the information required by this clause.

(8) Encourage the development of planning programs by state departments and agencies and local levels of government.

(9) *Act as the coordinating agency for submission of the environmental impact statements required by the National Environmental Policy Act and the state's comments thereon to the appropriate federal agencies.*

Sec. 9. Minnesota Statutes 1971, 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 erosion of farm and grazing 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 top soil causing exposure of less absorptive and less protective, but more erosive, subsoil; and that land occupiers have failed 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 furrowing, contour cultivating, land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses.

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 soil and soil resources of this state, and for the control and prevention of soil erosion, for land resources planning and development, *for the implementation of land resource use practices that effectively reduce 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 preserve natural resources, 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. 10. Minnesota Statutes 1971, Section 104.01, Subdivision 3 is amended to read:

Subd. 3. *It is the policy of this state and the purpose of sections 104.01 to 104.07 to reduce flood damages through flood plain management, stressing nonstructural measures such as flood plain zoning and flood proofing, and flood warning practices.* It is the policy of this state and the purpose of sections 104.01 to 104.07 not to prohibit but to guide development of the flood plains of this state consistent with the enumerated legislative findings to provide state coordination and assistance to local governmental units in flood plain management, to encourage local governmental units to adopt, enforce and administer sound flood plain management ordinances, and to provide the commissioner of natural resources with authority necessary to carry out a flood plain management program for the state and to coordinate federal, state, and local flood plain management activities in this state.

Sec. 11. [105.405] [WATER SUPPLY MANAGEMENT.] *Subdivision 1. The commissioner shall develop and manage water resources to assure a supply adequate to meet long range seasonal requirements for domestic, municipal, industrial, agricultural, fish and wildlife, recreational, power, navigation, and quality control purposes from surface or ground water sources, or from a combination of these.*

Subd. 2. No permit authorized by sections 105.37 to 105.55 nor any plan for which the commissioner's approval is required or permitted, involving a diversion of any waters of the state, surface or underground, to a place outside of this state shall be granted or approved until after a determination by the commissioner that the water remaining in this state will be adequate to meet the state's water resources needs during the specified life of the diversion project.

Sec. 12. Minnesota Statutes 1971, Section 115.03, Subdivision 1, is amended to read:

115.03. [POWERS AND DUTIES.] Subdivision 1. The agency is hereby given and charged with the following powers and duties:

To administer and enforce all laws relating to the pollution of any of the waters of the state;

To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of sections 115.01 to 115.09;

To encourage waste treatment, including advanced waste treatment, instead of stream low-flow augmentation for dilution purposes to control and prevent pollution;

To make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this subdivision;

To require to be submitted and to approve plans for disposal systems or any part thereof and to inspect the construction thereof for compliance with the approved plans thereof;

To issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the discharge of sewage, industrial waste or other wastes, or for the installation or operation of disposal systems or parts thereof;

To revoke or modify any permit issued under sections 115.01 to 115.09 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution of any waters of the state;

To prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by sections 115.01 to 115.09, provided that every rule or regulation affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state; and

To conduct such investigations and hold such hearings as it may deem advisable and necessary for the discharge of its duties under sections 115.01 to 115.09, and to authorize any member, employee, or agent appointed by it to conduct such investigations or hold such hearings.

Sec. 13. Minnesota Statutes 1971, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall *improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution.* The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall *promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices.* The agency shall also adopt standards for the control of the collection, transportation and disposal of solid waste for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of solid waste control is applicable to all areas of the state. In adopting standard, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of solid waste control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which

noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency."

Strike the title and insert in lieu thereof:

"A bill for an act relating to the environment; establishing a state environmental policy and a program for the systematic review of environmental effects of various projects and actions; requiring an annual environmental report; and amending Minnesota Statutes 1971, Sections 4.12, Subdivision 2; 40.02; 104.01, Subdivision 3; 115.03, Subdivision 1; 116.07, Subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1815: A bill for an act relating to homestead exemptions; defining a homestead and limiting the exemption thereof; repealing Minnesota Statutes 1971, Chapter 510.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "such" and insert in lieu thereof "the"

Page 1, line 14, strike "subdivision 1 of this"

Page 1, line 15, strike "section and sections 2 through 10 of"

Page 1, line 16, strike the comma and insert in lieu thereof "and"

Page 1, line 17, strike "together with"; strike "to the" and insert in lieu thereof "as limited in this subdivision"

Page 1, line 18, strike "amount hereafter limited and defined,"

Page 1, line 19, strike "such" and insert in lieu thereof "a"

Page 1, line 20, strike ", and" and insert in lieu thereof "if the land is"

Page 1, line 21, strike "any city," and insert in lieu thereof "a municipality"

Page 1, line 22, strike "village, or borough"; strike "it be" and insert in lieu thereof "the land is"

Page 1, line 23, strike "such place" and insert in lieu thereof "a municipality"

Page 2, line 3, after the semicolon insert "and"

Page 2, line 14, strike "shall constitute" and insert in lieu thereof "constitutes"

Page 2, line 15, strike ", and" and insert in lieu thereof a period

Page 2, line 27, strike ", and" and insert in lieu thereof a period

Page 3, line 4, strike "such" and insert in lieu thereof "the"

Page 3, line 14, after the semicolon insert "and"

Page 3, line 16, strike "Such"

Page 3, line 26, after the semicolon insert "and"

Page 5, line 3, strike "such" and insert in lieu thereof "a"

Page 5, line 13, strike "the same" and insert in lieu thereof "it"

Page 5, line 14, strike "such" and insert in lieu thereof "that"; strike "shall file" and insert "files"

Page 5, line 16, strike the second comma

Page 5, line 17, strike "the same" and insert in lieu thereof "it"

Page 5, line 19, strike "such" and insert in lieu thereof "that"; strike the comma

Page 5, line 24, strike "shall die" and insert in lieu thereof "dies"

Page 5, line 25, strike "constituting a family"

Page 5, line 26, strike "surviving"

Page 5, line 27, strike "such" and insert in lieu thereof "the"; strike "shall abscond" and insert in lieu thereof "absconds"

Page 5, line 28, strike "desert" and insert in lieu thereof "deserts"

Page 6, line 1, strike "such" and insert in lieu thereof "the"

Page 6, line 3, strike "the same," and insert in lieu thereof "the homestead"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1289: A bill for an act relating to aeronautics; increasing the number of intermediate system airports permitted; amending Minnesota Statutes 1971, Section 360.305, Subdivisions 2 and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 11, add a section to read:

"Sec. 3. Minnesota Statutes 1971, Section 360.305, Subdivision 4, is amended to read:

Subd. 4. (1) Except as otherwise provided in this subdivision, the commissioner of aeronautics shall require as a condition of such assistance by the state that the political subdivision, municipality, or public corporation itself make a substantial contribution to the cost of the construction, improvement, maintenance, or operation, such costs are hereinafter referred to as project costs, in connection with which the assistance of the state is sought.

(2) For any airport, whether key, secondary or landing strip, where only state and local funds are to be used, said contribution shall be not less than ~~one-third~~ *one-fifth* of the sum of:

(a) the said project costs,

(b) acquisition costs of the land and clear zones, hereinafter "acquisition costs."

Where federal, state and local funds are to be used, said contribution shall not be less than one-tenth of said sum.

(3) The commissioner may pay the total cost of radio and navigational aids.

(4) However, notwithstanding subdivision 4, clause (2) above, the commissioner may pay all of the said project costs of a new landing strip, but not a secondary airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating moneys therefor, shall not exceed \$50,000.

(5) To receive aid hereunder for acquisition costs the municipality must enter into an agreement with the commissioner giving assurance that said airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public for a period of twenty years after the date that the state funds are received by the municipality. The agreement may contain such other conditions as the commissioner deems reasonable.

(6) The commissioner shall establish a hangar construction revolving account which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of such hangar construction for such amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are hereby reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this clause, the "construction" of hangars shall include their design.

(7) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed ~~one-half~~ *two-thirds* of the cost of such purchase price of snow removal. To receive such aid such municipality must enter into an agreement of the type referred to in clause (5) above.

(8) This subdivision shall apply only to project costs or acquisition costs of municipally owned airports which are incurred after June 1, 1971."

Further, amend the title on page 1, line 5, by inserting a comma after "2" and in line 6, by striking "and 3" and inserting in lieu thereof "3 and 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1180: A bill for an act relating to public welfare; payment for legal assistance; amending Minnesota Statutes 1971, Section 393.07, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Subdivision 1. The commissioner of public welfare is authorized to make grants to assist nonprofit legal services corporations in providing legal advice and representation to persons whose economic status renders them eligible for any program of public assistance.

Subd. 2. No grant shall exceed 75 percent of the total cost of operation of the corporation.

Subd. 3. No grant shall be used to compensate any corporation or attorney for any legal service otherwise required by law to be provided at no cost to indigent persons.

Subd. 4. A political subdivision may make grants from revenues available to it to any nonprofit legal services corporation to assist the corporation in providing the services described in section 1.

Sec. 2. There is appropriated to the commissioner of public welfare general fund in the state treasury the sum of \$. to fund the grants described in Section 1."

Amend the title by striking it in its entirety and insert in lieu thereof:

"A bill for an act relating to public welfare; providing for grants of state and local funds to nonprofit legal service corporations; appropriating money."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 2115: A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality council; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

Section 1. This act shall be known as the Minnesota power plant siting act.

Sec. 2. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 18, the terms defined in this section have the meanings given them, unless otherwise provided or indicated by the context.

Subd. 2. "Council" shall mean the Minnesota environmental quality council.

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 council, by regulation, may exempt lines under one mile in length.

Subd. 4. "Large electric power generating plant" shall mean electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.

Subd. 5. "Person" shall mean an individual, partnership, joint venture, private or public corporation, association, firm, public

service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Subd. 6. "Utility" shall mean any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor owned utility, co-operatively owned utility, and a public or municipally owned utility.

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.

Sec. 3. [SITING AUTHORITY.] Subdivision 1. [ESTABLISHMENT.] The Minnesota Environmental quality council is hereby given the authority to provide for power plant site and transmission line corridor and route selection.

Sec. 4. [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 council. Such 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 utility during the ensuing 15 years or such longer period as the council deems necessary;

(2) Identification of all existing generating plants and transmission lines projected to be removed from service during such 15 year period or upon completion of construction of such 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 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 council.

Sec. 5. [DEVELOPMENT OF POWER PLANT SITING AND TRANSMISSION LINE ROUTING CRITERIA; PUBLIC HEARINGS; INVENTORY.] Subdivision 1. [POLICY.] The legislature

hereby declares it to be the policy of the state to site large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy, the environmental quality council shall choose sites 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. [INVENTORY CRITERIA; PUBLIC HEARINGS.] The council shall promptly initiate a public planning process where all interested persons can participate in developing the criteria and standards to be used by the council in preparing an inventory of potential large electric power generating plant sites and high voltage transmission line corridors and to guide the site 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.

Subd. 3. [INVENTORY OF POTENTIAL LARGE ELECTRIC POWER GENERATING PLANT SITES AND HIGH VOLTAGE TRANSMISSION LINE CORRIDORS.] On or before July 1, 1975, the council shall assemble and publish an inventory of potential large electric power generating plant sites and high voltage transmission line corridors. A transmission line corridor shall not be less than one mile in width. The inventory report of potential large electric power generating plant sites and high voltage transmission line corridors shall set forth the criteria and standards used in developing the potential site and corridor inventory. After completion of its initial inventory of potential sites and corridors, the council 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. 6. [FACILITY DEVELOPMENT PLANS.] After publication by the council of its initial inventory of potential sites and corridors, and the criteria by which such sites and corridors were selected, every utility which owns or operates or plans within the next five years to start construction, own or operate large electric power generating plants or high voltage transmission lines shall develop and annually submit to the council its plans for facilities to meet and fulfill the expected future demands for electric energy during the period covered by such report. Such plans may be appropriate portions of a single regional plan or may be jointly prepared and submitted by two or more utilities, and shall contain the following information:

(1) Description of the general size and type of all large electric power generating plants and high voltage transmission lines to be owned and operated by such utility;

(2) Identification of all existing generating plants and transmission lines intended to be removed from service upon completion of construction of such large electric power generating plants and high voltage transmission lines;

(3) Identification of the location of the tentative preferred site and at least one alternative site for all large electric power generating plants, and the tentative preferred corridors and at least one alternative corridor for all high voltage transmission lines on which construction is intended to be commenced, and preliminary indication of the potential impact of the planned plants and lines on existing environmental values, and how potential adverse effects on such values will be avoided or minimized at least detriment to the public and to the total environment. Such site and corridor identification shall be made from the inventory published by the council pursuant to section 5 or from sites or corridors offered by the utility. In the event a utility identifies a plant site or transmission line corridor not contained in the council's inventory of potential sites and corridors, the utility shall set forth the reasons for such identification and shall make an evaluation of such identified sites and corridors using the council's plant siting and routing criteria.

Sec. 7. [DESIGNATION OF SITES AND CORRIDORS; APPROVAL OF TRANSMISSION LINE ROUTES AND FACILITY CONSTRUCTION; EMERGENCY CERTIFICATION; RESPONSIBILITIES.] Subdivision 1. [DESIGNATION OF SITES AND CORRIDORS 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, any utility may request that the council designate a specific site or corridor for a specific size and type of facility. Following the study, evaluation, and hearings, as provided in this section and sections 8, 9 and 10, on any site or corridor proposed by the utilities and such other sites and corridors as the council deems necessary from the inventory the council shall designate a suitable site or corridor for a specific size and type of facility. This designation by the council shall be made in accordance with the site selection criteria and standards established in section 5 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 council for just cause. No site or corridor designation shall be made in violation of the site selection standards established in section 5. The council 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 site or corridor, the council shall issue to the utility a certificate of site compatibility.

Subd. 2. [APPROVAL OF SPECIFIC HIGH VOLTAGE TRANSMISSION LINE FACILITIES, DESIGNS AND ROUTES

WITHIN A DESIGNATED CORRIDOR.] No later than two years after the issuance of a certificate of site compatibility the utility shall apply to the council for a permit for the construction of a high voltage transmission line within the approved corridor. Following study, evaluation and hearings on the type, design, routing, right-of-way preparation and facility construction as identified in the utility's application and alternatives to the utility's corridor development proposal as provided in subdivision 4, the council shall issue a permit for the construction of high voltage transmission lines within the designated corridor. This permit issuance by the council shall be made in a timely manner and published no later than 180 days after the application for a permit by the utility.

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 council 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 days of the application and upon a finding by the council that a demonstrable emergency exists which requires such immediate construction, and that adherence to the procedures and time schedules set forth in sections 4, 5, 6 and 7 hereof would jeopardize such utility's electric power system. A public hearing shall be held within 90 days of the application. The council shall, after notice and hearing, promulgate regulations setting forth the criteria for emergency certification.

Subd. 4. [RESPONSIBILITIES, PROCEDURES, CONSIDERATIONS IN DESIGNATING SITES AND CORRIDORS; APPROVAL OF TRANSMISSION LINE FACILITY CONSTRUCTION.] 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 council 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 from such plants 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 sites and sites of operating large electric power generating plants, 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 alternatives to the proposed site and transmission line corridors and routes;

(8) Evaluation of irreversible and irretrievable commitments of resources should the proposed site and transmission line corridor or route be approved;

(9) Where appropriate, consideration of problems raised by other state and federal agencies and local entities.

(10) Where rules and regulations of the council as set forth in this act 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 council.

Sec. 8. [PUBLIC HEARING; NOTICE.] The council shall hold an annual public hearing at a time and place prescribed by regulation in order to afford interested persons an opportunity to be heard regarding its inventory of potential sites and corridors and any other aspects of the council's activities and duties or the policies set forth in this act. The council shall hold at least one public hearing in each county where a site or route is being considered for designation pursuant to Sec. 7 as suitable for construction of a large electric power generating plant or a high voltage transmission line. Notice of public hearings shall be given by the council at least ten days in advance but no earlier than 45 days prior to such hearings. Notice shall be by publication in a legal newspaper of general circulation in the county in which the public hearing is to be held and by mailed notice to chief executives of the regional councils, county and the incorporated municipalities therein.

Sec. 9. Subdivision 1. [ADVISORY COMMITTEE.] The council 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 considered for designation shall be comprised of as many persons as may be designated by the council, 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 and municipal corporation in which a large

electric power generating plant site and high voltage transmission line corridor are proposed to be located. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Subd. 2. [OTHER PUBLIC PARTICIPATION.] The council shall adopt broad spectrum citizen participation as a principal of operation. The form of public participation shall not be limited to public hearings and advisory committees and shall be consistent with the council's rules, regulations and guidelines as provided for in section 16 of this act.

Sec. 10. [PUBLIC MEETINGS; TRANSCRIPT OF PROCEEDINGS; WRITTEN RECORDS.] Meetings of the council, including hearings, shall be open to the public. Minutes shall be kept of council meetings and a complete record of public hearings shall be kept. All books, records, files, and correspondence of the council shall be available for public inspection at any reasonable time.

Sec. 11. Subdivision 1. [REGIONAL, COUNTY AND LOCAL ORDINANCES, RULES, REGULATIONS; PRIMARY RESPONSIBILITY AND REGULATION OF SITE DESIGNATION, IMPROVEMENT AND USE.] To assure the paramount and controlling effect of the provisions herein over other state agencies, regional, county and local governments, and special purpose government districts, the issuance of a certificate of site compatibility or transmission line construction permit and subsequent purchase and use of such site or route locations for large electric power generating plant and high voltage transmission line purposes shall be the sole site approval required to be obtained by the utility. Such certificate or permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

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 council, 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 council by this Act.

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 council on specific site, corridor or route designations of the council, 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. 12. [IMPROVEMENT OF ACQUIRED LARGE ELECTRIC POWER GENERATING PLANT SITES AND HIGH VOLTAGE TRANSMISSION LINE ROUTE LOCATIONS.] Utilities which have acquired a power plant site or transmission line route in accordance with this act may proceed to construct or improve such site or route for the intended purposes at any time, subject to section 11, subdivision 2, provided that if such 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 council that such site or route continues to meet the conditions upon which the certificate of site compatibility or transmission line construction permit was issued.

Sec. 13. [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 the effective date of this act. 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 this act.

Sec. 14. [FAILURE TO ACT.] In the event the council 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, any affected utility may seek an order of the district court requiring the council to designate a site, corridor, or route.

Sec. 15. [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 council or a certification of continuing suitability filed by a utility with the council or by a final order in accordance with any rules and regulations promulgated by the council, may appeal therefrom to any district court where such large electric power generating plant or high voltage transmission line is to be located. Such appeal shall be made and perfected within 60 days after the issuance of the certificate or permit by the council or certification filed with the council or the filing of any final order by the council. 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 council 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.

Sec. 16. [RULES AND REGULATIONS.] The council, in order to give effect to the purposes of this act, shall adopt rules and regulations consistent with this act, 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 develop-

ment, revision, and enforcement of any regulation, plan or program established by the council. Minnesota Statutes, Chapter 15, shall apply to the appeal of rules and regulations adopted by the council to the same extent as it applies to review of rules and regulations adopted by any other agency of state government.

Sec. 17. [SAVINGS CLAUSE.] The provisions of this act shall not apply to the site for the large electric power generating plant evaluated and recommended by the governor's environmental quality council, prior to the date of enactment, and also to 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. 18. [BIENNIAL REPORT; BUDGET; APPROPRIATION; FUNDING.] Subdivision 1. The council shall prepare and submit to the legislature biennially a report of its power plant and transmission siting operations, activities, findings, recommendations, and undertakings. The report shall also contain information on the council's biennial expenditures, its proposed budget for the following biennium, and the amounts paid in certificate and permit application fees pursuant to subdivision 2 and in assessments pursuant to subdivision 3. The proposed budget for the following biennium shall be subject to legislative review.

Subd. 2. Every applicant for a site certificate or transmission line construction permit shall pay to the council a fee in an amount equal to \$500 for each \$1,000,000 of production or transmission plant investment in the proposed installation as defined in the Federal Power Commission Uniform System of Accounts. However, the fee shall not be less than \$5,000 for each application. The council shall specify the time and manner of payment of the fee. If any single payment requested by the council is in excess of 25% of the total estimated fee, the council shall show that such excess is reasonably necessary. The applicant shall pay within 30 days of notification such additional fees as are reasonably necessary for completion of the plant site, transmission line corridor or route evaluation and selection process by the council. 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 plant investment (\$1,000 for each \$1,000,000). 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 this act and in the event such expenses are less than the fee paid, to refund the excess to the applicant.

Subd. 3. The council shall finance its base line studies, general environmental studies, development of criteria, inventory preparation and all other work, other than specific site, corridor, and route selection, from an assessment made annually by the council 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 .0667, 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 council. Such 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 council for carrying out the purposes of this subdivision.

Subd. 4. There is hereby appropriated to the environmental quality council from the general fund in the state treasury \$500,000 for the biennium ending June 30, 1975, as the budget for carrying out the provisions of subdivision 3 of this section.

Sec. 19. This act is effective the day following its final enactment.

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1702: A bill for an act relating to the establishment of a riding and hiking trail from Plymouth Village, Hennepin county, to the city of Gluek in Chippewa county; authorizing the acquisition of interests in land, and the development, maintenance, and operation of the trail; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 85.015, Subdivision 1, is amended to read:

85.015 [STATE TRAILS.] Subdivision 1. The commissioner of natural resources shall establish, develop, maintain, and operate the trails designated in this section. Each trail shall have the purposes assigned to it in this section. The commissioner of *administration*, for the commissioner of natural resources, may acquire lands by gift or purchase, in fee or easement, for the trail and facilities related to the trail.

Sec. 2. Minnesota Statutes 1971, Section 85.015, is amended by adding a subdivision to read:

Subd. 9. Luce Line Trail.

(a) The trail shall originate at Gleason Lake in Plymouth Village, Hennepin county, and shall follow the route of the Chicago Northwestern Railroad.

(b) *The trail shall be developed for multi-use wherever feasible. Local units of government shall be encouraged to cooperate in maintaining its integrity for modes of use consistent with existing ordinances.*

(c) *In establishing, developing, maintaining, and operating the trail, the commissioner shall cooperate with local units of government and private individuals and groups. Before acquiring any parcel of land for the trail, the commissioner of natural resources shall develop a management program for the parcel and conduct a public hearing on the proposed management program in the vicinity of the parcel to be acquired. The management program of the commissioner shall include but not be limited to the following: (a) fencing of portions of the trail where necessary to protect adjoining landowners; and (b) the maintenance of the trail in a litter free condition to the extent practicable.*

(d) *The commissioner shall not acquire any of the right-of-way of the Chicago Northwestern Railway Company until the abandonment of the line described in this subdivision has been approved by the interstate commerce commission. Compensation, in addition to the value of the land, shall include improvements made by the railroad, including but not limited to, bridges, trestles, public road crossings, or any portion thereof, it being the desire of the railroad that such improvements be included in the conveyance. The fair market value of the land and improvements shall be recommended by two independent appraisers mutually agreed upon by the parties. The fair market value thus recommended shall be reviewed by a review appraiser agreed to by the parties, and the fair market value thus determined, and supported by appraisals, may be the purchase price. The commissioner may exchange lands with landowners abutting the right-of-way described in this section to eliminate diagonally-shaped separate fields.*

Sec. 3. *Minnesota Statutes 1971, Section 85.015, Subdivision 9, is repealed.*

Amend the title as follows:

Page 1, lines 4 and 5, strike “, to the city of Gluek in Chippewa county”

Page 1, lines 8 and 9, strike “appropriating money” and insert in lieu thereof: “amending Minnesota Statutes 1971, Section 85.015, Subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1971, Section 85.015, Subdivision 9”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

H. F. No. 217: A bill for an act relating to the village of Roseville; firemen's relief association service pensions; amending Laws 1965, Chapter 598, Section 1, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 27, after "of" insert "the"

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 2145: A bill for an act relating to the town of White, St. Louis county; authorizing an increase in the salaries of clerk and treasurer.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1563: A bill for an act relating to police pensions in the city of Saint Paul; amending Laws 1955, Chapter 151, Section 9, Subdivision 6.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1824: A bill for an act relating to motor carriers; permit carriers; providing that permits may be assigned or transferred under certain conditions; amending Minnesota Statutes 1971, Section 221.151, Subdivision 1; and repealing Minnesota Statutes 1971, Section 221.151, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, strike the new language in lines 11 through 16 and reinsert the stricken language in lines 1 through 11.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 1665: A bill for an act relating to fire and police aid; providing state aid to municipalities contracting with counties for police protection services; regulating certain reports and certain state aid; amending Minnesota Statutes 1971, Sections 69.011, Subdivisions 1, 2 and 4; 69.021, Subdivisions 4, 5, 6, 7, and 9; 69.031, Subdivisions 4 and 5; and 69.051, Subdivision 1; repealing Minnesota Statutes 1971, Section 69.051, Subdivision 3; and Laws 1971, Chapter 695, Section 6.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, 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 as provided in subdivision 4, clause (2) and having a duly incorporated relief association or a special police department fund within its treasury or municipality contracting with the county for police protection service by county sheriff 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 a statement of receipts and disbursements for police protection and other facts the commissioner or auditor may require.

Sec. 2. Minnesota Statutes 1971, Section 69.011, Subdivision 4, is amended to read:

Subd. 4. [QUALIFICATION FOR STATE AID.] (1) Any municipality in this state having for more than one year an organized fire department and officially established by the governing body of the municipality or an independent nonprofit fire fighting corporation created under the nonprofit corporation act of this state and operating exclusively for fire fighting purposes and providing retirement and relief benefits to its members or having a separate subsidiary incorporated firemen's relief and pension association providing retirement and relief benefits may qualify

to receive state aid if it meet the following minimum requirements or equivalent as determined by the state fire marshal by July 1, 1972:

(a) Ten paid or volunteer firemen including a fire chief and assistant fire chief, and

(b) Regular scheduled meetings and frequent drills including instructions in fire fighting tactics and in the use, care, and operation of all fire apparatus and equipment, and

(c) A motorized fire truck equipped with a motorized pump, 250 gallon or larger water tank, 300 feet of one inch or larger fire hose in two lines with combination spray and straight stream nozzles, five-gallon hand pumps—tank extinguisher or equivalent, dry chemical extinguisher or equivalent, ladders, extension ladders, pike poles, crow bars, axes, lanterns, fire coats, helmets, boots, and

(d) Apparatus suitably housed in a building of good construction with facilities for care of hose and equipment, and

(e) A reliable and adequate method of receiving fire alarms by telephone or with electric siren and suitable means of sounding an alarm, and

(f) If response is to be provided outside the corporate limits of the municipality wherein the fire department is located, the municipality has another piece of motorized apparatus to make the response, and

(g) Other requirements the commissioner establishes by rule.

(2) Any municipality in this state having for more than one year an organized police department established by the governing body of the municipality or any municipality contracting with the county for police protection service by county sheriff, as evidenced by written police protection agreement filed with the commissioner may qualify to receive state aid.

Sec. 3. Minnesota Statutes 1971, 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 Fire-town Premiums Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner for the fire service 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 state aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the assessed 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, village, 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 aid received by him relative to the premiums reported on the Minnesota Aid to Police Premium Reports filed pursuant to this chapter for the police service to each municipality having an organized police department or to each municipality receiving contracted police protection service from the county sheriff as evidenced by duly executed and valid police service agreements filed with him 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 qualifying municipalities in the county for which aid is proportioned.

In the case of municipalities qualifying for the police state aid and providing outside police protection service, the county auditor shall calculate the state aid for the municipality on the basis of the population and the assessed property valuation of the area city, village, borough, town or township furnished police protection service by the organized police department as evidenced by duly executed and valid police service agreements filed with him. If one or more police departments are furnishing contracted police service to an area only the population and assessed property valuation of the area served by each police

department shall be considered in calculating the state aid or the police departments furnishing service ~~may~~ *shall* enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of service area. Agreement shall be in writing and filed with the ~~county auditor and the~~ commissioner. *The commissioner shall send the police service agreement and the service area apportionment agreement to the county auditor.*

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 if such an association exists. In the case of all other municipalities or cities of the first and second class if no relief association exists aid shall be paid to the treasurer of the municipality where the police department is located and the treasurer of the municipality shall within 30 days transmit the aid to the police retirement or relief fund if such fund exists and 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."

Amend the title by striking it in its entirety and inserting in lieu thereof

"A bill for an act relating to fire and police aid; providing state aid to municipalities contracting with counties for police protection services; amending Minnesota Statutes 1971, Sections 69.011, Subdivisions 2 and 4; and 69.021, Subdivision 7."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1994: A bill for an act relating to certain buildings and facilities; providing that plans and specifications for construction or remodeling of certain buildings and facilities provide for accessibility and usability for physically handicapped and aged persons; amending Minnesota Statutes 1971, Sections 471.465, Subdivisions 2, 4 and 5; 471.466; 471.467, Subdivision 3; and 471.468.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, strike "facilitations" and insert "facilities"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 2096: A bill for an act relating to charitable organizations; solicitation; limitations and prohibitions; licensing and

bonding of professional fund raisers; disclosures required; amending Minnesota Statutes 1971, Sections 309.50, Subdivisions 2, 3 and 5, and by adding subdivisions; 309.51, Subdivisions 1 and 2; 309.52, Subdivision 1; 309.53, Subdivision 1; 309.54, Subdivision 1; 309.55, by adding subdivisions; 309.555; 309.56; 309.58; 309.60; and Chapter 309, by adding sections.

Reports the same back with the recommendation that the bill be amended as follows: Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 309.50, Subdivision 2, is amended to read:

Subd. 2. "Person" means any individual, organization, group, firm, copartnership, association, partnership, corporation, company, or trust or joint stock association, church, religious sect, religious denomination, society, or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

Sec. 2. Minnesota Statutes 1971, Section 309.50, Subdivision 3, is amended to read:

Subd. 3. "Charitable purpose" means and includes any charitable, benevolent, philanthropic, patriotic, religious, social service, welfare, educational, or eleemosynary purpose, either actual or purported.

Sec. 3. Minnesota Statutes 1971, Section 309.50, Subdivision 5, is amended to read:

Subd. 5. "Contribution" means the promise or grant of any money or property of any kind or value, including the promise to pay, or payment for merchandise or rights of any other description when representation is made by or on behalf of the seller or solicitor that the whole or any part of the price will be applied to a charitable purpose. Reference to the dollar amount of "contributions" in section 309.51, subdivision 2(e) means in the case of promises to pay, or payment for merchandise or rights of any other description the value of the total amount promised to be paid or paid for such merchandise or rights and not merely that portion of the purchase price to be applied to a charitable purpose. "Contributions" shall not include any funds obtained by a charitable organization through grants from any governmental agency. "Contributions" shall include, in the case of a charitable organization offering goods and services to the public, the difference between the direct cost of the goods and services to the charitable organization and the price at which the charitable organization or any person acting on its behalf resells those goods or services to the public.

Sec. 4. Minnesota Statutes 1971, Section 309.50, is amended by adding subdivisions to read:

Subd. 7. "Department" means the securities division of the department of commerce.

Subd. 8. "Parent organization" is that part of a charitable organization which coordinates, supervises or exercises control over policy, fund-raising, and expenditures, or assists or advises one or more chapters, branches or affiliates in the state. Subd. 9. "Solicit" and "solicitation" mean the request directly or indirectly for any contribution on the plea or representation that such contribution will or may be used for any charitable purpose, and also mean and include any of the following methods of securing contributions:

- (1) Oral or written request;
- (2) The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement, or publication;
- (3) The making of any announcement to the press, over the radio, by television, by telephone, or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, or social gathering, which the public is requested to patronize or to which the public is requested to make a contribution;
- (4) The sale of, offer, or attempt to sell, any advertisement, advertising space, book, card, magazine, merchandise, subscription, ticket of admission, or any other thing, or the use of the name of any charitable person in any offer or sale as an inducement or reason for purchasing any such item, or the making of any statement in connection with any such sale, that the whole or any part of the proceeds from any such sale will be used for any charitable purpose. A "solicitation" is defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any such sale.

Sec. 5. Minnesota Statutes 1971, Chapter 309 is amended by adding a section to read:

[309.515] [EXEMPTIONS.] Subdivision 1. Subject to the provisions of Subdivisions 2 and 3 of this section, Sections 309.52 and 309.53 shall not apply to any of the following:

(a) charitable organizations:

- (1) which did not receive total contributions in excess of \$2,000 from the public within or without this state during the accounting year last ended, and
- (2) which do not plan to receive total contributions in excess of such amount from the public within or without this state during any accounting year, and
- (3) whose functions and activities, including fund raising, are performed wholly by persons who are unpaid for their services, and
- (4) none of whose assets or income inure to the benefit of or are paid to any officer.

For purposes of this chapter, a charitable organization shall be deemed to receive in addition to such contributions as are solicited

from the public by it, such contributions as are solicited from the public by any other person and transferred to it. Any organization constituted for a charitable purpose receiving an allocation from a community chest, united fund or similar organization shall be deemed to have solicited that allocation from the public.

(b) any group or association serving a bona fide religious purpose when the solicitation is connected with such a religious purpose, nor shall such sections apply when the solicitation for such a purpose is conducted for the benefit of such a group or association by any other person with the consent of such group or association. Nothing contained in sections 309.50 to 309.61 shall prevent such a group or association or any such other person from voluntarily filing a registration statement or annual report under sections 309.52 and 309.53.

(c) Any educational institution which is under the general supervision of the state board of education, the state college board, the state junior college board, or the University of Minnesota or any educational institution which is accredited by the University of Minnesota or the North Central Association of Colleges and Secondary Schools, or by any other national or regional accrediting association.

(d) A fraternal, patriotic, social, educational, alumni, professional, trade or learned society which limits solicitation of contributions to persons who have a right to vote as a member. The term "member" shall not include those persons who are granted a membership upon making a contribution as the result of a solicitation.

(e) A charitable organization soliciting contributions for any person specified by name at the time of the solicitation if all of the contributions received are transferred to the person named with no restrictions on his expenditure of it and with no deductions whatsoever.

Subd. 2. Where any such group or association or person soliciting for the benefit of such group or association described in clauses (a), (b) and (d) of subdivision 1, employs a professional fund raiser to solicit or assist in the solicitation of contributions, sections 309.52 and 309.53 shall apply and such group or association or person shall file a registration statement as provided in section 309.52 and an annual report as provided in section 309.53.

Subd. 3. The Department may, by written order or regulation, suspend or wholly revoke the exempt status of any charitable organization or any group of charitable organizations exempted by this section or may require, prior to a solicitation by a charitable organization exempt by the provisions hereof, such information with respect thereto as the Department may deem necessary to protect the public interest.

Sec. 6. Minnesota Statutes 1971, Section 309.52. Subdivision 1, is amended to read:

309.52 [REGISTRATION REQUIREMENT.] Subdivision 1. ~~Every~~ No charitable organization, except as otherwise provided in section 309.51, ~~which solicits~~ shall solicit contributions from per-

sons in this state by any means whatsoever ~~shall unless~~, prior to any solicitation, *there shall be on file with the department of commerce, division of licensing and consumer services upon forms provided by the department, a registration statement which shall include containing, without limitation, the following information:*

- (a) Legally established name.
- (b) Name or names under which it solicits contributions.
- (c) Form of organization.
- (d) Date and place of incorporation, ~~if any organization.~~
- (e) Address of principal office in this state, or, if none, the name and address of the person having custody of books and records within this state.
- (f) Names and addresses of officers, directors, trustees, and chief executive officer.
- (g) Federal and state tax exempt status.
- (h) Denial at any time by any governmental agency or court of the right to solicit contributions.
- (i) Date on which accounting year of the charitable organization ends.
- (j) General purposes for which organized.
- (k) General purposes for which contributions to be solicited will be used.
- (l) Methods by which solicitation will be made.
- (m) Copies of contracts between charitable organization and professional fund raisers relating to financial compensation or profit to be derived by the professional fund raisers. Where any such contract is executed after filing of the registration statement, a copy thereof shall be filed within seven days of the date of execution.
- (n) Board, group or individual having final discretion as to the distribution and use of contributions received.
- (o) The amount of total contributions received during the accounting year last ended.
- (p) *Such other information as the department may by rule or order require to promote fairness of the solicitation and to assure full and fair disclosure of all material information to the department.*

Sec. 7. Minnesota Statutes 1971, Section 309.53, Subdivision 1, is amended to read:

309.53 [ANNUAL REPORT.] Subdivision 1. Except as otherwise provided in subdivision 1a of this section, every charitable organization required to file a registration statement pursuant to section 309.52 shall file an annual report with the department of commerce, ~~division of licensing and consumer services~~ upon forms provided by the department or on forms identical there-

to on or before June 30 of each year if its books are kept on a calendar year basis, or within six months after the close of its fiscal year if its books are kept on a fiscal year basis. For cause shown the attorney general department may extend the time for filing the annual report for a period not to exceed three months. The annual report shall be accompanied by a filing fee of \$5 \$10 which shall be deposited in the state treasury.

Sec. 8. Minnesota Statutes 1971, Chapter 309, is amended by adding a section to read:

[309.531] [LICENSING OF PROFESSIONAL FUND RAISERS; BOND REQUIRED.] *Subdivision 1. No person shall act as a professional fund raiser unless licensed by the department. Applications for a license shall be in writing, under oath, in the form prescribed by the department and shall be accompanied by an application fee of \$25. Each license shall be effective for a period of not more than 12 months from the date of issuance, and in any event shall expire on July 30 next following the date of issuance.*

Subd. 2. The department shall have the power, in connection with any application for license as a professional fund raiser, to require the applicant to file a surety bond in such amount, not exceeding \$20,000, and containing such terms and conditions as the department determines are necessary and appropriate for the protection of the public. The applicant may deposit cash in and with a depository acceptable to the department in such amount and in such a manner as may be prescribed and approved by the department in lieu of the bond.

Subd. 3. No professional fund raiser shall solicit in the name of or in behalf of any charitable organization unless such solicitor has written authorization from two officers of such organization, a copy of which shall be filed with the department. Such written authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, which shall not exceed one year from the date issued.

Subd. 4. The department may require that any licensed professional fund raiser submit financial reports, not more frequently than quarterly, in such form and containing such information as the department by rule or order requires.

Sec. 9. Minnesota Statutes 1971, Section 309.54, Subdivision 1, is amended to read:

309.54 [PUBLIC RECORD.] *Subdivision 1. Registration statements, annual reports, and other documents required to be filed shall become public records in the office of the department of commerce, division of licensing and consumer services.*

Sec. 10. Minnesota Statutes 1971, Section 309.55, is amended by adding subdivisions to read:

Subd. 4. No charitable organization and no person acting on behalf of a charitable organization shall use any uniformed personnel of any local, state or federal agency or department to solicit contributions.

Subd. 5. No charitable organization and no person acting on behalf of a charitable organization shall use or employ any fraud, false pretense, false promise, misrepresentation, misleading statement or deceptive practice with the intent that others rely thereon in connection with any charitable solicitation.

Subd. 6. No person shall, either in his own right or as agent, officer or employee of a charitable organization sell or otherwise furnish for a consideration to any other person any list of contributors.

Sec. 11. Minnesota Statutes 1971, Section 309.555, is amended to read:

309.555 [LIMITATIONS ON CHARITABLE EXPENDITURES.]
Subdivision 1. Except as provided in subdivision 2, no charitable organization shall pay or agree to pay to any professional fund raiser as compensation for his services or as reimbursement of expenses, or both, an amount in excess of 30 percent of the total gross amount of moneys, funds, pledges or other property raised or received by such professional fund raiser in the name of the charitable organization.

Subd. 2. In the event that goods or services are provided to the public in connection with charitable solicitation, when a professional fund raiser is employed, no charitable organization shall pay or agree to pay to any professional fund raiser as compensation for his services or as reimbursement for expenses, or both, an amount in excess of 30 percent of the difference between the cost to the charitable organization of all goods and services sold by the professional fund raiser, and the amount for which said goods and services are sold.

Subd. 3. Compensation paid or agreed to be paid to a professional fund raiser shall include the reasonable cost of any expense, whether in money or in kind, incurred by a charitable organization pursuant to an agreement or contract with a professional fund raiser for the solicitation of charitable contributions. A charitable organization shall be deemed to have paid or agreed to pay any portion of such moneys, funds, pledges or other properties retained by the professional fund raiser pursuant to a contract with the charitable organization.

Subd. 4. No person shall use the name of a charitable organization for financial compensation or profit unless the charitable organization has consented to the use of its name in a contract with the person. The contract shall:

(a) be in writing, and a copy thereof shall be filed with the department within seven days of the date of execution;

(b) disclose the amount of financial compensation or profit to be retained by the person;

(c) disclose the percentage of the total gross amount of moneys, funds, pledges or other property raised or received or to be raised or received in connection with the use of the name of the charitable organization which will be given to the charitable organization.

Sec. 12. Minnesota Statutes 1971, Chapter 309, is amended by adding a section to read:

[309.556] [PUBLIC DISCLOSURE REQUIREMENTS.] *In connection with any charitable solicitation, the following information shall be clearly disclosed:*

(a) *The name, address and telephone number of each charitable organization on behalf of which the solicitation is made;*

(b) *The percentage of the contribution which may be deducted as a charitable contribution under both federal and state income tax laws.*

If the solicitation is made by direct contact, the required information shall be disclosed prominently on a card which shall be exhibited to the person solicited. If the solicitation is made by radio, television, letter, telephone or any other means not involving direct personal contact, the required information shall be clearly disclosed in the solicitation.

Sec. 13. Minnesota Statutes 1971, Section 309.56, is amended to read:

309.56 [SERVICE OF PROCESS.] Subdivision 1. Any charitable organization or professional fund raiser which solicits contributions in this state, but does not maintain an office within the state shall be subject to service of process, as follows:

(a) By service thereof on its registered agent within the state, or if there be no such registered agent, then upon the person who has been designated in the registration statement as having custody of books and records within this state; where service is effected upon the person so designated in the registration statement a copy of the process shall, in addition, be mailed to the charitable organization or professional fund raiser at its last known address;

(b) When a charitable organization or professional fund raiser has solicited contributions in this state, but maintains no office within the state, has no registered agent within the state, and no designated person having custody of its books and records within the state, or when a registered agent or person having custody of its books and records within the state cannot be found and shown by the return of the sheriff of the county in which such registered agent or person having custody of books and records has been represented by the charitable organization or professional fund raiser as maintaining an office, service may be made by delivering to and leaving with the ~~department of commerce, division of licensing and consumer services, Commissioner of Securities of the Department of Commerce or with any deputy or clerk in the office,~~ three copies thereof and a fee of \$6.

(c) Following service upon the ~~department~~ Commissioner of Securities of the Department of Commerce the provisions of law relating to service of process on foreign corporations contained in Minnesota Statutes 1957, Section 303.13, Subdivisions 2, 3, 4, and 5, shall thereafter govern.

Subd. 2. The solicitation of any contribution within this state shall be deemed to be the agreement of the charitable organization or professional fund raiser that any process against it which is so

served in accordance with the provisions of this section shall be of the same legal force and effect as if served personally within this state.

Sec. 14. Minnesota Statutes 1971, Section 309.58, is amended to read:

309.58 [VIOLATIONS; WITNESSES; TESTIMONY.] ~~Subdivision 1. Whenever the department or the attorney general has reason to believe that a violation of sections 309.50 to 309.61 has been committed or may be committed by a charitable organization or professional fund raiser, or its officers, directors, trustees, agents or servants, he either the Department or the attorney general may request information relevant to the provisions of sections 309.50 to 309.61 from such charitable organization or professional fund raiser. If, in the opinion of the department or the attorney general, such charitable organization or professional fund raiser, through its managing group, fails to furnish the information requested, or fails to satisfy the department or the attorney general that the charitable organization or professional fund raiser or its officers, directors, trustees, agents or servants do not have or cannot acquire the information requested, he may cancel the registration statement of such charitable organization or the license of the professional fund raiser may be suspended, revoked or censured by the Department in accordance with the provisions of section 17 of this act. Such cancellation shall be effected by notification of his decision to the organization and any further solicitation after five days from the mailing of such notification shall be in violation of sections 309.50 to 309.61. Notification for the purposes of this section shall be deemed given when mailed to the organization named in the registration statement at the address there stated pursuant to paragraph (e) of section 309.52, subdivision 1.~~

~~Subd. 2. Any charitable organization whose registration statement has been cancelled may bring an action in the district court for reinstatement of the registration. If the court finds that the requested information was not reasonably relevant to the purposes of sections 309.50 to 309.61 or that there was valid reason or excuse for the failure to furnish the requested information, or that the cancellation was not effected in accordance with the provisions of subdivision 1, it shall order reinstatement of the cancelled registration upon such terms as may be proper under the circumstances.~~

Sec. 15. Minnesota Statutes 1971, Chapter 309, is amended by adding a section to read:

[309.591] [RULE MAKING POWER.] *The Commissioner of Securities of the Department of Commerce may promulgate such rules as are reasonably necessary to carry out and make effective the provisions and purposes of this chapter.*

Sec. 16. Minnesota Statutes 1971, Section 309.60, is amended to read:

309.60 [RECIPROCAL AGREEMENTS, OTHER STATES.] ~~The department of commerce, division of licensing and consumer services~~ may enter into reciprocal agreements with a like authority of any

other state or states for the purpose of exchanging information made available to the department or to such other like authority.

Sec. 17. Minnesota Statutes 1971, Chapter 309, is amended by adding a section to read:

[309.532] [DENIAL, SUSPENSION AND REVOCATION OF LICENSES.] *Subdivision 1. The department may by order deny any application, suspend or revoke any license or registration, or may censure a licensee or registrant if it finds (1) that the order is in the public interest, and (2) that the applicant, registrant or licensee:*

(a) has filed an application for a license or registration which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) has engaged in a fraudulent, deceptive or dishonest practice;

(c) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of charitable solicitations; or

(d) has violated or failed to comply with any provision of this chapter or any rule or order under this chapter.

Subd. 2. The Commissioner of Securities of the Department of Commerce may promulgate rules and regulations further specifying and defining those actions and omissions which constitute fraudulent, deceptive or dishonest practices, and establishing standards of conduct for professional fund raisers.

Subd. 3. The department may issue an order requiring a licensee or registrant or applicant for a license or registration to show cause why the license or registration should not be revoked or suspended or the application denied. The order shall be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with the provisions of Minnesota Statutes, Chapter 15. After the hearing, the department shall enter an order making such disposition of the matter as the facts require. If the licensee, registrant or applicant fails to appear at a hearing of which he has been duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true.

Subd. 4. The hearing may be conducted by a hearing examiner. The examiner shall make proposed findings of fact and submit them to the department. The department shall have the power to compel the attendance of witnesses, to examine them under oath, to require the production of books, papers and other evidence, and to issue subpoenas and cause the same to be served and executed in any part of the state.

Subd. 5. Orders of the department shall be subject to judicial review pursuant to Minnesota Statutes, Chapter 15.

Subd. 6. The Commissioner of Securities of the Department of Commerce may promulgate rules of procedure concerning all hearings and other proceedings conducted pursuant to this chapter.

Sec. 18. *Minnesota Statutes 1971, Section 309.51 is repealed."*

Further amend the title on page 1 by striking lines 2 through 14 and insert the following:

A bill for an act relating to charitable organizations; solicitation; limitations and prohibitions; licensing and bonding of professional fund raisers; disclosures required; amending Minnesota Statutes 1971, Sections 309.50, Subdivisions 2, 3, 5, and by adding subdivisions; 309.52, Subdivision 1; 309.53, Subdivision 1; 309.54, Subdivision 1; 309.55, by adding subdivisions; 309.555; 309.56; 309.58; 309.60; and Chapter 309, by adding sections; repealing Minnesota Statutes 1971, Section 309.51.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

S. F. No. 1626: A bill for an act relating to education; school aids and levies; appropriating money; amending Minnesota Statutes 1971, Chapter 124, by adding sections; Sections 120.17, Subdivision 7, and by adding a subdivision; 124.17, by adding a subdivision; 124.212, Subdivision 8, and by adding subdivisions; 124.32, Subdivision 1, and by adding a subdivision; and 275.125, by adding subdivisions; repealing Minnesota Statutes 1971, Sections 120.17, Subdivision 8; 124.04; 124.17, Subdivision 1; 124.212, Subdivisions 3, 4, 6, and 7; 124.22. Subdivisions 1, 3, 4, and 6; 124.31; 124.32, Subdivision 3; 275.125, Subdivisions 2 and 3; 360.133; and 360.135.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 7, delete "and"

Page 2, delete all the language on lines 8 through 13 and insert in lieu thereof the following:

"school year the sum of the aggregate foundation aid earned by a district and the amount raised by the levy authorized by Minnesota Statutes 1971, section 275.125, subdivision 2 (2) and for the 1974-1975 school year the sum of the aggregate foundation aid earned by a district and the amount raised by the levy authorized by section 7 (1) of this act, may not be less than the sum 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 (1)."

Page 6, line 4, after "recent" insert "district-wide"

Page 8, line 2, after "class" insert "on July 1, 1972"

Page 13, line 24, after "attend" insert a comma

Page 18, after line 19, add new sections as follows:

"Sec. 19. Independent School District No. 625 is authorized to issue general obligation bonds in the amount of \$10,000,000 for erecting the buildings for two senior high schools. Such bonds shall be sold and issued pursuant to the provisions of Minnesota Statutes, Chapter

475, except as provided herein. Such bonds shall not be included in computing any debt limitation for a district and no election shall be required for their sale and issuance.

Sec. 20. Minnesota Statutes 1971, Section 124.32, Subdivision 5, is amended to read:

Subd. 5. When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay to the resident district not to exceed 60 percent of instructional costs charged to the resident district, less the foundation aid per pupil unit payable to the resident district. Not more than ~~\$125,000~~ \$300,000 shall be spent annually for purposes of implementing 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."

Renumber the succeeding sections in sequence

Page 18, line 23, before "275.125" insert "and"

Page 18, line 24, delete "; 360.133; and 360.135,"

Page 18, line 27, after "education" delete "\$ for the biennium beginning July 1,"

Page 18, delete all the language on line 28

Page 19, delete all the language on line 1 and insert in lieu thereof: "the following sums for the years and purposes indicated

For the year ending
June 30

1974 1975

540,850,000 510,850,000

(1) Foundation Aid

The appropriations in (1) include \$800,000 for 1974, and \$800,000 for 1975 to be expended pursuant to Laws 1965, chapter 719, as amended. If the appropriation for this purpose in either year is insufficient, the aids shall be prorated among all qualifying districts.

The appropriation in (1) also includes \$500,000 in each indicated

	For the year ending June 30	
	1974	1975
<i>year for shared time aid, and not to exceed \$1,000,000 in 1974 for emergency aid.</i>		
(2) <i>Transportation Aid</i>	38,000,000	51,000,000
<i>The amount appropriated in (2) for 1974 may be paid for transportation reimbursement obligations incurred by the state before July 1, 1973, pursuant to Minnesota Statutes 1971.</i>		
(3) <i>Special Education Aid</i>	25,717,633	27,665,023
(4) <i>Secondary Vocational Aid</i>	8,673,217	9,368,217
<i>In addition to the amounts appropriated in (4), \$1,700,000 in 1974, and \$1,000,000 in 1975 shall be transferred for this purpose from the federal aid for construction account listed in the department of education program budget.</i>		
(5) <i>Post-Secondary Vocational Aid</i>	29,108,760	30,078,760
<i>In addition to the amounts appropriated in (5), \$1,000,000 in 1974, and \$2.3 million in 1975 shall be transferred for this purpose from the federal aid for construction account listed in the department of education program budget.</i>		
(6) <i>Adult Vocational Aid</i>	2,741,814	2,746,509
<i>Any unexpended balance remaining from the appropriations in (1) through (6) for 1974, shall not cancel but shall be available for the second year of the biennium, unless otherwise provided in (1) through (6). None of the amounts appropriated in (1) through (6) above shall be expended for a purpose other than the purpose indicated, unless otherwise provided in (1) through (6).</i>		
(7) <i>For Gross Earnings Aid Pursuant to Minnesota Statutes, Section 124.28.</i>	900,000	900,000

	<i>For the year ending June 30</i>	
	<i>1974</i>	<i>1975</i>
(8) <i>Exempt Land Special School Aid Pursuant to Minnesota Statutes, Section 124.30.</i>	<i>400,000</i>	<i>400,000</i>
(9) <i>For Aid to School Districts Pursuant to Minnesota Statutes, Section 360.133.</i>	<i>145,000</i>	<i>145,000</i>
(10) <i>School Aid - Counties A/C of Non Tax Areas The amount appropriated in (10) shall be expended in 1974 and 1975, as provided in Laws 1971, Chapter 966, Section 16 for 1971 and 1972. If the appropriations made in (7) through (10) in either year are insufficient, the aids shall be prorated among all qualifying recipients."</i>	<i>48,000</i>	<i>48,000</i>

Renumber the sections in sequence

Further amend the title as follows:

Page 1, line 3, after "levies;" insert "authorizing the issuance of bonds by independent school district No. 625;"

Page 1, line 10, delete "Subdivision" and insert "Subdivisions" and after "1" insert "and 5"

Page 1, line 18, before "275.125" insert "and" and after "2 and 3" delete "; 360.133;"

Page 1, line 19, delete "and 360.135"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

S. F. No. 148: A bill for an act relating to public welfare; appropriating money for the Duluth United Day Activity Center.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, strike "\$150,000" and insert in lieu thereof "\$25,000"

Page 1, line 10, delete "nigh" and "bases" and delete the underlining from "basis."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 568: A bill for an act relating to public welfare; providing for an extension of review board responsibilities and the

right of a patient to treatment under the hospitalization and commitment act; amending Minnesota Statutes 1971, Sections 253A.16, Subdivision 4; and 253A.17, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 28-32

Page 2, strike lines 1-14, and insert in lieu thereof:

"Subd. 9. Every person hospitalized or otherwise receiving services under this act shall be entitled to receive proper care and treatment, best adapted, according to contemporary professional standards, to rendering further custody, institutionalization, or other services unnecessary. To this end the head of the hospital shall devise or cause to be devised for each person so hospitalized a written program plan which shall describe in behavioral terms the case problems, and the precise goals, including the expected period of time for hospitalization, and the specific measures to be employed in the solution or easement of said problems. Each plan shall be reviewed at not less than quarterly intervals to determine progress toward the goals, and to modify the program plan as necessary. The program plan shall be devised and reviewed in each instance with the appropriate county welfare department, and with the patient. The hospital record shall attest to the program plan review. If the county welfare department or the patient does not so participate in the planning and review, the hospital record shall include reasons for non-participation and the plans for future involvement.

The Department of Public Welfare shall monitor the aforementioned program plan and review process to insure compliance with the provisions of this subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

S. F. No. 672: A bill for an act relating to corrections; establishing an office of ombudsman; definitions; granting the ombudsman certain enforcement powers of investigation, action on complaints, publication of opinions and recommendations; appropriating money; amending Minnesota Statutes 1971, Chapter 241, by adding sections.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, strike lines 21 through 25

Renumber the sections accordingly

Further amend the title:

Page 1, line 8, strike "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1445: A bill for an act relating to courts; amending numerous provisions pertaining to the county court and judges of the county court; amending Minnesota Statutes 1971, Sections 487.01, Subdivisions 3 and 9; 487.03, Subdivisions 2 and 4, and by adding a subdivision; 487.08; 487.09; 487.10, Subdivisions 1 and 4; 487.16; 487.19, by adding a subdivision; 487.21, Subdivision 2; 487.23, Subdivisions 1, 2 and 5, and by adding a subdivision; 487.24, Subdivision 3; 487.25, Subdivisions 3 and 4; 487.26, Subdivision 2; 487.27, Subdivision 3; 487.29; 487.30; 487.31, Subdivisions 1, 2 and 3; 487.33, Subdivision 5; 487.36; 487.39, Subdivision 1; 487.40, by adding a subdivision; and repealing Minnesota Statutes 1971, Sections 487.23, Subdivision 7; 487.26, Subdivisions 3, 5 and 7; and 488.04, Subdivisions 6 and 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 24 through 38 and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 487.01, 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 and St. Louis* 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.

Subd. 2. The county board of a county to which sections 487.01 to 487.39 apply shall provide and furnish to the county court the courtrooms, quarters, supplies, equipment and personnel the court finds necessary for its purposes.

Subd. 3. The following 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.

A combined county court district may be separated into single county courts by the concurrence of the county boards of the respective counties affected. Vacancies in the office of judge cre-

ated 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 largest population determined by the last United States census shall also be entitled to two judges.

In each other county except Hennepin, and Ramsey and St. Louis, 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.

Subd. 4. The provisions of sections 487.01 to 487.39 do not apply to the counties of Hennepin, and Ramsey and St. Louis.

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.*

~~(1)~~ (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;

~~(2)~~ (3) The district consisting of Olmsted and Dodge counties, the district consisting of Winona and Wabasha counties and the district consisting of Washington county shall each elect three judges;

~~(3)~~ (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 shall each elect two county court judges.

~~(4)~~ (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.

Subd. 6. For the more effective administration of justice, 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.

Subd. 7. When the judicial business of a county court permits, the chief justice of the supreme court, upon the recommendation of all of the county boards of a county court district may, by order filed in the office of the secretary of state, reduce the number of county court judges. The office of any judge shall not be terminated until the expiration of his term and the judge shall be eligible for retirement compensations under the provisions of section 487.06.

Subd. 8. All municipal courts and magistrate courts existing pursuant to a municipal ordinance, charter, or legislative act located in counties covered by sections 487.01 to 487.39 are hereby abolished as of July 1, 1972, *except the courts located in St. Louis county are hereby abolished as of January 1, 1974*, unless an earlier date is designated by a county board or county boards pursuant to Laws 1971, Chapter 951, Section 45, and no additional municipal courts shall be formed therein pursuant to the provisions of Minnesota Statutes, Chapter 488.

Subd. 9. (1) All probate judges in office on July 1, 1972 shall be the county court judges of their respective counties and shall continue in office as such for the balance of the terms for which they were last elected and shall be eligible for reelection to office. In counties hereby combined into county court districts and for which only one judge is provided, the probate judge of the county having the largest population determined by the last United States census shall be the judge of the county court if he consents, and files his consent prior to July 1, 1972 in the office of the secretary of state. If he does not consent, the probate judge of the smaller county shall be the judge of the county court. In counties combined into county court districts for which only one judge is provided, a probate judge in any of the affected counties who at the effective date of this act is, or before or at the expiration of his then current term of office will become, eligible for retirement pursuant to section 487.06 shall not become county court judge upon the effective date of this act, but he shall serve as a judicial officer until his retirement which shall occur not later than the expiration of his then current term of office. If all probate judges in such a county court district will qualify for retirement pursuant to section 487.06 at or before the expiration of their current term of office as of the effective date of this act, the county court judge shall be selected according to the population of the respective counties in the county court district as hereinbefore provided in subparagraph 1. The probate judge who is not hereby designated as judge of the county court shall continue in office until the expiration of his term and become a part time judicial officer of the

county court, hearing and trying matters assigned to him by the judge of the county court but, if he is not learned in the law, then he shall hear and try only matters assigned to him by the judge of the county court he was heretofore authorized by law to hear and try.

(1a) The probate judges of St. Louis county probate court in office on January 1, 1974 shall be county court judges of the county court of St. Louis county and shall continue in office as such for the balance of the terms for which they were last elected and shall be eligible for reelection to office.

(2) Except as provided in subparagraph 1, the judges required by the application of this section shall be appointed by the governor from among the municipal court judges or magistrates serving pursuant to a municipal ordinance, charter, or legislative act other than special municipal court judges serving within the county who are learned in the law and consent thereto. A judge so appointed shall serve for the balance of the term for which he was last elected until his successor is elected and qualifies. If there are no serving municipal court judges, such county court judges shall be elected at the next general election following July 1, 1972.

(2a) Except as provided in subparagraph (1a), the judges required by the application of this section in the south district of the county court of St. Louis county shall be appointed by the governor from among the full time judges of the municipal court of the city of Duluth in office on January 1, 1974, and a judge so appointed shall serve until his successor is elected and qualifies; and the judges required in the northwest and northeast districts of the county court of St. Louis county shall be appointed by the governor from among persons learned in the law residing in each district, and a judge so appointed shall serve until his successor is elected and qualifies."

Page 2, strike lines 1 through 28

Page 3, strike lines 1 through 28

Page 4, strike lines 1 through 15

Page 5, line 27, after "court judge" add "*who shall serve at the pleasure of the chief justice and for a term of two years and*"

Page 7, after line 11, insert the following:

"All municipal court judges of St. Louis county, other than special municipal court judges, serving as of January 1, 1974 shall become part time judicial officers of the county court. They shall try and hear matters assigned to them by the chief county court judge but, if they are not learned in the law, they may try and hear only actions of forcible entry and unlawful detainer and shall perform such other duties as are assigned to them by the chief judge of the county court. They shall continue to serve as judicial officers and be paid by the county the salaries theretofore provided until the expiration of their terms of office, or as otherwise increased by the county court with the approval of the county board."

Page 7, line 16, strike “, with the written approval of the clerk of”

Page 7, strike line 17

Page 7, line 18, strike “judge of the district court,”

Page 7, line 20, after “probate” and before “and” insert “, county”

Page 7, line 21, after “law” and before the period insert “or rule of court”

Page 7, lines 21 through 23 delete the underscored language

Page 7, following line 25, insert:

“Sec. 9. Minnesota Statutes 1971, Section 487.10, Subdivision 2, is amended to read:

Subd. 2. ~~If the clerk of district court is approved as the clerk of county court as provided in subdivision 1.~~ The clerks and deputy clerks of the present probate courts and the clerical employees thereof shall become deputy clerks and clerical employees respectively of the clerks of court of the respective counties in which they served.

Sec. 10. Minnesota Statutes 1971, Section 487.10 is amended by adding a subdivision:

Subd. 6. In a county court district having three or more county court judges, the chief judge with the concurrence of a majority of the judges may appoint a court administrator whose salary shall be set by and who shall serve at the pleasure of the majority of the county court judges and whose duties shall be prescribed by the chief judge.

Sec. 11. Minnesota Statutes 1971, Section 487.10, is amended by adding a subdivision to read:

Subd. 6. Notwithstanding the provisions of any other law to the contrary, excepting the clerk, the chief deputy clerks of each division and those classifications specifically exempted by Laws of 1941, Chapter 423, Section 6, as amended, every permanent employee of those courts being abolished under this act shall, with the approval of the St. Louis county civil service commission, be transferred as of the effective date of this act to a position of comparable classification in the classified service of St. Louis county with the equivalent status that he had in the office of his employment immediately prior thereto, and every such employee shall be subject to, and have the benefit of, the classified service as though he had served thereunder from the date of his entry into the service of his office of employment.”

Page 7, delete lines 26 through 28

Page 8, delete lines 1 through 21

Page 9, after line 1, insert:

"Sec. 10. Minnesota Statutes 1971, Section 487.18, is amended to read:

487.18 [CRIMINAL JURISDICTION.] (a) The county court has jurisdiction to hear, try and determine any charge of violation of

(1) a criminal law of this state constituting a misdemeanor committed within the county court district; of

(2) any ordinance, charter provision, rule or regulation of any subdivision of government in the county court district.

(d) The county court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within the county court district.

(c) The county court has jurisdiction to hear, try and determine any matter constituting a petty misdemeanor."

Page 9, after line 9, insert:

"Sec. 12. Minnesota Statutes 1971, Section 487.21, Subdivision 1, is amended to read:

487.21 [TRIAL OF CIVIL AND CRIMINAL ACTIONS.] Subdivision 1. The court by rule shall designate the locations within the county court district at which regular sessions of the court shall be held provided, however, that regular sessions of the court shall be held in at least the county seat of each county within the county court district ~~;~~ ~~provided further, that~~ *. Upon petition of an incorporated municipality directed to the county board of the county in which the municipality is located and in which resolution the municipality agrees to provide at its own expense suitable facilities for holding court sessions, the county board may direct that court be held in such municipality.* Upon petition of at least two governmental units within the district night court shall be held at least once every two weeks during regular session of court, commencing after 7:00 o'clock P.M. at such place in the district that the court shall designate. The court, by rule, may limit the locations at which jury trials shall be conducted provided, however, that the court shall conduct jury trials in not less than one location in each county within the county court district."

Page 12, following line 13, insert:

"Sec. 18. Minnesota Statutes 1971, Section 487.23, is amended by adding a subdivision to read:

Subd. 7b. Any person who holds a judgment for an amount exceeding \$10, exclusive of interest and costs, may obtain from the clerk a certified transcript of the judgment and may file the transcript in the office of the clerk of the district court. If a transcript is given, the clerk of the county court shall note that part on the record of the judgment and shall not thereafter issue a writ of execution of the same judgment.

Sec. 19. Minnesota Statutes 1971, Section 487.23, is amended by adding a subdivision to read:

Subd. 7c. Upon the filing and docketing of the certified transcript the judgment thereafter is exclusively under the control of the district court and may be enforced by its process as though originally rendered by the district court.

Sec. 20. Minnesota Statutes 1971, Section 487.23, is amended by adding a subdivision to read:

Subd. 7d. The clerk of court shall not issue a certified transcript while a writ of execution is outstanding on the judgment."

Page 14, line 11, delete "electing" and insert in lieu thereof "selecting"

Page 16, line 2, delete "\$600" and insert in lieu thereof "\$500"

Page 20, line 4, after "1974," insert "or within 60 days after the establishment of a county court, whichever is later,"

Page 20, after line 11, insert:

"Sec. 29. Minnesota Statutes 1971, Section 487.37, is amended to read:

487.37 [TRANSFER OF ACTIONS.] (a) All proceedings within the jurisdiction of a county court which are pending in the district court on ~~July 1, 1972~~ *the date of the establishment of a county court* may be transferred to the county court in the manner provided by this section.

(b) A case within the jurisdiction of the county court commenced in the district court may be transferred to the county court for trial or other proceedings upon the motion of any party or upon the motion of the district court.

(c) A mandate of an appellate court issued on or after ~~July 1, 1972~~ *the date of the establishment of a county court* in respect of a case within the jurisdiction of the county court determined by the district court within the county shall be issued to that district court. Thereafter, the case may be transferred to the county court of the county in which the action arose, and all files, records and funds relating thereto shall be transferred to the clerk of court.

(d) A mandate of an appellate court issued on or after ~~July 1, 1972~~ *the date of the establishment of a county court* in respect of a case determined by a municipal court abolished after ~~July 1, 1972~~ shall be issued to the county court of the county within which the action arose and all files, records and funds relating thereto shall be transferred to the clerk of court."

Page 21, line 17, after "Sections" insert "487.10, Subdivision 3;"

Page 21, line 19, strike the comma and insert "; 488A.35; 488A.36; 488A.37; 488A.38; 488A.39; 488A.40; 488A.41; 488A.42; 488A.43; 488A.44; 488A.45; 488A.46; 488A.47; 488A.48; 488A.49; 488A.50; 488A.51; 488A.52; 488A.53; 488A.54; 488A.55; 488A.56; 488A.57; 488A.58; 488A.59; 488A.60; 488A.61; 488A.62; 488A.63;

488A.64; 488A.65; 488A.66; 488A.67; 488A.68; 488A.69; 488A.70; 488A.71; 488A.72; 488A.73; 488A.74; 488A.75; 488A.76; 488A.77; 488A.78; 488A.79; 488A.80; and 488A.81"

Page 21, after line 19, insert:

"Sec. 33. *Section 8 is effective January 1, 1974.*"

Renumber the sections in order

Amend the title on page 1, line 6, by striking ", Subdivisions 3 and 9"

Line 9, strike "4" and insert in lieu thereof "2, and by adding subdivisions"

Line 9, after "487.16;" insert "487.18;"

Line 11, strike "Subdivision 2" and insert in lieu thereof "Subdivisions 1 and 2"

Line 12, strike "a subdivision" and insert in lieu thereof "subdivisions"

Line 17, after "487.36;" insert "487.37;"

Line 20, after "Sections" insert "487.10, Subdivision 3;"

Line 22, after "7;" strike "and" and after "6 and 7" insert "488A.35; 488A.36; 488A.37; 488A.38; 488A.39; 488A.40; 488A.41; 488A.42; 488A.43; 488A.44; 488A.45; 488A.46; 488A.47; 488A.48; 488A.49; 488A.50; 488A.51; 488A.52; 488A.53; 488A.54; 488A.55; 488A.56; 488A.57; 488A.58; 488A.59; 488A.60; 488A.61; 488A.62; 488A.63; 488A.64; 488A.65; 488A.66; 488A.67; 488A.68; 488A.69; 488A.70; 488A.71; 488A.72; 488A.73; 488A.74; 488A.75; 488A.76; 488A.77; 488A.78; 488A.79; 488A.80; and 488A.81"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 520: A bill for an act relating to intoxicating liquor; actions for damages resulting from intoxication; amending Minnesota Statutes 1971, Sections 340.95 and 340.951.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 340.95, is amended to read:

340.95 [INJURIES CAUSED BY INTOXICATION, CIVIL ACTIONS.] Every husband, wife, child, parent, guardian, employer, or other person who is injured in person or property, or means of support, by an intoxicated person, or by the intoxication of any person, has a right of action, in his own name, against any

person who, by illegally selling, bartering or giving intoxicating liquors, caused the intoxication of such person, for all damages, sustained; and all damages recovered by a minor under this section shall be paid either to such minor or to his parent, guardian, or next friend, as the court directs; and all suits for damages under this section shall be by civil action in any court of this state having jurisdiction thereof. *No judgment or recovery under this section for injury occurring to the person or property of any person shall exceed \$100,000, and no judgment or recovery for loss of means of support resulting from the death or injury of any person shall exceed \$100,000.*

Sec. 2. Minnesota Statutes 1971, Section 340.11, is amended by adding a subdivision to read:

Subd. 18. [REQUIREMENT FOR LIABILITY INSURANCE.] Every person licensed to sell at retail intoxicating liquor for consumption on or off the premises of the sale shall, after June 30, 1974, demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes, Section 340.95, to the liquor control commissioner as a condition of the renewal of his license. Proof of financial responsibility may be given by filing:

(1) A certificate that there is in effect an insurance policy with a minimum coverage of \$200,000 per occurrence;

(2) A bond of a surety company with a minimum coverage of \$200,000 per occurrence; or

(3) A certificate of the state treasurer that the licensee has deposited with him \$200,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds having a market value of \$200,000.

Sec. 3. Minnesota Statutes 1971, Section 340.951, is amended to read:

340.951 [NOTICE OF INJURY.] ~~From and after July 1, 1960,~~ Every person who claims damages from any municipality owning and operating a municipal liquor store or from the licensee of any licensed liquor establishment for or on account of any injury within the scope of section 340.95, shall give a written notice to the governing body of the municipality or the licensee of the liquor establishment, as the case may be, stating:

(1) The time and date when, and person to whom such liquor was sold, bartered, or given;

(2) The name and address of the person or persons who were injured or whose property was damaged;

(3) The approximate time and date and the place where any injury to person or property occurred.

No error or omission in the notice shall void the effect of the notice, if otherwise valid, unless such error or omission is of a substantially material nature.

This notice shall be served within 120 days after the injury occurs, and no action therefor shall be maintained unless such notice has been given, and unless it is commenced within three years after such injury. The time for giving the notice shall not include any period of time next succeeding the occurrence of the injury during which the person injured is or persons claiming damages are incapacitated from giving such notice by reason of the injury sustained.

Actual notice of sufficient facts to reasonably put the governing body of the municipality or the licensee of the liquor establishment, as the case may be, or its insurer, on notice of a possible claim, shall be construed to comply with the notice requirements herein.

~~Any cause of action for injury heretofore caused by an intoxicated person as a result of an illegal sale, barter or gift of liquor and not barred by the existing statute of limitations may be brought within three years after the cause of action accrued or within six months after July 1, 1960, whichever is later, if notice thereof is given within 120 days of July 1, 1960.~~

Sec. 4. *This act is effective July 1, 1973, and shall be applicable to any cause of action accruing on or after July 1, 1973.*"

Further amend the title as follows:

Line 3, after the semicolon insert "requiring proof of financial responsibility;"

Line 5, after "340.951" insert "; and 340.11 by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2144: A bill for an act relating to education; establishing an upper division and graduate level extension center to provide continuing opportunities for residents of the Mesabi Iron Range; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, beginning with line 13, strike the balance of the page and strike all of pages 2 and 3 and insert in lieu thereof the following:

"vicinity makes desirable a coordinated effort through which institutions of post-secondary education throughout the state can offer upper division, graduate, and continuing post-secondary education.

Sec. 2. *The higher education coordinating commission is hereby authorized and directed to develop an experimental program for providing upper division, graduate, and continuing post-secondary education in the area surrounding Grand Rapids, Hibbing and Virginia through the cooperative efforts of Minnesota post-secondary institutions.*

Sec. 3. Subdivision 1. The higher education coordinating commission shall appoint a coordinator of post-secondary education to be located in the area described in Section 2.

Subd. 2. The commission shall appoint an advisory committee or committees, the membership of which shall include both citizens of the area and representatives of each of the several types of institutions which may offer courses in the area and systems from the area. The committee or committees shall advise the commission and the post-secondary education coordinator on needs of the area and the services which post-secondary education institutions can provide in order to meet needs in the area.

Sec. 4. Under direction of the executive director of the higher education coordinating commission, the coordinator of post-secondary education shall assess the needs of residents of the area for upper division, graduate and continuing post-secondary courses and shall arrange for the offering of courses to meet needs by Minnesota institutions of post-secondary education. The post-secondary education coordinator and the commission shall make every effort to assure that Minnesota institutions of post-secondary education will grant full credit in applying such courses toward degree requirements. In addition, the commission and the post-secondary education coordinator shall assess the ways in which better cooperative planning of post-secondary education in the region can be accomplished and shall implement efforts to conduct systematic and comprehensive regional planning of post-secondary education in the area.

Sec. 5. It is the intent of the legislature that the post-secondary education programs, courses and services offered under this act shall complement the programs of institutions which serve the area and shall not compete with existing institutions.

Sec. 6. All Minnesota colleges and universities are requested to cooperate with the commission and the post-secondary education coordinator by offering courses and providing post-secondary education experiences consistent with the needs identified and by granting credits applicable toward degrees and courses offered in the area. State junior colleges and area vocational technical institutes in the area are requested to cooperate by making classrooms and other instructional and office facilities available for the purposes of this act.

Institutions located in the area and others throughout the state which may assist in meeting needs of the area are requested to assist the commission and the post-secondary education coordinator with regional planning for post-secondary education in the area.

Sec. 7. The higher education coordinating commission is directed to evaluate this experimental effort, to report on the success of this effort to the 1975 Legislature and to assess the feasibility of extending the concepts and objectives of this act to other areas of the state.

Sec. 8. There is hereby appropriated to the higher education coordinating commission from the general fund in the state treasury the sum of \$45,000 for the purposes of this act."

Amend the title as follows:

Page 1, line 2, strike "an"; strike all of lines 3, 4 and 5 and insert in lieu thereof the following:

"a coordinator of post-secondary education to plan and coordinate post-secondary education opportunities for residents of the"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 389: A bill for an act relating to crimes and criminals; obscene and sexually provocative materials; prohibiting the possession, exhibition, distribution or sale of such materials in certain cases; prescribing penalties; amending Minnesota Statutes 1971, Sections 617.241; 617.292, Subdivision 8; 617.293; 617.294; and 617.295.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 28, strike "gross"; after "misdemeanor" insert "upon the first offense and of a gross misdemeanor for each subsequent offense"

Page 2, line 1, at the end of the lines strike ";" and insert in lieu thereof "of"

Page 4, after line 10, insert:

(c) Motion picture machine operators whose sole responsibility to a theatre is the operation and maintenance of motion picture projection and sound equipment and who have no financial interest in the entertainment presented other than a wage.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1141: A bill for an act relating to the Hennepin county municipal court; increasing the number of judges; amending Minnesota Statutes 1971, Section 488A.021, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "20" and insert in lieu thereof "17"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1155: A bill for an act relating to public welfare; imposing penalties in connection with public assistance wrongfully obtained; amending Minnesota Statutes 1971, Section 256.98.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, after "3" insert "*clauses (1), (2) and (5)*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

S. F. No. 47: A bill for an act relating to psychologists; providing for the licensure and regulation of the private practice of psychology; establishing a board of examiners and prescribing the powers and duties thereof; providing penalties; appropriating money; amending Minnesota Statutes 1971, Section 595.02; and repealing Minnesota Statutes 1971, Sections 148.79 to 148.86.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, strike "*three*" and insert in lieu thereof "*two*"

Page 5, line 4, strike "\$50" and insert in lieu thereof "\$75"

Page 5, line 7, strike "\$25" and insert in lieu thereof "\$35"

Page 15, line 22, strike "\$15,000" and insert in lieu thereof "\$35,000"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1781: A bill for an act relating to the Hennepin county municipal court; amending Minnesota Statutes 1971, Section 488A.01, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 488A.01, Subdivision 6, is amended to read:

Subd. 6. [CRIMINAL JURISDICTION] (a) The court has jurisdiction to hear, try and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor committed within the county of Hennepin *including all of the village of St. Anthony.*

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Hennepin, including all of the village of St. Anthony or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-St. Paul Metropolitan Airports commission.

(b) The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings, on any charge of violation of any criminal law of this state committed within the county of Hennepin.

~~(c) Jurisdiction under sub-paragraphs (1) and (2) of paragraph (a) and under paragraph (b) of this subdivision is exclusive for any violation committed in the county of Hennepin, or for any violation committed outside of Hennepin county but within the boundaries of the village of St. Anthony.~~

Sec. 2. Minnesota Statutes 1971, Section 488A.18, Subdivision 7, is amended to read:

Subd. 7 [CRIMINAL JURISDICTION.] (a) The court has jurisdiction to hear, try and determine any charge of violation within Ramsey county of:

(1) A criminal law of this state constituting a misdemeanor,

(2) Any ordinance, charter provision, rule or regulation of the city of Saint Paul, or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-Saint Paul Metropolitan Airports Commission,

(4) Any ordinance, rule or regulation of the regents of the University of Minnesota.

(b) The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings, on any charge of violation of any criminal law of this state committed within Ramsey county.

~~(c) Jurisdiction under sub-paragraphs (1) and (2) of paragraph (a) and under paragraph (b) of this subdivision is exclusive for any violation committed within the city of Saint Paul; jurisdiction under paragraph (b) of this subdivision is exclusive for any violation committed inside the city of Saint Paul or inside that part of the village of St. Anthony lying inside Ramsey county."~~

Strike all of the title and insert in lieu thereof the following:

A bill for an act relating to the Hennepin county municipal court and the city of Saint Paul municipal court; amending Minne-

sota Statutes 1971, Section 488A.01, Subdivision 6 and 488A.18, Subdivision 7.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 12: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 1; providing the majority necessary to pass constitutional amendments.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, strike "Section 1,"

Page 1, line 9, strike "section" and insert in lieu thereof "article"

Page 1, after line 10 insert a new line and center the language in that line: "ARTICLE XIV"

Page 1, line 11, strike "both" and insert in lieu thereof "*each of the*"

Page 1, line 12, strike "shall"

Page 1, line 17, strike ", and" and insert in lieu thereof a period

Page 1, line 18, strike "it shall appear, in a manner to be provided by law, that" and insert in lieu thereof "*55 percent of all the electors voting on the question or*"

Page 1, line 19, reinsert "at"

Page 1, line 19, after "said" insert "*the*"

Page 1, line 19, reinsert "election"

Page 1, line 20, strike "*on an amendment or alteration have voted*" and insert in lieu thereof "*vote*"

Page 1, line 20, strike "and ratified"

Page 1, line 21, reinsert "alterations or amendments" and strike "*the alteration or amendment*"

Page 1, after line 26, insert the following:

"Sec. 2. Whenever ~~two-thirds~~ *55 percent* of the members elected ~~to~~ *of* each branch of the legislature shall think it necessary to call a convention to revise this Constitution, they shall recommend to the electors to vote at the next election for members of the legislature; *general election* for or against a convention; ~~and. If 55 percent of all the electors voting upon the question or a majority of all the electors voting as said the election shall have voted vote~~ for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the House of Representatives, who shall be chosen in

the same manner, and shall meet within three months after their election for the purpose aforesaid. *Section 9 of Article IV of the Constitution shall not apply to election to the convention. See 3.* Any convention called to revise this constitution shall submit any revision thereof by ~~said the~~ convention to the people of the State of Minnesota for their approval or rejection ~~at the next general by~~ election ~~held on a date chosen by the convention not less than 90~~ 60 days ~~nor more than 180 days after the adoption of such revision~~ adjournment of the convention, and, if it ~~shall appear~~ appears in the manner provided by law that ~~three fifths~~ 55 percent of all the electors voting on the question shall have voted for and ratified ~~such the~~ revision, the same shall constitute a new Constitution of the State of Minnesota. Without such submission and ratification, ~~said the~~ revision shall be of no force or effect. ~~Section 9 of Article IV of the Constitution shall not apply to election to the convention.~~

Page 1, line 29, strike "submitted to the people" and insert in lieu thereof "proposed"

Page 1, line 30, strike "Minnesota Constitution be amended so"

Page 2, strike lines 1 to 3 and insert in lieu thereof "procedure for amending the Minnesota Constitution be altered by changing the majority required by the legislature to submit and approve the calling of a constitutional convention and the affirmative vote of the voters required to ratify amendments."

Amend the title in line 3 by striking ", Section 1" and further amend the title by striking lines 4 and 5 and insert in lieu thereof "regulating the procedure for amending the Constitution."

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments Adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1803: A bill for an act relating to insurance; providing for assignment of interests of certificate holders under group life insurance policies; amending Minnesota Statutes 1971, Section 61A.09.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 7, strike "Such assignment shall be limited"

Page 3, strike lines 8 and 9

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1367: A bill for an act relating to the town of Canosia; authorizing a tax levy for firemen's relief purposes.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "Section 424.30" and insert in lieu thereof "Sections 69.771 to 69.776"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 793: A bill for an act relating to insurance; regulating fees for certain licenses; amending Minnesota Statutes 1971, Sections 60A.14, Subdivision 1; 70A.14, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 10, strike "\$5" and insert "\$3"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1539: A bill for an act relating to intoxicating liquor; number of on-sale licenses in cities of the second class; amending Minnesota Statutes 1971, Section 340.11, Subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1391: A bill for an act relating to aeronautics; regulating the powers of the commissioner of aeronautics and authorizing cease and desist orders under certain circumstances; amending Minnesota Statutes 1971, Sections 360.018, Subdivisions 1, 2 and 3; 360.075, Subdivision 6; 360.0751, Subdivisions 4, 5, 6, 7 and 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1492: A bill for an act relating to the state board of electricity, compensation; amending Minnesota Statutes 1971, Section 326.241, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after "expenses" insert "*in the same manner and amount as state employees*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1344: A bill for an act relating to pharmacy and drugs; redefining certain terms; increasing the compensation of the members of the state board of pharmacy; revising the qualifications required of applicants for registration; providing for the training of interns; increasing the maximum fee for registration; revising exceptions allowed to registration requirements; regulating the introduction of distressed drugs into the state; amending Minnesota Statutes 1971, Sections 151.01, Subdivisions 5 and 14; 151.10; 151.101; 151.12; 151.211; 151.25; 151.26, Subdivision 1; 151.37, Subdivision 5 and 151.39, by adding a subdivision; repealing Minnesota Statutes 1971, Section 151.26, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, lines 27 and 28, strike "*in places other than a pharmacy,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1862: A bill for an act relating to the uniform commercial code; the holding and transferring of investment securities; amending Minnesota Statutes 1971, Sections 336.8-102; 336.8-320; and Chapter 520, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 8, after "*list*" insert "*disclosing*"

Page 5, line 8, strike "*of*"

Page 5, line 9, after "*depository*" insert "*and including a statement of the principal amount or number of units of each such security of the issuer on deposit*"

Page 5, line 9, after the period, add the following:

"The clearing corporation may charge the issuer a fee for such written list provided, however, that the fee shall bear a reasonable relation to the cost of furnishing such list."

Page 5, strike lines 10 through 16

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1623: A bill for an act relating to privacy of communications; amending Minnesota Statutes 1971, Section 626A.-05, Subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1836: A bill for an act relating to insurance; prescribing time within which suit for recovery of claim under hail insurance policy must be commenced; amending Minnesota Statutes 1971, Section 65A.26.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

H. F. No. 1200: A bill for an act relating to workmen's compensation; creating a division of workmen's compensation within the department of labor and industry; providing powers and responsibilities to such commission; making the commissioner of the department of labor and industry the head and administrator of such division; providing powers and responsibilities to such commissioner; amending Minnesota Statutes 1971, Sections 79.28; 121.33, Subdivision 2; 175.006, Subdivisions 1 and 4; 175.10; 175.11, Subdivision 1; 175.16; 175.17; 175.36; Chapter 175, by adding sections; 176.011, Subdivision 6; 176.021, Subdivisions 3 and 5; 176.061, Subdivision 9; 176.081; 176.091; 176.101, Subdivisions 3, 6 and 8; 176.111, Subdivisions 5, 10, 11, 17 and 18; 176.131, Subdivisions 3, 4, 5, 6, 9, 10, 11 and 12; 176.132, Subdivision 4; 176.135, Subdivisions 1, 2, 3 and 4; 176.151; 176.155, Subdivisions 2, 3, 4 and 5; 176.161, Subdivisions 1 and 2; 176.165; 176.171; 176.181, Subdivisions 2 and 3; 176.183, Subdivision 2; 176.185, Subdivisions 1, 6 and 7; 176.191; 176.195, Subdivisions 2 and 5; 176.215, Subdivision 3; 176.221, Subdivisions 1, 2, 5 and 6; 176.225, Subdivisions 1, 2 and 3; 176.231, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; 176.235; 176.241, Subdivisions 1, 2, 3 and 4; 176.245; 176.251; 176.261; 176.265; 176.271; 176.275; 176.281; 176.285; 176.291; 176.295, Subdivisions 1, 2 and 4; 176.301, Subdivision 1; 176.305, Subdivisions 1, 2 and 3; 176.311; 176.321, Subdivision 3; 176.331; 176.341, Subdivisions 1, 2 and 3; 176.351, Subdivisions 1, 2, 3 and 4; 176.361; 176.381, Subdivisions 1 and 2; 176.391, Subdivisions 1, 2, 3 and 4; 176.421, Subdivisions 4, 5 and 7; 176.431, Subdivision 1; 176.441, Subdivisions

1 and 2; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 2; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 1; 176.541, Subdivisions 2, 3, 4 and 6; 176.561; 176.571, Subdivisions 1, 2, 3, 4, 5, 6 and 7; 176.581, Subdivisions 1, 2 and 3; 176.591, Subdivision 3; 176.601; 176.611, Subdivisions 2, 3 and 4; 176.621, Subdivisions 1, 4 and 5; 176.631, Subdivision 1; 176.66, Subdivisions 5 and 7; 176.661; 176.662; 176.663; 176.664; 176.665; 176.666; 176.667; 176.668; 176.669, Subdivisions 1 and 2; Chapter 176, by adding a section; 251.042; 251.043, Subdivision 1; 251.052; 251.053; 352A.01, Subdivision 8; repealing Minnesota Statutes 1971, Sections 175.12 and 175.13.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1934: A bill for an act relating to health; state payments to counties and cities for public health nursing services; amending Minnesota Statutes 1971, Sections 145.08, Subdivision 1; and 145.125, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike “, except in counties now”

Page 1, strike all of line 14

Page 1, line 16, strike “in a city”

Page 1, line 17, strike “of the first class”

Page 1, line 27, after “served” and before the period, insert “; provided that, the state board of health may make exceptions to such population requirement when the combined population of three joining contiguous counties of less than 50,000”

Page 2, line 16, strike “of the first”

Page 2, line 17, strike “class”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 514: A bill for an act relating to intoxicating liquor; authorizing certain sales by restaurants; amending Minnesota Statutes 1971, Section 340.11, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 340.11, is amended by adding a subdivision to read as follows:

Subd. 18. (a) "on-sale wine licenses" shall mean licenses authorizing the sale of wine not exceeding 21% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

(b) Any municipality which maintains a municipal liquor store or any municipality or county authorized to issue "on-sale" licenses for the sale of intoxicating liquor may issue on-sale wine licenses to any restaurant having facilities for the seating of not fewer than 25 guests at one time. Such licenses shall be in addition to the number of "on-sale" licenses for the sale of intoxicating liquor authorized by the intoxicating liquors act. The fee for such on-sale wine licenses shall be set by the issuing authority, but shall not exceed \$200. Licenses issued pursuant to this subdivision shall not be effective until approved by the commissioner. Such licenses shall authorize the sale of wine as herein provided on all days of the week, and may be issued to an establishment in any location which is a legal location for an "on-sale" non-intoxicating malt-liquor license, which has a license for the "on-sale" of non-intoxicating malt liquor."

Further amend the title as follows:

Page 1, line 5, strike "Subdivision 5" and insert "by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 925: A bill for an act relating to the city of Chisholm; placing new employees of the department of public safety under the public employees police and fire fund.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

H. F. No. 474: A bill for an act to establish a foster grandparents program; amending Minnesota Statutes 1971, Section 256.976, Subdivisions 1 and 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1384: A bill for an act relating to the city of Anoka; fire department relief association benefits; amending Laws 1971, Chapter 184, Section 1, Subdivisions 2, 3, 4, 5, and 6; Section 2 Subdivision 2; and Sections 4 and 5.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1938: A bill for an act relating to the city of Duluth; Duluth airport authority; amending Laws 1969, Chapter 577. Section 14.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1449: A bill for an act relating to common trust funds; permitting participation therein by affiliated banks and trust companies; amending Minnesota Statutes 1971, Section 290.281, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1081: A bill for an act creating a commission on Minnesota's future; describing its duties and functions; and appropriating funds for its operation.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after "shares" strike ". Except" and insert "except"

Page 1, line 16, strike "two nor more than eight" and insert "one"

Page 1, line 17, strike "representatives" and insert "representative"

Page 1, line 18, strike "All" and insert "The"

Page 1, line 21, after "pleasure." insert "The governor shall fill vacancies by appointing members similarly qualified to the members being replaced."

Page 1, line 28, strike "a per diem of"

Page 1, line 29, strike "per day"

Page 1, line 30, strike "is" and insert "shall be"; after "actual" insert "and necessary"

Page 2, line 1, strike "including travel expenses" and insert "in the manner and amount of state employees"

Page 2, line 8, after "colleges" insert ","

Page 2, line 14, after "30" strike ","

Page 2, line 17, after "so." insert: "Recommendations and proposals shall be, to the fullest extent possible, in the form of alternatives from which the governor and the legislature can select a preferred course of action, policy, plan, strategy or legislative program."

Page 2, line 28, strike "all persons will" and insert "shall"

Page 3, line 1, strike "all"

Page 3, line 2, strike "requiring recourse to"

Page 3, line 3, strike "them" and strike "to"

Page 3, line 3, after "control." insert: "The joint legislative committee shall have equal access to all the resources mentioned above. A common data base shall be employed by the commission and the joint committee."

Page 3, after line 10, add a new section to read:

"Sec. 7. [JOINT LEGISLATIVE REVIEW.] A joint legislative committee shall be established by the legislature to review the commission reports, evaluate the alternatives, identify legislative priorities and develop a planning capability consistent with the task of this commission. This committee shall consist of three senators appointed by the majority leader; three by the minority leader; three representatives appointed by the speaker of the house; and three by the house minority leader. All shall serve at the will and pleasure of the appointing authority as long as they are members of the legislature and vacancies shall be filled within 60 days. All shall be ex-officio members of the commission."

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 2162: A bill for an act relating to insurance; providing for legal expense insurance; amending Minnesota Statutes 1971, Sections 60A.06, Subdivision 1; 60A.07, Subdivisions 5a, 5b, and 5c; and 60A.08, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 19, insert "*Clause (15);* \$200,000 \$200,000"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred H. F. Nos. 1567, 284, 534, 641, 1515, 1566, 666, 715, 854, 988, 1329, 1931, 1537, 1585 and 1415 for comparison to companion Senate Files, reports the following House Files were found to have no companion Senate Files on Senate Calendars and are recommended to be re-referred to their respective Committees as follows:

H. F. Nos. 1567, 1566 and 666 to the Committee on Education.

H. F. No. 284 to the Committee on Health, Welfare and Corrections.

H. F. Nos. 1515 and 1329 to the Committee on Judiciary.

H. F. Nos. 534 and 1931 to the Committee on Labor and Commerce.

H. F. Nos. 715 and 988 to the Committee on Metropolitan and Urban Affairs.

H. F. No. 641 to the Committee on Taxes and Tax Laws.

H. F. No. 854 to the Committee on Transportation and General Legislation.

The following House File was found identical and recommends the House File be given its Second Reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CALENDAR OF ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1537	1616				

And that the above Senate File be indefinitely postponed.

The following House Files were found not identical with their companion Senate Files as follows:

GENERAL ORDERS		CALENDAR OF ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1585	1432				
1415	1689				

Pursuant to Rule 49 the Committee recommends that H. F. No. 1585 be amended as follows:

Page 1, line 13, after "substance" insert a comma

Page 1, line 13, strike "capable of being" and insert in lieu thereof "to be"

Page 1, line 15, after "cutting" insert a comma

Further, amend the title in line 3 by striking "and certain molded"

And when so amended, H. F. No. 1585 will be identical to S. F. No. 1432 and further recommends that H. F. No. 1585 be given its second reading and substituted for S. F. No. 1432 and S. F. No. 1432 be indefinitely postponed. Amendments adopted.

Pursuant to Rule 49 the Committee recommends that H. F. No. 1415 be amended as follows:

Page 2, line 17, reinstate the stricken language

Page 2, line 17, delete "*developmentally disabled*" and insert in lieu "*and cerebral palsied*"

Page 2, line 19, delete "*and*" and insert in lieu "*or*"

Page 3, line 17, delete "*palsied*" and insert in lieu "*palsy*"

Further, amend the title as follows:

In lines 2 and 3, strike "*developmentally disabled*" and insert in lieu "*mentally retarded and cerebral palsied*" ; line 5, after "252.25;" insert "*and*" and in the same line, strike " ; 252.27; and" ; line 6, strike "252.28"

And when so amended, H. F. No. 1415 will be identical to S. F. No. 1689 and further recommends that H. F. No. 1415 be given its second reading and substituted for S. F. No. 1689 and S. F. No. 1689 be indefinitely postponed. Amendments adopted.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 1467 for comparison to companion Senate File, reports the following House File was found identical and recommends the House File be given its Second Reading and substituted for its companion Senate File as follows:

CALENDAR OF					
GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1467	1366				

And that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 21, 1895, 2041, 2244, 1188, 1087, 283, 1223, 2050, 2250, 1268, 825, 464, 1074, 1615, 740, 1464, 1591, 1242, 1316, 1388, 583, 1858, 1923, 1900, 1729, 734, 711, 1317, 2246, 2243, 2225, 718, 1855, 2235, 2206, 96, 1437, 900, 1716, 984, 1815, 1289, 1702, 2145, 1563, 2170, 1896, 1824, 1665, 1994, 2096, 1626, 148, 568, 672, 1445, 520, 389, 1141, 1155, 47, 1781, 1803, 1367, 793, 1539, 1391, 1492, 1344, 1862, 1623, 1836, 514, 925, 1384, 1938, 1449 and 2162 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 574, 217, 1200, 474, 1415, 1585, 1537 and 1467 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Borden moved that S. F. No. 1507 be taken from the table. Which motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Borden moved that the Senate do now concur in the amendments by the House to S. F. No. 1507 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1507 was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Knutson	Ogdahl	Sillers
Ashbach	Frederick	Kowalczyk	Olhoft	Solon
Bang	Gearty	Krieger	Olson, A. G.	Spear
Berg	Hansen, Baldy	Larson	Olson, H. D.	Stassen
Bernhagen	Hansen, Mel	Laufenburger	Olson, J. L.	Stokowski
Borden	Hanson, R.	Lewis	O'Neill	Thorup
Brown	Hughes	Lord	Patton	Ueland
Chenoweth	Humphrey	McCutcheon	Perpich, A. J.	Wegener
Chmielewski	Josefson	Milton	Perpich, G.	Willet
Coleman	Keefe, J.	Moe	Pillsbury	
Conzemius	Keefe, S.	Nelson	Renneke	
Doty	Kirchner	North	Schaaf	
Dunn	Kleinbaum	Novak	Schrom	

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. McCutcheon moved that the name of Mr. Milton be added as co-author to S. F. No. 2377. Which motion prevailed.

Mr. McCutcheon moved that the name of Mr. Solon be added as co-author to S. F. No. 2381. Which motion prevailed.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to take up the Senate Calendar at this time, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 996: A bill for an act relating to the village of St. Francis; making the provision of Minnesota Statutes, Section 365.18, applicable when the village council of St. Francis in Anoka county enters into a contract for provision of fire protection services.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Nelson	Pillsbury
Arnold	Dunn	Kleinbaum	North	Renneke
Ashbach	Fitzsimons	Knutson	Novak	Schaaf
Berg	Frederick	Kowalczyk	Ogdahl	Schrom
Bernhagen	Gearty	Krieger	Olhoft	Sillers
Borden	Hansen, Baldy	Larson	Olson, A. G.	Solon
Brown	Hansen, Mel	Laufenburger	Olson, H. D.	Stassen
Chenoweth	Hanson, R.	Lewis	Olson, J. L.	Stokowski
Chmielewski	Hughes	Lord	O'Neill	Thorup
Coleman	Humphrey	McCutcheon	Patton	Ueland
Conzemius	Josefson	Milton	Perpich, A. J.	Wegener
Davies	Keefe, J.	Moe	Perpich, G.	Willet

So the bill passed and its title was agreed to.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate for S. F. No. 753.

The following Senators answered to their names:

Anderson	Doty	Keefe, S.	North	Schaaf
Arnold	Dunn	Kirchner	Novak	Schrom
Ashbach	Fitzsimons	Kleinbaum	Ogdahl	Sillers
Bang	Frederick	Knutson	Olhoft	Solon
Berg	Gearty	Kowalczyk	Olson, A. G.	Spear
Bernhagen	Hansen, Baldy	Larson	Olson, J. L.	Stassen
Borden	Hansen, Mel	Laufenburger	O'Neill	Stokowski
Chenoweth	Hanson, R.	Lord	Patton	Thorup
Chmielewski	Hughes	McCutcheon	Perpich, A. J.	Ueland
Coleman	Humphrey	Milton	Perpich, G.	Wegener
Conzemius	Josefson	Moe	Pillsbury	Willet
Davies	Keefe, J.	Nelson	Renneke	

The Sergeant-at-Arms was instructed to bring in the absent members.

S. F. No. 753: A bill for an act relating to agricultural lands; regulating the ownership of such lands by certain corporations; providing penalties; repealing Minnesota Statutes 1971, Sections 500.22, Subdivisions 3, 4 and 5; and 500.23.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 44 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Josefson	North	Schaaf
Arnold	Davies	Keefe, S.	Novak	Schrom
Berg	Doty	Kleinbaum	Olhoff	Solon
Bernhagen	Dunn	Laufenburger	Olson, A. G.	Spear
Borden	Fitzsimons	Lewis	Olson, H. D.	Stokowski
Brown	Gearty	Lord	Olson, J. L.	Thorup
Chenoweth	Hanson, R.	McCutcheon	Perpich, A. J.	Wegener
Chmielewski	Hughes	Milton	Perpich, G.	Willet
Coleman	Humphrey	Moe	Renneke	

Those who voted in the negative were:

Ashbach	Hansen, Mel	Kowalczyk	Ogdahl	Sillers
Bang	Keefe, J.	Krieger	O'Neill	Stassen
Frederick	Kirchner	Larson	Patton	Ueland
Hansen, Baldy	Knutson	Nelson	Pillsbury	

So the bill passed and its title was agreed to.

S. F. No. 1182: A bill for an act relating to county government, providing for county license bureaus.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	North	Schaaf
Arnold	Dunn	Kleinbaum	Novak	Schrom
Ashbach	Fitzsimons	Knutson	Ogdahl	Sillers
Bang	Frederick	Kowalczyk	Olhoff	Solon
Berg	Gearty	Krieger	Olson, A. G.	Spear
Bernhagen	Hansen, Baldy	Larson	Olson, H. D.	Stassen
Borden	Hansen, Mel	Laufenburger	Olson, J. L.	Stokowski
Brown	Hanson, R.	Lewis	O'Neill	Thorup
Chenoweth	Hughes	Lord	Patton	Ueland
Chmielewski	Humphrey	McCutcheon	Perpich, A. J.	Wegener
Coleman	Josefson	Milton	Perpich, G.	Willet
Conzemius	Keefe, J.	Moe	Pillsbury	
Davies	Keefe, S.	Nelson	Renneke	

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 1201: A bill for an act relating to natural resources; authorizing the commissioner to charge fees for certain water permits and underground gas or liquid storage permits; amending Minnesota Statutes 1971, Sections 84.58, by adding a subdivision; 105.41, Subdivision 5; and 105.44, by adding a subdivision.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kleinbaum	Novak	Schrom
Arnold	Fitzsimons	Knutson	Ogdahl	Sillers
Ashbach	Frederick	Kowalczyk	Olhoft	Solon
Bang	Gearty	Krieger	Olson, A. G.	Spear
Berg	Hansen, Baldy	Larson	Olson, H. D.	Stassen
Bernhagen	Hansen, Mel	Laufenburger	Olson, J. L.	Stokowski
Borden	Hanson, R.	Lewis	O'Neill	Thorup
Brown	Hughes	Lord	Patton	Ueland
Chenoweth	Humphrey	McCutcheon	Perpich, A. J.	Wegener
Chmielewski	Josefson	Milton	Perpich, G.	Willet
Conzemius	Keefe, J.	Moe	Pillsbury	
Davies	Keefe, S.	Nelson	Renneke	
Doty	Kirchner	North	Schaaf	

So the bill passed and its title was agreed to.

H. F. No. 942: A bill for an act relating to natural resources; providing state recognition and implementation of the Lower St. Croix River Act of 1972; prescribing powers and duties of state and local government in relation thereto; amending Minnesota Statutes 1971, Chapter 104, by adding a section.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	North	Renneke
Arnold	Dunn	Kleinbaum	Novak	Schaaf
Ashbach	Fitzsimons	Knutson	Ogdahl	Schrom
Bang	Frederick	Kowalczyk	Olhoft	Sillers
Berg	Gearty	Krieger	Olson, A. G.	Solon
Bernhagen	Hansen, Mel	Larson	Olson, H. D.	Spear
Borden	Hanson, R.	Laufenburger	Olson, J. L.	Stassen
Brown	Hughes	Lewis	O'Neill	Stokowski
Chenoweth	Humphrey	Lord	Patton	Thorup
Coleman	Josefson	McCutcheon	Perpich, A. J.	Ueland
Conzemius	Keefe, J.	Moe	Perpich, G.	Wegener
Davies	Keefe, S.	Nelson	Pillsbury	Willet

Mr. Hansen, Baldy voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 803: A resolution memorializing Congress to further restrict deductions for "tax loss farming."

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 48 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, J.	Novak	Schrom
Arnold	Dunn	Keefe, S.	Olhoff	Sillers
Berg	Fitzsimons	Kleinbaum	Olson, A. G.	Solon
Bernhagen	Frederick	Knutson	Olson, H. D.	Spear
Borden	Gearty	Laufenburger	Olson, J. L.	Stokowski
Chenoweth	Hansen, Baldy	Lewis	O'Neill	Thorup
Chmielewski	Hanson, R.	Lord	Patton	Wegener
Coleman	Hughes	Moe	Perpich, A. J.	Willet
Conzemius	Humphrey	Nelson	Renneke	
Davies	Josefson	North	Schaaf	

Those who voted in the negative were:

Bang	Kirchner	Larson	Perpich, G.	Stassen
Brown	Kowalczyk	McCutcheon	Pillsbury	Ueland
Hansen, Mel	Krieger	Ogdahl		

So the bill passed and its title was agreed to.

H. F. No. 479: A resolution memorializing the Congress of the United States to propose a constitutional amendment affirming and protecting the value of human life.

Mr. Stassen moved that H. F. No. 479 be stricken from the Senate Calendar and returned to the top of General Orders.

CALL OF THE SENATE

Mr. Brown imposed a call of the Senate on H. F. No. 479.

The following Senators answered to their names:

Anderson	Doty	Kirchner	Novak	Schrom
Arnold	Dunn	Kleinbaum	Ogdahl	Sillers
Ashbach	Fitzsimons	Knutson	Olhoff	Solon
Bang	Frederick	Kowalczyk	Olson, A. G.	Spear
Berg	Gearty	Krieger	Olson, H. D.	Stassen
Bernhagen	Hansen, Baldy	Larson	Olson, J. L.	Stokowski
Borden	Hansen, Mel	Laufenburger	O'Neill	Thorup
Brown	Hanson, R.	Lewis	Patton	Ueland
Chenoweth	Hughes	Lord	Perpich, A. J.	Wegener
Chmielewski	Humphrey	McCutcheon	Perpich, G.	Willet
Coleman	Josefson	Moe	Pillsbury	
Conzemius	Keefe, J.	Nelson	Renneke	
Davies	Keefe, S.	North	Schaaf	

The Sergeant-at-Arms was instructed to bring in the absent members.

The question being taken on adoption of the motion of Mr. Stassen,

Mr. Perpich, G. moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 13 and nays 49, as follows:

Those who voted in the affirmative were:

Ashbach	Hansen, Mel	North	Schaaf	Stassen
Bang	Josefson	Ogdahl	Spear	Ueland
Coleman	Nelson	Pillsbury		

Those who voted in the negative were:

Anderson	Doty	Keefe, S.	McCutcheon	Perpich, G.
Arnold	Dunn	Kirchner	Moe	Renneke
Berg	Fitzsimons	Kleinbaum	Novak	Schrom
Bernhagen	Frederick	Knutson	Olhoft	Sillers
Borden	Gearty	Kowalczyk	Olson, A. G.	Solon
Brown	Hansen, Baldy	Krieger	Olson, H. D.	Stokowski
Chenoweth	Hanson, R.	Larson	Olson, J. L.	Thorup
Chmielewski	Hughes	Laufenburger	O'Neill	Wegener
Conzemius	Humphrey	Lewis	Patton	Willet
Davies	Keefe, J.	Lord	Perpich, A. J.	

Which motion did not prevail.

H. F. No. 479 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

Mr. Perpich, A. J. moved that those not voting be excused from voting. Which motion did not prevail.

Mr. Davies moved that those not voting be excused from voting. Which motion did not prevail.

Mr. Kirchner moved that those not voting be excused from voting. Which motion did not prevail.

Mr. Stassen moved that those not voting be excused from voting.

The question being taken on the adoption of the motion of Mr. Stassen,

And the roll being called, there were yeas 19 and nays 43, as follows:

Those who voted in the affirmative were:

Coleman	Hughes	Laufenburger	Ogdahl	Olson, J. L.
Conzemius	Humphrey	Milton	Olhoft	Solon
Dunn	Keefe, S.	Moe	Olson, A. G.	Stassen
Gearty	Kleinbaum	Novak	Olson, H. D.	

Those who voted in the negative were:

Anderson	Chmielewski	Keefe, J.	Nelson	Sillers
Arnold	Davies	Kirchner	North	Spear
Ashbach	Doty	Knutson	O'Neill	Stokowski
Bang	Fitzsimons	Kowalczyk	Patton	Thorup
Berg	Frederick	Krieger	Perpich, G.	Ueland
Bernhagen	Hansen, Baldy	Larson	Pillsbury	Wegener
Borden	Hansen, Mel	Lewis	Renneke	Willet
Brown	Hanson, R.	Lord	Schaaf	
Chenoweth	Josefson	McCutcheon	Schrom	

Which motion did not prevail.

Mr. Conzemius moved that those not voting be excused from voting.

The question being taken on the adoption of the motion of Mr. Conzemius,

And the roll being called, there were yeas 26 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Lewis	Olson, A. G.	Stassen
Ashbach	Humphrey	McCutcheon	Olson, H. D.	Wegener
Borden	Keefe, J.	Milton	Olson, J. L.	
Coleman	Keefe, S.	Moe	Pillsbury	
Conzemius	Kleinbaum	Novak	Schaaf	
Gearty	Laufenburger	Olhoft	Solon	

Those who voted in the negative were:

Arnold	Doty	Kirchner	Ogdahl	Stokowski
Bang	Dunn	Knutson	O'Neill	Thorup
Berg	Fitzsimons	Kowalczyk	Patton	Ueland
Bernhagen	Frederick	Krieger	Perpich, G.	Willet
Brown	Hansen, Baldy	Larson	Renneke	
Chenoweth	Hansen, Mel	Lord	Schrom	
Chmielewski	Hanson, R.	Nelson	Sillers	
Davies	Josefson	North	Spear	

Which motion did not prevail.

And the roll being called, there were yeas 51 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Moe	Solon
Arnold	Fitzsimons	Kirchner	Novak	Stassen
Berg	Frederick	Kleinbaum	Olhoft	Stokowski
Bernhagen	Gearty	Knutson	Olson, A. G.	Thorup
Borden	Hansen, Baldy	Kowalczyk	Olson, H. D.	Ueland
Brown	Hansen, Mel	Krieger	Olson, J. L.	Wegener
Chenoweth	Hanson, R.	Larson	O'Neill	Willet
Chmielewski	Hughes	Laufenburger	Patton	
Coleman	Humphrey	Lord	Renneke	
Conzemius	Josefson	McCutcheon	Schrom	
Doty	Keefe, J.	Milton	Sillers	

Those who voted in the negative were:

Ashbach	Lewis	Ogdahl	Perpich, G.	Schaaf
Bang	Nelson	Perpich, A. J.	Pillsbury	Spear
Davies	North			

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to take up the General Orders Calendar at this time, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Larson in the chair.

After some time spent therein, the committee arose and the President having resumed the chair, Mr. Larson reported that the committee had considered S. F. Nos. 351 and 1573 which the committee recommends to pass.

H. F. No. 7, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 3, line 12, after "member of" insert "the national guard or"

Mr. Bang moved to amend H. F. No. 7, the printed bill, as follows:

Page 4, line 20, after "Subd. 3." strike the balance of the line

Page 4, strike line 21 in its entirety and strike line 22 through the period

Page 6, strike lines 21 through 36

Page 7, strike lines 1 and 2 and insert in lieu thereof the following:

"Sec. 16. Of the total federal revenue sharing funds made available to the state by the federal government in 1972 and 1973, \$60,000,000 shall be transferred from the general fund, upon the effective date of this act, to the veterans compensation fund to carry out the purposes of this act, and the \$60,000,000 is appropriated for that purpose."

Renumber the remaining section.

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 24 and nays 34, as follows:

Those who voted in the affirmative were:

Ashbach	Fitzsimons	Keefe, J.	Nelson	Renneke
Bang	Frederick	Kirchner	Ogdahl	Sillers
Berg	Hansen, Mel	Knutson	O'Neill	Stassen
Bernhagen	Hanson, R.	Kowalczyk	Patton	Ueland
Dunn	Josefson	Krieger	Pillsbury	

Those who voted in the negative were:

Anderson	Davies	Larson	Novak	Solon
Arnold	Doty	Laufenburger	Olhoft	Spear
Borden	Gearty	Lewis	Olson, A. G.	Stokowski
Chenoweth	Hansen, Baldy	Lord	Olson, H. D.	Thorup
Chmielewski	Hughes	Milton	Perpich, A. J.	Wegener
Coleman	Humphrey	Moe	Perpich, G.	Willet
Conzemius	Keefe, S.	North	SchAAF	

Which motion did not prevail. So the amendment was not adopted.

Mr. Spear moved to amend House File No. 7, the printed bill, as follows:

Page 2, line 8, after "inclusive" and before the period add the following: "; and

(c) alternative service by a person legally declared to be a conscientious objector"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 5 and nays 50, as follows:

Messrs. Borden, Coleman, North, Schaaf and Spear voted in the affirmative.

Those who voted in the negative were:

Anderson	Dunn	Keefe, S.	McCutcheon	Renneke
Arnold	Fitzsimons	Kirchner	Milton	Schrom
Ashbach	Frederick	Kleinbaum	Nelson	Sillers
Bang	Gearty	Knutson	Novak	Solon
Berg	Hansen, Baldy	Kowalczyk	Ogdahl	Stassen
Bernhagen	Hansen, Mel	Krieger	Olhoft	Stokowski
Chmielewski	Hanson, R.	Larson	Olson, A. G.	Thorup
Conzemius	Hughes	Laufenburger	Olson, H. D.	Ueland
Davies	Josefson	Lewis	O'Neill	Wegener
Doty	Keefe, J.	Lord	Patton	Willet

Which motion did not prevail. So the amendment was not adopted.

Mr. Frederick moved to amend H. F. No. 7, the printed bill, as follows:

Page 4, line 20, after "Subd. 3." strike the balance of the line

Page 4, strike line 21, and on line 22, strike everything before "The"

Page 6, strike lines 21 through 36

Page 7, strike lines 1 through 2, and insert in lieu thereof:

"Sec. 16. \$60,000,000 shall be transferred from the general fund, upon the effective date of this act, to the veterans compensation fund to carry out the purposes of this act."

Renumber the remaining section.

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Bang	Hansen, Baldy	Knutson	Ogdahl	Stassen
Berg	Hansen, Mel	Kowalczyk	O'Neill	Ueland
Bernhagen	Hanson, R.	Krieger	Patton	
Dunn	Josefson	Larson	Pillsbury	
Fitzsimons	Keefe, J.	McCutcheon	Renneke	
Frederick	Kirchner	Nelson	Sillers	

Those who voted in the negative were:

Anderson	Conzemius	Kleinbaum	Novak	Schrom
Arnold	Davies	Laufenburger	Olhoff	Solon
Ashbach	Doty	Lewis	Olson, A. G.	Spear
Borden	Gearty	Lord	Olson, H. D.	Stokowski
Chenoweth	Hughes	Milton	Perpich, A. J.	Thorup
Chmielewski	Humphrey	Moe	Perpich, G.	Wegener
Coleman	Keefe, S.	North	Schaaf	Willet

Which motion did not prevail. So the amendment was not adopted.

And then, on motion of Mr. Larson, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

RECESS

Mr. Coleman moved that the Senate do now recess until 3:00 o'clock p.m. Which motion prevailed.

The hour of 3:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Hansen, Baldy imposed a call of the Senate.

The following Senators answered to their names:

Anderson	Dunn	Keefe, S.	Novak	Pillsbury
Arnold	Gearty	Kirchner	Ogdahl	Purfeerst
Borden	Hansen, Baldy	Larson	Olhoff	Schaaf
Brown	Hansen, Mel	Laufenburger	Olson, H. D.	Schrom
Coleman	Hanson, R.	Lewis	Olson, J. L.	Stokowski
Conzemius	Hughes	Lord	O'Neill	Thorup
Davies	Humphrey	Milton	Perpich, A. J.	Wegener
Doty	Josefson	Moe	Perpich, G.	Willet

The Sergeant-at-Arms was instructed to bring in the absent members.

MEMBERS EXCUSED

Messrs. Fitzsimons and Sillers were excused from the remainder of today's session. Messrs. Ueland; Olson, H. D.; Krieger and Hanson, R. were excused from the Session of today, beginning at 4:00 o'clock p.m. Mr. Lewis was excused from the Session of today, beginning at 4:30 o'clock p.m. Messrs. Berg; Frederick; Olson, J. L.; Novak; Thorup and Larson were excused from the Session of today, beginning at 5:00 o'clock p.m. Mr. Kowalczyk was excused from the Session of today, beginning at 5:30 o'clock p.m. Mr. Moe was excused from the Session of today beginning at 6:15 o'clock p.m.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to revert to Reports of Committees, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Coleman moved that the rules of the Senate be so far suspended as to adopt Committee Reports at the Desk. Which motion prevailed.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 1104: A bill for an act relating to public indebtedness; removing interest rate limitations on public obligations; amending Minnesota Statutes 1971, Sections 462.555; and 475.55.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 475.51, Subdivision 9, is amended to read:

Subd. 9. "Governing body" means the board, council, commission, or other body of the municipality charged with the general control of its financial affairs; provided, that where ~~the any~~ charter or law under which a municipality is organized confers bond issuing power on a particular board or body of a municipality, such board or body is the governing body under the provisions of sections 475.51 to 475.75.

Sec. 2. Minnesota Statutes 1971, Section 475.53, Subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Except as otherwise provided in sections 475.51 to 475.75, no municipality, except a school district or a city of the first class, shall incur or be subject to a net debt in excess of 20 $6\frac{2}{3}$ percent of the assessed value.

Sec. 3. Minnesota Statutes 1971, Section 475.53, Subdivision 2, is amended to read:

Subd. 2. [SPECIAL STATE AID.] Any municipality, except school districts, receiving special state aid under the provisions of sections 276.15 to 276.18 may incur, by vote of a majority of the electors, an indebtedness not to exceed 40 $13\frac{1}{3}$ percent of the assessed value.

Sec. 4. Minnesota Statutes 1971, Section 475.53, Subdivision 3, is amended to read:

Subd. 3. [CITIES FIRST CLASS.] Unless its charter permits a greater net debt a city of the first class may not incur a net debt in excess of five $1\frac{2}{3}$ percent of the ~~full and true valuation market value~~ of all taxable property therein. If the charter of the city permits a net debt of the city in excess of five $1\frac{2}{3}$ percent of its valuation, it may not incur a net debt in excess of ~~ten~~ $3\frac{1}{3}$ percent of the ~~full and true valuation market value~~ of the taxable property therein. In any event, unless the charter of the city or an existing law otherwise provides, in calculating the net debt each of the following obligations shall be deducted from its gross debt:

(1) Obligations issued for improvements which are payable wholly or partly from the proceeds of special assessments levied upon property specially benefited thereby, including those which are general obligations of the municipality issuing them, if the municipality is entitled to reimbursement in whole or in part from the proceeds of the special assessments.

(2) Warrants or orders having no definite or fixed maturity.

(3) Obligations payable wholly from the income from revenue producing conveniences.

(4) Obligations issued to create or maintain a permanent improvement revolving fund.

(5) Obligations issued for the acquisition, and betterment of public waterworks systems, and public lighting, heating or power systems, and of any combination thereof or for any other public convenience from which a revenue is or may be derived.

(6) Amount of all money and the face value of all securities held as a sinking fund for the extinguishment of obligations other than those deductible under this subdivision.

(7) All other obligations which under the provisions of law authorizing their issuance are not to be included in computing the net debt of the municipality.

The county auditor, at the time of preparing the tax list of the city, shall compile a statement setting forth the total assessed value and the total full and true valuation market value of each class of taxable property in such city for such year.

Sec. 5. Minnesota Statutes 1971, Section 475.53, Subdivision 4, is amended to read:

Subd. 4. [SCHOOL DISTRICTS.] Except as otherwise provided by law, no school district shall be subject to a net debt in excess of ten percent of the actual market value of all taxable property and of exempt property referred to in section 275.49, situated within its corporate limits, as computed in accordance with this subdivision. The county auditor of each county containing taxable real or personal property situated within any school district shall certify to the district upon request the adjusted market value of all such property and the ratio of such value to the market value of all such property, as most recently ascertained and reported to him in accordance with section 272.03, subdivisions 8 and 12 and sections 273.11 and 276.04. The county auditor of each county containing exempt property referred to in section 275.49, situated within any school district, shall certify to the district upon request the total adjusted market value of all such property as determined under section 275.49. If 20 percent or more in value of the taxable property in any school district consists of property on which taxes are paid into the state treasury under gross earnings tax laws applicable to common carrier railroads, the public service commission shall certify to the district upon request the adjusted market value of railroad property within the district as most recently determined by the commission. The commissioner of taxation shall

certify to each school district upon request the ratio most recently determined by *Whenever* the state equalization aid review committee, in accordance with section ~~124.211, subdivision 3~~ 124.212, ~~subdivision 10, to exist between~~ *has determined that* the assessed valuation of ~~the any~~ district furnished by county auditors ~~and the correct assessed valuation is not based upon the market value of taxable property in the district, the commissioner of taxation shall certify to the district upon request the ratio most recently ascertained to exist between such value and the actual market value of property within the district.~~ The actual market value or property within a district, on which its debt limit under this subdivision is based, is ~~that~~ (a) *the value determined by dividing the adjusted market value of all taxable and exempt property within the district, as certified by the county auditors and, where applicable, by the public service commission, by the ratios certified by the county auditors with respect to properties in their counties, or* (b) *this value divided by the ratio certified by the commissioner of taxation, whichever results in a higher value.*

Sec. 6. Minnesota Statutes 1971, Section 475.53, Subdivision 5, is amended to read:

Subd. 5. [CERTAIN INDEPENDENT SCHOOL DISTRICTS.] No independent school district located wholly or partly within a city of the first class shall issue any obligations unless first authorized by a two-thirds vote of the governing body of such city. No such school district shall issue obligations running more than two years, whenever the aggregate of the outstanding obligations of the district equals or exceeds ~~seven and one-half~~ $2\frac{1}{2}$ percent of the assessed value of the taxable property within the school district.

Sec. 7. Minnesota Statutes 1971, Section 475.56, is amended to read:

475.56 [INTEREST RATE.] Any municipality issuing obligations under any law may issue obligations bearing interest at a single rate or at rates varying from year to year which may be lower or higher in later years than in earlier years. Such higher rate for any period prior to maturity may be represented in part by separate coupons designated as additional coupons, extra coupons, or B coupons, but the highest aggregate rate of interest contracted to be so paid for any period shall not exceed the maximum rate authorized by such law. Such higher rate may also be represented in part by the issuance of additional obligations of the same series, over and above but not exceeding two percent of the amount otherwise authorized to be issued, and the amount of such additional obligations shall not be included in the amount required by section 475.59 to be stated in any bond resolution, notice, or ballot, or in the sale price required by section 475.60 *or any other law* to be paid; but if the principal amount of the entire series exceeds its cash sale price, such excess shall not, when added to the total amount of interest payable on all obligations of the series to their stated maturity dates, cause the average annual rate of such interest to exceed the maximum rate authorized by law. This section

does not authorize a provision in any such obligations for the payment of a higher rate of interest after maturity than before.

Sec. 8. Minnesota Statutes 1971, Section 475.58, Subdivision 1, is amended to read:

Subdivision 1. [APPROVAL BY MAJORITY OF ELECTORS; EXCEPTIONS.] Obligations authorized by law or charter may be issued by any municipality upon obtaining the approval of a majority of the electors voting on the question of issuing the obligations, but an election shall not be required to authorize obligations issued:

(1) to pay any unpaid judgment against the municipality;

(2) for refunding obligations;

(3) for an improvement, which obligation is payable wholly or partly from the proceeds of special assessments levied upon property specially benefited by the improvement, *or of taxes levied upon the increased value of property within a district for the development of which the improvement is undertaken*, including obligations which are the general obligations of the municipality, if the municipality is entitled to reimbursement in whole or in part from the proceeds of *such* special assessments levied ~~upon such property or taxes~~ and not less than 20 percent of the cost of the improvement is to be assessed against benefited property *or is estimated to be received from such taxes within the district*;

(4) payable wholly from the income of revenue-producing conveniences;

(5) under the provisions of a home rule charter which permits the issuance of obligations of the municipality without election; and

(6) under the provisions of a law which permits the issuance of obligations of a municipality without an election.

Sec. 9. Minnesota Statutes 1971, Section 475.58, Subdivision 2, is amended to read:

Subd. 2. [FUNDING, REFUNDING.] Any city of the fourth class, village, town or school district whose outstanding ~~gross debt exceeds 20 obligations~~, including all items referred to in section 475.51, subdivision 4, ~~exceed in amount~~ $6\frac{2}{3}$ percent of its assessed value may issue bonds under this subdivision for the purpose of funding or refunding such indebtedness or any part thereof. A list of the items of indebtedness to be funded or refunded shall be made by the recording officer and treasurer and filed in the office of the recording officer. The initial resolution of the governing body shall refer to this subdivision as authority for the issue, state the amount of bonds to be issued and refer to the list of indebtedness to be funded or refunded. This resolution shall be published once each week for two successive weeks in a legal newspaper published in the municipality or if there be no such newspaper, in a legal newspaper published in the county seat. Such bonds may be issued without the submission of the question of

their issue to the electors unless within ten days after the second publication of the resolution a petition requesting such election signed by ten or more voters who are taxpayers of the municipality, shall be filed with the recording officer. In event such petition is filed, no bonds shall be issued hereunder unless authorized by a majority of the electors voting on the question.

Sec. 10. Minnesota Statutes 1971, Section 475.61, is amended by adding a subdivision to read:

Subd. 5. When all conditions exist precedent to the issuance of obligations of any municipality in any amount for any purpose authorized by law, and the municipality has applied for a grant or loan of state or federal funds to aid in payment of cost incurred for the authorized purpose, its governing body may by resolution issue and sell temporary obligations not exceeding the total amount authorized, maturing within not more than three years from the date such obligations are issued. In this event the proceeds of the grant or loan when received shall be irrevocably appropriated to the sinking fund for the temporary obligations, and the estimated amount thereof may be deducted from the tax which would otherwise be required by subdivision 1 to be levied. Any amount of the temporary obligations which cannot be paid at maturity, from the proceeds of the grant or loan or from any other funds appropriated by the governing body for the purpose, shall be paid from the proceeds of definitive obligations to be issued and sold before the maturity date; or if sufficient funds are not available for payment in full of the temporary obligations at maturity, the holders thereof shall have the right to require the issuance in exchange thereof of definitive obligations secured in the manner provided in subdivision 1 and bearing interest at the maximum rate permitted by law.

Sec. 11. Minnesota Statutes 1971, Section 475.66, is amended to read:

475.66 [SINKING FUND; SURPLUSES.] *All sinking funds shall be deposited and secured as provided in chapter 118, except for amounts invested as authorized in this section, and may be deposited in interest bearing accounts, and such deposits may be evidenced by certificates of deposit with fixed maturities. There shall always be retained in any sinking fund sufficient cash to provide for the annual payments of principal and interest on the obligations for which the fund was created. Subject to the provisions of any resolutions of the governing body relating to the maintenance of reserves of cash or investments for the security of holders of such obligations, any surplus in any sinking fund above such amount may be invested under the direction of the governing body in any general obligation of the United States, the state of Minnesota or any of its municipalities, and in securities issued by the following agencies any agency or instrumentality of the United States: Federal Home Loan Banks, Federal Intermediate Credit Banks, Federal Land Banks, Banks for Cooperatives, and the Federal National Mortgage Association. Such surplus may also be used to purchase any obligation, whether general or special, of the issue for which the fund is created, at such price, which may include a premium, as shall be agreed to by the holder, or may be*

used to redeem any obligation of said issue prior to maturity in accordance with its terms. The obligations representing any such investment may be sold or hypothecated by the governing body at any time, but the money so received remains a part of such fund until used for the purpose for which the fund was created. Any obligation held in the sinking fund from which it is payable may be cancelled at any time when moneys in such fund are sufficient to pay all other obligations issued prior to July 1, 1961, payable therefrom with interest to maturity or to their earliest redemption dates. Any obligation issued after July 1, 1961, held in the sinking fund from which it is payable may be cancelled at any time unless otherwise provided in the other obligations payable from such fund or in a resolution or ordinance authorizing their issuance.

Sec. 12. Minnesota Statutes 1971, Section 475.71, is amended to read:

475.71 [REGISTRATION OF BONDS.] If the purchaser or holder of negotiable bonds issued by a city shall so request, the governing body, by a resolution prescribing the method and terms of exchange, may authorize the proper officers to issue registered bonds in lieu thereof, in such denominations as may be desired. The governing body of any municipal corporation municipality may, by a resolution prescribing the method and terms of registration, ordinance, or trust indenture authorize the proper officer of such municipal corporation designated in such resolution to register issuance of obligations in registered or bearer form, or in form permitting registration as to the payment of principal only any negotiable bonds issued by such municipal corporation; such registration to be by endorsement on such bonds of a certificate of registration, which shall recite that the principal thereof will be payable only to such person as by such registration appears to be the owner thereof or his legal representatives, and such resolution shall provide for the keeping of a permanent record of bonds so registered, and may provide for the registration of transfer or exchange of such obligations by an officer of the municipality or an authenticating trustee, transfer agent, or registrar, upon the terms and conditions and with the force and effect provided in sections 336.8-101 to 336.8-406.

Sec. 13. This act shall become effective on the day following final enactment."

Page 1, strike the title and insert in lieu thereof the following: "A bill for an act relating to public indebtedness, amending the school district debt limit, authorizing the issuance of temporary obligations in anticipation of state or federal grants, and revising and clarifying other provisions; amending Minnesota Statutes 1971, Sections 475.51, Subdivision 9; 475.53, Subdivisions 1, 2, 3, 4, and 5; 475.56, 475.58, Subdivisions 1 and 2; 475.61, by adding a subdivision; 475.66; and 475.71."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1351: A bill for an act relating to the duty of a landowner to warn of dangers; amending Minnesota Statutes 1971, Section 87.022.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 821: A bill for an act relating to the practice of medicine; practicing without license; prescribing penalties; amending Minnesota Statutes 1971, Section 147.10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 28, reinstate the stricken language

Page 1, line 28, strike "*, or condition*"

Page 2, line 15, after "persons" insert "*, other than psychologists certified or licensed by statutes,*"

Page 2, line 17, reinstate the stricken language

Page 2, line 17, strike "*or condition*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1986: A bill for an act relating to the licensure to practice the healing arts; requiring graduation from accredited institution.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 21, insert:

"Sec. 3. This act shall not affect any individual profession until one year after accrediting guidelines for it have been adopted by the department of health, education, and welfare, or July 1, 1975, whichever is later."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2036: A bill for an act relating to the suspension of employees in the classified service of the city of Minneapolis.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2273: A bill for an act relating to Anoka county; authorizing issuance of bonds for county park acquisition and development.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, after "Section 1." and before "The" insert "In addition to any other authority granted by law,"

Page 1, line 6, after "board" insert "of commissioners"

Page 1, line 6, after "is" strike "hereby"

Page 1, line 7, after "to" strike "borrow funds" and insert "issue and sell its general obligation bonds in an amount not exceeding \$3,000,000"

Page 1, line 8, after "parks" strike the remainder of the line

Page 1, line 9, strike all the language

Page 1, line 10, strike "issuance to a vote of the people, provided, that the" and insert in lieu thereof the word "The"

Page 1, line 18, after the word "issued." strike the remainder of the line and lines 19, 20, 21, 22 and 23, and insert "A tax levied in any year to pay principal and interest on bonds issued pursuant to this act is deemed a reduction in the total levy authorized for that year by Laws 1969, Chapter 813."

Page 1, line 24, after "Sec. 2." strike the remainder of the line and lines 25, 26, 27, 28 and 29 and insert the following:

"Bonds issued pursuant to this act shall be issued and sold in the manner provided by Chapter 475, except that approval by a majority of the electors voting at an election on the question is not required. The county shall levy a tax, without limit as to rate or amount, sufficient to pay the principal and interest on the bonds as they become due."

Page 2, strike lines 1 to 9.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

H. F. No. 1706: A bill for an act authorizing the city of Minneapolis to levy an assessment against real property for water and sewage disposal services furnished by the city.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

H. F. No. 1556: A bill for an act relating to the city of Saint Paul; amending the provisions relating to the issuance of the license for the sale of intoxicating liquor at the civic center; amending Laws 1969, Chapter 783, Section 1, Subdivision 1, as amended.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2024: A bill for an act relating to the city of Saint Paul, authorizing the issuance of bonds and the appropriation of revenues and taxes to finance the acquisition, betterment, and operation of swimming pools for the municipal program of public recreation and playgrounds.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2260: A bill for an act relating to the county of Ramsey; tax levy for educational, scientific and artistic purposes; amending Laws 1961, Chapter 583, Section 1, as amended.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2037: A bill for an act relating to the municipal housing and redevelopment act, providing for the construction of market rate housing in cities of the first class; amending Minnesota Statutes 1971, Sections 462.415, by adding a subdivision; 462.591, by adding a subdivision; 462.611; 462.621, by adding a subdivision; 462.631; 462.645, Subdivision 6; 462.691; and 462.695, Subdivisions 1 and 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2194: A bill for an act authorizing the city of Saint Paul to utilize certain power and authority to provide automobile parking facilities; amending Minnesota Statutes 1971, Section 459.14, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2176: A bill for an act relating to the city of Saint Paul; providing for the contracting out to a private party of the operation and management of the parking ramps and other parking facilities owned by the city which are located within or adjacent to the city's civic center and auditorium; amending Laws 1967, Chapter 459, Section 4, as amended.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2227: A bill for an act relating to the city of Saint Paul; the municipal housing and redevelopment act; providing for the construction of market rate housing in the city of Saint Paul under the provisions of said act; making specific provisions relating to earnings and equity, interest rates, mortgages, approval, taxes and sale.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1643: A bill for an act relating to the city of St. Louis Park; authorizing the city council to establish special assessment districts.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2035: A bill for an act relating to the city of Saint Paul; authorizing the levy, cancellation, and relevy of special assessments for automobile parking facilities.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1231: A bill for an act relating to planning commissions of certain counties and municipalities, and their controls; amending Minnesota Statutes 1971, Sections 394.25, by adding a subdivision; and 462.352, Subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "1," insert "*official*" and after "maps" insert "*may for a period of up to 5 years*" and further strike "*designating*" and insert in lieu thereof "*designate the*"

Page 1, at the end of line 15 insert a period.

Page 1, strike all of lines 16, 17 and 18.

Page 1, line 28, after "1," insert "*official*" and after "maps" insert "*may for a period of up to 5 years*" and strike "*designating*" and insert "*designate the*"

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 691: A bill for an act relating to Ramsey county and the city of St. Paul; requiring officers and employees of said county or city to live within the county or city limits.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, after "St. Paul" insert ", nor to any employee of school district 625,"

Page 1, line 23, after "county" strike the balance of the line

Page 1, line 24, strike "the state"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Pursuant to Rule 56, a roll call vote was taken on the motion to pass S. F. No. 691.

There were yeas 7 and nays 6, as follows:

Those who voted in the affirmative were:

Chenoweth, Doty, Gearty, Lewis, North, Schaaf and Stokowski.

Those who voted in the negative were:

Ashbach, Humphrey, Keefe, Kirchner, Knutson and McCutcheon.

The motion prevailed.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1797: A bill for an act relating to Ramsey county; establishing a commission for the study of local government; prescribing duties and obligations; providing for report by the commission to the legislature; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 10, strike everything after "Subd. 2."

Page 3, strike all of lines 11 to 15 and insert in lieu thereof the following:

"The commission shall file an interim report on its activities on January 15, 1974, and its final report on November 15, 1974. Such reports and the plan or plans resulting from the commission's research and study shall, when signed by a majority of the commission, be filed with the members of the Ramsey county delegation of the Minnesota legislature. This authorization of the commission shall expire on January 31, 1975."

Page 4, line 6, strike everything after "[APPROPRIATION.]"

Page 4, strike all of lines 7 and 8 and insert the following new section:

"The Board of Commissioners of Ramsey county shall appropriate "\$20,000 from the general fund for use by the commission in carrying out the purposes of this act."

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1948: A bill for an act relating to towns in the county of Anoka; conferring certain village powers; amending Laws 1963, Chapter 157, Section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "Subdivision 3," strike "4,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2174: A bill for an act relating to the city of Saint Paul; authorizing the condemnation of real property pursuant to the procedures set forth in its home rule charter.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1865: A bill for an act relating to plumbers; fees for examination and licensing; amending Minnesota Statutes 1971, Section 326.42.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "\$10" and insert "\$8"

Page 1, line 17, strike "\$10" and insert "\$8"

Page 1, line 18, strike "\$50" and insert "\$40"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1139: A bill for an act relating to the fire department relief association and firemen's service pensions in the city of Bemidji.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1110: A bill for an act relating to retirement; volunteer firemen's service pensions; amending Minnesota Statutes 1971, Section 69.06.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1954: A bill for an act relating to the city of St. Cloud; providing for the continuance of a retirement program for police officers employed by the city.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, strike lines 17 through 26

Reletter the clauses in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1708: A bill for an act relating to the firemen's relief association in the city of Red Wing; membership in the public employees fire fund; repealing Laws 1953, Chapter 348, Sections 12, 17, and 20; Laws 1957, Chapter 10; Laws 1961, Chapter 300, Sections 2, 3, and 4; and Laws 1965, Chapter 604.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1128: A bill for an act relating to the policemen's relief association in the city of Red Wing; membership in the public employees police and fire fund.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 496: A bill for an act relating to the city of Gilbert; placing new police officers of the city of Gilbert under the public employees retirement association.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, strike "the effective date of this act" and insert "December 31, 1972"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 798: A bill for an act relating to the police department, the policemen's relief association, and policemen's pension fund in the city of Minneapolis.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "the member" and insert "a member with 10 or more years of service in the police department and the policemen's relief association"

Page 2, line 9, strike "mayor" and insert "member"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 2165: A bill for an act relating to the City of Red Lake Falls; determination of financial requirements for the firemen's relief fund.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 2045: A bill for an act relating to state and local government; increasing the maximum amount for mileage from ten to 15 cents a mile; amending Minnesota Statutes 1971, Section 15A.20, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

H. F. No. 1320: A bill for an act relating to the state board of investment; regulating authorized investments; amending Minnesota Statutes 1971, Section 11.16, Subdivision 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 724: A bill for an act relating to health; physicians, surgeons and osteopaths; examination and licensing thereof; amending Minnesota Statutes 1971, Section 147.02, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, strike "in"

Page 2, line 4, strike "its discretion, may"

Page 2, line 6, strike "*in its discretion, may*"

Page 2, line 11, strike "*approved by it*"

Page 2, line 19, strike ", in its"

Page 2, line 20, strike "discretion,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1258: A bill for an act relating to the village of McKinley; authorizing division and distribution of the assets of its volunteer fire department relief association among existing members thereof.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "may," insert "upon dissolution of the village of McKinley and the relief association,"

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1210: A bill for an act relating to the city of Stillwater; firemen's service pensions.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1947: A bill for an act relating to the town of Ramsey in Anoka county; providing certain powers.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, strike the colon and insert a comma

Page 1, line 7, strike "(1)"

Page 1, line 9, strike "; and" and insert a period

Page 1, strike all of lines 10, 11 and 12

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1949: A bill for an act relating to the Anoka police relief association; membership in the public employees police and fire fund.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, strike "1973" and insert "1971"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1562: A bill for an act relating to the firemen's relief association in the city of Saint Paul; amending Laws 1955, Chapter 375, Section 22.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 2221: A bill for an act relating to state parks; authorizing additional lands to be included within the boundaries of Afton state park.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 21, strike "on" and insert in lieu thereof "an"

Page 2, line 26, after "feet" and before "to" insert ", thence north at right angles for 274.7 feet"

Page 2, strike line 27 and insert in lieu thereof "Thence continuing north for 379 feet to the"

Page 3, line 3, strike "765.65" and insert in lieu thereof "443"

Page 3, line 4, strike "888.51" and insert in lieu thereof "689"

Page 3, strike lines 6 through 15

Page 3, line 16, strike "for 640 feet and there terminating."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1002: A bill for an act relating to recreational motor vehicles; providing limitations on the operation of such vehicles while on property not owned by the operator; providing penalties; amending Minnesota Statutes 1971, Chapter 84, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Chapter 84, is amended by adding a section to read:

[84.90] [LIMITATIONS ON THE OPERATION OF RECREATIONAL MOTOR VEHICLES.] *Subdivision 1. For the purposes of this section the following terms have the meanings given them: (a) "Recreational motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobile, trail bike or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes. (b) "Snowmobile" has the same meaning given by section 84.81, subdivision 3.*

Subd. 2. Within the seven county metropolitan area, no person shall enter and operate a recreational motor vehicle on lands not his own, except where otherwise allowed by law, without the written or oral permission of the owner, occupant, or lessee of such lands. Written permission may be given by a posted notice of any kind or description that the owner, occupant, or lessee prefers, so long as it specifies the kind of vehicles allowed, such as by saying "Recreational Vehicles Allowed", "Snowmobiles Allowed", "Trail Bikes Allowed", "All-Terrain Vehicles Allowed", or words substantially similar.

Subd. 3. Outside the seven county metropolitan area, no person shall enter on any land not his own for the purpose of operating a recreational motor vehicle after being notified, either orally or by written or posted notice, by the owner, occupant, or lessee not to do so. Where posted notice is used, signs shall bear letters not less than two inches high and shall state one of the following: "Recreational Vehicles Prohibited", "Snowmobiles Prohibited", "Trail Bikes Prohibited", "All-Terrain Vehicles Prohibited", or words substantially similar. In lieu of the above notice an owner, occupant or lessee may post any sign prohibiting recreational motor vehicles which has been adopted by rule or regulation of the commissioner of natural resources. The notice or sign shall be posted at corners and ordinary ingress and egress to the property and when so posted shall serve so as to raise a conclusive presumption that a person operating a recreational motor vehicle thereon had knowledge that he had entered upon such posted lands. Failure to post notice as provided in this subdivision shall not deprive a person of the right to bring a civil action for damage to his person or property as otherwise provided by law.

Subd. 4. It is unlawful for a person to post, mutilate, or remove any notice or sign provided in this section upon any lands or waters over which he has no right, title, interest, or license. It is unlawful for a person other than a duly constituted legal authority to so post any public lands, including but not limited to tax forfeited lands, as above described.

Subd. 5. No person shall enter or leave the lands of another with a recreational motor vehicle, or pass from one portion of such lands

to another portion, through a closed gate, without returning the gate to its original position. No person shall enter or leave the lands of another with a recreational motor vehicle by cutting any wire or tearing down or destroying any fence.

Subd. 6. Nothing in this section shall limit or otherwise qualify the power of municipalities, counties, school districts, or other political subdivisions of the state or any agency of the state to impose additional restrictions or prohibitions on the operation of recreational motor vehicles on property not owned by the operator in accordance with law.

Subd. 7. A person violating the provisions of this section is guilty of a misdemeanor.

Sec. 2. This act is effective the day following its final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 2129: A bill for an act relating to wild animals; prescribing the wearing of fluorescent orange outer garments by hunters or trappers; reducing certain penalties for failing to wear such garments; amending Minnesota Statutes 1971, Sections 98.52, Subdivision 2; and 100.29, Subdivision 8; and repealing Minnesota Statutes 1971, Section 98.52, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, strike "*Except for an archer in the months of*"

Page 1, line 22, strike "*September and October and*"

Page 1, line 22, strike "*in his*"

Page 1, line 23, strike "*duck blind or boat*"

Page 1, line 26, after "*firearm*" insert "*deer*"

Page 1, line 26, strike "*between September 1 and December 15,*"

Page 2, after line 14, insert:

"Sec. 4. This act is effective January 1, 1974."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 634: A bill for an act relating to pollution; beverage containers and the reduction of solid wastes; requiring a deposit on beverage containers sold within this state; providing a penalty.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 15, strike "less" and insert "more"

Page 3, line 23, strike "(1)"

Page 3, line 25, strike "; and," and insert a period

Page 3, strike lines 26, 27, and 28

Page 4, strike lines 1 and 2

Page 6, line 13, strike "If after such review, with written notice and"

Page 6, strike lines 14, 15, and 16

Page 6, line 17, strike "certification, the board shall withdraw certification."

Page 6, strike lines 22 to 26

Page 7, line 12, strike "July" and insert "January"

Page 7, line 13, strike "1974" and insert "1976"

Page 7, line 14, strike "July" and insert "January"

Page 7, line 14, strike "1974" and insert "1976"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1805: A bill for an act relating to the state parks working capital fund; amending Minnesota Statutes 1971, Section 85.22, Subdivision 2a.

Reports the same back with the recommendaiton that the bill do pass. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1712: A bill for an act relating to the county of Chisago; authorizing Chisago county to acquire, operate, construct, and maintain, dams, dikes, reservoirs, water supply systems, sewage disposal systems and appurtenant works, and to regulate, conserve, and to control the use of water within the county, and for these purposes to acquire land and easements, impose service charges, levy special assessments, and issue bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. The Rush Creek watershed district, established March 22, 1973, is hereby abolished."

Strike the title and insert in lieu thereof:

"A bill for an act relating to water resources in Chisago and Pine counties."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. 2233: A bill for an act relating to tax-forfeited lands; imposing limitations on the sale of tax-forfeited land which borders on or is adjacent to certain waters, and on the timber growing on such land; amending Minnesota Statutes 1971, Chapter 282, by adding a section.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 552: A bill for an act relating to agriculture; establishing a dairy products council within the department of agriculture; providing functions and authority therefor; amending Minnesota Statutes 1971, Sections 32A.03, by adding a subdivision; 32A.05, by adding subdivisions; and 32A.09, Subdivisions 1, 2 and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 32A.06, Subdivision 2, is amended to read:

Subd. 2. [PRICE FILING.] Price schedules on any class of selected dairy products can be superseded, changed or withdrawn only on forms prescribed and furnished by the commissioner and by filing a copy thereof with the commissioner at least ten (10) full business days before the new schedule becomes effective and until that time, the old schedule shall continue in force. Any new price schedule shall ~~continue unchanged for ten full business days~~ *become effective on the first Monday of each month.* The commissioner is authorized and empowered to investigate any price for any selected dairy product on any schedule or prices filed with the commissioner which appear to be in violation of sections 32A.01 to 32A.09, 325.04, 325.06, 325.075, and acts amendatory thereof, and to suspend the effective date of any such price for a period of ten calendar days or during the period of such investigation, whichever is the lesser, and upon such suspension shall give prompt notice thereof by mail to the person filing such price schedule. If within this ten day period the commissioner fails to determine that such suspended price is invalid, it shall be presumed to be a valid price, effective at the expiration of the ten day period. If the commissioner determines the price to be invalid, he shall so advise in writing the person filing such price schedule. If the person filing a price schedule containing a price which is suspended fails or refuses upon written request of the

commissioner to make available all of his records pertinent to the determination of the validity of such suspended price, the period of suspension may be extended by the commissioner for a period of ten days from the time such records are made available. All price schedules filed with the commissioner shall be confidential and shall not be disclosed unless necessary to prepare or institute legal action.

Sec. 2. Minnesota Statutes 1971, Section 32A.09, Subdivision 1, is amended to read:

32A.09 [REDDRESS FOR INJURIES.] Subdivision 1. Any person who shall be injured in his business or property by reason of anything forbidden by sections 32A.01 to 32A.09, *or the commissioner in his own name or on behalf of any such injured person*, shall be entitled to sue therefor in any court of competent jurisdiction and shall be entitled to recover three fold the damage by him sustained and the costs of suit, including reasonable attorneys fees. Any person injured or who is threatened with injury or loss by reason of anything forbidden by sections 32A.01 to 32A.09, *or the commissioner in his own name or on behalf of any such injured or threatened person*, shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against all persons involved in any violation or threatened violation of sections 32A.01 to 32A.09, and acts amendatory thereof, to prevent and restrain violations or threatened violations thereof without alleging or proving actual damages or that an adequate remedy at law does not exist, so that injunctive relief can be obtained promptly without awaiting injury or actual damage. Such injunctive relief shall not abridge or be in lieu of any other civil remedy provided in sections 32A.01 to 32A.09.

Sec. 3. Minnesota Statutes 1971, Section 32A.09, Subdivision 2, is amended to read:

Subd. 2. *Either the commissioner or any person* entitled to bring suit under sections 32A.01 to 32A.09 may sue both in tort and for injunctive relief and may recover for all loss, damage or injury arising from the continued violation to the time of trial or hearing of such suit.

Sec. 4. Minnesota Statutes 1971, Section 32A.09, Subdivision 6, is amended to read:

Subd. 6. The commissioner may impose a penalty upon any person licensed by the department in any of its areas of jurisdiction which in any way involve the handling, processing, distributing, and selling of selected dairy products if the person is found to be in violation of the provisions of this dairy industry unfair trade practices act.

Whenever the commissioner has reason to believe that the person has violated the act and it appears that a proceeding should be held to determine whether a penalty should be imposed the commissioner shall serve notice on such person in writing by certified mail of the charges and grounds on which a penalty is sought to be imposed and of the time and place, not less than ten days after the mailing of a notice, at which a hearing shall be held to determine whether to impose a penalty. Any person upon whom a penalty is sought to be imposed shall have full right to counsel and to pro-

duce witnesses in his behalf at the hearing. After full investigation and hearing the commissioner may upon proof of a first violation impose a penalty of not less than ~~250~~ \$100 nor more than ~~100~~ \$500 for each act in violation. However, in no event shall the penalty exceed ~~\$1,000~~ \$5,000. Upon proof of a second violation the commissioner may impose a penalty of not less than ~~\$100~~ \$500 or more than ~~\$500~~ \$3,000 for each act in violation. However, the maximum penalty imposed shall not exceed ~~\$5,000~~ \$30,000. Upon proof of a third violation the penalty provisions applicable upon proof of a second violation shall apply.

The commissioner shall by certified mail or by personal service notify the person upon whom a penalty has been imposed, setting forth the reasons for the decision. The imposition of penalty shall become effective 30 days after the mailing or service in person of the notification unless that person complies with the provisions of section 15.0424, providing for a procedure for judicial review of the determination in the district court. ~~In addition to the provisions contained therein, the person may petition to the district court that the review procedures shall be by trial de novo.~~

Imposition of any penalties under this section shall be construed as civil and not criminal in nature.

Any amounts received by the commissioner as a result of the imposition of penalties under this provision shall be deposited with the state treasurer and shall be placed in the "dairy industry unfair trade practices account."

Strike the title and insert in lieu thereof:

"A bill for an act relating to agriculture; amending Minnesota Statutes 1971, Sections 32A.06, Subdivision 2; and 32A.09, Subdivisions 1, 2, and 6."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 506: A bill for an act relating to agriculture; collective bargaining; providing for mandatory bargaining between producers or associations and handlers; providing criteria.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. This act shall be known and may be cited as the "agricultural marketing and bargaining act of 1973."

Sec. 2. [DECLARATION OF POLICY.] Since agricultural products are produced by numerous and often scattered individual producers, the marketing and bargaining position of individual producers will be adversely affected unless they are free to join

together voluntarily in cooperative associations or other associations as authorized by law. Membership of a producer in such a cooperative association or other association can only be meaningful if a handler of agricultural products is required to bargain in good faith with an agricultural cooperative association or other association as the representative of the members of such association. Production and marketing of agricultural commodities constitute a basic and essential industry. Agricultural producers do not now enjoy the opportunity, comparable to that of industrial workers and those in many other forms of enterprise or employment, to organize and bargain effectively. Neither is adequate government provision available to assure that the bargaining process shall be fair both to producers and handlers and in the public interest.

Sec. 3. Subdivision 1. For the purpose of sections 1 to 12, the terms defined in this section have the meanings given them.

Subd. 2. "Association" means an association of producers, or federation of cooperative association of producers engaged in producing, marketing, bargaining, shipping or processing functions of an agricultural commodity on behalf of its members who are producers of such agricultural commodity, which has been accredited by the commissioner.

Subd. 3. "Person" means an individual, partnership, corporation or association.

Subd. 4. "Producer" means any person, who in any one calendar year within the previous two calendar years, produces or causes to be produced any agricultural commodity in quantity beyond his own family use, and who is able to transfer, during the calendar year, to a handler or an association a merchantable title to the agricultural commodity or provide management, labor, machinery, facilities, or any other production input, with the assumption of risk, for the production of the agricultural commodity under a written contract.

Subd. 5. "Agricultural commodity" includes all agricultural goods produced under contract for marketing as defined by the commissioner of agriculture. It does not include any commodity sold by a producer to another producer for his own exclusive use and not for resale. The kinds, types and subtypes of products to be classed together as an agricultural commodity for the purposes of this act shall be determined by the commissioner on the basis of common usage and practice.

Subd. 6. "Handler" means a person, other than an association, engaged in the business or practice or acquiring agricultural commodities from producers or associations for processing or sale; grading, packaging, handling, storing or processing agricultural commodities received from producers or associations; contracting or negotiating contracts or other arrangements with producers or associations with respect to the production of any agricultural commodity; or acting as an agent broker for a handler in the performance of any function or act specified above. It does not include a producer who sells at a retail establishment

which he owns and operates or who sells at a produce market, agricultural commodities produced by him and agricultural commodities produced by another producer subject to value limitation established by the commissioner.

Subd. 7. "Commissioner" means the commissioner of agricultural of the state of Minnesota or his designated authority.

Subd. 8. "Marketing year" shall mean, generally, any time between the second day of February of the previous calendar year and the first day of February of the subsequent year, unless the commissioner shall determine an alternative time period for a specific agricultural commodity to be designated as its marketing year.

Sec. 4. [ACCREDITATION.] Subdivision 1. Any association accredited under this section may engage in bargaining as provided for under this act.

(1) An association desiring accreditation shall file with the commissioner in the form required by the commissioner. The request shall contain properly certified evidence that the association meets the standards for accreditation and shall be accompanied by a report of the names and addresses of member producers, the name of each handler to whom the member producer delivered or contracted to deliver the agricultural commodity during the previous 2 calendar years and the quantity delivered or acreage grown. A fee to cover the costs of the commissioner in processing the request shall be established pursuant to Minnesota Statutes, Chapter 15, and paid by the association when the request is filed.

(2) The commissioner may require all handlers of an agricultural commodity produced in a bargaining unit area as individuals or through their trade association to file with the board within 30 days following such a request, a report, properly certified, showing the correct names and addresses of all producers of the agricultural commodity who have delivered the agricultural commodity to the handler during the two calendar years preceding the filing of the report and the quantities of the agricultural commodity received by the handler from each named producer during those periods. The information contained in the individual reports of handlers filed with the commissioner shall not be made public by the commissioner nor available to any person for private use.

Subd. 2. In determination of accreditation, the commissioner shall determine whether bargaining shall be appropriate by plant, processor, or company. This determination shall be the unit area for the bargaining provisions of this act as is applicable to associations and handlers. In making his determination, the commissioner shall define as appropriate the largest bargaining unit area in terms of the quantity of the agricultural commodity produced, the definition of the agricultural commodity, geographic area covered and number of producers included as is consistent with the following criteria:

(a) The community of interest of the producers included;

(b) The potential serious conflicts of interests among members of the proposed unit;

(c) The effect of exclusions on the capacity of the association to effectively bargain for the bargaining unit as defined;

(d) The kinds, types and subtypes of products to be classed together as agricultural commodity for which the bargaining unit is proposed;

(e) Whether the producers eligible for membership in the proposed bargaining unit meet the definition of "producer" for the agricultural commodity involved;

(f) The wishes of the producers;

(g) The pattern of past marketing of the commodity.

Subd. 3. An association shall be accredited only if it complies with the following:

(a) The association meets the requirements of the Capper-Volstead Act, 7 U.S.C. 291-2.

(b) The association has submitted a copy of its bylaws which provide that: each member of the association shall have one vote in all votes of the membership of the association; that officers or directors shall be elected by a majority of the members voting or by delegates representing a majority of the membership; and that all elections shall be by secret ballot.

(c) The association would have marketing and bargaining contracts for the current or next marketing year with more than 50 percent of the producers of an agricultural commodity who are in the bargaining unit area and these contracts would cover more than 50% of the quantity of that commodity produced by producers in that bargaining unit area. The commissioner may determine the quantity produced by the bargaining unit area using information on production in the prior year, current marketing information, and projections on production during the current marketing year. The commissioner shall exclude from the quantity of the agricultural commodity contracted by producers with producer owned and controlled processing cooperatives and any quantity produced by handlers. An association whose main purpose is bargaining but which processes a surplus into a form which is not the subject of bargaining is not a processing cooperative. The contracts with members shall specify the agricultural commodity and that the members have appointed the association as their exclusive agent in negotiations with handlers for prices and other terms of trade with respect to the sale and marketing of the agricultural commodity and obligate them to dispose of their production or holdings of the agricultural commodity through or at the direction of the association.

Subd. 4. Within 60 days of the filing date of the request for accreditation by an association, the commissioner shall determine whether the association shall be accredited. If the commissioner determines that insufficient evidence was filed by the association, the commissioner may permit the association to file an amended

request for accreditation within 30 days following the determination and notification of the association. The commissioner shall then determine, within 30 days of the filing of the amended request, whether the association shall be accredited. An association which is denied accreditation after filing of an amended request may not file another request for accreditation for a period of one year.

Subd. 5. Accreditation of the association by the commissioner shall be effective 30 days after the notice of accreditation.

Subd. 6. [REVOCATION OF ACCREDITATION.] The commissioner shall consider revocation of accreditation upon any of the following conditions:

(a) Upon receipt of a request from an accredited association for its own disaccreditation.

(b) Upon receipt of a petition requesting that the accredited association be discredited and bearing the signatures of at least 10 percent of the producers of an accredited association in the bargaining unit. Following the receipt of a petition bearing the signatures of at least 10 percent of the producers of an accredited association in a bargaining unit the board shall order the commissioner to initiate a referendum among the members of the accredited association and if in the referendum a majority of the producers, producing 50 percent of the commodity approve, the association accreditation shall be revoked by the board.

Subd. 7. The accredited association shall represent all member producers who are in the bargaining unit area and it shall act as exclusive sales agents for the bargaining unit area in negotiations with handlers. The association may not assess, bargain for, or claim to represent those producers who choose not to be represented by the association or choose not to have a bargaining committee bargain for them.

Sec. 5. [MARKETING AND BARGAINING COMMITTEE.] Subdivision 1. After accreditation of the association, the association shall establish and authorize a marketing and bargaining committee to negotiate, as the association's exclusive agent, with handlers for the sale and marketing of the agricultural commodity for which the association was accredited.

Subd. 2. This committee shall be comprised of members of the association elected by the association in a secret ballot election, except that the association may contract with legal counsel who shall, at the discretion of the association, be eligible for membership on the committee.

Subd. 3. The production of the agricultural commodity shall comprise a significant portion of the total producing operation of each committee member.

Subd. 4. Members who have any quantity contracted with a producer owned and controlled processing cooperative are not eligible to serve on a marketing and bargaining committee for such a commodity.

Sec. 6. Subdivision 1. Producers of agricultural commodities are free to join together voluntarily in associations as authorized by law without interference by handlers. A handler shall not engage in any of the following practices, defined as unfair practices:

(a) To coerce a producer in the exercise of his right to join and belong to or to refrain from joining or belonging to an association or to refuse to deal with a producer because of the exercise of his right to join and belong to an association.

(b) To discriminate against a producer with respect to price, quantity, quality or other terms of purchase, acquisition or other handling of agricultural products because of his membership in or contract with an association.

(c) To coerce or intimidate a producer to breach, cancel or terminate a membership agreement or marketing contract with an association or a contract with a handler.

(d) To pay or loan money, give anything of value or offer any other inducement or reward to a producer for refusing or ceasing to belong to an association.

(e) To make or circulate unsubstantiated reports about the finances, management or activities of associations or other handlers.

(f) To conspire, combine, agree or arrange with any other person to do or aid or abet the doing of any practice which is in violation of this act.

(g) To refuse to bargain with an association with whom the handler has had prior dealings or with an association whose producers in the bargaining units have had dealings with the handler prior to the effective date of this act.

Subd. 2. An association shall not engage nor permit an employee or agent to engage in the following practices, defined as unfair practices:

(a) To enter into a contract which discriminates against a producer represented by that association.

(b) To act in a manner contrary to the bylaws of the association.

(c) To coerce or intimidate a handler to breach, cancel or terminate an agreement or marketing contract with an association or a contract with a producer.

(d) To make or circulate unsubstantiated reports about the finances, management or activities of other associations or handlers.

(e) To conspire, combine, agree or arrange with another person to do or aid or abet the doing of any practice which is in violation of this act.

Sec. 7. Subdivision 1. As used in this act, "bargaining" means the mutual obligation of a handler and an association or their designated representatives to meet at reasonable times and confer and negotiate in good faith. Negotiations may include all terms relative to trading between handlers and producers of the agricultural commodity, such as:

- (a) prices and terms of sale
- (b) quality specifications
- (c) quantity to be marketed by acreage or weight
- (d) transactions involving products and services utilized by one party and provided by the other party.

Subd. 2. The association shall notify the commissioner of the commencement of negotiations.

Subd. (3) (a) If no agreement is reached at the expiration of ten days after service of such notice to the commissioner, the association may, at any time thereafter, petition the commissioner to assume supervision over the dispute, except as provided for by clause (e).

(b) The commissioner shall then set a time and place for conference with the parties to present facts representing each party's case and hearing arguments. The commissioner shall take such steps, in accordance with rules promulgated under this act, as he deems expedient to affect a voluntary, amicable and expeditious adjustment and settlement of the differences between the handler and the association.

(c) At any time prior to 15 days before the first day of the marketing year in dispute, if any agreement on the issues in dispute between the association and the handler has not been reached, the handler may elect not to purchase, directly or indirectly, any quantity of the agriculture commodity produced by the association during that marketing year; or, the affected producers may elect not to sell, directly or indirectly, any quantity of the agricultural commodity produced by the association during that marketing year; or, the affected producers may elect not to sell, directly or indirectly, any quantity of the agricultural commodity to the handler during that marketing year.

(d) If either party makes an election, the other party is not under an obligation to continue bargaining with the party so electing for terms during the marketing period in dispute. Both parties may, however, engage immediately in bargaining for the following marketing year.

(e) If the petition requesting the commissioner to assume supervision over a dispute is presented 15 days or less before the marketing year in dispute, then the commissioner shall exercise his discretionary authority, according to rules promulgated under this act, in determining which disputes are arbitrable before the start of the marketing year in dispute.

Sec. 8. All decisions of mediation and bargaining which result from section 7 shall be based upon the following factors:

(a) Prices or projected prices for the agricultural commodity paid by the competing handlers in the market area or competing market areas.

(b) Amount of the commodity produced or projections of production in the production area or competing marketing areas.

(c) Relationship between the quantity produced and the quantity handled by the handler.

(d) The producers cost of production including the cost which would be involved in paying farm labor a fair wage rate and providing them with adequate housing.

(e) The average consumer prices for goods and services, commonly known as the cost living.

(f) The impact of the award on the competitive position of the handler in the marketing area or competing areas.

(g) The impact of the award on the competitive position of the agricultural commodity in relationship to competing commodities.

(h) A fair return on investment.

(i) Kind, quality or grade of the commodity involved.

(j) Stipulation of the parties.

(k) Such other factors which are normally or traditionally taken into consideration in determining prices, quality, quantity and the costs of other services involved.

Sec. 9. The commissioner shall announce his findings of fact and decisions in all cases in which he has assumed supervision during the year previous to the marketing year in dispute by the fifteenth day of the marketing year in dispute. To expedite his decisions, the commissioner may engage the services of the bureau of mediation services, whose recommendations he shall consider in his final determination.

Sec. 10. Subdivision 1. For the purpose of this act, the commissioner may receive complaints with respect to violations or threatened violations. The commissioner may make all necessary investigations, examinations or inspections of any violation or threatened violation specified in the sworn complaint filed with the commissioner. If, upon such investigation, the commissioner considers that there is reasonable cause to believe that the person charged has committed a practice in violation of this act, the commissioner shall issue and cause to be served a complaint upon the person. The complaint shall summon the person to a hearing before the commissioner at the time and place fixed.

Subd. 2. If the commissioner determines that the person complained of has committed a practice in violation of this act, he shall state his findings of fact and shall issue and cause to be served on the person an order requiring him to cease the violation and shall order further affirmative action as will effectuate the policies of this act.

Subd. 3. If the commissioner is of the opinion that the person complained of has not committed a practice in violation of this act, he shall make his findings of fact and issue an order dismissing the complaint.

Subd. 4. Until the record in a case has been filed in a court the commissioner may, at any time upon reasonable notice and in such man-

ner as he deems proper, modify or set aside, in whole or in part, any finding or order he has made or issued, with jurisdiction for such a change specified in additional findings of fact.

Subd. 5. The commissioner may request the attorney general of the state of Minnesota to seek the appropriate temporary relief or restraining order of injunction in district court to insure the enforcement of his findings.

Sec. 11. The commissioner may promulgate rules necessary for the administration of this act in accordance with this act and Minnesota Statutes, Chapter 15.

Sec. 12. [EFFECTIVE DATE.] This act is effective July 1, 1973."

Strike the title and insert in lieu thereof:

"A bill for an act relating to agriculture; collective bargaining; providing for bargaining between producers or associations and handlers; providing criteria."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 951: A bill for an act relating to food; providing for the regulation and control of its manufacture, distribution and sale; prescribing penalties; amending Minnesota Statutes 1971, Chapter 31, by adding sections; Sections 31.01, Subdivisions 2, 3, and 4, and by adding subdivisions; 31.02; 31.04; 31.05; 31.14; and 32.021, Subdivision 2; and repealing Minnesota Statutes 1971, Sections 31.01, Subdivisions 5 and 19; 31.10; 31.11; and 31.12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "*Sections 31.01 to 31.171*" and insert "*Chapter 31*"

Page 1, line 23, strike "*certain*"

Page 1, line 25, after the comma insert "*and such regulations shall be promulgated*"

Page 1, line 25, strike "*but subject to such changes as the commissioner*"

Page 1, line 26, strike "*may deem necessary to make*"

Page 5, line 18, strike the comma

Page 7, line 2, after "*source,*" strike "*or*" and insert "*and*"

Page 11, line 15, strike "*, unless he has refused, on the request*" and insert a period

Page 11, strike lines 16 through 20

Page 17, line 26, after "*commissioner*" insert "*and is in addition to authority granted in sections 31.10, 31.11, and 31.12*"

Page 17, line 26, after "*regulations*" insert "*when applicable*"

Page 17, line 28, strike "*act*" and insert "*law*"

Page 18, line 5, strike "*July*" and insert "*April*"

Page 18, line 7, strike the comma

Page 18, line 8, strike "*stayed or suspended*"

Page 18, line 11, strike "*July*" and insert "*April*"

Page 18, line 13, strike the comma

Page 18, line 14, strike "*stayed or suspended*"

Page 18, line 17, strike "*July*" and insert "*April*"

Page 18, line 19, strike the comma

Page 18, line 20, strike "*stayed or suspended*"

Page 18, line 23, strike "*July*" and insert "*April*"

Page 18, line 25, strike the comma

Page 18, line 26, strike "*stayed or suspended*"

Page 19, line 1, strike "*July*" and insert "*April*"

Page 19, line 4, strike "*, stayed or suspended*"

Page 19, line 17, strike "*July*" and insert "*April*"

Page 19, line 20, strike "*, stayed or suspended*"

Page 19, line 24, strike "*interstate*" and insert "*intrastate*"

Page 20, line 12, strike "*July*" and insert "*April*"

Page 20, line 14, strike "*stay, suspend or*"

Page 22, line 26, strike "*July*" and insert "*April*"

Page 23, line 1, strike "*stay, suspend*"

Page 23, line 2, strike "*or*"

Page 23, line 3, strike "*additional regulations or*"

Page 23, line 19, strike "*, subdivision I*"

Page 23, line 22, strike "*, subdivision I*"

Page 23, line 24, strike the comma

Page 23, line 25, strike "*subdivision I*"

Page 23, line 28, strike "*subdivision I,*"

Page 26, line 6, strike the comma

Page 26, line 7, strike "*subdivision I*"

Page 26, line 16, strike "*Subdivision 1.*"

Page 26, line 22, strike “, or”

Page 26, line 23, strike “*subdivision 2 of this section*”

Page 27, strike lines 2 through 28

Page 28, strike lines 1 through 26

Page 29, line 11, after “by” strike “*Section 27*” and insert “*section 31.10 and section 27 of this act*”

Page 30, line 10, after “*provided by*” strike “*section 27*” and insert “*section 31.10 and section 27 of this act*”

Page 30, line 18, after “by” strike “*section 27*” and insert “*section 31.10 and section 27 of this act*”

Page 30, line 23, after “*provided by*” strike “*section 27*” and insert “*section 31.10 and section 27 of this act*”

Page 34, line 19, strike “*cause to be*”

Page 34, line 20, strike “*disseminated*” and insert “*disseminate*”

Page 34, line 20, after “*such*” insert “*substantiated*”

Page 34, line 20, strike “*the*” and insert “*he*”

Page 34, line 21, strike “*commissioner*”

Page 35, line 23, strike “*Sections*” and insert in lieu thereof “*Section*”

Page 35, line 24, strike “; *31.10; 31.11; and 31.12*”

Further, amend the title as follows:

Page 1, strike lines 12 and 13 and insert “*Section 31.01, Subdivisions 5 and 19*”

And when so amended, the bill do pass. Amendments adopted. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1029: A bill for an act relating to local water and related land resources management; granting counties authority to undertake water and related land resource management programs; granting counties authority to establish subordinate service areas to finance water and related land resource management programs; granting authority to county boards to construct sewage systems in unincorporated areas; requiring municipalities and counties to recover the local share of the cost of constructing, operating and maintaining sewage disposal systems through an equitable system of user charges; amending Minnesota Statutes 1971, Sections 361.25; 361.26, Subdivision 1, and by adding a subdivision; Chapter 378, by adding sections; 429.011, Subdivision 2a; 444.075; and Chapter 459, by adding a section; repealing Minnesota Statutes 1971, Sections 110.121 to 110.126; 115.15 to 115.37; 115.61 to 115.67; 440.33 to 440.36; 443.02; 444.09 to 444.14; 456.24 to 456.28; 457.03 to 457.08; 457.085; and Chapters 116A and 445.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 361.25, is amended to read:

361.25 [REGULATIONS.] The commissioner shall adopt, in the manner provided in sections 15.0411 to 15.0422, and shall publish in the manner prescribed in section 97.53, subdivision 2, regulations relating to the application for, and form and numbering of watercraft licenses and the size, form, reflectorize material and display of watercraft license numbers which shall comply with the requirements of the federal watercraft numbering system, placement and regulation of docks, piers, buoys, mooring or marking devices and other structures in the waters of this state, rules of the road for watercraft navigation and standards for equipment used in the towing of persons on water skis, aqua planes, surfboards, saucers, and other devices, standards for lights, signals, fire extinguishers, bilge ventilation, and lifesaving equipment, standards of safe load and power capacity, accounting, procedural and reporting requirements for county sheriff, designation of and swimming or bathing areas, standards of safety for watercraft offered for rent, lease, or hire, *and in accordance with section 361.26 the commissioner shall by no later than January 1, 1975, adopt rules and regulations relating to the use of surface waters of this state by watercraft including but not limited to (1) standards and criteria for resolving conflicts in the use of water surfaces by watercraft, (2) procedures for dealing with problems involving more than one local governmental unit, (3) procedures for local enforcement and (4) procedures for carrying out the provisions of section 361.26, subdivision 2; and such other regulations as he deems necessary to carry out the provisions of chapter 361.*

Sec. 2. Minnesota Statutes 1971, Section 361.26, Subdivision 1, is amended to read:

361.26 [APPLICATION OF STATE LAW; LOCAL REGULATIONS; SURFACE USE REGULATIONS OF THE COMMISSIONER.] Subdivision 1. The provisions of chapter 361, and of other applicable laws of this state shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state, or when any activity regulated by chapter 361 shall take place thereon. Nothing in chapter 361 shall be construed as limiting the authority of any political subdivision of this state to adopt regulations, not inconsistent with chapter 361 and the regulations of the commissioner, relating to the use of waters ~~not included in the definition of waters set forth in section 361.02, subdivision 12, of this state which are wholly or partly within the territorial boundaries of the political subdivision, except that a county, or entirely within the boundaries of a city, village, or borough.~~ A city of the first class of over 200,000 or the park board thereof, may forbid the use of motorboats or boats with motors attached thereto on its lakes.

Sec. 3. Minnesota Statutes 1971, Section 361.26, is amended by adding a subdivision to read:

Subd. 1a. On or before January 1, 1975, the commissioner shall develop and publish guidelines to assist when adopting water surface use ordinances for waters within their jurisdiction.

Sec. 4. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.31] [WATER AND RELATED LAND RESOURCES MANAGEMENT.] *Subdivision 1. The county board of every county shall have the powers set forth in this section with respect to 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, village, or borough. All programs undertaken pursuant to such powers shall be consistent with the statewide water and related land resources plan prepared under the direction of the commissioner of natural resources, and with regional water and related resources plans. No body of water shall be improved under this section unless the public has access to some portion of the shoreline thereof. The county boards shall have power:*

Subd. 2. To acquire, in the name of the county, by gift or purchase or by condemnation under chapter 117, any existing dam or control works that may affect the level of such waters, and all other land and property needful for the purpose of improving any body of water pursuant to this section;

Subd. 3. To construct and operate water control structures when approved by the commissioner of natural resources pursuant to section 105.42;

Subd. 4. To undertake projects to change the course current or cross section of public waters when approved by the commissioner of natural resources pursuant to section 105.42;

Subd. 5. To contract with a board of managers of any watershed district within the county or the board of supervisors of any soil and water conservation district within the county for improvements under Minnesota Statutes, Chapter 40 and 112;

Subd. 6. To undertake research to determine the condition and development of the body of water and the water entering it and to transmit these studies to the pollution control agency and other interested authorities; to develop a comprehensive plan to eliminate water pollution; to conduct a program of water improvement and conservation; and to implement the comprehensive plan to eliminate water pollution, provided that construction of any water, sewer, or water and sewer system shall be undertaken in the manner provided by section 444.075 or other applicable laws and not pursuant to this section;

Subd. 7. To receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them;

Subd. 8. To maintain public beaches, public docks and other public facilities for access to the body of water;

Subd. 9. To make cooperative agreements with the United States or state government or any other county or city, village or borough for the purpose of effecting the provisions of this section.

Sec. 5. Minnesota Statutes 1971, Chapter 378, is amended by adding a section 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, village, or borough, 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. 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 1 of this act. Within 30 days of the adoption of such an ordinance the county shall notify the commissioner of natural resources in writing that such an ordinance was adopted and shall furnish the commissioner with a copy of the ordinance. The county board shall have power:*

Subd. 2. To regulate and police public beaches, public docks and other public facilities for access to the body of water, except that a county board may not regulate state accesses and a municipality may by ordinance forbid the exercise of this power within its jurisdiction;

Subd. 3. To regulate the construction, configuration, size, location and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with state law and the regulations of the department of natural resources, the pollution control agency, and the department of health, and with the applicable municipal building codes and zoning ordinances where the marinas are situated;

Subd. 4. To regulate the construction, installation and maintenance of permanent and temporary docks and moorings consistent with state and federal law and sections 105.42, 361.07 and 361.21;

Subd. 5. To regulate the construction and use of mechanical and chemical means of deicing the body of water and to regulate the mechanical and chemical means of removal of weeds and algae from the body of water consistent with the regulations of the department of natural resources;

Subd. 6. To regulate the type and size of watercraft, as defined in section 361.02, subdivision 7, permitted to use the body of water and set access fees;

Subd. 7. To limit the types and horsepower of motors used on the body of water;

Subd. 8. To limit the use of the body of water at various times and the use of various parts of the body of water;

Subd. 9. To regulate the speed of watercraft on the body of water and the conduct of other activities on the body of water to secure the safety of the public and the most general public use;

Subd. 10. To contract with other law enforcement agencies to police the body of water and its shore.

Sec. 6. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.33] [ADVISORY ASSISTANCE.] *The county board, in connection with water use regulation and improvement, may invite any municipal council or town board or the soil and water conservation district board of supervisors or watershed district board of managers to designate a representative to advise and consult with the county board.*

Sec. 7. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.34] [TAX LEVIES.] *The county board may levy taxes in order to implement the powers granted under this act upon all taxable property within the county, which shall not be subject to any statutory limitation and shall not affect the amount or rate of taxes which may be levied for other county purposes, and which may be in addition to any amounts levied within a subordinate service area.*

Sec. 8. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.35] [APPROPRIATIONS; GRANTS.] *Subdivision 1. The county board is authorized to appropriate money from the general revenue fund of the county for the purpose of carrying out the provisions of sections 4 to 20.*

Subd. 2. The county board may apply for, receive, and disburse federal funds made available to the county by federal law or rules promulgated thereunder for any purpose related to the powers and duties of the county board. The county board shall comply with any and all requirements of federal law or rules and regulations promulgated thereunder in order to apply for, receive, and disburse the funds. The county board is authorized to accept any donations or grants from any public or private concern. All such moneys received by the county board shall be deposited in the county treasury and shall be appropriated for the purposes for which they are received.

Sec. 9. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.41] [ESTABLISHMENT OF SUBORDINATE SERVICE AREAS.] *In order to finance the development and implementation of programs for water and related land resources management pursuant to sections 4 and 5 of this act, the county board of any county may desig-*

nate areas within the county, including bodies of water and related land areas, as subordinate service areas.

Sec. 10. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.42] [CREATION BY COUNTY BOARD.] *Subdivision 1. The county board may establish a subordinate service area in a portion of the county by adoption of an appropriate resolution. The resolution shall specify the territorial boundaries of the area, which shall be consistent with natural hydrologic boundaries, the type or types of water and related land resource management programs to be undertaken in the area, a statement of the means by which the programs will be financed, and a designation of the county officer or agency who will be responsible for supervising the programs.*

Subd. 2. Before the adoption of such a resolution, the county board shall hold a public hearing on the question of whether or not a subordinate service area shall be established.

Sec. 11. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.43] [PETITION FOR CREATION.] *Subdivision 1. A petition signed by five percent of the qualified voters within any portion of the county may be submitted to the county board requesting the establishment of a subordinate service area to develop and provide a program of water and related land resources management. The petition shall specify the territorial boundaries of the area, which shall be consistent with natural hydrologic boundaries, the type or types of water and related land resource management programs to be undertaken in the area, a statement of the means by which the programs will be financed, and a designation of the county officer or agency who will be responsible for supervising the programs.*

Subd. 2. Upon receipt of the petition, and verification of the signatures thereon by the county auditor, the county board shall, within 30 days following verification, hold a public hearing on the question of whether or not the requested subordinate service area shall be established.

Subd. 3. Within 30 days following the holding of a public hearing the county board by resolution shall approve or disapprove the establishment of the requested subordinate service area. A resolution approving the creation of the subordinate service area may contain modifications of the area's boundaries, functions, financing, or organization from what was set forth in the petition.

Sec. 12. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.44] [JOINT ACTION.] *Where the natural hydrologic boundaries of an area extend into more than one county, the county boards of the counties affected may establish and maintain a subordinate service area jointly or cooperatively as provided in Minnesota Statutes, Section 471.59, either on their own motion or pursuant to petition.*

Sec. 13. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.45] [CREATION BY COMMISSIONER OF NATURAL RESOURCES.] *Subdivision 1. Where the natural hydrologic boundaries of an area extend into more than one county, and where the county board of one or more of the counties affected has disapproved a petition for creation of a subordinate service area for the area, petition for creation of a joint subordinate service area containing information of the kind required by section 11 may be submitted to the commissioner of natural resources.*

Subd. 2. Upon receipt of the petition and verification of the signatures thereon by the commissioner, the commissioner shall, within 30 days following verification, hold a public hearing on the question of whether or not the requested joint subordinate service area shall be established.

Subd. 3. Within 30 days following the holding of a public hearing the commissioner by order shall approve or disapprove the establishment of the requested joint subordinate service area. If the commissioner determines that the establishment of the joint subordinate service area as requested in the petition would be for the public welfare and public interest, and that the purposes of section 9 would be served by the establishment of a joint subordinate service area, the commissioner shall by order approve the creation of the joint subordinate service area; otherwise, he shall by order disapprove the creation. An order approving creation may contain modifications of the area's boundaries, functions, financing, or organization from what was set forth in the petition.

Sec. 14. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.46] [PUBLICATION AND EFFECTIVE DATE.] *Upon passage of a county board resolution or commissioner's order authorizing the creation of a subordinate service area, the county board or boards shall cause the resolution or order to be published once in the official newspapers. The subordinate service area shall be deemed established 30 days after publication or at such later date as may be specified in the resolution or order.*

Sec. 15. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.47] [REFERENDUM.] *Subdivision 1. Upon receipt of a petition signed by five percent of the qualified voters within the territory of the subordinate service area prior to the effective date of its creation as specified in section 14, the county board or boards shall hold the creation in abeyance pending referendum vote of all qualified electors residing within the boundaries of the proposed subordinate service area.*

Subd. 2. The county board or boards shall make arrangements for the holding of a special election not less than 30 nor more than 90 days after receipt of such petition within the boundaries of the proposed subordinate service area. If a general election will be held within the time specified, the vote on creation may be held as part of the general election. The county auditor shall administer the election. The question to

be submitted and voted upon by the qualified voters within the territory of the proposed subordinate service area shall be phrased substantially as follows:

"Shall a subordinate service area be established in order to provide (water and related land resources improvements) financed by (revenue sources)?"

Upon certification of the vote by the county auditor, if a majority of those voting on the question favor creation of the proposed subordinate service area, the subordinate service area shall be deemed created.

Sec. 16. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.51] [FINANCING.] *Subdivision 1. The county board or boards in order to accomplish the purposes specified in the resolution or order creating a subordinate service area, may impose service charges on the users of such services within the area and may levy an ad valorem tax solely on property situated within the subordinate service area, to be appropriated and expended solely on projects of special benefit to the area, or any combination of service charges and taxes.*

Subd. 2. The tax provided for by subdivision 1 shall not be subject to any statutory limitation as to amount and shall not affect the amount or rate of taxes that may be levied for other county purposes. Such a tax may be in addition to any amounts levied upon all taxable property in the county for the same or similar purposes.

Subd. 3. Upon adoption of its annual budget, the county board or boards shall include appropriate provisions for the operation of the subordinate service area.

Sec. 17. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.52] [VOTING.] *Where a subordinate service area has been established by order of the commissioner of natural resources under section 13, voting by county boards on joint actions of the subordinate service area shall be based on proportional representation for each county according to the proportion of the population of the subordinate service area residing within each county, and not on the basis of one vote per county or one vote per county board member unless each county or each board member represents substantially the same number of persons residing within the subordinate service area.*

Sec. 18. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.53] [ENFORCEMENT OF ORDINANCES.] *Where a subordinate service area has been established by order of the commissioner of natural resources under section 13, ordinances and regulations adopted by joint action of the affected county boards may be enforced in any part of the subordinate service area by personnel of any of the affected counties.*

Sec. 19. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.54] [EXPANSION OF THE BOUNDARIES OF A SUBORDINATE SERVICE AREA.] *A county board, on its own motion or pursuant to petition, may enlarge any existing subordinate service area pursuant to the procedures specified in sections 9 to 15. In the event a referendum is required, only qualified voters residing in the area to be added shall be eligible to participate in the election; provided that if five percent of the qualified voters residing in the existing service area petition to participate therein, all qualified voters residing in the proposed service area shall be eligible.*

Sec. 20. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.55] [TERMINATION.] *Subdivision 1. Upon receipt of a petition signed by ten percent of the qualified voters within the territory of the subordinate service area requesting the termination of the subordinate service area, or pursuant to its own resolution, the county board or boards shall make arrangements for the holding of a special election within the subordinate service area not less than 30 nor more than 90 days after receipt of such a petition. If a general election will be held within the time specified, the vote on termination may be held as part of the general election. The county auditor shall administer the election. The question to be submitted and voted upon by the qualified voters within the subordinate service area shall be phrased substantially as follows:*

"Shall the subordinate service area heretofore established be terminated and the undertaking of additional water and related land resource improvements of the county as provided for within such subordinate service area be discontinued?"

Subd. 2. Upon certification of the vote by the county auditor, if a majority of those voting on the question favor the termination the subordinate service area shall be terminated. No additional water and related land resource management programs shall be undertaken with money raised by a special tax within the area, and no additional special water and related land resource management taxes shall be levied within the area. When money raised by past special tax levies within the area has been exhausted, further operation and maintenance of existing programs may be financed by appropriations from the general revenue fund of the county.

Sec. 21. Minnesota Statutes 1971, Section 429.011, Subdivision 2a, is amended to read:

Subd. 2a. "Municipality" also includes a county in the case of construction, reconstruction or improvement of a county state-aid highway or county highway including curbs and gutters and storm sewers outside of the boundaries of any city, village or borough and includes a county exercising its powers and duties under section 444.075, Subdivision 1.

Sec. 22. Minnesota Statutes 1971, Section 444.075, is amended to read:

444.075 [WATERWORKS SYSTEMS, MAIN SEWERS, SEWAGE DISPOSAL PLANTS.] *Subdivision 1. [AUTHORIZATION.] Any city, except cities of the first class operating under a home rule charter, or any village is hereby authorized and em-*

powered to build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a waterworks system, and *sewer systems*, sewage treatment works, disposal systems, and other facilities for disposing of sewage, industrial waste, or other wastes, all hereinafter called facilities, and to maintain and operate the same inside or outside its corporate limits, and to acquire by gift, purchase, lease, condemnation or otherwise any and all land and easements required for that purpose. The authority hereby granted shall be in addition to all other powers with reference to such facilities otherwise granted by the laws of this state or by the charter of any such city. *Counties, except counties in the seven-county metropolitan area, shall have the same authority granted to cities by this subdivision except for areas of the county organized into cities or villages and areas of the county incorporated within a sanitary district established by special act of the legislature.*

Subd. 2. [FINANCING.] For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging, improving, or in other manner obtaining such facilities or any portion thereof, any such city or village or county may issue and sell its general obligations, which may be made payable primarily from taxes or from special assessments to be levied to pay the cost of the facilities or from net revenues derived from water or sewer service charges or from any other nontax revenues pledged for their payment under charter or other statutory authority, or from any two or more of such sources; or it may issue special obligations, payable solely from such taxes or special assessments or from such revenues, or from any two or more of such sources. *Real estate tax revenues should be used only, and then on a temporary basis, to pay general or special obligations when the other revenues are insufficient to meet the obligations.* All such obligations shall be issued and sold in accordance with chapter 475. When special assessments are pledged for the payment of such obligations, they shall be authorized and issued in accordance with the further provisions of chapter 429, or of the municipality's charter if it authorizes such obligations and the governing body determines to proceed thereunder. When net revenues are pledged to the payment of the obligations, together with or apart from taxes and special assessments, such pledge shall be made in accordance with the further provisions of subdivision 3.

Subd. 3. [CHARGES; NET REVENUES.] For the purpose of paying for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance operation and use of such facilities, the governing body of any such city or village or county shall have authority to impose just and equitable charges for the use and for the availability of such facilities and for connections therewith and to make contracts for such charges as hereinafter provided. Such charges may be imposed with respect to facilities made available by agreement with other municipalities or counties or private corporations or individuals, as well as those owned and operated

by the city or , village or county itself. Charges made for service directly rendered shall be as nearly as possible proportionate to the cost of furnishing the same, and sewer charges may be fixed on the basis of water consumed, or by reference to a reasonable classification of the types of premises to which service is furnished, or by reference to the quantity, pollution qualities and difficulty of disposal of sewage produced, or on any other equitable basis including, but without limitation, any combination of those referred to above. Minimum charges for the availability of water or sewer service may be imposed for all premises abutting on streets or other places where municipal or county water mains or sewers are located, whether or not connected thereto. Charges for connections to the facilities may in the discretion of the governing body be fixed by reference to the portion of the cost thereof which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection. The governing body may make any such charges a charge against the owner, lessee, occupant or all of them and may provide and covenant for certifying unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected. The governing body may fix and levy taxes for the payment of reasonable charges to the municipality or county itself for the use and availability of the facilities for fire protection and for maintaining sanitary conditions in public buildings, parks, streets, and other public places. In determining the reasonableness of the charges to be imposed, the governing body may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city or , village ; or county including the principal and interest to become due on obligations issued or to be issued therefor. When net revenues have been appropriated to the payment of the cost of the establishment, or of any specified replacement, improvement, enlargement or extension thereof, or to pay the principal and interest due on obligations to be issued for such purpose, no charges imposed to produce net revenues adequate for such purpose shall be deemed unreasonable by virtue of the fact that the project to be financed has not been commenced or completed, if proceedings therefor are taken with reasonable dispatch and the project, when completed, may be expected to make service available to the premises charged which will have a value reasonably commensurate with such charges. All such charges, when collected, and all moneys received from the sale of any facilities or equipment or any by-products thereof, shall be placed in a separate fund, and shall be used first to pay the normal, reasonable and current costs of operating and maintaining the facilities. The net revenues from time to time received in excess of such costs may be pledged by resolutions of the governing body, or may be used though not so pledged, for the payment of principal and interest on obligations issued as provided in subdivision 2, or to pay such portion of said principal and interest as may be directed in such resolutions, and net revenues derived from any facilities of the types listed in subdivision 1, whether or not financed by the issuance of such

obligations, may be pledged or used to pay obligations issued for other facilities of any such types. In resolutions authorizing the issuance of either general or special obligations and pledging net revenues thereto, the governing body may make such covenants for the protection of holders of the obligations and taxpayers of the municipality or county as it deems necessary, including, but without limitation, a covenant that the municipality or county will impose and collect charges of the nature herein authorized at the times and in the amounts required to produce, together with any taxes or special assessments designated as a primary source of payment of the obligations, net revenues adequate to pay all principal and interest when due on the obligations and to create and maintain such reserves securing said payments as may be provided in said resolutions. When such a covenant is made it shall be enforceable by appropriate action on the part of any holder of the obligations or any taxpayer of the municipality or county in a court of competent jurisdiction, and the obligations shall be deemed to be payable wholly from the income of the system whose revenues are so pledged, within the meaning of Minnesota Statutes, Sections 475.51 and 475.58.

Subd. 4. [LEVY ASSESSMENTS.] The governing body of any such city or village or county may also levy assessments against property within the city or village or county limits benefited by such facilities under the procedure authorized by law or charter with reference to other assessments for benefits of local improvements, may transfer and use for the purposes hereof surplus funds of the city or village or county not specifically dedicated to any other purpose, and may levy taxes on property within the city or village or county limits for such purposes within the limitations of section 275.11; except that of the taxes so levied, including taxes initially levied under section 475.61 for the payment of the bonds issued therefor and interest thereon, an amount equal to 35 percent of the total cost of the construction, reconstruction, repair, enlargement, improvement, or other obtainment of any such facilities, plus an amount sufficient to pay the interest on the bonds issued in an amount equal to 35 percent of the total cost of the construction, reconstruction, repair, enlargement, improvement, or other obtainment of any such facilities, shall not be included in computing the levies subject to the limitations of such section 275.11. Any such city or village or county may contract with any person, company or corporation for the purposes and under the restrictions set forth in subdivision 5. Any such contract shall be binding upon the parties thereto for the full term agreed upon but in no event more than 30 years, and shall not be changed by either party without the consent of the other party.

Subd. 5. [CONNECTION WITH FACILITIES; CHARGES.] Any such city or village or county is hereby authorized to permit any person, company or corporation located and doing business inside or outside of the city or village or county limits to connect with such facilities and make use of the same upon such terms and upon the payment of such fees and charges therefor as may be prescribed or contracted for by the city or village or county, and to contract with any such person, company or corporation for the

payment by such person, company or corporation of a part of the cost of construction, maintenance or use of such facilities and to receive from such person, company or corporation doing business inside or outside of the city ~~or~~, village or county limits payment in cash or installments of such portion of the cost of the construction, maintenance or use thereof as may be agreed upon or contracted for with the city ~~or~~, village or county and devote the money so received to the purpose of such construction, maintenance or use. The proportionate cost of construction, maintenance or use of such facilities to be paid by such person, company, or corporation may be made payable in installments due at not greater than annual intervals for a period not to exceed 30 years. Any such person, company or corporation which may pay any part of the cost of construction, maintenance or use of such facilities in the manner aforesaid, shall thereafter have the right to use such facilities for the disposal or treatment of his, their or its sewage, industrial waste, or other wastes, by the city ~~or~~, village or county upon the payment of reasonable charges for the use of such facilities or the charges contracted for in case there is a contract as herein provided. Any such city ~~or~~, village or county may contract with any other city ~~or~~, village or county for the joint or cooperative obtainment or use of such facilities without limitation of time.

Sec. 23. Minnesota Statutes 1971, Chapter 459, is amended by adding a section to read:

[459.20] [AUTHORITY OVER PUBLIC WATERS.] *The governing body of any city, village or borough in the state within which the whole of any body of water is situated, shall have all the powers to improve and regulate the use of such body of water as are conferred on county boards by sections 4 and 5 of this act.*

Sec. 24. Minnesota Statutes 1971, Section 116A.01, is amended by adding a subdivision to read:

Subd. 1b. Any county board that has established a water or sewer system or combined water and sewer system under the provisions of this chapter may acquire the right to operate the system under and exercise all the rights and authority of section 22 of this act, instead of this chapter, upon the filing by the county board, in the office of the clerk of district court of the county, a petition to the court asking that the county board be granted such authority. The clerk of district court, as directed by the judge, shall thereupon fix a time and place for hearing upon the petition. Notice of the hearing shall be given by publication for two successive weeks in a newspaper published in the county. The clerk of district court shall give written notice of the hearing to the Minnesota pollution control agency. If at the hearing the court finds that it is for the best interests of the county board to be granted such authority, it may by order grant such petition. Thereafter the county board may operate and maintain the water or sewer system or combined water and sewer system as provided in section 22 of this act.

Sec. 25. Minnesota Statutes 1971, Sections 110.121; 110.122; 110.123; 110.124; 110.125; 110.126; 115.15; 115.16; 115.17;

115.61; 115.62; 115.63; 115.64; 115.65; 115.66; 115.67;
440.33; 440.34; 440.35; 440.36; 443.02; 444.09; 444.10;
444.11; 444.12; 444.13; 444.14; 445.01; 445.02; 445.03;
445.04; 445.05; 445.06; 445.07; 445.08; 445.09; 445.10;
445.11; 445.12 445.13; 445.14; 445.15; 445.16; 445.163;
445.17; 445.18; 445.19; 445.20; 445.21; 456.24; 456.25;
456.26; 456.27; 456.28; 457.03; 457.04; 457.05; 457.06;
457.07; 457.08 and 457.085 are repealed.

Sec. 26. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*

Strike the title and insert in lieu thereof:

“A bill for an act relating to local water and related land resources management; granting counties authority to undertake water and related land resource management programs; granting counties authority to establish subordinate service areas to finance water and related land resource management programs; granting authority to county boards to construct sewage systems in unincorporated areas; requiring municipalities and counties to recover the local share of the cost of constructing, operating and maintaining sewage disposal systems through an equitable system of user charges; amending Minnesota Statutes 1971, Sections 116A.01, by adding a subdivision, 361.25; 361.26, Subdivision 1, and by adding a subdivision; Chapter 378, by adding sections; 429.011, Subdivision 2a; 444.075; and Chapter 459, by adding a section; repealing Minnesota Statutes 1971, Sections 110.121 to 110.126; 115.15 to 115.17; 115.61 to 115.67; 440.33 to 440.36; 443.02; 444.09 to 444.14; 456.24 to 456.28; 457.03 to 457.08; 457.085; and Chapter 445.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1389: A bill for an act relating to health; payment of medical and hospital benefits to governmental institutions in certain instances.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

“Section 1. Every group or individual policy of accident and sickness insurance issued or renewed after the effective date of this section regulated by Minnesota Statutes, Chapter 62A, and every group or individual service plan or subscriber contract issued or renewed after the effective date of this section regulated by Minnesota Statutes, Chapter 62C, providing care or payment for care in this state, shall provide payments for services rendered by a hospital or medical facility owned or operated by, or on behalf of, the state or any unit of local government, or practitioners

therein, on the same basis as are made for like care in other facilities. The unit of government concerned may maintain an action for recovery of such payments."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 980: A bill for an act relating to consumer protection; restricting door to door distribution of certain items; broadening enforcement powers; providing penalties; amending Minnesota Statutes 1971, Section 325.925.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, restore the stricken language

Page 1, line 14, restore the stricken language

Page 1, line 16, strike "six" and insert "seven"

Page 1, line 17, after "inches" insert "*and which contains less than one hole, one-half inch in diameter, for each twenty-five square inch area*"

Page 1, line 19, after the period add "*This subdivision shall not apply to plastic bags with an average thickness of more than .0015 of an inch.*"

Page 1, line 23, strike "gross"

Page 1, strike lines 24 through 31 and insert "*A violation of this section shall also be treated as a violation of section 325.79.*"

Page 2, strike lines 1 through 8

And when so amended the bill do pass. Amendments adopted. Report adopted.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to revert to Second Reading of Senate Bills and Second Reading of House Bills, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1104, 1351, 821, 1986, 2036, 2273, 2024, 2260, 2037,

2194, 2176, 2227, 1643, 2035, 1231, 691, 1797, 1948, 2174, 1865, 1139, 1110, 1954, 1708, 1128, 496, 798, 2165, 2045, 724, 1258, 1210, 1947, 1949, 1562, 2221, 1002, 2129, 634, 1805, 1712, 2233, 552, 506, 951, 1029, and 980 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1706, 1556 and 1320 were read the second time.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Novak moved that the motion that the Senate do not concur in the amendments by the House to S. F. No. 1827 and that a conference committee be appointed be now reconsidered. Which motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Novak moved that the Senate do now concur in the amendments by the House to S. F. No. 1827 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1827 was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	Nelson	Pillsbury
Arnold	Dunn	Kleinbaum	North	Purfeerst
Bang	Frederick	Knutson	Novak	Renneke
Berg	Gearty	Kowalczyk	Ogdahl	Schaaf
Bernhagen	Hansen, Baldy	Krieger	Olhoff	Schrom
Borden	Hansen, Mel	Larson	Olson, A. G.	Solon
Brown	Hanson, R.	Laufenburger	Olson, H. D.	Stassen
Chenoweth	Hughes	Lewis	Olson, J. L.	Stokowski
Chmielewski	Humphrey	Lord	O'Neill	Thorup
Coleman	Josefson	McCutcheon	Patton	Ueland
Conzemius	Keefe, J.	Milton	Perpich, A. J.	Wegener
Davies	Keefe, S.	Moe	Perpich, G.	Willet

Mr. Ashbach voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the gubernatorial appointment of Mr. Jenö Paulucci to the Fine Arts Council be taken from the table. Which motion prevailed.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to consider the foregoing appointment at this time. Which motion prevailed.

Mr. Conzemius moved that the Senate do not consent to the foregoing appointment.

Mr. Brown moved that the foregoing appointment be laid on the table.

The question being taken on adoption of the motion of Mr. Brown,
And the roll being called, there were yeas 26 and nays 33, as follows:

Those who voted in the affirmative were:

Ashbach	Hansen, Mel	Knutson	O'Neill	Wegener
Bang	Hanson, R.	Kowalczyk	Patton	Willet
Bernhagen	Josefson	Krieger	Perpich, A. J.	
Brown	Keefe, J.	McCutcheon	Pillsbury	
Dunn	Keefe, S.	Nelson	Renneke	
Frederick	Kirchner	Ogdahl	Ueland	

Those who voted in the negative were:

Anderson	Conzemius	Larson	Novak	Schrom
Arnold	Davies	Laufenburger	Olhoff	Solon
Berg	Gearty	Lewis	Olson, A. G.	Stassen
Borden	Hansen, Baldy	Lord	Olson, H. D.	Stokowski
Chenoweth	Hughes	Milton	Olson, J. L.	Thorup
Chmielewski	Humphrey	Moe	Purfeerst	
Coleman	Kleinbaum	North	Schaaf	

Which motion did not prevail.

CALL OF THE SENATE

Mr. Ashbach imposed a call of the Senate.

The following Senators answered to their names:

Anderson	Doty	Kleinbaum	Novak	Schaaf
Arnold	Dunn	Knutson	Ogdahl	Schrom
Ashbach	Frederick	Kowalczyk	Olhoff	Solon
Bang	Gearty	Krieger	Olson, A. G.	Stassen
Berg	Hansen, Baldy	Larson	Olson, H. D.	Stokowski
Bernhagen	Hansen, Mel	Laufenburger	Olson, J. L.	Thorup
Borden	Hanson, R.	Lewis	O'Neill	Ueland
Brown	Hughes	Lord	Patton	Wegener
Chenoweth	Humphrey	McCutcheon	Perpich, A. J.	Willet
Chmielewski	Josefson	Milton	Perpich, G.	
Coleman	Keefe, J.	Moe	Pillsbury	
Conzemius	Keefe, S.	Nelson	Purfeerst	
Davies	Kirchner	North	Renneke	

The Sergeant-at-Arms was instructed to bring in the absent members.

Mr. Doty, pursuant to Rule 22, moved that he be excused from voting on the appointment of Mr. Paulucci. Which motion prevailed.

The question being taken on the adoption of the motion of Mr. Conzemius,

Mr. Coleman moved that those not voting be excused from voting.

The question being taken on the adoption of the motion of Mr. Coleman,

And the roll being called, there were yeas 38 and nays 16, as follows:

Those who voted in the affirmative were:

Bang	Brown	Coleman	Doty	Hansen, Mel
Berg	Chenoweth	Conzemius	Gearty	Hanson, R.
Borden	Chmielewski	Davies	Hansen, Baldy	Hughes

Humphrey	Lord	Olhoft	Pillsbury	Stokowski
Keefe, S.	Moe	Olson, H. D.	Purfeerst	Thorup
Kleinbaum	Nelson	Olson, J. L.	Schaaf	Wegener
Larson	Novak	O'Neill	Schrom	
Lewis	Ogdahl	Perpich, A. J.	Solon	

Those who voted in the negative were:

Ashbach	Frederick	Kirchner	Krieger	Olson, A. G.
Bernhagen	Josefson	Knutson	Laufenburger	Renneke
Dunn	Keefe, J.	Kowalczyk	North	Ueland
				Willet

Which motion prevailed.

The question being taken on adoption of the motion of Mr. Conzemius.

And the roll being called, there were yeas 19 and nays 35, as follows:

Those who voted in the affirmative were:

Arnold	Conzemius	Hughes	Moe	Purfeerst
Borden	Davies	Laufenburger	Novak	Stokowski
Chenoweth	Gearty	Lewis	Olson, A. G.	Willet
Coleman	Hansen, Baldy	Milton	Olson, H. D.	

Those who voted in the negative were:

Anderson	Dunn	Keefe, S.	Lord	Pillsbury
Ashbach	Frederick	Kirchner	North	Renneke
Bang	Hansen, Mel	Kleinbaum	Ogdahl	Schrom
Berg	Hanson, R.	Knutson	Olson, J. L.	Solon
Bernhagen	Humphrey	Kowalczyk	O'Neill	Thorup
Brown	Josefson	Krieger	Patton	Ueland
Chmielewski	Keefe, J.	Larson	Perpich, A. J.	Wegener

Which motion did not prevail.

Mr. Coleman moved that the appointment of Mr. Jenö Paulucci to the Fine Arts Council be referred to the Committee on Transportation and General Legislation. Which motion prevailed.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to revert to General Orders, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Larson in the chair.

After some time spent therein, the committee arose and the President having resumed the chair, Mr. Larson reported that the committee had considered H. F. No. 694 which the committee recommends to pass.

The question being taken on the committee recommendation,

And the roll being called, there were yeas 41 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kleinbaum	Nelson	Schaaf
Arnold	Frederick	Knutson	North	Stassen
Ashbach	Gearty	Kowalczyk	Ogdahl	Stokowski
Bang	Hansen, Mel	Laufenburger	Olhoft	Thorup
Brown	Hughes	Lewis	Olson, A. G.	Wegener
Chmielewski	Humphrey	Lord	O'Neill	
Coleman	Keefe, J.	McCutcheon	Perpich, G.	
Conzemius	Keefe, S.	Milton	Pillsbury	
Davies	Kirchner	Moe	Purfeerst	

Those who voted in the negative were:

Berg	Borden	Hansen, Baldy	Renneke	Willet
Bernhagen	Dunn	Josefson	Schrom	

Which motion prevailed. So the committee recommends H. F. No. 694 to pass.

And then, on motion of Mr. Larson, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended that the General Orders Calendar for today be taken up as Special Orders to be considered immediately, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

SPECIAL ORDER

S. F. No. 537: A bill for an act relating to agriculture; nursery-men's and dealer's certificates; providing penalties; amending Minnesota Statutes 1971, Sections 18.46, Subdivision 9; 18.51, Subdivision 2; and 18.52, Subdivision 5.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 42 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, S.	North	Renneke
Arnold	Davies	Kirchner	Ogdahl	Schaaf
Ashbach	Doty	Kleinbaum	Olhoft	Stassen
Bang	Dunn	Larson	Olson, A. G.	Thorup
Borden	Gearty	Laufenburger	O'Neill	Wegener
Brown	Hansen, Baldy	Lord	Patton	Willet
Chenoweth	Hughes	Milton	Perpich, A. J.	
Chmielewski	Humphrey	Moe	Perpich, G.	
Coleman	Keefe, J.	Nelson	Purfeerst	

Those who voted in the negative were:

Bernhagen	Frederick	Josefson	Knutson	Kowalczyk
				Pillsbury

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1593: A bill for an act relating to game and fish; seasons for taking game birds; amending Minnesota Statutes 1971, Section 100.27, Subdivision 5.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kirchner	North	Renneke
Arnold	Doty	Kleinbaum	Ogdahl	Schaaf
Ashbach	Dunn	Knutson	Olhoft	Schrom
Bang	Frederick	Kowalczyk	Olson, A. G.	Stassen
Bernhagen	Gearly	Laufenburger	O'Neill	Stokowski
Borden	Hansen, Baldy	Lord	Patton	Wegener
Brown	Hansen, Mel	McCutcheon	Perpich, A. J.	Willet
Chenoweth	Hughes	Milton	Perpich, G.	
Chmielewski	Humphrey	Moe	Pillsbury	
Coleman	Josefson	Nelson	Purfeerst	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1594: A bill for an act relating to game and fish; licensing of fishermen's helpers in the Minnesota-Wisconsin boundary waters; amending Minnesota Statutes 1971, Section 98.46, Subdivisions 6 and 7.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 49 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Josefson	Moe	Pillsbury
Arnold	Davies	Keefe, J.	Nelson	Purfeerst
Ashbach	Doty	Keefe, S.	North	Renneke
Bang	Dunn	Kirchner	Ogdahl	Schaaf
Bernhagen	Frederick	Kleinbaum	Olhoft	Solon
Borden	Gearly	Knutson	Olson, A. G.	Stassen
Brown	Hansen, Baldy	Kowalczyk	O'Neill	Stokowski
Chenoweth	Hansen, Mel	Laufenburger	Patton	Wegener
Chmielewski	Hughes	Lord	Perpich, A. J.	Willet
Coleman	Humphrey	McCutcheon	Perpich, G.	

Mr. Schrom voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1721: A bill for an act authorizing the commissioner of administration to sell certain real estate in Winona county.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, J.	North	Renneke
Arnold	Davies	Keefe, S.	Ogdahl	Schaaf
Ashbach	Doty	Kirchner	Olhoft	Schrom
Bang	Dunn	Kleinbaum	Olson, A. G.	Solon
Bernhagen	Gearty	Knutson	O'Neill	Stassen
Borden	Hansen, Baldy	Kowalczyk	Patton	Stokowski
Brown	Hansen, Mel	Laufenburger	Perpich, A. J.	Wegener
Chenoweth	Hughes	Lord	Perpich, G.	Willet
Chmielewski	Humphrey	Moe	Pillsbury	
Coleman	Josefson	Nelson	Purfeerst	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1670: A bill for an act relating to wild animals; requiring identification tags on minnow traps; amending Minnesota Statutes 1971, Section 101.42, Subdivision 5.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, J.	North	Renneke
Arnold	Davies	Keefe, S.	Ogdahl	Schaaf
Ashbach	Doty	Kirchner	Olhoft	Schrom
Bang	Dunn	Kleinbaum	Olson, A. G.	Solon
Bernhagen	Gearty	Knutson	O'Neill	Stassen
Borden	Hansen, Baldy	Kowalczyk	Patton	Stokowski
Brown	Hansen, Mel	Laufenburger	Perpich, A. J.	Wegener
Chenoweth	Hughes	Lord	Perpich, G.	Willet
Chmielewski	Humphrey	Moe	Pillsbury	
Coleman	Josefson	Nelson	Purfeerst	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1505: A bill for an act relating to pollution; livestock, poultry and other animal lots; permitting counties to exercise certain permit processing powers; amending Minnesota Statutes 1971, Section 116.07, by adding a subdivision.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Borden	Conzemius	Gearty	Josefson
Arnold	Brown	Davies	Hansen, Baldy	Keefe, J.
Ashbach	Chenoweth	Doty	Hansen, Mel	Keefe, S.
Bang	Chmielewski	Dunn	Hughes	Kirchner
Bernhagen	Coleman	Frederick	Humphrey	Kleinbaum

Knutson	Moe	Olson, A. G.	Pillsbury	Solon
Kowalczyk	Nelson	O'Neill	Purfeerst	Stassen
Laufenburger	North	Patton	Renneke	Stokowski
Lord	Ogdahl	Perpich, A. J.	Schaaf	Wegener
McCutcheon	Olhoff	Perpich, G.	Schrom	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1666: A bill for an act authorizing the county of St. Louis to borrow money from agencies of the United States for certain purposes.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 43 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, J.	Nelson	Pillsbury
Arnold	Dunn	Keefe, S.	North	Purfeerst
Bang	Frederick	Kleinbaum	Ogdahl	Renneke
Borden	Gearty	Knutson	Olhoff	Schaaf
Brown	Hansen, Baldy	Kowalczyk	Olson, A. G.	Solon
Chenoweth	Hansen, Mel	Laufenburger	O'Neill	Stassen
Coleman	Hughes	Lord	Patton	Stokowski
Conzemius	Humphrey	McCutcheon	Perpich, A. J.	
Davies	Josefson	Moe	Perpich, G.	

Mr. Bernhagen voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1376: A bill for an act relating to highway traffic regulations; axle weights and gross vehicle weights on pneumatic-tired vehicles or combination of vehicles used in the hauling of raw and unfinished forest products in the winter time; amending Minnesota Statutes 1971, Section 169.83, Subdivisions 1, 2 and 3.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 47 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, J.	Nelson	Purfeerst
Arnold	Davies	Keefe, S.	North	Renneke
Ashbach	Doty	Kirchner	Ogdahl	Schaaf
Bang	Dunn	Kleinbaum	Olhoff	Solon
Bernhagen	Frederick	Knutson	Olson, A. G.	Stassen
Borden	Gearty	Kowalczyk	O'Neill	Stokowski
Brown	Hansen, Baldy	Laufenburger	Patton	Willet
Chenoweth	Hansen, Mel	Lord	Perpich, A. J.	
Chmielewski	Hughes	McCutcheon	Perpich, G.	
Coleman	Humphrey	Moe	Pillsbury	

Mr. Josefson voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1310: A bill for an act relating to taxation; assessment of personal property of electric light and power companies; amending Minnesota Statutes 1971, Sections 273.38.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Josefson	Moe	Pillsbury
Arnold	Davies	Keefe, J.	Nelson	Purfeerst
Ashbach	Doty	Keefe, S.	North	Renneke
Bang	Dunn	Kirchner	Ogdahl	Schaaf
Bernhagen	Frederick	Kleinbaum	Olhoft	Schrom
Borden	Gearty	Knutson	Olson, A. G.	Solon
Brown	Hansen, Baldy	Kowalczyk	O'Neill	Stassen
Chenoweth	Hansen, Mel	Laufenburger	Patton	Stokowski
Chmielewski	Hughes	Lord	Perpich, A. J.	Willet
Coleman	Humphrey	McCutcheon	Perpich, G.	

So the bill was passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 820: A bill for an act appropriating money to the department of military affairs for the St. Cloud national guard armory.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 46 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, S.	North	Schaaf
Arnold	Davies	Kirchner	Olhoft	Schrom
Ashbach	Doty	Kleinbaum	Olson, A. G.	Solon
Bang	Dunn	Knutson	O'Neill	Stassen
Bernhagen	Frederick	Kowalczyk	Patton	Stokowski
Borden	Hansen, Baldy	Laufenburger	Perpich, A. J.	Willet
Brown	Hansen, Mel	Lord	Perpich, G.	
Chenoweth	Hughes	McCutcheon	Pillsbury	
Chmielewski	Humphrey	Moe	Purfeerst	
Coleman	Keefe, J.	Nelson	Renneke	

Mr. Josefson voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1278: A bill for an act relating to the city of Red Wing; exempting the cost of principal and interest on bonded indebtedness of the city from certain levy limitations.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, J.	North	Renneke
Arnold	Davies	Keefe, S.	Ogdahl	Schaaf
Ashbach	Doty	Kirchner	Olhoft	Schrom
Bang	Dunn	Kleinbaum	Olson, A. G.	Solon
Bernhagen	Frederick	Knutson	O'Neill	Stassen
Borden	Hansen, Baldy	Kowalczyk	Patton	Stokowski
Brown	Hansen, Mel	Laufenburger	Perpich, A. J.	Willet
Chenoweth	Hughes	Lord	Perpich, G.	
Chmielewski	Humphrey	Moe	Pillsbury	
Coleman	Josefson	Nelson	Purfeerst	

So the bill was passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 752: A bill for an act relating to taxation; qualification of homesteads under the agricultural property tax law; amending Minnesota Statutes 1971, Section 273.111, Subdivision 3.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 47 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, J.	North	Renneke
Arnold	Doty	Keefe, S.	Ogdahl	Schaaf
Ashbach	Dunn	Kirchner	Olhoft	Schrom
Bang	Frederick	Kleinbaum	Olson, A. G.	Solon
Bernhagen	Gearty	Knutson	O'Neill	Stassen
Borden	Hansen, Baldy	Kowalczyk	Patton	Stokowski
Brown	Hansen, Mel	Laufenburger	Perpich, A. J.	Willet
Chenoweth	Hughes	Lord	Perpich, G.	
Chmielewski	Humphrey	Moe	Pillsbury	
Coleman	Josefson	Nelson	Purfeerst	

Mr. Davies voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1261: A bill for an act relating to taxation; providing for certain restrictions with respect to the classification of homesteads owned by blind persons; amending Minnesota Statutes 1971, Section 273.13, Subdivision 7.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Coleman	Dunn	Hansen, Mel
Arnold	Brown	Conzemius	Frederick	Hughes
Ashbach	Chenoweth	Davies	Gearty	Humphrey
Bang	Chmielewski	Doty	Hansen, Baldy	Josefson

Keefe, J.	Lord	Olhoft	Pillsbury	Stassen
Keefe, S.	McCutcheon	Olson, A. G.	Purfeerst	Stokowski
Kleinbaum	Moe	O'Neill	Renneke	Willet
Knutson	Nelson	Patton	Schaaf	
Kowalczyk	North	Perpich, A. J.	Schrom	
Laufenburger	Ogdahl	Perpich, G.	Solon	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1164: A bill for an act relating to intoxicating liquor; county licenses in unorganized or unincorporated areas of certain counties.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 42 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, J.	Moe	Purfeerst
Arnold	Davies	Keefe, S.	Nelson	Schaaf
Ashbach	Doty	Kirchner	North	Solon
Bang	Dunn	Kleinbaum	Ogdahl	Stassen
Borden	Gearty	Knutson	Olson, A. G.	Stokowski
Brown	Hansen, Baldy	Kowalczyk	O'Neill	Willet
Chenoweth	Hansen, Mel	Laufenburger	Perpich, A. J.	
Chmielewski	Hughes	Lord	Perpich, G.	
Coleman	Humphrey	McCutcheon	Pillsbury	

Those who voted in the negative were:

Bernhagen	Josefson	Olhoft	Renneke	Schrom
Frederick				

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1560: A bill for an act relating to the village of Edina; authorizing issuance of Sunday on-sale intoxicating liquor licenses to two country clubs.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 41 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Brown	Davies	Humphrey	Knutson
Arnold	Chenoweth	Dunn	Josefson	Kowalczyk
Ashbach	Chmielewski	Gearty	Keefe, J.	Laufenburger
Bang	Coleman	Hansen, Baldy	Keefe, S.	Lord
Borden	Conzemius	Hughes	Kleinbaum	McCutcheon

Moe	Ogdahl	Perpich, A. J.	Purfeerst	Solon
Nelson	Olson, A. G.	Perpich, G.	Schaaf	Stassen
North	O'Neill	Pillsbury	Schrom	Stokowski
				Willet

Those who voted in the negative were:

Bernhagen	Frederick	Milton	Olhoft	Renneke
Doty	Hansen, Mel			

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1540: A bill for an act relating to St. Louis county, providing for a charter commission to recommend a form of county government and providing for its adoption.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 46 and nays 1, as follows:

Those who voted in the affirmative were:

Arnold	Doty	Keefe, S.	Ogdahl	Schaaf
Ashbach	Dunn	Kirchner	Olhoft	Schrom
Bang	Frederick	Kleinbaum	Olson, A. G.	Solon
Borden	Gearty	Knutson	O'Neill	Stassen
Brown	Hansen, Baldy	Laufenburger	Patton	Stokowski
Chenoweth	Hansen, Mel	Lord	Perpich, A. J.	Willet
Chmielewski	Hughes	McCutcheon	Perpich, G.	
Coleman	Humphrey	Moe	Pillsbury	
Conzemius	Josefson	Nelson	Purfeerst	
Davies	Keefe, J.	North	Renneke	

Mr. Bernhagen voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 452: A bill for an act relating to the city of St. Paul, providing for a change in the election of members of the council.

Mr. Chenoweth moved to amend S. F. No. 452 as follows:

Page 1, line 8, after "population" insert "at least"

Which motion prevailed. So the amendment was adopted.

S. F. No. 452 was read the third time, as amended, and placed on its final passage.

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 35 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Chenoweth	Doty	Keefe, J.	Laufenburger
Arnold	Chmielewski	Gearty	Keefe, S.	Lord
Bang	Coleman	Hughes	Kirchner	McCutcheon
Borden	Davies	Humphrey	Kleinbaum	Moe

Nelson	Olson, A. G.	Perpich, G.	Renneke	Spear
North	Patton	Pillsbury	Schaaf	Stokowski
Olthoff	Perpich, A. J.	Purfeerst	Solon	Willet

Those who voted in the negative were:

Bernhagen	Dunn	Hansen, Baldy	Knutson	Schrom
Brown	Frederick	Hansen, Mel	O'Neill	

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

SPECIAL ORDER

S. F. No. 662: A bill for an act relating to the department of manpower services; changing the name thereof to the department of employment services; amending Minnesota Statutes 1971, Sections 268.12, Subdivision 1a; and 268.24.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kleinbaum	Ogdahl	Renneke
Arnold	Dunn	Knutson	Olthoff	Schaaf
Bang	Gearty	Laufenburger	Olson, A. G.	Schrom
Bernhagen	Hansen, Baldy	Lord	O'Neill	Solon
Borden	Hughes	McCutcheon	Patton	Spear
Brown	Humphrey	Milton	Perpich, A. J.	Stassen
Chmielewski	Keefe, J.	Moe	Perpich, G.	Stokowski
Coleman	Keefe, S.	Nelson	Pillsbury	Thorup
Conzemius	Kirchner	North	Purfeerst	Willet

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the bills not considered under Special Orders today be returned to the General Orders Calendar. Which motion prevailed.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to revert to Reports of Committees, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Coleman moved that the rules of the Senate be so far suspended as to adopt the Committee Reports at the Desk. Which motion prevailed.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1879: A bill for an act relating to insurance; licensing and regulation of insurance premium finance companies; granting rule-making authority; and providing penalties.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, after "or" insert "its parent company," and after "subsidiaries" insert "or companies with which it shares a common parent company"

Page 8, line 13, after "year" insert "for amounts financed of \$300 per year or less and \$6 per \$100 per year on amounts financed over \$300 per year"

Page 8, line 14, after "which" insert "additional charge"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 948: A bill for an act relating to health; requiring the reporting of injuries incurred as a result of physical abuse to persons being cared for in hospitals, nursing homes or related institutions; providing a penalty; amending Minnesota Statutes 1971, Chapter 626, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, strike "*superintendent or*"

Page 1, line 24, strike "*manager*" and insert "*administrator*"

Page 1, line 31, after the period, strike "*The*"

Page 1, at the end of line 31 insert "*state board of health.*"

Page 2, strike lines 1-16 and insert in lieu thereof:

"*Subd. 3. [NATURE AND CONTENT OF REPORT.] The report described in subdivision 2 may be made immediately by telephone or other means. The state department of health may require a supplementary written report which shall contain such information as the department shall request.*"

Page 2, line 17, strike "[RESPONSIBILITY OF COUNTY WELFARE AGENCY.]

Page 2, strike line 18

Page 2, line 19, strike "*shall investigate complaints of neglect and abuse.*" and insert in lieu thereof: "[RESPONSIBILITY OF LOCAL POLICE AUTHORITY AND OF THE COUNTY WELFARE AGENCY.] *The local police authority and county welfare agency shall cooperate with the state department of health and shall investigate claims of neglect and abuse when requested by the state department of health.*"

Page 3, line 2, strike "*Neither*"

Page 3, line 3, strike "*nor the husband-wife privilege*"

Page 3, line 4, after "*shall*" insert "*not*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

H. F. No. 535: A bill for an act relating to the firemen's relief association in the city of Coon Rapids; providing for a tax levy.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

S. F. No. 926: A bill for an act establishing the Minnesota environmental education council; and describing the powers and duties thereof.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, after "[POLICY.]" insert "It is the policy of the state of Minnesota"

Page 1, line 16, strike "six" and insert "hereinafter described"

Page 1, line 25, after "created" insert "to represent the regions of the state designated by the governor pursuant to Minnesota Statutes 1971, Section 462.385"

Page 1, line 25, strike "25 members,"

Page 1, line 26, strike "of which shall" and insert "to"

Page 1, line 26, strike "12"

Page 1, line 27, strike "of which shall be members of" and insert in lieu thereof "one member from each of the", and at the end of the line, strike "The six"

Page 1, strike all of line 28

Page 1, line 29, strike "serve as members of" and insert in lieu thereof "Each regional council shall elect one member to serve on"

Page 2, line 20, strike "two" and insert "one" ; strike "six" and insert "the"

Page 2, line 25, strike "two persons" and insert "one person"

Page 3, strike lines 11 to 28

Page 5, at the beginning of line 19, after "contracts." insert "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 this act."

Page 6, line 4, strike "of" and insert "or"

Page 7, line 1, strike "economic"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 888: A bill for an act relating to employment agencies; providing reimbursement to a referred job applicant where there is no job opening; amending Minnesota Statutes 1971, Sections 184.21, by adding a subdivision; 184.38, Subdivisions 6 and 8, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu the following:

"Section 1. Minnesota Statutes 1971, Section 184.21 is amended by adding a subdivision to read:

Subd. 9. [JOB ORDER.] The term "job order" means a statement either written or oral by any employer to an agency, the purpose of which is to notify the agency of a job opening with that employer and to request that the agency provide the employer with applicants for interview or employment. All information concerning the availability, features, or requirements of a job shall be considered part of the job order.

Sec. 2. Minnesota Statutes 1971, Section 184.38, Subdivision 6, is amended to read:

Subd. 6. (a) No employment agent shall send out any applicant for employment without having obtained, ~~either orally or in writing,~~ a bona fide a job order, and if no employment of the kind applied for existed at the place to which the applicant was directed, the employment agent shall refund to the applicant, within 48 hours of demand, any sums paid by the applicant for transportation in going to and returning from the place.

(b) Nothing in this chapter shall be construed to prevent an employment agent from directing an applicant to an employer where the employer has previously requested that he be accorded interviews with applicants of certain types and qualifications, even though no actual vacancy existed in the employer's organization at the time the applicant was so directed; nor shall it prevent the employment agent from attempting to sell the services of an applicant to the employer even though no order has been placed with the employment agent; provided, ~~that in any case the applicant is acquainted with the facts when directed to the employer, in which event no employment agent, shall be liable to any applicant as provided in this rule, that prior to scheduling an interview with an employer, when no opening currently exists with that employer, the applicant is clearly informed that no opening exists at that time.~~

Sec. 3. Minnesota Statutes 1971, Section 184.38, Subdivision 8, is amended to read:

Subd. 8. No employment agent shall knowingly cause to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment. *For purposes of this subdivision the phrase "false or fraudulent notice or advertisement" shall include the following:*

(a) *The advertisement of any job for which there is no bona fide oral or written job order and completed job order form in existence at the time the advertisement is placed;*

(b) *The inclusion in any advertisement of any information concerning the identity, availability, features, or requirements of any advertised job when such information is not substantiated by, and included in, the supporting job order form;*

(c) *The advertisement of any job opening of the type described in Minnesota Statutes, Section 184.38, Subdivision 6, paragraph (b);*

(d) *The advertisement of any job without the inclusion in the advertisement of the "job order number" required in Minnesota Statutes, Section 184.38, subdivision 18;*

(e) *If an applicant appears at any agency in response to the advertisement of a particular job, the failure to attempt placement of the applicant in the advertised job; provided however, that the agency may refuse to attempt such placement if the reason(s) for the refusal are clearly and truthfully disclosed to the applicant either orally or in writing.*

Sec. 4. Minnesota Statutes 1971, Section 184.38, is amended by adding a subdivision to read:

Subd. 18. Every job order communicated to an agency shall be recorded by the agency on a job order form which form shall contain specific information as prescribed by the department. A job order form shall be filled out for each job order prior to any attempt to advertise the job opening or to place persons in said job. Such forms shall each be assigned a separate number and shall be maintained by the agency for a period of one year.

Sec. 5. Minnesota Statutes 1971, Section 184.33 is amended to read:

184.33 [LICENSE ISSUANCE; LICENSE REVOCATION; PENALTIES FOR VIOLATIONS.] Subdivision 1. The department shall issue a license as an employment agent, employment agency manager or counselor to any person who qualifies for such license under the terms of sections 184.21 to 184.40. The department may refuse to issue a license to any person or may suspend or revoke the license of any employment agent, employment agency manager or counselor when it finds that any of the following conditions exist:

(a) That the employment agent or counselor has violated any condition of the bond required by sections 184.21 to 184.40;

(b) That the person, employment agent or counselor has personally engaged in a fraudulent, deceptive, or dishonest practice;

(c) That the person, employment agent or counselor has violated any provisions of sections 184.21 to 184.40;

(d) That the person, employment agent or counselor has been legally adjudicated incompetent and has not been restored to capacity.

Subd. 2. This section shall not be construed to relieve any person from civil liability or from criminal prosecution under sections 184.21

to 184.40 or under the laws of this state. *A violation of this section shall be treated as a violation of Minnesota Statutes, Section 325.79.*"

Further amend the title as follows:

Page 1, line 7, after the semicolon and before "184.38" insert "184.33;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Conzemius from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1750: A bill for an act relating to adult corrections; parole; eliminating certain limitations on parole; amending Minnesota Statutes 1971, Section 243.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 26-28

Page 1, line 29, strike "for parole; provided further,"

Page 1, line 30, strike "unanimous" and insert "*the*"

Page 1, line 30, after "of" insert "*the majority of*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

S. F. No. 1252: A bill for an act relating to state parks; establishing the St. Croix Wild River state park in Chisago county; appropriating money; amending Minnesota Statutes 1971, Sections 85.012, Subdivision 1; and 85.012, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 16, line 18, strike "\$30,000" and insert in lieu thereof "\$20,000"

Page 16, line 22, strike "*shall be*"

Page 16, strike lines 23 and 24

Page 16, line 25, strike "*benefit of Chisago county*" and insert in lieu thereof "*is appropriated from the general fund in the state treasury to the county of Chisago for use*"

Page 16, line 26, strike "\$50,000" and insert in lieu thereof "\$200,000."

Page 16, line 26, strike "*for the*"

Page 16, strike lines 27 and 28

Page 17, strike lines 1 through 5

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was re-referred

S. F. No. 1582: A bill for an act relating to agriculture, beef industry promotion board; appropriating money.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Finance, to which was re-referred

S. F. No. 1364: A bill for an act relating to the Dover, Eyota and St. Charles sanitary district; permitting the advance of moneys in the general fund of the state treasury to the sanitary sewer board for said district; providing for repayment thereof; and appropriating money therefor.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 30, add a new section 3 to read as follows:

"Sec. 3. This act is in effect the day following its final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was re-referred

S. F. No. 966: A bill for an act relating to natural resources; establishing the volunteers in parks program and specifying the powers and duties of the commissioner of natural resources in relation thereto; appropriating money; amending Minnesota Statutes 1971, Chapter 85, by adding a section; and Section 176.011, Subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, strike lines 16 through 19

Renumber the remaining section accordingly

Further amend the title as follows:

Page 1, line 7, strike "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was re-referred

H. F. No. 1031: A bill for an act relating to education; vocational rehabilitation work activity centers; amending Minnesota Stat-

utes 1971, Sections 121.71; 121.711; 121.712; 121.713; and 121.714.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Arnold from the Committee on Natural Resources and Agriculture, to which was referred

S. F. No. 1775: A bill for an act prescribing policies and procedures for the selection, designation, planning, and regulation of areas of critical concern.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause, and insert in lieu thereof:

“Section 1. [CITATION.] This act shall be known as the critical areas act of 1973.

Sec. 2. [POLICY.] The legislature finds that the development of certain areas of the state possessing important historic, cultural, or esthetic values, or natural systems which perform functions of greater than local significance, could result in irreversible damage to these resources, decrease their value and utility for public purposes, or unreasonably endanger life and property. The legislature therefore determines that the state should identify these areas of critical concern and assist and cooperate with local units of government in the preparation of plans and regulations for the wise use of these areas.

Sec. 3. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 14, the terms defined in this section have the meanings ascribed to them.

Subd. 2. “Council” means the environmental quality council.

Subd. 3. “Local unit of government” means any political subdivision of the state, including but not limited to counties, municipalities, townships, together with all agencies and boards thereof.

Subd. 4. “Government development” means any development financed in whole or in substantial part, directly or indirectly, by the United States, the State of Minnesota, or agency or political subdivision thereof.

Subd. 5. “Regional development commission” means any regional development commission created pursuant to Minnesota Statutes 1971, Chapter 462.381 to 462.396 inclusive and the metropolitan council created by Minnesota Statutes 1971, Chapter 473B.

Subd. 6. A “development permit” includes any building permit, zoning permit, water use permit, discharge permit, permit for dredging, filling or altering any portion of a watercourse, plat ap-

proval, re-zoning, certification, variance or other action having the effect of permitting any development as defined in this act.

Subd. 7. "Development" means the making of any material change in the use or appearance of any structure or land including but not limited to:

(a) a reconstruction, alteration of the size, or material change in the external appearance of a structure on the land.

(b) a change in the intensity of use of the land.

(c) alteration of a shore or bank of a river, stream, lake or pond.

(d) commencement of drilling (except to obtain soil samples), mining or excavation.

(e) demolition of a structure.

(f) clearing of land as an adjunct to construction.

(g) deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(h) the dividing of land into three or more parcels.

Subd. 8. "Land" means the earth, water, and air, above, below or on the surface, and includes any improvements or structures customarily regarded as land.

Subd. 9. "Parcel" of land means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Subd. 10. "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

Subd. 11. "Structure" means anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

Sec. 4. [RULES AND REGULATIONS.] The council shall adopt such rules and regulations pursuant to Minnesota Statutes, Chapter 15, as are necessary for the administration of this act.

Sec. 5. [CRITERIA FOR THE SELECTION OF AREAS OF CRITICAL CONCERN.] The council shall in the manner provided in Chapter 15, prepare criteria for the selection of the areas of critical concern which have the following characteristics:

(1) An area significantly affected by, or having a significant effect upon, an existing or proposed major government development which is intended to serve substantial numbers of persons beyond the vicinity in which the development is located and which tends to generate substantial development or urbanization.

(2) An area containing or having a significant impact upon historical, natural, scientific, or cultural resources of regional or statewide importance.

Sec. 6. [DESIGNATION.] Subdivision 1. (a) The council shall periodically study and assess the resources and development of the state and shall recommend to the governor those areas that should be designated as areas of critical concern in accordance with criteria established in section 5. In its recommendations, the council shall specify the boundaries of the proposed area of critical concern, state the reasons why the particular area proposed is of critical concern to the state or region, the dangers that would result from uncontrolled or inappropriate development of the area and the advantages that would be achieved from the development of the area in a coordinated manner and shall recommend specific principles for guiding the development of the area.

(b) Each regional development commission may from time to time recommend to the council areas wholly or partially within its jurisdiction that meet the criteria for areas of critical concern as defined in Section 5 of this act. Each regional development commission shall solicit from the local units of government within its jurisdiction suggestions as to areas to be recommended. A local unit of government in an area where no regional development commission has been established may from time to time recommend to the council areas wholly or partially within its jurisdiction that meet the criteria for areas of critical concern as defined in Section 5 of this act. The council shall provide the regional development commission or local unit of government with a written statement of its decision and the reasons therefore.

(c) Prior to submitting any recommendation to the governor, under subd. 1 of this section, the council shall conduct a public hearing, in the manner provided in Chapter 15, on the proposed designation at a location convenient to those persons affected by such designation.

Subd. 2. (a) The governor may designate by written order all or part of the recommended areas as areas of critical concern and specify the boundaries thereof and shall notify all local units of government in which any part or parts of a designated area or areas of critical concern are located.

(b) The order designating an area of critical concern shall (1) describe the boundaries of the area of critical concern, (2) indicate the reason that a particular area is of critical concern, (3) specify standards and guidelines to be followed in preparing and adopting plans and regulations required in section 7, and (4) indicate what development, if any, shall be permitted consistent with the policies of this act pending the adoption of plans and regulations.

(c) The order designating an area of critical concern shall be effective for no longer than one year pending approval by the legislature of such designation. A designated area, or any part of the area, not receiving the necessary legislative approval may not be redesignated by the Governor for a period of less than 5 years from the date of the Governor's order.

Sec. 7. [PREPARATION, REVIEW, AND APPROVAL OF PLANS AND REGULATIONS.] Subdivision 1. (a) Within 30 days of receiving notification of the designation of an area or areas of critical concern within its jurisdiction, the local unit of government shall submit existing plans and regulations which deal with or affect the area or areas so designated to the appropriate regional development commission or to the council if no regional development commission has been established.

(b) If no plans or regulations exist, the local unit of government shall upon receiving notification of the designation of an area or areas of critical concern within its jurisdiction:

(1) Within 6 months of said notification prepare plans and regulations for the designated area or areas of critical concern and submit them to the appropriate regional development commission for review; or

(2) Within 30 days of said notification request that the appropriate regional development commission prepare plans and regulations for the area or areas of critical concern. Within six months of receipt of such request, the regional development commission shall prepare said plans and regulations and submit them to the council for review. If no regional development commission has been established, the local unit of government may request that the council prepare plans and regulations for adoption by the local unit of government.

Subd. 2. Within 45 days of receiving plans and regulations from the local unit of government under the provisions of subdivision 1 of this section, the regional development commission shall review the plans and regulations to determine their consistency with regional objectives and the provisions of the order designating the areas of critical concern and transmit its recommendations, together with the plans and regulations, to the council.

Subd. 3. (a) Within 45 days of receiving plans and regulations from a local unit of government or a regional development commission, the council shall review the plans and regulations to determine their consistency with the provisions of the order designating the area, the recommendations of the regional development commission, and the review comments of such state agencies as the council shall deem appropriate, and shall either approve the plans and regulations by written order or return them to the local unit of government or regional development commission for modification along with a written explanation of the need for modification.

(b) Plans and regulations which are returned to the local unit of government or regional development commission for modification shall be revised consistent with instructions of the council and resubmitted to the council within 60 days of their receipt; provided that final revision need not be made until a formal meeting has been held with the council on the plans and regulations if requested by the local unit of government or regional development commission.

(c) Plans or regulations prepared pursuant to this section shall become effective when enacted by the local unit of government or, following legislative approval of the designation, upon such date as the council may provide in its order approving said plans and regulations.

Sec. 8. [EXCEPTIONS.] (a) If, in the opinion of the council, the local unit of government is making a conscientious attempt to develop plans and regulations for the protection of a designated area or areas of critical concern within its jurisdiction, but the scope of the project is of a magnitude that precludes the completion, review, and adoption of the plans and regulations within the time limits established in section 7, the council may grant an appropriate extension of time.

(b) If the council determines that a designated area or areas of critical concern is of a size and complexity that precludes the development of plans and regulations by a local unit of government or a regional development commission, or that the development of plans and regulations requires the assistance of the state, the council shall direct the appropriate state agency or agencies to assist the local unit of government and the regional development commission in preparing the plans and regulations in accordance with a time schedule established by the council.

Sec. 9. [FAILURE TO PREPARE AND SUBMIT PLANS AND REGULATIONS.] Subdivision 1. Except as otherwise provided in section 8, if any local unit of government fails to prepare plans and regulations that are acceptable to the council within one year of the order designating an area or areas of critical concern within its jurisdiction, the council shall prepare and, after conducting a public hearing in the manner provided in chapter 15 at a location convenient to those persons affected by such plans and regulations, adopt such plans and regulations applicable to that government's portion of the area of critical concern as may be necessary to effect the purposes of this act. If such plans and regulations are adopted, they shall apply and be effective as if adopted by the local unit of government. Notice of any proposed order issued under this section shall be given to all units of government having jurisdiction over the area of critical concern.

Subd. 2. Plans and regulations adopted by the council under this section shall be administered by the local unit of government as if they were part of the local ordinance.

Subd. 3. At any time after the preparation and adoption of plans and regulations by the council, a local unit of government may submit plans and regulations pursuant to section 7 which, if approved by the council as therein provided, supercede any plans and regulations adopted under this section.

Subd. 4. If the council determines that the administration of the local plans and regulations are inadequate to protect the state or regional interest, the council may institute appropriate judicial proceedings to compel proper enforcement of the plans and regulations.

Sec. 10. [UPDATING AND RE-EVALUATION OF PLANS AND REGULATIONS.] Subdivision 1. If a local unit of government finds it necessary or desirable to amend or rescind plans and regulations that have been approved by the council, it shall re-submit its plans and regulations, together with any recommended changes thereto, for review and approval by the council.

Subd. 2. Two years from the initial date of the council's approval of the plans and regulations of a local unit of government, or from the date of a review conducted under the provisions of subdivision 1, the local unit of government shall re-submit its plans and regulations, together with any recommended changes thereto, for review and approval by the council.

Subd. 3. Approval of amendments or rescission shall become effective only upon approval thereof by the council in the same manner as for approval of the original plans and regulations as provided in section 7.

Sec. 11. [SUSPENSION OF DEVELOPMENT.] Except as provided in section 12, upon the designation of an area of critical concern, no local unit of government or state agency shall grant a development permit affecting any portion of the area except as otherwise specified in the order designating the area.

Sec. 12. [DEVELOPMENT PERMITS.] Subdivision 1. If an area of critical concern has been designated by the governor pursuant to section 6, a local unit of government shall grant a development permit only in accordance with the provisions of this section.

Subd. 2. If no plans and regulations for the area of critical concern have been adopted under the provisions of section 7, the local unit of government shall grant a development permit only if

(a) the development is specifically permitted by the order designating the area of critical concern or is essential to protect the public health, safety, or welfare because of an existing emergency; and

(b) a local ordinance has been in effect immediately prior to the designation of the area of critical concern and a development permit would have been granted thereunder.

Subd. 3. If plans and regulations for an area of critical concern have become effective under the provisions of section 7, the local unit of government shall permit development only in accordance with those plans and regulations.

Subd. 4. The local unit of government shall notify the council of

(a) any application for a development permit in any area of critical concern for which no plans or regulations have become effective under the provisions of section 7; or

(b) any application for a special development permit in any area of critical concern for which plans and regulations have become effective under the provisions of section 7.

Sec. 13. [PROTECTION OF LANDOWNERS' RIGHTS.] Subdivision 1. Nothing in this act authorizes any governmental agency to adopt a rule or regulation or issue any order that is unduly restrictive or constitutes a taking of real or personal property without the payment of full compensation in violation of the constitution of this state or of the United States.

Subd. 2. Neither the designation of an area of critical concern nor the adoption of any regulations for such an area shall in any way

limit or modify the rights of any person to complete any development that has been authorized by registration and recordation of a subdivision pursuant to state laws, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to the date of the notice for public hearing as provided by section 6 of this act. If a developer has by his actions in reliance on prior regulations obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interests, nothing in this act authorizes any governmental agency to abridge those rights.

Subd. 3. Any person having a fee interest in land, of which the full use and enjoyment thereof has been prohibited or restricted by this act, may petition a court of competent jurisdiction to determine whether the prohibition diminishes the use of the property so as to require compensation under the Constitution of this state or of the United States for the loss and the amount of compensation to be awarded therefor.

Sec. 14. [PLANNING GRANTS.] The council shall prepare guidelines for dispersing funds to local units of government or regional development commissions for as much as 100 percent but not less than 50 percent of the non-federal cost of preparing, adopting and enforcing plans and regulations for areas of critical concern pursuant to section 7 of this act, for a period not to exceed five years from such date as the legislature may approve the designation of an area of critical concern.

Sec. 15. [SPECIAL LEVY.] The governing body of any local unit of government may levy a tax in such amount as may be required for the purpose of complying with the provisions of this act. Such tax shall be in addition to any tax or levy limitations otherwise imposed by law or home rule charter or the provisions of Minnesota Statutes Sections 275.50 to 275.56."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was re-referred

S. F. No. 1742: A bill for an act relating to the credentialing of allied health manpower under the state board of health; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 5, insert a new subdivision as follows:

"Subd. 5. [PUBLIC MEMBER.] "Public member" means a person who is not or never was, a member of a health care delivery profession,

or the spouse of any such person, or a person who has not, or never has had a material financial interest in either the providing of health care or a directly related activity."

Page 2, line 9, after "of" and before "categories" insert "new"

Page 2, line 9, after "manpower" insert "which do not duplicate categories authorized by statute"

Page 2, line 18, after the period insert "Such rules and regulations may provide for the credentialing by the board or by such existing licensing board as the board may designate. Before promulgating any such rule or regulation, the board shall first consult with the licensing board involved in the concerned health area as to the scope and range of the activities and tasks to be authorized and the extent of supervision to be required."

Page 3, line 3, before the period insert "selected by such boards, section, or commission"

Page 3, line 4, strike "eight" and insert "eleven"

Page 3, line 6, strike "two" and insert "five"

Page 3, line 6, strike "representatives" and insert "members"

Page 3, line 8, after "committee" insert "members"

Page 4, line 3, after the period insert the following:

"Nothing contained in this section shall limit or affect such a health professional's right to delegate functions pursuant to existing law to a person or persons not credentialed under this act."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 1379: A bill for an act relating to insurance; variable contracts; amending Minnesota Statutes 1971, Sections 61A.13, Subdivision 1, and by adding a subdivision; 61A.14, Subdivision 5; 61A.15; 61A.19; 61A.21; and 61A.22.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 23 through 28

Renumber the sections in sequence

Page 2, line 3, strike "Except" and insert "If and to the extent so"

Page 2, line 4, strike "as may be otherwise"

Page 2, line 4, after "contracts" insert "or as required pursuant to the Federal Investment Company Act of 1940"

Page 2, line 26, strike "expense" and insert "expenses"

Page 2, line 26, strike "and mortality results"

Page 3, line 14, strike "*individual*"

Page 3, line 15, strike "*variable*"

Page 3, line 15, strike "*policy*" and insert "*contract on a variable basis*"

Page 4, line 21, strike "*Section 61A.03,*"

Page 4, line 22, strike "*clauses (2), (6), (7), (8) and (10),*"

Page 4, line 23, strike "*and section 61A.24*"

Page 4, line 28, strike "*individual variable life insurance*" and after "*contract*" insert "*on a variable basis*"

Page 5, line 1, after "*contain*" insert "*in substance provisions for*"

Page 5, line 2, strike "*reinstatement*" and insert "*settlement option, loan or withdrawal*" and strike "*provisions*"

Page 5, line 3, after "*contract*" insert "*and a life insurance contract on a variable basis should also contain in substance a provision for reinstatement appropriate to such a contract*"

Page 5, after line 17, add:

"Sec. 8. Minnesota Statutes 1971, Section 61A.17, is amended to read:

61A.17 [FILING OF CONTRACTS.] No contract on a variable basis shall be issued in this state until a copy of the form thereof (and, in the case of a group contract, the form of any certificate evidencing variable benefits issued pursuant thereto) and any form of application for such contract shall have been filed with the commissioner. *No life insurance contract on a variable basis shall be filed or issued before July 1, 1974, or before the commissioner has promulgated rules and regulations under section 61A.20 regarding life insurance contracts on a variable basis, whichever event comes first.*"

Amend the title as follows:

Line 4, after "Subdivision 1" strike the comma and insert a semicolon

Line 5, strike "and by adding a subdivision;"

Line 6, after "61A.15;" insert "61A.17;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 498: A bill for an act relating to crimes; defining criminal abortion; providing a penalty; amending Minnesota Statutes

1971, Chapter 609, by adding a section; repealing Minnesota Statutes 1971, Sections 617.18 and 617.19.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

“Section 1. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 6, the terms defined in this section have the meaning given to them.

Subd. 2. [VIABLE.] “Viable” means able to live outside the womb even though artificial aid may be required. During the second half of its gestation period a fetus shall be considered potentially “viable”.

Subd. 3. [HOSPITAL.] “Hospital” means an institution licensed by the state board of health; adequately and properly staffed and equipped; providing services, facilities and beds for the reception and care of one or more non-related persons for a continuous period longer than 24 hours for diagnosis, treatment or care of illness, injury or pregnancy; and regularly providing clinical laboratory services, diagnostic x-ray services and treatment facilities for surgery, obstetrical care or other definitive medical treatment of similar extent. “Hospital” shall not include diagnostic or treatment centers, physicians’ offices or clinics, or other facilities for the foster care of children licensed by the commissioner of welfare.

Subd. 4. [ABORTION FACILITY.] “Abortion facility” means those places properly recognized and licensed by the state board of health under lawful rules and regulations promulgated by the board for the performance of abortions.

Subd. 5. [ABORTION.] “Abortion” includes an act, procedure or use of any instrument, medicine or drug which is supplied or prescribed for or administered to a pregnant woman which results in the termination of pregnancy.

Sec. 2. [CRIMINAL ACTS.] Subdivision 1. It shall be unlawful to perform an abortion unless the abortion is performed:

(1) by a physician licensed to practice medicine pursuant to Minnesota Statutes, Chapter 147, or a physician in training under the supervision of a licensed physician;

(2) in a hospital or abortion facility if the abortion is performed by means of a surgical procedure involving the use of any instrument;

(3) in a manner consistent with the lawful rules and regulations promulgated by the state board of health; and

(4) with the consent of the woman submitting to the abortion after a full explanation of the procedure and effect of the abortion.

Subd. 2. It shall be unlawful to perform an abortion upon a woman who is non compos mentis except if necessary to save her life or in the case of forcible rape, upon the request of the woman.

Subd. 3. It shall be unlawful to perform an abortion when the fetus is potentially viable unless:

- (1) the abortion is performed in a hospital;
- (2) the attending physician certifies in writing that in his best medical judgment the abortion is necessary to preserve the life or health of the pregnant woman; and
- (3) to the extent consistent with sound medical practice the abortion is performed under circumstances which will reasonably assure the live birth and survival of the fetus.

Subd. 4. A person who performs an abortion in violation of this section is guilty of a felony.

Sec. 3. [RECORDING AND REPORTING HEALTH DATA.]

Subdivision 1. The state board of health shall promulgate regulations to effect a reporting system on terminated pregnancies in order that statistical data is obtained that will relate to maternal health. The regulations and reporting system shall not interfere with the right of a pregnant woman to seek an abortion before the fetus is potentially viable. No such report, or any part thereof, shall be disclosed, in any manner, by any official or clerk or other employee or person having access thereto, and all such information shall be confidential.

Subd. 2. If any woman who has had an abortion dies from any cause within 30 days of the abortion or from any cause potentially related to the abortion within 90 days of the abortion, that fact shall be reported to the state board of health.

Subd. 3. A physician who performs an abortion and who fails to comply with subdivision 1 and transmit the required information to the state board of health within 30 days after the abortion is guilty of a misdemeanor.

Sec. 4. [ABORTION NOT MANDATORY.] No person and no hospital or institution shall be coerced, held liable or discriminated against in any manner because of a refusal to perform, accommodate, assist or submit to an abortion for any reason.

Sec. 5. [LIVE FETUS AFTER ABORTION, TREATMENT.]

Subdivision 1. A potentially viable fetus which is live born following an attempted abortion shall be fully recognized as a human person under the law.

Subd. 2. If an abortion of a potentially viable fetus results in a live birth, the responsible medical personnel shall take all reasonable measures, in keeping with good medical practice, to preserve the life and health of the live born person.

Subd. 3. (1) Unless the abortion is performed to save the life of the woman or child, or, (2) unless one or both of the parents of the unborn child agrees within 30 days of the birth to accept the parental rights and responsibilities for the child if it survives the abortion, whenever an abortion of a potentially viable fetus results in a live birth, the child shall be an abandoned ward of the state and the parents shall have no parental rights or obligations as if

the parental rights had been terminated pursuant to Minnesota Statutes, Section 260.221. The child shall be provided for pursuant to Minnesota Statutes, Sections 256.12 (14) and 256.72 to 256.87.

Sec. 6. The state board of health shall license and promulgate regulations for facilities as defined in section 1, subdivision 4, which are organized for purposes of delivery abortion services.

Sec. 7. Minnesota Statutes, Sections 617.18 and 617.19 are repealed.

Sec. 8. This act is effective the day following its final enactment."

Further amend by striking the title and insert in lieu thereof the following:

"A bill for an act providing for the regulation of abortions; providing penalties; providing for records to be kept; repealing Minnesota Statutes, Sections 617.18 and 617.19."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schaaf, pursuant to Rule 35, requested that S. F. No. 498 be re-referred to the Committee on Rules and Administration. So S. F. No. 498 was re-referred to the Committee on Rules and Administration.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 968: A bill for an act relating to crimes and criminals; providing penalties for the receipt, purchase or concealment of stolen goods; amending Minnesota Statutes 1971, Section 609.53.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "*anything of value which has been stolen*" and insert "*any stolen property*" and after "*or*" insert "*property*"

Page 1, line 15, strike "*having cause to believe*" and insert in lieu thereof "*believing*"

Page 1, line 23, strike "*imprisonment for*" and insert "*punishment as a misdemeanor.*"

Page 1, strike lines 24 and 25

Page 1, after line 25 insert a subdivision to read:

"*Subd. 2. Any person who has been injured by a violation of subdivision 1 of this section may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit and reasonable attorney's fees.*"

Page 1, line 26, strike "*2*" and insert "*3*"

Amend the title, page 1, line 4, after the semicolon insert "and providing for civil redress;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 707: A bill for an act relating to tort liability; political subdivisions; extending time for notice of claim and providing for actual notice; amending Minnesota Statutes 1971, Section 466.05, Subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike "*all*"

Page 1, line 25, strike the new language and insert in lieu thereof "*except that written notice shall not be required with respect to any claim arising out of a vehicular accident involving an officer or employee of the municipality*"

Page 1, line 26, strike the new language

Page 2, line 3, strike "*all*"

Page 2, line 8, reinsert the semicolon

Page 2, strike all new language in lines 9, 10, 11, 16, 17

Page 2, line 15, strike the comma

Amend the title in line 4 by striking "claim and providing for actual" and inserting in lieu thereof "claims involving vehicular accidents;"

In line 5 strike "notice;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No 1918: A bill for an act relating to laws and the statutory compilation thereof; prescribing times of and other conditions of publication; appropriating money; amending Minnesota Statutes 1971, Sections 482.07, by adding subdivisions; 648.31, by adding subdivisions; 648.41, Subdivision 2; 648.42; and 648.45.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 25, add a section to read:

"Sec. 3. Minnesota Statutes 1971, Section 648.31, Subdivision 2, is amended to read:

Subd. 2. [NEW LAWS INCORPORATED.] The revisor of statutes ~~shall~~ *may*, as soon as possible after the adjournment of each ~~such biennial~~ session of the Legislature, incorporate with the body of the text of the Minnesota Statutes the amendments made to any of the statutes contained therein at such session of the Legis-

lature and at any extra session of the Legislature held since the last preceding biennial session, and omit any sections or statutes expressly repealed."

Renumber the remaining sections.

Further amend the title as follows:

Line 7, after the comma insert "Subdivision 2, and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 69: A bill for an act proposing an amendment to the Minnesota Constitution, repealing Article IV, Section 32[a]; providing that railroads may be taxed in the same manner as other enterprises.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 16 to 18 and insert in lieu thereof:

"Shall the Minnesota Constitution be amended to permit the legislature to establish the rate and method of taxing railroads?"

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 2266: A bill for an act relating to adoption; amending Minnesota Statutes 1971, Sections 259.24, Subdivisions 1 and 2; 259.25, Subdivision 1; 259.26, Subdivisions 1 and 2; 260.221; 260.231, Subdivision 3; and Chapter 259, by adding a section.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 2353: A bill for an act relating to the definition of a person; changing the word man to person in certain statutes; amending Minnesota Statutes 1971, Sections 35.07; 35.08; 43.09, Subdivision 2; 65A.26; 66A.29; 67A.16, Subdivision 2; 84.14, Subdivision 1; 121.301; 164.02, Subdivision 1; 183.22; 183.39, Subdivision 1; 219.25; 368.65; 375.35; 376.61; and 447.04.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1887: A bill for an act relating to juvenile court; providing for payment by parents of attorneys fees of court-appointed counsel; amending Minnesota Statutes 1971, Section 260.251, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1972: A bill for an act relating to public welfare; submission of budget estimates; amending Minnesota Statutes 1971, Section 393.08, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 938: A bill for an act relating to zoning; providing notice and procedures for amending ordinances in cities of the first class; amending Minnesota Statutes 1971, Section 462.357, Subdivisions 3 and 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2338: A bill for an act relating to the appropriations by the county of Ramsey for the plans and designs of an addition to St. Paul-Ramsey hospital in conjunction with the Gillette hospital authority.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2032: A bill for an act relating to Dakota county; housing and redevelopment authority; jurisdiction; amending Laws 1971, Chapter 333, Section 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2121: A bill for an act relating to the city of Minneapolis; authorizing the city to acquire and finance a rehabilitation and therapy health care facility as a project under the municipal industrial development act.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2350: A bill for an act relating to the county of Ramsey; providing for the retirement of employees thereof; providing certain benefits therefor; and authorizing the levy of certain taxes; amending Laws 1963, Chapter 852, Section 3, as amended.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2349: A bill for an act relating to civil service in Ramsey county; inclusion of employees of Ramsey county welfare board.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2343: A bill for an act relating to Ramsey county; authorizing issuance of bonds for construction and equipping of certain recreational facilities; amending Laws 1969, Chapter 1055, as amended, by adding a section.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1930: A bill for an act relating to municipal housing and redevelopment authorities; rehabilitation loans and grants; amending Minnesota Statutes 1971, Sections 462.445 by adding a subdivision; and 462.581.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2320: A bill for an act relating to Ramsey county; providing for a park and open space system and recreational program; conferring power on the Ramsey county board to acquire land and personal property under certain conditions; authorizing the expenditure of county road and bridge funds for the construction and maintenance of bicycle paths on roads under county jurisdiction; amending Laws 1971, Chapter 950, Sections 2, by adding a subdivision; and 7.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1059: A bill for an act relating to county attorneys; creating a county attorneys council and the office of executive director; creating the offices of district attorney; prescribing powers and duties; and appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 7, strike the comma and insert in lieu thereof "and"; strike "and"

Page 3, line 8, strike "set the salary of"

Page 6, line 28, after "supplies" insert "*which shall be submitted to the district court for approval*"

Page 7, line 7, after the period insert "*Subdivisions 7 and 9 of this section shall not apply to those judicial districts comprised of a single county.*"

Page 7, after line 25, add a new section to read:

"Sec. 4. Minnesota Statutes 1971, Section 15A.083, Subdivision 3, is amended to read:

Subd. 3. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of each position shall fix individual salaries under the provisions of section 15A.081, subdivision 2.

Public defender	\$18,000—27,500
Deputy public defender	14,000—21,000
County attorneys council executive director	18,000—27,500
Court administrator	18,000—26,500
Revisor of statutes	18,000—27,500
Assistant revisor of statutes	15,600—23,400
Special assistant to the revisor of statutes	12,000—22,000
Law librarian	10,500—15,500"

Renumber the remaining section

Underline all new language in bill

Further amend the title as follows

Line 7, after "money" insert "; amending Minnesota Statutes 1971, Section 15A.083, Subdivision 3"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1733: A bill for an act relating to the executive council; providing that the lieutenant governor be a member thereof; amending Minnesota Statutes 1971, Section 9.011, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 2232: A bill for an act relating to state employees; deferred compensation plan; amending Minnesota Statutes 1971, Section 16.027, Subdivision 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 671: A bill for an act relating to steamfitters, licensing thereof; fees; amending Minnesota Statutes 1971, Section 326.50.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 2306: A bill for an act authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article IX, Section 6; and Article XVI, Section 12; and the expenditure of the proceeds thereof.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 2323: A bill for an act relating to elections; requiring pre-

cinct boundaries to be filed with the secretary of state; amending Minnesota Statutes 1971, Section 203.06, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1438: A bill for an act relating to the operation of the state government; prescribing compensation, retirement and related benefits for certain state officers and employees, and establishing certain compulsory retirement requirements; amending Minnesota Statutes 1971, Sections 43.01, Subdivision 9, and by adding subdivisions; 43.03, Subdivision 3; 43.051; 43.09, Subdivision 6; 43.111; 43.12, Subdivisions 2, 2a, 2b, and 3; 43.121, Subdivision 2; 43.122; 43.126, Subdivision 1; 43.24, Subdivision 1; 43.50, Subdivision 1; 299D.03, Subdivision 2; 352.04, Subdivisions 2 and 3; 352.115, Subdivisions 2 and 3, and by adding subdivisions; 352.116, Subdivision 1; 352.118; 352.22, Subdivision 1; 356.21, Subdivision 5; and Chapter 352, by adding sections; repealing Minnesota Statutes 1971, Section 16.02, Subdivision 20a.

Page 4, strike lines 3 to 11

Renumber the sections in sequence

Page 16, strike lines 17 to 23

Renumber the clauses in sequence

Page 31, line 26, strike "\$21,000" and insert "\$23,000"

Page 31, line 26, strike "\$30,000" and insert "\$32,000"

Page 31, line 27, strike "\$26,000" and insert "\$28,000"

Page 31, line 27, strike "\$35,000" and insert "\$38,000"

Page 31, line 28, strike "\$40,000" and insert "\$45,000"

Page 37, after line 28, add the following paragraph:

"The salary rates for all highway patrol officers and sergeants as cited in section 299D.03, subdivision 2, clause (3) shall be deemed to include reimbursement for meal and business expenses incurred by highway patrol officers 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."

Page 38, delete lines 1 through 28

Page 39, delete lines 1 through 28

Page 40, delete lines 1 through 43

Page 41, delete lines 1 through 28

Page 42, delete lines 1 through 28

Page 43, delete lines 1 through 28

Page 44, delete lines 1 through 28

Page 45, delete lines 1 through 28

Page 46, delete lines 1 through 28

Page 47, delete lines 1 through 28

Page 48, delete lines 1 through 28

Page 49, delete lines 1 through 28

Page 50, delete lines 1 through 28

Page 51, delete lines 1 through 3 and insert in lieu thereof the following:

"Sec. . Minnesota Statutes 1971, 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 members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of ~~the state auditor, the state treasurer, the insurance commissioner~~ *three public members appointed by the governor* and four state employees who shall be elected by state employees covered by the system 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 members of the board so elected shall hold office for a term of four 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. . Minnesota Statutes 1971, Section 352.03, Subdivision 3, is amended to read:

Subd. 3. [DIRECTORS SERVE WITHOUT COMPENSATION.] The members of the board *employed by the state* shall serve without compensation, but shall be reimbursed out of the retirement fund for expenses actually and necessarily paid or incurred in the performance of their duties, and shall suffer no loss of salary or wages through service on the board. *The public members of the board shall be paid \$35.00 per day for each day actually devoted to duties as a member of the board. Members of the board shall be paid for expenses in travel to and from meetings and for necessary expenses incurred during meetings of the board.*

Sec. 18. Minnesota Statutes 1971, Section 352.04, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS.] The employee contribution to the fund ~~(a) by these employees whose state service is covered by the federal social security act shall be an amount equal to three and one-half percent of salary, and (b) by these employees whose state service is not covered by the federal social security act shall be an amount equal to six percent of salary beginning with the first full pay period after June 30, 1973. These contributions shall be made by deduction from salary in the manner provided in subdivision 4.~~

Sec. 19. Minnesota Statutes 1971, Section 352.04, Subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTIONS.] The employer contribution to the fund shall be ~~(1) an amount equal to the total amount deducted from the salaries of employees on each payroll abstract, ; plus (2) (a) an additional one-half of the amount of such deductions beginning with the first full pay period after June 30, 1969, for employees paying three percent contributions, such amount to be reduced to one-third of such deductions beginning with the first full pay period after June 30, 1970; or (b) an additional one-sixth of the amount of such deductions for employees paying six percent contributions.~~

The employer contribution shall be made in the manner provided in subdivisions 5 and 6.

Sec. 20. Minnesota Statutes 1971, Section 352.115, Subdivision 2, is amended to read:

Subd. 2. [AVERAGE SALARY.] The retirement annuity hereunder payable at age 65 or thereafter shall be computed in accordance with the applicable provisions of the formula stated in subdivision 3 hereof, on the basis of the employee's average salary for the period of his allowable service. Such retirement annuity is known as the "normal" retirement annuity.

~~(a) For years prior to July 1, 1957, "average salary" for the purpose of determining an employee's retirement annuity means the average of his highest salary upon which deductions were based for any five consecutive years prior to that date.~~

~~(b) For each year of allowable service subsequent to June 30, 1957, "average salary" of an employee for the purpose of determining his retirement annuity means the average of his the highest five successive years of salary upon which he has made contributions to the retirement fund by payroll deductions.~~

Sec. 21. Minnesota Statutes 1971, Section 352.115, Subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The employee's average salary, as defined in subdivision 2 multiplied by ~~the applicable percentages indicated below 1 percent per year of allowable service for the first ten years and 1.5 percent for each subsequent year of allowable service and pro rata for completed~~

months less than a full year shall determine the amount of the retirement annuity to which the employee qualifying therefor is entitled $\frac{1}{2}$.

- | | |
|---|---------------------------------|
| (1) For Years of Allowable Service Rendered Prior to July 1, 1969 | Percentages at the Rate of : |
| (a) First ten years | 1 percent per year of service |
| (b) Second ten years or completed months of service less than such period | 1.1 percent per year of service |
| (c) Third ten years or completed months of service less than such period | 1.7 percent per year of service |
| (d) Subsequent years or completed months of service less than such period | 2 percent per year of service |
| (2) For years of Allowable Service Rendered Subsequent to June 30, 1969 | Percentage at the Rate of |
| (a) First ten years | 1 percent per year of service |
| (b) Second ten years of completed months of service less than such period | 1.3 percent per year of service |
| (c) Third ten years of completed months of service less than such period | 2 percent per year of service |
| (d) Subsequent years of completed months of service less than such period | 2.5 percent per year of service |

(3) If a combination of the above formulas is used, the formula percentages used shall be those percentages in each formula as continued for the respective years of allowable service from one formula to the next.

Sec. 22. Minnesota Statutes 1971, Section 352.115, is amended by adding a subdivision to read:

Subd. 13. [PROPORTIONATE ANNUITY IN CERTAIN CASES.] Any employee who prior to July 1, 1973, was less than 60 years of age when entering covered state service who, due to the

lowering of the mandatory retirement age, does not qualify for an annuity at the time he is required to retire, shall be entitled upon application to a proportionate annuity based upon his allowable service credit at time of mandatory retirement.

Sec. 23. Minnesota Statutes 1971, Section 352.116, Subdivision 1, is amended to read:

352.116 [ANNUITIES UPON RETIREMENT.] Subdivision 1. [REDUCED ANNUITY BEFORE AGE 65.] Any employee who retires prior to age 65 shall be paid the normal retirement annuity provided in sections 352.115, subdivisions 2 and 3, or 352.715, subdivision 2, as the case may be, reduced by one-half of one percent for each month that the employee is under age 65 on the last day for which he is entitled to service credit as provided in section 352.01, subdivision 11, clause (3), or the date state service terminated, or the date the application for the annuity is filed with the director, whichever is later, *provided however that if an employee is entitled to credit for not less than 30 years allowable service, such reduction shall be applied only for each month the employee is under age 62.*

Sec. 24. Minnesota Statutes 1971, Section 352.118, is amended to read:

352.118 [INCREASE IN BENEFITS.] The retirement annuities and disability benefits authorized and in effect on June 30, ~~1969~~ 1973 shall be increased in the same ratio that the actuarially computed reserve for such benefits determined by using an interest assumption of three *and one-half* percent bears to the actuarially computed reserve for such benefits determined by using an interest assumption of ~~three and one-half~~ *five* percent. The reserves upon which such increase shall be based shall be the actuarially determined reserve for benefits in effect at ~~December 31, 1968~~ *June 30, 1972*, in accordance with the mortality assumptions then in effect and at interest assumptions of three *and one-half* percent and ~~three and one-half~~ *five* percent. Such ratio of increase computed to the last full one one-hundredth of one percent shall be applied to benefits in effect on June 30, ~~1969~~ 1973 and shall begin to accrue July 1, ~~1969~~ 1973. Notwithstanding section 356.18, increases in benefit payments pursuant to this section will be made automatically unless the intended recipient files written notice with the Minnesota state retirement system requesting that the increase shall not be made.

Sec. 25. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.1182] [INCREASE IN ANNUITIES AND BENEFITS.] *Any person who was receiving an annuity or benefit as of July 1, 1973, shall be entitled to an increase in such monthly annuity or benefit effective July 1, 1973, in an amount that, when added to amounts received under sections 352.118 and 352.119 equals 30 percent of the annuity or benefit in effect on December 31, 1971 or first authorized thereafter. Said increase shall be made and the transfer of required assets to the adjustable fixed benefit fund in the same manner and at the same time retirement annuities and*

other benefits are paid and shall be included in each warrant on which each annuity or benefit is so paid. Notwithstanding the provisions on section 356.18, increases in payments pursuant to this section will be made automatically unless the intended recipient files written notice with the Minnesota state retirement system requesting that the increase shall not be made.

Sec. 26. Minnesota Statutes 1971, Section 352.119, Subdivision 2, is amended to read:

Subd. 2. [VALUATION OF ASSETS; ADJUSTMENT OF BENEFITS.] (1) As of June 30, 1969, the present value of all annuities in force as of June 30, 1969 and as amended in accordance with Laws 1969, Chapter 893, shall be determined in accordance with the 1937 standard annuity table of mortality, calculated separately as to sex, with an interest assumption of three and one-half percent and assets representing the required reserves for these annuities shall be transferred to the Minnesota adjustable fixed benefit fund, during a period of one year in accordance with the procedures specified by law for the Minnesota adjustable fixed benefit fund.

(2) (1) Effective July 1, 1969, for those employees commencing to receive benefits pursuant to chapter 352, and acts amendatory thereof, the required reserves as determined in accordance with this section *the interest assumption then in effect and appropriate mortality table based on experience of the fund as recommended by the system's actuary* shall be transferred to the Minnesota adjustable fixed benefit fund as of the date benefits begin to accrue.

(3) (2) Annuity payments shall be adjusted in accordance with the provisions of section 11.25, subdivisions 12 and 13.

Sec. 27. Minnesota Statutes 1971, Section 352.12, Subdivision 1, is amended to read:

352.12 [REFUNDMENT AFTER DEATH OF EMPLOYEE OR FORMER EMPLOYEE.] Subdivision 1. [DEATH BEFORE TERMINATION OF SERVICE.] If an employee dies before his state service has terminated and neither a survivor annuity nor a reversionary annuity is payable or if an employee who has filed a valid application for an annuity or disability benefit prior to the termination of his state service dies before the benefit has become payable, the director shall make a refundment to his last designated beneficiary or, if there be none, to his surviving spouse or, if none, to the representative of his estate in an amount equal to his accumulated contributions plus interest thereon *after the first year of coverage* to the date of death at the rate of ~~three and one-half~~ *five* percent per annum compounded annually. In the event an employee dies who has received a refundment which he had subsequently repaid in full, interest shall be paid on such repaid refundment only from the date of repayment. If the repayment was made in installments, interest shall be paid only from the date installment payments began. The designated beneficiary, surviving spouse or representative of the estate of an employee who had

received a disability benefit shall not be entitled to interest upon any balance remaining to his credit in the fund at the time of death.

Sec. 28. Minnesota Statutes 1971, Section 352.22, Subdivision 1, is amended to read:

352.22 [REFUNDMENTS OR DEFERRED ANNUITIES.] Subdivision 1. [SERVICE TERMINATION.] Any employee who ceases to be a state employee by reason of termination of state service, shall be entitled to a refundment provided in subdivision 2 or a deferred retirement annuity as provided in subdivision 3. Application for a refundment may be made 60 or more days after the termination of state service if the applicant has not again become a state employee required to be covered by the system; except that employees of the University of Minnesota, having attained the age of 68 years or more, and employees of other departments and agencies of the state having attained the age of 70 years or more, whose state service is terminated by operation of law, or by direction of the appointing authority, who attain mandatory retirement age and are required to retire and who are not eligible to receive an annuity under sections 352.115 or 352.72, may apply for refundment without any waiting period.

Sec. 29. Minnesota Statutes 1971, Section 352.22, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT OF REFUNDMENT.] Except as provided in subdivision 3, any person who ceased to be a state employee after June 30, 1973, by reason of termination of state service shall receive a refundment in an amount equal to his accumulated contributions without interest, except that an employee terminating state service at the age of 65 or more shall receive a refundment in an amount equal to his accumulated contributions plus interest thereon to the date of termination at the rate of three and one-half percent per annum compounded annually if the employee due to age could not qualify for an annuity upon reaching compulsory retirement age had he continued in covered employment after one year of coverage to the date of termination of state service at the rate of five percent per annum compounded annually. Interest shall not be paid on any contributions for service rendered prior to age 63.

Sec. 30. Minnesota Statutes 1971, Section 352.23, is amended to read:

352.23 [TERMINATION OF RIGHTS.] When any employee accepts a refundment as provided in section 352.22, all existing service credits and all rights and benefits to which the employee was entitled prior to the acceptance of such refundment shall terminate and shall not again be restored until the former employee acquires not less than one year's allowable service credit subsequent to taking his last refundment. In that event, he may repay all refundments which he had taken from the retirement fund. Repayment of refundments will entitle the employee only to credit for service covered by (a) salary deductions, (b) payments made in lieu of salary deductions, and (c) payments made to

obtain credit for service as permitted by laws in effect at the time payment was made. If an employee before taking one or more refundments had credit for prior service or for military service without payment in either case, he may obtain credit for such forfeited service prior to July 1, 1929, and for such forfeited military service by making payments at a contribution rate of three percent of his average salary upon which deductions for the retirement fund were based, for the three year period immediately preceding repayment of refundment for service credit prior to July 1, 1929, and on the salary received by him at the time of entering military service to restore his military service credit. All such payments and repayment of refundments are to be paid with interest at ~~four~~ six percent per annum compounded annually.

Sec. 31. Minnesota Statutes 1971, Section 352.27, is amended to read:

352.27 [CREDIT FOR MILITARY SERVICE.] Any employee given a leave of absence to enter military service who returns to state service upon discharge from military service as provided in section 192.262, may obtain credit for his period of military service but he shall not be entitled to credit for any voluntary extension of military service at the instance of the employee beyond the initial period of enlistment, induction or call to active duty, nor to credit for any period of service following a voluntary return to military service. Such employee may obtain such credit by paying into the fund an employee contribution based upon his salary at the date of return from military service. The amount of this contribution shall be the applicable amounts required in section 352.04, subdivision 2, plus interest at ~~four~~ six percent per annum compounded annually. In such cases the matching employer contribution and additional contribution provided in section 352.04 shall be paid by the department employing such employee upon his return to state service from funds available to such department at the time and in the manner provided in section 352.04.

Sec. 32. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.90] [CORRECTIONAL EMPLOYEES.] *It is the policy of the legislature to provide special retirement benefits and contributions for certain correctional employees who, because of the nature of their employment, are required to retire at an early age. For the purpose of Minnesota Statutes, Chapter 356, the actuary shall make separate reports with respect to these employees. Except as otherwise provided, the provisions of Minnesota Statutes, Chapter 352, apply to covered correctional employees.*

Sec. 33. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.91] [COVERED CORRECTIONAL SERVICE] *Covered correctional service means: (a) services performed before or after July 1, 1973, by a state employee, as defined in section 352.01, as an attendant guard, attendant guard supervisor, correctional captain, correctional counselor I, correctional counselor II, correctional counselor III, correctional counselor IV, correctional lieutenant, cor-*

rectional officer, correctional sergeant, director of attendant guards and guard farmer garden, provided the employee was employed in such position on July 1, 1973 or thereafter; (b) services performed before July 1, 1973 by an employee covered under clause (a) in a position classified as a houseparent or guard instructor; and (c) services performed before July 1, 1973 in a position listed in clause (a) and positions classified as houseparent, guard instructor and guard farmer dairy, by a person employed on July 1, 1973 in a position classified as a license plant manager, prison industry foreman (general, metal fabricating and foundry), prison industry supervisor, food service manager, prison farmer supervisor, prison farmer assistant supervisor or rehabilitation therapist employed at the Minnesota security hospital.

Sec. 34. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.92] [CORRECTIONAL EMPLOYEE CONTRIBUTIONS.] Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] Beginning with the first full pay period after June 30, 1973, in lieu of employee contributions payable under section 352.04, subdivision 2, contributions by covered correctional employees shall be in an amount equal to six percent of salary.

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Beginning with the first full pay period after June 30, 1973, in lieu of employer contributions payable under section 352.04, subdivision 3, the employer shall contribute for covered correctional employees (1) an amount equal to $1\frac{1}{2}$ times the deduction from salaries of covered correctional employees on each payroll abstract, plus (2) an additional amount of five percent of salaries of covered correctional employees on each payroll abstract.

Sec. 35. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.93] [RETIREMENT ANNUITY.] Subdivision 1. After separation from state service an employee covered under section 33 of this act who has attained the age of at least 55 years and has credit for not less than a total of ten years of covered correctional service and regular Minnesota state retirement system service shall be entitled upon application to a retirement annuity under this section based only on covered correctional employees' service.

For the purpose of this section, average salary means the average of the monthly salary during the employees' highest five successive years of salary as a correctional employee.

Subd. 2. The monthly annuity under this section shall be determined by multiplying the average monthly salary by the number of years, or completed months, of covered correctional service by 2.5 percent for the first 20 years of correctional service and two percent for each year thereafter; provided however, the monthly annuity shall not exceed 75 percent of the average monthly salary.

Subd. 3. The annuity under this section shall begin to accrue as provided in section 352.115, subdivision 8, and shall be paid for an additional 84 full calendar months and then be reduced to the amount

as calculated under section 352.115, except that if this amount, when added to the social security benefit based on state service the employee is eligible to receive at such time, is less than the benefit payable under subdivision 2, the retired employee shall receive an amount that when added to such social security benefit will equal the amount payable under subdivision 2. When an annuity is reduced under this subdivision, the percentage adjustments, if any, that have been applied to the original annuity under Minnesota Statutes, Section 11.25, prior to the reduction, shall be compounded and applied to the reduced annuity.

Subd. 4. A former employee who has both regular and correctional service shall, if qualified, receive an annuity based on both periods of service under applicable sections of law but no period of service shall be used more than once in calculating the annuity.

Subd. 5. Notwithstanding the provisions of subdivision 1 an employee who was in a covered correctional position on July 1, 1973; was employed in a position covered by Minnesota Statutes, Chapter 352, prior to reaching age 60; and was required to retire because of the lowering of the mandatory age, shall be entitled to an annuity under this section even though he does not have ten years of covered service under Minnesota Statutes, Chapter 352.

Subd. 6. This section shall apply to qualified employees who retire on or after July 1, 1973, but the annuity payable hereunder shall not begin to accrue until July 1, 1974.

Sec. 36. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.94] [AUGMENTATION.] Subdivision 1. An employee who becomes a correctional employee after serving as a regular employee shall be covered under section 352.72, subdivision 2, with respect to the regular service.

Subd. 2. An employee who becomes a regular employee after serving as a correctional employee shall be covered under section 352.72, subdivision 2, with respect to his correctional service.

Sec. 37. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.95] [DISABILITY BENEFITS.] An employee who becomes totally and permanently disabled while in a covered correctional position shall have his disability benefit rights determined under section 352.113 except that when such person becomes 55 years of age he shall be deemed to be retired and shall be entitled to receive the benefit provided under section 352.113, subdivision 3, whether or not disabled at such age. An employee who receives a disability benefit shall not be entitled to an annuity under section 35 of this act, even though otherwise qualified, until reemployed in a covered correctional position for a period of at least one year.

Sec. 38. Minnesota Statutes 1971, Section 16.02, Subdivision 20a is repealed.

Sec. 39. Except as otherwise specifically provided, the effective date of this act is July 1, 1973."

Further, amend the title in line 18 by striking "subdivisions" and insert in lieu thereof "a subdivision" and in line 19 after "352.118;" by inserting "352.119, Subdivision 2; 352.12, Subdivision 1;"

Strike line 20 of the title and insert in lieu thereof "Subdivisions 1 and 2; 352.23; 352.27;"

Line 11, strike "43.09, Subdivision 6;"

Line 16, after "Subdivision 2;" insert "352.03, Subdivision 1 and 3;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1765: A bill for an act relating to voter registration; change of address of registered voters; amending Minnesota Statutes 1971, Section 201.10.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1434: A bill for an act relating to holidays; regulating the date for celebration of Veterans Day; amending Minnesota Statutes 1971, Section 645.44, Subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was re-referred.

H. F. No. 1666: A bill for an act relating to elections; providing for the joint nomination and election of the governor and lieutenant governor; amending Minnesota Statutes 1971, Sections 202.04, by adding a subdivision; 202.11, Subdivision 1; 203.28, Subdivision 1, as amended; and 206.07, Subdivision 1, as amended.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1840: A bill for an act relating to bicycles; providing for a statewide bicycle registration system; providing penalties for violation thereof.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, strike "both"

Page 1, line 9, strike "also"

Page 1, line 30, after "REQUIRED.]" insert "Subdivision 1."

Page 2, line 5, strike "standing in the position of parent"

Page 2, line 6, after "less" add a comma

Page 2, line 9, strike "the owner's age if such"

Page 2, strike all of line 10

Page 2, line 11, strike "guardian if such owner is under 18 years of age,"

Page 2, line 16, after "require." insert a new sentence and new subdivision to read: "The state department of public safety shall provide a suitable form for the purpose of registration application.

Subd. 2. No bicycle purchased from a bicycle dealer shall be released by said dealer until the applicable license has been obtained or applied for."

Page 2, line 23, strike "\$3" and insert "\$1"

Page 2, line 23, strike "This" and insert in lieu thereof "These"

Page 2, line 24, strike "fee" and insert in lieu thereof "fees"; after "registration" strike "and shall be"

Page 2, strike lines 25 and 26

Page 2, strike all of line 27 to the period

Page 2, after line 27, insert: "All receipts from the registration fees shall be deposited in the general fund and are appropriated annually to the commissioner of natural resources for the acquisition, design, construction and maintenance of bicycle lanes or multi-purpose trail systems or both. If another governmental instrumentality is specifically designated and charged with the responsibility of acquisition, design, construction and maintenance of bicycle lanes or multi-purpose trail systems, or both, the receipts are hereby appropriated annually to that instrumentality for those purposes instead of to the commissioner of natural resources.

Subd. 3. Before any funds are expended for the acquisition, design or construction of bicycle lanes or multi-purpose trail systems as authorized in subdivision 2, the commissioner of natural resources or other governmental instrumentality therefor shall submit a plan to the legislature for the expenditure of these funds together with a method of distribution thereof to localities or areas of the state on a pro rata basis according to the ratio that registered bicycles in the locality or area bears to the total bicycle registration in the state. In preparing the plan and

method of distribution the commissioner or other governmental instrumentality shall consult with local law enforcement agencies, bicycle dealers, and bicyclists' organizations and any other applicable group. The plan and method of distribution shall be submitted to the legislature not later than January 15, 1974."

Page 2, line 28, after "person" insert "or bicycle dealer"

Page 3, line 6, strike "five" and insert in lieu thereof "seven"

Page 3, line 7, strike "shall apply for a"

Page 3, strike all of line 8

Page 3, line 9, strike "sale or transfer and"; after "registration" insert "within seven days"

Page 3, line 11, strike "for his classification of bicycle"

Page 3, line 13, strike "sells, trades, or gives the"

Page 3, line 14, strike "bicycle to another person" and insert in lieu thereof "moves or changes address"

Page 3, line 15, strike "old and"; strike "five" and insert in lieu thereof "seven"

Page 3, line 20, strike "the signature of"

Page 3, strike all of lines 21, 22 and 23

Page 3, line 24, strike "from whom purchased" and insert in lieu thereof "the owner's name and address,"

Page 3, line 26, strike "in" and insert in lieu thereof "by"

Page 4, line 3, strike "attached to the bicycle"

Page 4, line 5, strike "duplicate" and insert in lieu thereof "replacement"

Page 4, line 6, after "shall" insert "own, operate, control,"

Page 4, line 10, after "the" insert "frame"; after "bicycle" strike "frame"

Page 4, line 11, strike "subject to licensing pursuant to this chapter"

Page 4, line 15, after "safety" insert "shall designate a number to be stamped or otherwise permanently affixed"; strike "or its"

Page 4, line 16, strike "authorized agent may, however, stamp numbers"

Page 4, line 20, strike "If"; strike "is"

Page 4, line 23, strike "it shall be prima facie evidence"

Page 4, strike line 24

Page 4, line 25, strike "state without having been registered. Said bicycle"; strike "shall" and insert in lieu thereof "may"

Page 4, line 26, strike "immediately"

Page 5, line 6, after "identified," insert "and notified"

Page 5, line 8, after "date," insert new language to read: "Bicycles sold at auction shall be registered at the time of sale and may be released only after such registration. At the discretion of the impounding agency, bicycles may be given away, free of charge to minors as part of a bicycle recreation, safety and responsibility program. Bicycles disposed of in this manner shall be licensed before their release."

Page 5, line 9, after "bicycles" insert "and collection of impoundment fees" and after "used" strike "for the" and insert in lieu thereof "by the governing body employing the law enforcement agency impounding the bicycles to pay the costs of administering sections 10 and 11 of this act, and any excess may be used by said governing body for the purpose of acquisition, design, construction and maintenance of bicycle lanes or multi-purpose trail systems or both."

Page 5, strike lines 10 and 11

Page 5, line 12, strike "REPORT OF"

Page 5, line 14, strike "within five days" and insert "immediately"; after "local" insert "law enforcement"

Page 5, line 16, after the period insert "All reports of stolen bicycles shall be entered in the national crime information center."

Page 5, line 18, strike "records relating to" and insert in lieu thereof "a record of"

Page 5, line 21, strike "national" and insert "Minnesota"

Page 5, after line 21, insert a new subdivision to read:

"Subd. 3. No person, other than the owner or the owner's authorized agent, except for impoundment by the law enforcement agency of jurisdiction, shall tamper with any bicycle which has been locked or placed in a rack or otherwise secured."

Page 5, line 27, strike "shall retain 25" and insert in lieu thereof "may charge an additional 50"

Page 6, line 2, strike "Bicycles" and insert in lieu thereof "Any bicycle"

Page 6, line 4, strike "for a fee"

Page 6, line 5, strike "that" and insert in lieu thereof "such"

Page 6, line 7, after "operate" insert ", transport or otherwise control"; strike "1973" and insert in lieu thereof "1974"

Page 6, line 10, strike "Bicycles" and insert in lieu thereof "Any bicycle"

Page 6, line 11, strike "such" and insert in lieu thereof "said"

Page 6, line 18, after "days" insert "or less"; strike "This"

Page 6, line 19, strike "section does" and insert in lieu thereof "Registration provisions of this act do"

Page 6, line 22, strike "person" and insert in lieu thereof "bicycle dealer"

Page 6, line 23, strike "engaged in the business of buying or selling new or"

Page 6, line 24, strike "second-hand bicycles"; strike "make a"

Page 6, line 25, before "every" strike "of" and insert ", in a manner determined by the department of public safety"; insert a comma after "purchased"; strike "or"; after "sold" insert "or traded"

Page 6, line 28, strike "and"

Page 7, line 1, after "thereon" strike the period and insert ", or any additional information required by the department of public safety."

Page 7, line 3, after "department" insert "of public safety"

Page 7, line 8, after "organizations" insert "and any other applicable group"

Page 7, line 11, strike "1973" and insert in lieu thereof "1974"

Page 7, after line 14, add a section as follows:

"Sec. 21. [APPROPRIATION.] There is appropriated to the department of public safety from the general fund \$100,000 for carrying out the purposes of this act. Notwithstanding the provisions of Minnesota Statutes, Section 16, 17 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."

Further, amend the title in line 5, after "thereof" and before the period, insert: "; appropriating money annually"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1018: A bill for an act relating to highway traffic regulations; requiring certain equipment on motor vehicles sold after a certain date; amending Minnesota Statutes 1971, Sections 169.57, Subdivision 1; and 169.64, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 28 through 31

Page 2, strike lines 1 through 7 and insert the following:

"(c) The commissioner of public safety, pursuant to rules and regulations promulgated under Minnesota Statutes, Section 169.65, may prohibit the sale or offer for sale in Minnesota of any new motor vehicle, unless the stop lamps with which the motor vehicle is required to be equipped produce a flashing or intermittent light upon application of the service brake, and unless the motor vehicle is equipped with an instrument panel signal which indicates that a stop lamp is inoperative; provided that these rules and regulations shall not apply to motor vehicles which have been manufactured or assembled prior to one year after the adoption of the prohibition."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1370: A bill for an act relating to elections; providing that voters may be allowed to register at convenient places in municipalities contiguous to their own; amending Minnesota Statutes 1971, Section 201.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, strike "*prescribe*" and insert "*provide*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 735: A bill for an act relating to elections; permitting the contest of elections under certain circumstances; amending Minnesota Statutes 1971, Section 209.02, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike "*most*" and insert "*highest number of*"

Page 1, line 12, strike "*the contestor*" and insert "*either candidate*"

Page 1, line 13, strike "*two*" and insert "*three*"

Page 1, line 13, strike "*the final*"

Page 1, line 14, strike the entire line and insert in lieu thereof the following: "*expiration of the time for appeal after filing of the final order of the district court on the contest relating to the number of votes.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 2318: A bill for an act relating to aeronautics; financial assistance to commuter airlines; appropriating money; amending Minnesota Statutes 1971, Sections 360.013, by adding a subdivision; 360.015, Subdivision 13; 360.038, by adding a subdivision; and 360.305, by adding a subdivision; 360.015, Subdivision 13; 360.038, by adding a subdivision; and 360.305, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 5, strike "45" and insert in lieu thereof "30"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2033: A bill for an act relating to Dakota county; plats and surveys contiguous with any county road in Dakota county; providing for approval thereof by the Dakota county board of commissioners.

Reports the same back the recommendation that the bill be amended as follows:

Page 1, line 12, after "any" insert "existing or proposed"

Page 1, line 13, after "before" strike "recording" and add "building permits are issued by the municipalities in which the subdivision or land survey is located"

Amend the title as follows:

Page 1, line 3, after "any" insert "existing or proposed"

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2031: A bill for an act relating to Dakota county; authorizing the board of commissioners to issue bonds for the acquisition and betterment of parklands; authorizing a levy, within existing park levy limits, and limited to specific purposes, without a referendum.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after "exceeding" strike "\$5,000,000" and insert "\$2,000,000"

Page 1, line 16, strike everything after "Sec. 2."

Page 1, strike lines 17 to 24 and insert the following:

"Such bonds shall be issued and sold in accordance with Minnesota Statutes, Chapter 475, without first obtaining the approval of the majority of the electors, and the terms of each series of such bonds shall be established so that the total amount of principal and interest to become due on all such bonds in any year shall not exceed an amount equal to one-third mill times the assessed value of all taxable property in the county, as most recently determined before the issuance of that series, and shall be deducted from the amount which may be levied for other park purposes within the limitation provided in Minnesota Statutes, Sections 398.32 to 398.36."

Amend the title as follows:

Page 1, line 4, strike "acquisition" and insert "acquisition"

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2277: A bill for an act relating to Ramsey county; appropriations by the county for the preliminary plans of a detention center or centers.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 16, add a new section to read:

"Sec. 3. The final report shall be submitted to the county board on or before December 15, 1973. An interim progress report shall be submitted to the county board not later than October 1, 1973. This act becomes effective upon enactment."

Renumber sections accordingly.

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was re-referred

H. F. No. 793: A bill for an act relating to corrections; voluntary uncompensated services to the department of corrections; amending Minnesota Statutes 1971, Section 241.01, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 241.01, Subdivision 6, is amended to read:

Subd. 6. [UNCOMPENSATED AND VOLUNTARY SERVICES.] To assist in the discharge of the functions of his department the commissioner of corrections shall have authority to accept uncompensated and voluntary services and to enter into contracts or agreements with private

or public agencies or persons for such uncompensated and voluntary services as he may deem practicable. *Persons rendering voluntary uncompensated services as herein authorized may be reimbursed for travel expenses paid or incurred in the performance of such official duties as may be assigned them at the same rate per mile as state employees. It is the purpose of this act to provide travel expenses only to those volunteers who would otherwise be unable to afford to perform volunteer services.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Governmental Operations, to which was referred

S. F. No. 1509: A bill for an act relating to public health; providing for composition of state board of health, compensation; appropriating money; amending Minnesota Statutes 1971, Sections 144.01 and 144.04.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "12" and insert "15"

Page 1, line 14, at the end of the line, after "shall" insert "*be broadly representative of the licensed health professions and six of whom shall be public members. "Public member" means a person who is not, or never was, a member of the profession or occupation being licensed or regulated, or the spouse of any such person, or a person who has not, nor never has had, a material financial interest in either the providing of the professional service being licensed or regulated or an activity directly related to the profession or occupation being licensed or regulated.*"

Page 1, line 15, strike "*be learned in sanitary science,*" and insert "*The licensed health professionals*"

Page 1, line 15, reinstate "shall be appointed by"

Page 1, strike line 16

Page 1, line 17, after "governor" strike the remainder of the line; strike line 18 and on line 19, strike "January in each year" and insert "*so that the initial terms of three members will end the first Monday in January of each second year. Thereafter the terms shall be four years. The public members shall be appointed by the governor for like terms*"

Page 1, line 25, strike the new language and after "compensation" insert "*of the sum of \$35 per day for attendance at board meetings and ordinary and*"

Page 1, line 26, strike the new language and after "expenses" insert "*in the same amount and manner as state employees*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2062: A bill for an act relating to education; authorizing independent or special school districts to adopt an experimental plan of instruction for elementary and secondary pupils under certain conditions; amending Minnesota Statutes 1971, Chapter 124, by adding a section.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1395: A bill for an act relating to veterans; providing for free higher education of dependents of prisoners of war and persons missing in action; appropriating money; amending Minnesota Statutes 1971, Section 197.09.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2367: A bill for an act authorizing the issuance of bonds by Independent School District No. 625.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2148: A bill for an act relating to Independent School District No. 625; amending Laws 1969, Chapter 911, Section 2, as amended.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 944: A bill for an act relating to education; issuance of teachers certificates; amending Minnesota Statutes 1971, Chapter 125, by adding a section; repealing Minnesota Statutes 1971, Section 125.05, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Any teacher who was eligible to receive a life or permanent certificate prior to July 1, 1969, in accordance with the provisions of Minnesota Statutes 1967, Section 125.07, Subdivision 2, may apply for and receive such certificate upon payment of a \$5.00 fee provided that the application is submitted to the department of education prior to July 1, 1974."

Amend the title as follows:

Strike title in its entirety and insert in lieu thereof the following:

"A bill for an act relating to education; permitting certain teachers to apply for and receive life or permanent certificates."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2370: A bill for an act relating to education; peddling and canvassing on school grounds; repealing Minnesota Statutes 1971, Section 126.19.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2179: A bill for an act relating to the Minnesota higher education facilities authority; amending Minnesota Statutes 1971, Sections 136A.26, 136A.27, 136A.29, 136A.32, Subdivision 3, and by adding a subdivision; 136A.34, Subdivision 4; 136A.40 and 136A.41.

Reports the same back with the recommendation that the bill be amended as follows:

Page 15, strike lines 10 through 28

Page 16, strike lines 1 through 16

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1904: A bill for an act relating to independent school district No. 94; assumption of bonded indebtedness of former independent school district No. 98 by independent school district No. 94.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "94" and before the period insert the following: ", and upon compliance with Minnesota Statutes, Section 645.021"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1477: A bill for an act relating to education; providing for establishment and operation of cooperative centers by independent school districts.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [INDEPENDENT SCHOOL DISTRICTS: VOCATIONAL OR COOPERATIVE CENTERS.] Subdivision 1. [ESTABLISHMENT.] Notwithstanding any law or other provision to the contrary, two or more independent school districts may enter into an agreement to establish a cooperative center to provide for vocational education and other educational services upon the vote of a majority of the full membership of each of the boards of the districts entering into the agreement. When a resolution approving such action has been adopted by the board of a district, the resolution shall be published once in a newspaper of general circulation in the district. If a petition for referendum on the question of said district entering into such agreement, containing signatures of qualified voters of said district equal to five percent of the number of voters at the last annual school election, is filed with the clerk of the board within 60 days after publication of such resolution, the board shall not enter into the agreement until the question of whether the district shall enter into the agreement has been submitted to the voters of the district at a special election. Said election shall be conducted and canvassed in accordance with Minnesota Statutes, Section 123.32. If a majority of the total number of votes cast on the question within said district is in favor of the proposition, the board may thereupon enter into an agreement to establish the center for purposes herein described.

Subd. 2. [NAME; FISCAL AGENT.] A public corporation so created shall be known as (insert name) cooperative center no. _____ and shall have an identification number assigned pursuant to Minnesota Statutes, Section 123.03.

Subd. 3. [GOVERNING BOARD.] (a) The center shall be operated by a center board of not less than five members which shall consist of members from school boards of each of the participating school districts within the center, appointed by their respective school boards. Each participating school district shall

have at least one member on the board. The board shall choose an administrative officer to direct board activities who shall serve as an ex officio member of the board but shall not have a vote.

(b) The terms of office of the first members of the board shall be determined by lot as follows: one-third of the members for one year, one-third for two years, and the remainder for three years, all terms to expire on June 30 of the appropriate year. Thereafter the terms shall be for three years commencing on July 1 of each year. If a vacancy occurs on the center board, it shall be filled by the appointing school board. A person appointed to the center board shall qualify as a board member by filing with the chairman a written certificate of appointment from his school board.

(c) The first meeting of a center board shall be at a time mutually agreed upon by board members. At such meeting, the center board shall choose its officers and conduct such other organizational business as may be necessary. Thereafter the center board shall meet on the first Saturday of July of each year or as soon thereafter as practicable pursuant to notice sent to all center board members by the chief executive officer of the center.

(d) The officers of the center board shall be a chairman, vice chairman, clerk and treasurer, no two of whom when possible shall be from the same school district. The chairman shall preside at all meetings of the center board except in his absence the vice chairman shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer shall be the custodian of the funds of said center. Insofar as applicable, Minnesota Statutes, Sections 123.33 and 123.34, shall apply to the board and officers of the center.

(e) Each participating school district shall have equal voting power with at least one vote. A majority of the center board shall be a quorum. Any motion other than adjournment shall pass only upon receiving a majority of the votes of the entire center board.

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, Minnesota Statutes, Section 123.36, shall apply. The center board may not issue bonds in its behalf. Each participating district shall issue its bonds for the purpose of acquisition and betterment of center facilities in the amount certified by the center board to such participation district in accordance with Minnesota Statutes, Chapter 475.

(b) The center board (1) shall furnish vocational offerings to every eligible person residing in any participating district and (2) may provide special education for the handicapped and disadvantaged.

(c) The center board shall certify to each participating district, the amount of necessary funds assessed to such 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. Employees of the center board shall have all the rights and benefits they would have if employed by a participating district.

(e) The center board shall provide an educational program for high school 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, Minnesota Statutes, 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.

Subd. 5. [FINANCING.] (a) Any center board established pursuant to this act 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 (b) and subdivision 4 (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. Such share shall be based upon the pupils enrolled in the center from each participating district as verified by the state commissioner of 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.

Subd. 6. [STATE BOARD APPROVAL.] Prior to the commencement of the operation of any center the agreement entered into by participating districts shall be approved by the state board of education.

Subd. 7. [LAWS GOVERNING INDEPENDENT SCHOOL DISTRICTS APPLICABLE.] As of the effective date of the creation of any center as contained in the agreement establishing such center, the organization, operation, maintenance, and con-

duct of the affairs of such center shall be governed by the general laws relating to independent school districts of the state unless provided otherwise herein or by statute passed hereafter.

Subd. 8. [ADDITION AND WITHDRAWAL OF DISTRICTS.]

Upon approval by majority vote of a school board, of the center board, and of the state board of education, an adjoining school district may become a member in the center and be governed by the provisions of this act and the agreement in effect.

Any participating district may withdraw from the center and from the agreement in effect upon mutual consent of a majority vote of the full board membership of such participating school district desiring withdrawal and according to provisions within the agreement establishing the center. Upon receipt of such withdrawal resolution, the center board shall file a certified copy of its resolution reciting the necessary facts with the county auditors of the counties affected. Such withdrawal shall become effective at the end of the next following school year but such withdrawal shall not affect the continued liability of the withdrawing district for bonded indebtedness it incurred prior to the effective withdrawal date.

Subd. 9. [EXISTING CENTERS.] Centers approved by the state board of education prior to enactment of this act shall be subject to its provisions except section 1, subdivision 1. Changes necessary in center agreements operating under Minnesota Statutes, Section 471.59, shall be completed within six months after the effective date of this act and filed with the state board by the administrator of each existing center.

And when so amended the bill do pass. Amendments adopted. Report adopted.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to revert to Second Reading of Senate Bills and Second Reading of House Bills, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1879, 948, 888, 1750, 1252, 1582, 1364, 966, 1775, 1379, 968, 707, 1918, 2266, 2353, 1887, 1972, 938, 2338, 2032, 2121, 2350, 2349, 2343, 1930, 2320, 1733, 2232, 671, 2306, 2323, 1765, 1434, 1018, 1370, 735, 2318, 2033, 2031, 2277, 2062, 2148, 944, 2370, 1904 and 1477 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1031, 1666, 535 and 793 were read the second time.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 9:00 o'clock a.m., Monday, April 30, 1973. Which motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.