

## SIXTY-SECOND DAY

St. Paul, Minnesota, Wednesday, May 16, 1973.

The Senate met at 9:00 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:

Anderson	Dunn	Keefe, S.	Milton	Schaaf
Arnold	Frederick	Kirchner	North	Schrom
Ashbach	Gearty	Kleinbaum	Ogdahl	Sillers
Bernhagen	Hansen, Baldy	Kowalczyk	Olhoft	Solon
Blatz	Hansen, Mel	Larson	Olson, H. D.	Spear
Brown	Hanson, R.	Laufenburger	O'Neill	Stokowski
Chenoweth	Humphrey	Lewis	Perpich, A. J.	Thorup
Chmielewski	Jensen	Lord	Perpich, G.	Ueland
Coleman	Keefe, J.	McCutcheon	Pillsbury	Wegener

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

Quorum present.

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

## MEMBERS EXCUSED

Messrs. Doty and Borden were excused from the Session of this morning. Mr. Bang was excused from the first hour of this morning's Session. Mr. Nelson was excused from the Session of today, beginning at 11:30 o'clock a.m.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 15, 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 File:

S. F. No. 6, An act relating to real estate; liens for improvements thereto; extent and amount thereof; requiring notice to owners; prescribing penalties; amending Minnesota Statutes 1971, Sections 514.01; 514.03; 514.05; 514.07; 514.08; and 514.11; and Chapter 514, by adding a section.

Sincerely,

Wendell R. Anderson, Governor

The Honorable Martin O. Sabo, Speaker  
of the House of Representatives

The Honorable Alec G. Olson, President  
of the Senate

Sir:

I have the honor to inform you that the following enrolled Acts of the 1973 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation pursuant to the State Constitution, Article IV, Section 11:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1973	Date Filed 1973
454		Res. #6		May 11, 1973
626		Res. #7		May 11, 1973
	803	Res. #8		May 11, 1973
	7	Chapter 204	May 11, 1973	May 11, 1973
	267	Chapter 205	May 11, 1973	May 11, 1973
	678	Chapter 206	May 11, 1973	May 11, 1973
	694	Chapter 207	May 11, 1973	May 11, 1973
	723	Chapter 208	May 11, 1973	May 11, 1973
	864	Chapter 209	May 11, 1973	May 11, 1973
	1162	Chapter 210	May 11, 1973	May 11, 1973
	1201	Chapter 211	May 11, 1973	May 11, 1973
	1433	Chapter 212	May 11, 1973	May 11, 1973
	1434	Chapter 213	May 11, 1973	May 11, 1973
	1590	Chapter 214	May 11, 1973	May 11, 1973
	1624	Chapter 215	May 11, 1973	May 11, 1973
531		Chapter 216	May 11, 1973	May 11, 1973
613		Chapter 217	May 11, 1973	May 11, 1973
627		Chapter 218	May 11, 1973	May 11, 1973
632		Chapter 219	May 11, 1973	May 11, 1973
667		Chapter 220	May 11, 1973	May 11, 1973

912	Chapter 221	May 11, 1973	May 11, 1973
1013	Chapter 222	May 11, 1973	May 11, 1973
1056	Chapter 223	May 11, 1973	May 11, 1973

Sincerely,  
Arlen Erdahl  
Secretary of State

The Honorable Martin O. Sabo, Speaker  
of the House of Representatives

The Honorable Alec G. Olson, President  
of the Senate

Sir:

I have the honor to inform you that the following enrolled Acts of the 1973 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation pursuant to the State Constitution, Article IV, Section 11:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1973	Date Filed 1973
1073		Chapter 224	May 11, 1973	May 11, 1973
1080		Chapter 225	May 11, 1973	May 11, 1973
1092		Chapter 226	May 11, 1973	May 11, 1973
1124		Chapter 227	May 11, 1973	May 11, 1973
1187		Chapter 228	May 11, 1973	May 11, 1973
1287		Chapter 229	May 11, 1973	May 11, 1973
1354		Chapter 230	May 11, 1973	May 11, 1973
1377		Chapter 231	May 11, 1973	May 11, 1973
1386		Chapter 232	May 11, 1973	May 11, 1973
1401		Chapter 233	May 11, 1973	May 11, 1973
1503		Chapter 234	May 11, 1973	May 11, 1973
1507		Chapter 235	May 11, 1973	May 11, 1973
1559		Chapter 236	May 11, 1973	May 11, 1973
1583		Chapter 237	May 11, 1973	May 11, 1973
1584		Chapter 238	May 11, 1973	May 11, 1973
1593		Chapter 239	May 11, 1973	May 11, 1973
1594		Chapter 240	May 11, 1973	May 11, 1973
1622		Chapter 241	May 11, 1973	May 11, 1973
1627		Chapter 242	May 11, 1973	May 11, 1973
1695		Chapter 243	May 11, 1973	May 11, 1973
1925		Chapter 244	May 11, 1973	May 11, 1973

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Arlen Erdahl  
Secretary of State

The Honorable Martin O. Sabo, Speaker  
of the House of Representatives

The Honorable Alec G. Olson, President  
of the Senate

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I have the honor to inform you that the following enrolled Acts

of the 1973 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation pursuant to the State Constitution, Article IV, Section 11:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1973	Date Filed 1973
658		Chapter 245	May 11, 1973	May 14, 1973
	942	Chapter 246	May 12, 1973	May 14, 1973

Sincerely,

Arlen Erdahl  
Secretary of State

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos.: 47, 672, 546, 476, 721, 1602, 1667, 678, 1164, 1436, 2016.

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

Returned May 15, 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. 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.

Senate File No. 1505 is herewith returned to the Senate.

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

Returned May 15, 1973

#### CONCURRENCE AND REPASSAGE

Mr. Purfeerst moved that the Senate do now concur in the amendments by the House to S. F. No. 1505 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1505 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 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, S.	Moe	Schaaf
Arnold	Frederick	Kirchner	North	Schrom
Ashbach	Gearty	Kleinbaum	Novak	Sillers
Bernhagen	Hansen, Baldy	Knutson	Olhoft	Solon
Blatz	Hansen, Mel	Kowalczyk	Olson, A. G.	Spear
Brown	Hanson, R.	Larson	Olson, J. L.	Tennessen
Chenoweth	Hughes	Laufenburger	O'Neill	Thorup
Coleman	Humphrey	Lewis	Perpich, A. J.	Ueland
Conzemius	Jensen	Lord	Perpich, G.	Wegener
Davies	Josefson	McCutcheon	Pillsbury	Willet
Dunn	Keefe, J.	Milton	Purfeerst	

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. 2275: A bill for an act relating to employees of the fire department of the city of Fridley; transferring full time firemen to the public employees retirement association; providing benefits to members of the firemen's relief association; amending Laws 1969, Chapter 594, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11; and repealing Laws 1969, Chapter 594, Section 12, Sub-division 3.

Senate File No. 2275 is herewith returned to the Senate.

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

Returned May 15, 1973

#### CONCURRENCE AND REPASSAGE

Mr. Schaaf moved that the Senate do now concur in the amendments by the House to S. F. No. 2275 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 2275 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Fitzsimons	Keefe, S.	Milton	Schaaf
Ashbach	Gearty	Kirchner	Novak	Schrom
Bernhagen	Hansen, Baldy	Kleinbaum	Olhoft	Sillers
Blatz	Hansen, Mel	Knutson	Olson, A. G.	Solon
Brown	Hanson, R.	Kowalczyk	Olson, J. L.	Spear
Chenoweth	Hughes	Larson	O'Neill	Tennessen
Coleman	Humphrey	Laufenburger	Perpich, A. J.	Ueland
Conzemius	Jensen	Lewis	Perpich, G.	Wegener
Davies	Josefson	Lord	Pillsbury	Willet
Dunn	Keefe, J.	McCutcheon	Purfeerst	

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. 965: A bill for an act relating to real estate; landlord and tenant; deposit of money; amending Minnesota Statutes 1971, Chapter 504, by adding a section; and repealing Minnesota Statutes 1971, Section 504.19.

Senate File No. 965 is herewith returned to the Senate.

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

Returned May 15, 1973

#### CONCURRENCE AND REPASSAGE

Mr. Tennessen moved that the Senate do now concur in the amendments by the House to S. F. No. 965 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 965 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 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kirchner	North	Schrom
Arnold	Frederick	Kleinbaum	Novak	Sillers
Ashbach	Gearty	Knutson	Olhoft	Solon
Bernhagen	Hansen, Baldy	Kowalczyk	Olson, A. G.	Spear
Blatz	Hansen, Mel	Larson	Olson, J. L.	Stassen
Brown	Hanson, R.	Laufenburger	O'Neill	Tennessen
Chenoweth	Hughes	Lewis	Perpich, A. J.	Thorup
Chmielewski	Humphrey	Lord	Perpich, G.	Ueland
Coleman	Jensen	McCutcheon	Pillsbury	Wegener
Davies	Josefson	Milton	Purfeerst	Willet
Dunn	Keefe, S.	Moe	Schaaf	

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 that the House refuses to concur in the Senate amendments to House File No. 1659.

H. F. No. 1659: A bill for an act prescribing policies and procedures for the selection, designation, planning, and regulation of areas of critical concern.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Messrs. Vento; Sieben, H. and Fjoslien have been appointed as such committee on the part of the House.

House File No. 1659 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

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

Transmitted May 15, 1973

Mr. Borden moved that H. F. No. 1659 be laid on the table. Which motion prevailed.

**REPORTS OF COMMITTEES**

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

Mr. Coleman from the Committee on Rules and Administration, to which were referred

H. F. Nos. 2100, 2485, 2491 and 2482 for comparison to companion Senate Files, reports the following House File was found not identical with its companion Senate File as follows:

**CALENDAR OF**

<b>GENERAL ORDERS</b>		<b>ORDINARY MATTERS</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2100	2010				

Pursuant to Rule 49 the Committee recommends that H. F. No. 2100 be amended as follows:

Page 2, delete lines 8 through 19, and insert in lieu thereof the following:

**"298.10 [COMMISSIONER TO CERTIFY AMOUNT OF TAXES DUE AND TO BILL PERSONS LIABLE.]** The commissioner of taxation shall enter on his records the amount of taxes found and determined by him to be due from any person, as herein provided; and, on or before June first, shall certify such amount to the state auditor, who thereupon shall make his draft upon such person for the amount of taxes as thus certified, and place the same in the hands of the state treasurer for collection person subject to the tax, which shall be payable to the commissioner of taxation and deposited in the state treasury."

Page 2, line 22, strike "ASSESSMENT" and insert in lieu thereof "CERTIFICATION"

Page 2, line 23, strike "assessment" and insert in lieu thereof "certification"

Page 10, line 27, restore the stricken language

Page 10, line 28, delete the underscored language

Page 11, line 1, strike "June"

Page 11, line 2, strike "30" and insert "July 15"

Page 12, line 19, strike "15" and insert "31"

Page 15, line 1, strike "assessment" and insert in lieu "certificate"

Page 15, line 7, strike "assessed" and insert in lieu thereof "certified"

Page 15, line 11, strike "TAX" and insert in lieu "DRAFTS"

Page 15, line 12, restore the stricken language and delete the underscored language

Page 15, line 12, strike "July 15" and insert "August 1"

Page 15, line 15, strike "July 16" and insert "August 10"

Page 15, line 17, after "of" insert "all"

And when so amended, H. F. No. 2100 will be identical to S. F. No. 2010 and further recommends that H. F. No. 2100 be given its second reading and substituted for S. F. No. 2010 and S. F. No. 2010 be indefinitely postponed. Amendments adopted.

The following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files 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.
2485	2445				
2491	2087				
2482	2444				

And that the above Senate Files 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 HOUSE BILLS

H. F. Nos. 2100, 2485, 2491 and 2482 were read the second time.



**MOTIONS AND RESOLUTIONS**

Mr. Lord moved that the name of Mr. Coleman be added as co-author to S. F. No. 2197. Which motion prevailed.

Mr. Gearty moved that H. F. No. 1906 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Rules and Administration. Which motion prevailed.

Mr. Gearty moved that H. F. No. 308 together with the Conference Committee Report thereon be taken from the table. Which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON H. F. NO. 308**

A bill for an act relating to the organization and operation of the state government; creating a department of finance; a legislative audit commission and a legislative auditor; appropriating moneys; amending Minnesota Statutes 1971, Sections 6.21; 9.031; 11.10; 215.04; 215.05; 215.06; 215.07; 215.08 and 215.09; repealing Minnesota Statutes 1971, Sections 16.02, Subdivisions 11, 12, 20 and 22; and 215.02.

May 10, 1973

Honorable Martin O. Sabo, Speaker  
of the House of Representatives

Honorable Alec G. Olson, President  
of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H. F. No. 308, report that we have agreed upon the items in dispute and recommend as follows:

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

**"Section 1. [DEPARTMENT OF FINANCE; CREATION.]**  
*Subdivision 1. The department of finance is hereby created under the control and supervision of the commissioner of finance, which office is hereby established. The commissioner is the chief accounting officer, the principal financial officer and the state controller.*

*Subd. 2. The commissioner of finance is appointed by the governor by and with the advice and consent of the senate. The commissioner so appointed shall have broad experience as an executive financial manager. The commissioner shall serve at the pleasure of the governor. A vacancy in the office of the commissioner shall be filled by the governor, with the advice and consent of the senate.*

*Subd. 3. The commissioner may appoint two deputy commissioners, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. Except*

*as may be otherwise provided for by law, the commissioner shall fix the compensation of each deputy. A deputy may perform and exercise a power, duty, or responsibility imposed by law on the commissioner when authorized so to do by the commissioner.*

*Subd. 4. Subject to the provisions of this act and to other applicable laws governing a state department or agency, the commissioner shall organize the department and employ such other officers, employees, and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities subject to his control and under such conditions as he may prescribe. Personnel employed pursuant to this subdivision are in the classified service of the state civil service.*

**Sec. 2. [TRANSFER OF DUTIES FROM STATE AUDITOR.]**  
*Subdivision 1. Except as otherwise provided for in this section, all the powers, duties, and responsibilities now vested in and imposed upon the state auditor are hereby transferred to, vested in, and imposed upon the department of finance.*

*Subd. 2. The state auditor shall continue to exercise the powers, duties, and responsibilities which heretofore have been or which may hereafter be by law vested in, and imposed upon him relating to certifying the state tax to the several county auditors, certifying the tax necessary to be levied in connection with the repayment of moneys borrowed by the state or its department and agencies or moneys loaned by the state as authorized by law; he shall also continue to exercise such powers, duties and responsibilities prescribed by the constitution and as a member of a governmental council, board or association.*

**Sec. 3.** Minnesota Statutes 1971, Section 6.21, is amended to read:

**6.21 [DUTIES.]** ~~The state auditor~~ *commissioner of finance shall continue to exercise the rights, powers, and duties vested in and imposed upon his office. He shall have charge of the administration of the financial affairs of the state. He shall keep the general books of account of the state. The general books of account shall be on a double entry control basis, with such revenue, expenditure, asset and liability accounts as will give complete control over all financial and expenditure operations of the state and over all officials, departments, and agencies of the state government. Accounts shall be set both as to expenditures and revenue according to generally accepted practice in governmental accounting. The auditor, with the advice and assistance of the commissioner of administration and the public examiner, commissioner of finance shall formulate and prescribe for all departments and other state agencies a system of uniform records, accounts, statements, estimates, revenue receipt forms, vouchers, bills, and demands with suitable instructions governing the installation and use thereof. The accounting system and form so prescribed shall be adopted and employed by all officials, departments, and agencies of the state government. The auditor, with the assistance of the public examiner, commissioner of finance shall exercise constant super-*

vision and control thereof. All accounting and financial records shall be kept on the fiscal year basis of 12 months ending at midnight between June 30 and July 1. The auditor commissioner of finance and his designated agents shall at all times have free access to the books, records, accounts, and papers of the several departments and agencies. The commissioner of administration and his designated employees shall have free access at all times to the books, records, accounts, and papers of the state auditor and the auditor shall allow the commissioner and his agents sufficient desk space for using and inspecting the same.

Sec. 4. [TRANSFER OF POWERS FROM DEPARTMENT OF ADMINISTRATION.] *Subdivision 1. The department of finance shall prepare a biennial budget and a ten year cash receipts and disbursement projection in consultation with the commissioner of administration under the supervision of the governor. In even numbered years immediately before the inauguration of a new governor, such budget and a ten year cash receipts and disbursement projection shall be prepared under the supervision of the governor-elect.*

*Subd. 2. All the powers, duties, and responsibilities now vested in and imposed upon the commissioner of administration by Minnesota Statutes, Sections 3.30, relating to the contingent fund; 16.027, relating to payrolls; 16.138, relating to reimbursements; 16.14, 16.15, and 16.155 relating to budgets and the budget, are transferred to, vested in and imposed upon the department of finance.*

*Subd. 3. All the powers, duties, and responsibilities now vested in and imposed upon the commissioner of administration by Minnesota Statutes, Sections 16.20, 16.245, 16.25, 16.62, 16.63, 16.64 and any other law relating to the supervision and control of accounts and expenditures of the state government, its departments and agencies including but not limited to fees, payroll deductions, tax withholding, and compensation schedules, are hereby transferred to, vested in, and imposed upon the department of finance.*

*Subd. 4. The department of finance may make rules and regulations governing the powers, duties, and responsibilities transferred to it under the terms of this act.*

Sec. 5. [TRANSFER OF CERTAIN APPROPRIATIONS.] *The moneys heretofore appropriated to the commissioner of administration in the payroll clearance revolving fund in the state treasury is hereby reappropriated to the department of finance for the same purposes and uses as set forth in Minnesota Statutes, Section 16.80, Subdivision 1, Clause(g). Any accumulation in said fund from profits or otherwise is also reappropriated to the department of finance for such purposes.*

Sec. 6. [DEPARTMENT OF FINANCE OTHER POWERS.] *The commissioner of finance:*

*(1) Shall require each department in the executive branch to prepare financial reports in such form, and to be made at such intervals, as he may prescribe which will permit administrative and*

*legislative comparisons of spending plans in relation to appropriations for programs and activities;*

*(2) Shall formulate and prescribe a system of measuring the effect of fund expenditures which will permit the evaluation and comparisons of the cost of functions or programs;*

*(3) Shall require each department to state in writing objectives of each activity or function authorized against which performance may be measured. The objectives shall be specific as to amount and time and for a period including the current and the following biennium and reported at such times and in such form as the commissioner shall direct;*

*(4) Shall require the department of taxation and other departments in the executive branch to report at his designated intervals concerning estimates of income and receipts whether from taxes or otherwise, and use such information in evaluating the financial condition and affairs of the state;*

*(5) Shall make such reports concerning the financial affairs of the state as the governor or the commissioner of administration may direct in addition to such reporting as may be otherwise prescribed by law.*

*(6) Shall require such reports and other information of the state treasurer and other departments and agencies in the executive branch as will permit formulation of policy on all fiscal and financial matters of state government.*

**Sec. 7. [TRANSFER OF POWERS TO STATE AUDITOR.]**  
*Except as otherwise provided for in this act relating to the legislative auditor, all the powers, duties and responsibilities of the public examiner relating to audits of cities of all classes, villages, counties, towns, school districts, and other governmental subdivisions or bodies corporate and politic as contained in Minnesota Statutes, Sections 215.10, 215.11, 215.12, 215.13, 215.14, 215.16, 215.17, 215.19, 215.20, 215.21, 215.22, 215.225, 215.23, 215.24, 215.25, 215.26, 215.261, 215.31, 215.32, 215.33, 215.34, 215.35, 215.36, 215.37, 215.38, or any other law are hereby transferred to, vested in, and imposed upon the state auditor.*

**Sec. 8. Minnesota Statutes 1971, Section 9.031, is amended by adding a subdivision to read:**

**Subd. 13. [DEPOSIT OF FUNDS.]** *(a) Deposit of state funds in depositories by the treasurer under section 9.031 is subject to regulation by the commissioner of finance. He may determine the amount of funds to deposit in a depository and any other matter which he deems in the public interest. The treasurer shall comply with such regulations.*

*(b) All depositories with various noninterest bearing deposits which, as a group, total over \$100,000 shall report such balances as of the close of the previous business day by 9:00 a.m. daily to the treasurer and the commissioner of finance. The commissioner of finance shall record these daily balances, which shall be a matter*

*of public record at the legislative reference library and reported monthly to the legislative audit commission.*

*(c) All state accounts shall be established by competitive bid among the designated depositories. The commissioner of finance shall send written notice of his intent to accept bids for the handling of the state account, or accounts, to all designated depositories. The notice shall specify such considerations, fiscal activities, and conditions as the commissioner may require. All such deposits shall be awarded by competitive bid to the lowest bidding depository which, in the opinion of the commissioner, has the capacity to discharge the required considerations, fiscal activities, and conditions.*

*(d) In exceptional cases, the commissioner may dispense with the bid procedure. In such event, he shall report the circumstances and reasons therefor to the legislative audit commission within five days after establishing the account.*

*(e) All presently existing state accounts shall be closed, and new accounts shall be established in compliance with the bid procedure established in clause (c) no later than one year after the effective date of this act.*

*(f) Notwithstanding any provision in section 9.031 to the contrary, the commissioner of finance may agree to pay a depository a reasonable charge or keep appropriate compensating balances for handling state funds, for cashing state warrants, vouchers and the like. Such moneys as may be necessary for such purpose are hereby appropriated annually to the commissioner of finance.*

Sec. 9. Minnesota Statutes 1971, Section 11.10, Subdivision 1, is amended to read:

**11.10 [INVESTMENT OF MONEY IN STATE TREASURY NOT CURRENTLY NEEDED. Subdivision 1. [INVESTMENT OF TREASURY FUND.]** *The state treasurer shall make a report to the commissioner of finance daily or at such other times as the commissioner of finance shall determine of the moneys in the state treasury together with such other information which the commissioner may prescribe. When there shall be any is money in the state treasury ~~that~~ over and above the amount that the commissioner of finance has advised the treasurer is ~~not~~ currently needed, the state treasurer shall certify to the state board of investment the amount thereof. The board of investment may then invest said amount, or any part thereof, in the following:*

*(a) Treasury bonds, certificates of indebtedness, bonds or notes of the United States of America or bonds, notes or certificates of indebtedness of the state of Minnesota, all of which must mature not later than three years from date of purchase.*

*(b) Bonds, notes, debentures or other obligations issued by any agency or instrumentality of the United States or any securities guaranteed by the United States government, or for which the credit of the United States is pledged for the payment of the principal and interest thereof, all of which must mature not later than three years from date of purchase.*

(c) Commercial paper of prime quality, or rated among the top third of the quality categories, not applicable to defaulted paper, as defined by a nationally recognized organization which rates such securities as eligible for investment in the state employees retirement fund except that any non-banking issuing corporation, or parent company in the case of paper issued by operating utility or finance subsidiaries, must have total assets exceeding \$500,000,000. Such commercial paper may constitute no more than 30 percent of the book value of the fund at the time of purchase, and the commercial paper of any one corporation shall not constitute more than four percent of the book value of the fund at the time of such investment.

(d) Any securities eligible under the preceding provisions, purchased with simultaneous repurchase agreement under which the securities will be sold to the particular dealer on a specified date at a predetermined price. In such instances, all maturities of United States government securities, or securities issued or guaranteed by the United States government or an agency thereof, may be purchased so long as any such securities which mature later than three years from the date of purchase have a current market value exceeding the purchase price by at least five percent on the date of purchase, and so long as such repurchase agreement involving securities extending beyond three years in maturity be limited to a period not exceeding 45 days.

*(e) Shares of an investment company registered under the investment company act of 1940, whose shares are registered under the securities act of 1933, provided that the only investments of that company are in obligations of the United States government, in obligations fully guaranteed by the United States government or in obligations of instrumentalities of the United States government such as treasury bonds, certificates of indebtedness, bonds or notes of the United States of America, all of which must mature not later than three years from date of purchase; bonds, notes, debentures or other obligations issued by any agency or instrumentality of the United States or any securities guaranteed by the United States government, or for which the credit of the United States is pledged for the payment of the principal and interest thereof, all of which must mature not later than three years from date of purchase.*

Sec. 10. Minnesota Statutes 1971, Section 11.10, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER OF FINANCE TO CERTIFY.] When it shall appear to the ~~state auditor~~ *commissioner of finance* that any invested funds are needed for current purposes before the maturity dates of the securities held, he shall so certify and it shall then be the duty of the board of investment to order the sale or conversion into cash of securities of the amount so certified.

Sec. 11. [COMMISSIONER OF ADMINISTRATION; ADDITIONAL POWERS.] *Subdivision 1. In addition to the other powers, duties and responsibilities of the commissioner of administration, he may appoint two deputy commissioners, and a confi-*

dential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

Subd. 2. The governor, unless otherwise provided by law, may delegate to the commissioner of administration the administration of such programs and projects of the office of the governor directed by either state or federal law, or which may be made available to the state under a grant of funds either public or private. Unless specifically prohibited by law, the governor may delegate to the commissioner of administration general supervision of any program or activity of any state department or agency the head of which is either appointed by the governor or by a gubernatorially appointed board. The provisions of this subdivision shall not be construed as authority to transfer programs or activities, or part of them, from one department to another.

Sec. 12. [AUDIT POLICY.] Subdivision 1. Continuous legislative review of the effect of grant-in-aid programs, the spending of public funds and their financing at all levels of government is required in the public interest to enable the enactment of appropriate legislation.

Subd. 2. [LEGISLATIVE AUDIT COMMISSION CREATION.] A legislative commission to be known as the legislative audit commission, designated herein as "the commission" is hereby created. The commission shall consist of the majority leader of the senate and the president pro-tempore of the senate, or their respective designees; the chairman of the senate committee on taxes or his designee, who shall be a member of the senate tax committee; the chairman of the senate committee on governmental operations or his designee, who shall be a member of the governmental operations committee; the chairman of the senate committee on finance or his designee, who shall be a member of the senate finance committee; and three members of the senate appointed by the senate minority leader; the speaker of the house and the chairman of the house committee on rules, or their respective designees; the chairman of the house committee on taxes or his designee, who shall be a member of the house tax committee; the chairman of the house committee on governmental operations or his designee, who shall be a member of the house governmental operations committee; the chairman of the house appropriations committee or his designee, who shall be a member of the house appropriations committee; and three members of the house appointed by the house minority leader. The appointed members of the commission shall serve for a term commencing upon appointment and expiring at the opening of the next regular session of the legislature in the odd numbered year and until a successor is appointed. A vacancy in the membership of the commission shall be filled for the unexpired term in such a manner as to preserve the representation established by this subdivision.

The commission shall elect its chairman and such other officers as it may determine necessary. It shall meet at the call of the chairman or at the call of its executive secretary. The members of the commission shall serve without compensation but shall be

reimbursed for their reasonable expenses as members of the legislature. The commission may exercise the powers prescribed by Minnesota Statutes, Section 3.153.

*Subd. 3. The department of public examiner is transferred from the executive to the legislative branch.*

*Subd. 4. Until the expiration of his term the incumbent public examiner upon the effective date of this section shall continue in the legislative branch but as the legislative auditor. Thereafter, the commission shall appoint a legislative auditor. The legislative auditor is the executive secretary of the commission. After the expiration of the term of the incumbent public examiner the legislative auditor shall serve at the pleasure of the commission until May 1, 1977. Thereafter, the legislative auditor shall be appointed by the commission for a six year term. He shall serve in the unclassified service. He shall not at any time while in office hold any other public office. The legislative auditor appointed on May 2, 1977, shall not be removed from his office before the expiration of his term of service except for cause after public hearing.*

*Subd. 5. The legislative auditor may appoint a deputy legislative auditor and a confidential secretary each of whom shall serve at his pleasure in the unclassified service. Except as may be otherwise provided for by law the legislative auditor shall fix their salaries. The deputy may perform and exercise the powers, duties and responsibilities imposed by law on the legislative auditor and is authorized so to do by the legislative auditor. All other officers and employees of the legislative auditor shall continue to be in the classified civil service.*

*Subd. 6. All the powers, duties and responsibilities of the department of public examiner relating to the state of Minnesota, its departments and agencies as described in Minnesota Statutes 1971, Section 215.03, and any other law concerning powers, duties and responsibilities of the public examiner not otherwise dealt with by this act are hereby transferred to the legislative auditor. Nothing in this subdivision shall be deemed to supersede the powers conferred upon the commissioner of finance under Minnesota Statutes, Section 6.21.*

*Subd. 7. In addition to the legislative auditing duties concerning state financial matters, the legislative auditor shall also exercise and perform such duties as may be prescribed by rule or regulation of the legislature or either body thereof or by the commission. The legislative auditor shall review department policies and evaluate projects or programs requested by the commission. Any standing legislative committee having legislative jurisdiction may request the commission to review projects or programs.*

*Subd. 8. The legislature may provide by rule or regulation such testimonial powers as are conferred by law on legislative standing commissions or committees on the legislative auditor.*

**Sec. 13. [EFFECT OF TRANSFER OF FUNCTIONS.]** *Subdivision 1. With reference to the powers, duties, and responsibilities which by this act have been transferred to the department of*



*finance, the department of finance is deemed to be the successor of the state auditor, and the commissioner of administration and the matters within the jurisdiction of such former offices shall not be deemed to be a new authority.*

*Subd. 2. Any proceeding, court action, prosecution, or other business or matter undertaken or commenced prior to the passage of this act with reference to powers, duties, and responsibilities of the state auditor, or the commissioner of administration which by this act are transferred to the commissioner of finance are hereby assigned to the department of finance, and such pending matters may be continued and completed by the department of finance in the same manner and under the same terms and conditions and with the same effect as if such matters were undertaken, commenced and completed prior to the time of such transfer.*

*Subd. 3. With reference to the powers, duties, and responsibilities transferred by this act from the state auditor, and the department of administration to the department of finance, the state auditor, the state treasurer and the commissioner of administration shall transfer and deliver to the department of finance all contracts, books, maps, papers, notes, bonds, cash, securities, money, records, and other property of every description within their jurisdiction or control relating thereto. The commissioner of finance is directed to take possession of such matters which have been transferred to his department. The commissioner of finance may require the public examiner to make such audits as he may deem necessary in addition to those required by law in connection with this section.*

*Subd. 4. Whenever in any other general law, heretofore or hereafter adopted, or any document, record, or proceeding authorized by the same, any word or phrase is used in reference to or descriptive of any power, duty, or responsibility which by this act is transferred from the state auditor, or the commissioner of administration to the department of finance, such word, phrase, or reference shall hereafter, unless the context or provision of this act otherwise requires, be deemed to refer to, include, or describe the department of finance.*

*Subd. 5. All unexpended funds appropriated to the state auditor, or the commissioner of administration for the purposes of any of the powers, duties, and responsibilities which by this act are transferred to the department of finance are hereby transferred and reappropriated to such department. Where unexpended funds appropriated to the state auditor or the department of administration include funds for powers, duties, and responsibilities which are not transferred, the governor shall allocate the appropriation between the state auditor, and the department of finance and the commissioner of administration and the department of finance, and the money so allocated is hereby reappropriated to the department of finance.*

*Subd. 6. Except as otherwise provided in this act, all persons in the classified service of the state and employed by the state auditor or the department of administration for the purposes of any of*

*the powers, duties or responsibilities which are transferred by this act to the department of finance are hereby transferred to the department of finance.*

*Subd. 7. The state auditor is the successor of the public examiner as to such powers, duties, and responsibilities as have been transferred to him from the public examiner and not a new authority. The legislative auditor is the public examiner as to such powers, duties, and responsibilities which the public examiner will continue to perform but as the legislative auditor.*

*Subd. 8. All persons in the classified service of the state and employed by the public examiner in performing the duties transferred to the state auditor are transferred to the state auditor without loss of any right or privilege. All persons in the classified service of the state and employed by the public examiner in performing duties which will be performed by the public examiner as legislative auditor will continue in the classified service without loss of right or privilege.*

*Subd. 9. All unexpended funds appropriated to the public examiner shall be allocated by the governor between the state auditor and the legislative auditor to carry out the divisions of authority prescribed by this act governing such officers and such reallocated funds are appropriated accordingly.*

*Sec. 14. [INSTRUCTIONS TO REVISOR.] In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall make such changes in terminology so as to record the powers, duties, and responsibilities which are transferred by this act.*

*Sec. 15. [APPROPRIATION.] The sum of \$50,000 is appropriated to the department of finance from the general fund of the state treasury for the purpose of organizing the department of finance, to be available for expenditure as soon as a commissioner of finance is appointed. Notwithstanding the provisions of any other law, such appropriation is for salaries, supplies and expenses, shall not cancel and shall be available until expended.*

*Sec. 16. [OFFICE FACILITIES.] The commissioner of administration if necessary shall rearrange the offices and space allotted therefor to the state auditor, the state treasurer and the commissioner of administration in order to provide the department of finance with adequate and proper offices, and to that end may move the office facilities.*

*Sec. 17. Minnesota Statutes 1971, Section 16.141, Subdivision 2, is amended to read:*

*Subd. 2. [ESTABLISHMENT OF PROGRAM.] The commissioner of administration in consultation with the commissioner of finance shall develop and implement a system of program budgeting the budget process to accomplish the policy as stated in subdivision 1 for state departments and agencies ; , provided, that such program budgets process need not comply with other provisions of law relating to the setting forth of expenditures by funds, organizational units, character and objects of expenditure. The commis-*

sioner of finance shall promulgate regulations and instructions applicable to ~~program~~ budget preparation governing the classification of expenditures and the content, ~~preparation~~, and submission of budget requests and appropriation measures. In order to assure an orderly development of sound budgeting methods, the commissioner of ~~administration~~ finance may continue to select agencies and departments to implement the ~~program~~ budget system. The commissioner of ~~administration~~ finance shall make recommendations to the legislature on the subject of any legislation or special appropriations which may be required for implementation of the ~~program~~ budgeting system for all state departments and agencies. Such ~~program~~ budget system shall, to the greatest extent practicable, emphasize alternative approaches in the program development and criteria for performance evaluation and measurement. All state departments and agencies shall cooperate with the ~~commissioner~~ commissioners of ~~administration and finance~~ to assure implementation of ~~program~~ budgets which meet the requirements of the commissioner of ~~administration~~ and which give due regard to the requirements of the various departments and agencies involved. No state agency shall begin or install any system of program or programmatic budgeting until they have first secured the explicit permission of the commissioner of administration.

Sec. 18. Minnesota Statutes 1971, Section 16.141, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding any other law to the contrary, the commissioner of ~~administration~~ finance may waive the requirement for submitting a budget by object of expenditure for ~~not more than three~~ agencies and departments which are requesting programmatic appropriation.

Sec. 19. Minnesota Statutes 1971, Section 16.16, Subdivision 1, is amended to read:

16.16 [ALLOTMENT AND ENCUMBRANCE.] Subdivision 1. [ALLOTMENT PERIOD.] For the purposes of *operation of the quarterly allotment system*, each fiscal year shall be *divided into four quarterly allotment periods, beginning, respectively, on the first days of July, October, January, and April; one fiscal year of 12 months which shall end at midnight between each June 30 and July 1*, provided, that in any case where the quarterly allotment period is impracticable, the commissioner of finance may prescribe a different period suited to the circumstances, not exceeding 12 months nor extending beyond the end of the fiscal year. *This provision does not apply to allotments made with respect to appropriations made for constructions or permanent improvement.*

Sec. 20. Minnesota Statutes 1971, Section 16.16, Subdivision 3, is amended to read:

Subd. 3. [APPROPRIATIONS AVAILABLE FOR ALLOTMENT; SPENDING PLANS.] No appropriation to any agency shall become available for expenditure thereby during any allotment period until such agency shall have submitted to the commissioner of ~~administration~~ finance ~~an estimate~~ a spending plan in advance, in such form as the commissioner of finance shall prescribe,

for such allotment period next ensuing, of the amount required for each activity to be carried on and each purpose for which money is to be expended during that period, and until such *estimate spending plan* shall have been approved, increased, or decreased by the commissioner of *administration* and funds allotted therefor ; as provided in *Laws 1939, Chapter 431* .

Sec. 21. Minnesota Statutes 1971, Section 16.16, Subdivision 4, is amended to read:

Subd. 4. [SPENDING PLANS WITHIN APPROPRIATION; APPROVAL; PROCEDURE.] If the *estimate spending plan* is within the terms of the appropriation as to amount and purposes, having due regard for the probable further needs of the agency for the remainder of the fiscal year or other term for which the appropriation was made, and if there is a need for such appropriation for the next ensuing allotment period, the commissioner of *administration* shall approve *after consultation with the commissioner of finance* the same and allot the estimated amount for expenditure. Otherwise the commissioner of *administration* shall modify the *estimate spending plan* so as to conform with the terms of the appropriation and the prospective needs of the agency, and shall reduce the amount allotted accordingly. The commissioner of *administration* shall act promptly upon all *estimates spending plans* , and shall notify every agency of its allotments at least five days before the beginning of each allotment period, and shall notify the ~~state auditor~~ *commissioner of finance* . The total amount allotted to any agency for the fiscal year or other terms for which the appropriation was made shall not exceed the amount appropriated for such year or term.

Sec. 22. Minnesota Statutes 1971, Section 16.16, Subdivision 5, is amended to read:

Subd. 5. [MODIFICATION.] The commissioner of *administration* shall also have authority at any time to modify or amend any ~~allotment~~ *spending plan* previously ~~made approved~~ by him, upon application of or upon notice to the agency concerned, and upon a showing of emergency or other cause; provided, no deficit or undue reduction of funds to meet future needs of such agency will result therefrom.

Sec. 23. Minnesota Statutes 1971, Section 16.16, Subdivision 6, is amended to read:

Subd. 6. [REDUCTION.] In case the commissioner of *finance* shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall ; *notify the commissioner of administration who shall*, with the approval of the governor, and after notice to the agency concerned, *request the commissioner of finance to reduce* the amount allotted or to be allotted so as to prevent a deficit. In like manner he shall ~~reduce request reduction of~~ the amount allotted or to be allotted to any agency by the amount of any saving

which can be effected upon previous ~~estimates~~ *spending plans* through a reduction in prices or other cause.

Sec. 24. Minnesota Statutes 1971, Section 16.16, Subdivision 7, is amended to read:

Subd. 7. [COMMISSIONER OF FINANCE; ACCOUNTING SYSTEM.] There shall be kept in the office of the ~~state auditor~~ *commissioner of finance* an accounting system showing at all times, by funds and items, the amounts appropriated for and the estimated revenues of such agency, the amounts allotted and available for expenditure, the amounts of expenditures or obligations authorized to be incurred, actual receipts and disbursements, actual balances on hand, and the unencumbered balances after deduction of all actual and authorized expenditures.

Sec. 25. Minnesota Statutes 1971, Section 16.16, Subdivision 8, is amended to read:

Subd. 8. [PAYMENT WITHIN ALLOTMENT AND ENCUMBRANCE; EXCEPTIONS.] No payment shall be made and no obligation shall be incurred against any fund, allotment, or appropriation unless the ~~state auditor~~ *commissioner of finance* shall first certify that there is a sufficient unencumbered balance in such fund, allotment, or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of Laws 1939, Chapter 431, shall be presumed invalid and shall be ineligible for payment until its validity is established as hereinafter provided. Every payment made in violation of the provisions of Laws 1939, Chapter 431, shall be deemed illegal, and every official authorizing or making such payment, or taking part therein, and every person receiving such payment, or any part thereof, shall be jointly and severally liable to the state for the full amount so paid or received. If any appointive officer or employee of the state shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of Laws 1939, Chapter 431, or take part therein, it shall be grounds for his removal by the officer appointing him, and, if the appointing officer be other than the governor and shall fail to remove such officer or employee, the governor may exercise such power of removal, after giving notice of the charges and opportunity for hearing thereon to the accused officer or employee and to the officer appointing him. Claims presented against existing appropriations without prior allotment or encumbrance may, upon investigation, review, and approval by the commissioner of ~~administration~~ *finance* be determined valid where the services, materials, and supplies for which payment is claimed have been actually rendered or furnished to the state in good faith without collusion and without intent to defraud. Thereafter the ~~state auditor~~ *commissioner of finance* may draw his warrant in payment of such claims in the same manner in which other claims, properly allotted and encumbered prior to inception thereof, are paid.

Sec. 26. Minnesota Statutes 1971, Section 16.16, Subdivision 8a, is amended to read:

Subd. 8a. [PERIODIC ALLOTMENT.] In the case of appro-

priations made for construction or other permanent improvement, including acquisition of real estate, equipment, repair, rehabilitation, appurtenances or utility systems, which appropriations do not lapse until the purposes for which the appropriations were made shall have been accomplished or abandoned, the commissioner of *administration finance* may dispense with periodic allotment and shall prescribe such regulations as will insure proper application and encumbrance of funds.

Sec. 27. Minnesota Statutes 1971, Section 215.04, is amended to read:

215.04 [POWERS AND DUTIES OF LEGISLATIVE AUDITOR.] The *public examiner* shall keep such books of account as shall be necessary to properly carry out the provisions of this chapter and formulate and prescribe for all departments a system of uniform records, accounts, statements, estimates, vouchers, bills, and demands, with suitable books of instruction covering the installation and use thereof. The accounting system and forms so prescribed shall be adopted and employed in all such departments. The *public examiner legislative auditor* shall post-audit and make a complete examination and verification of all accounts, records, inventories, vouchers, receipts, funds, securities, and other assets of all state departments, boards, commissions, and other state agencies at least once a year, if funds and personnel permit, and oftener if deemed necessary or as directed by the governor or by the legislature or the *legislative audit commission*. Audits may include detailed checking of every transaction or test checking as the *public examiner legislative auditor* deems best. The books of the state treasurer and state auditor *commissioner of finance* may be examined monthly. The *public examiner legislative auditor* shall see that all provisions of law respecting the installation and use of accounting systems, books, records, and forms appropriate and economic use of public funds are complied with by all departments and agencies of the state government.

The powers and duties of the board of audit and of the former public examiner heretofore transferred to, vested in, and imposed upon the comptroller, are hereby transferred to, vested in, and imposed upon the public examiner. A copy of all post-audits, reports and results of examinations made by the legislative auditor shall be deposited with the legislative reference library.

Sec. 28. Minnesota Statutes 1971, Section 215.05, is amended to read:

215.05 [DUTIES AS TO STATE AGENCIES AND SEMI-STATE AGENCIES.] The *public examiner legislative auditor* shall exercise make a constant audit supervision over the books and accounts of the several public offices, institutions, properties, industries, and improvements of all financial affairs of all departments and agencies of the state, and over of the financial records and transactions of public boards, associations, and societies supported, wholly or in part, by state funds. In all offices where the records of such public affairs are kept and the finances thereof handled, he shall enforce correct methods of accountancy and, in

his discretion, prescribe and install systems of accounts and financial reports. Once in each year, if funds and personnel permit, without previous notice, he shall visit each of such offices, institutions, and industries state departments and agencies, associations or societies and, so far as practicable, inspect such properties and improvements agencies, thoroughly examine the books and accounts thereof, verifying the funds, securities and other assets, check the items of receipts and disbursements with the voucher records thereof, ascertain the character of the official bonds for the officers thereof and the financial ability of the bondsmen, inspect the sources of revenue thereof, the use and disposition of state appropriations and property, investigate the methods of purchase and sale, the character of contracts on public account, enforce a ascertain proper custody and depository for the funds and securities thereof, verify the inventory of public property and other assets held in trust, and ascertain that all financial transactions and operations involving the public funds and property of the state comply with the spirit and purpose of the law, and are sound by modern standards of financial management and are for the best protection of the public interest.

Sec. 29. Minnesota Statutes 1971, Section 215.06, is amended to read:

215.06 [TO FILE WRITTEN REPORTS.] The public examiner legislative auditor shall file a written report covering his audits with the department, agency, society, or association concerned, the governor, and the legislature; and, if he deems necessary, present special reports to the legislative advisory committee and the legislative audit commission for its consideration and action.

Such audit reports shall set forth:

- (1) Whether all funds have been expended for the purposes authorized in the appropriations therefor;
- (2) Whether all receipts have been accounted for and paid into the state treasury as required by law;
- (3) All illegal and unbusinesslike practices, if any;
- (4) Recommendations for greater simplicity, accuracy, efficiency, and economy; and Assessment of the financial control practices used in the agency, measurement of performance and recommendations for improved effectiveness; and
- (5) Such other data, information, and recommendations as the public examiner legislative auditor may deem advisable and necessary.

Sec. 30. Minnesota Statutes 1971, Section 215.07, is amended to read:

215.07 [DUTIES WHEN VIOLATIONS ARE DISCOVERED.] If any such public examiner's legislative auditor's examinations shall disclose malfeasance, misfeasance, or non-feasance in office on the part of any officer or employee, a copy of such report shall be signed and verified, and it shall be the duty of the public

~~examiner~~ legislative auditor to file such report with the ~~secretary~~ of the legislative ~~advisory committee~~ audit commission and the attorney general. It shall be the duty of the attorney general to institute and prosecute such civil proceedings against such delinquent officer or employee, or upon his official bond, or both, as may be appropriate to secure to the state the recovery of any funds or other assets misappropriated, and he shall cause such criminal proceedings to be instituted by the proper authorities as the evidence may warrant.

Sec. 31. Minnesota Statutes 1971, Section 215.08, is amended to read:

215.08 [INFORMATION COLLECTED FROM LOCAL GOVERNMENTS.] The ~~public examiner~~ state auditor, or his designated agent, shall collect annually from all city, village, county, and other local units of government, ~~except to~~ ~~was~~, information as to the assessment of property, collection of taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, borrowing, debts, principal and interest payments on debts, and such other information as may be needful. The data shall be supplied upon blanks prescribed by the ~~public examiner~~ state auditor, and all public officials so called upon shall fill out properly and return promptly all blanks so transmitted. The ~~public examiner~~, state auditor or his assistants, may examine local records in order to complete or verify the information. *Copies of all reports so received shall be forwarded by the state auditor to the legislative auditor.*

Sec. 32. Minnesota Statutes 1971, Section 215.09, is amended to read:

215.09 [ANNUAL REPORT.] The ~~public examiner~~ state auditor shall make and file, annually, in his office a summary report of the information collected, with such compilations and analyses and interpretations as may be deemed helpful. Copies of such report may be made and distributed to interested persons and governmental units. *A copy of the report shall be forwarded to the legislative auditor.*

Sec. 33. [REPEALER.] *Minnesota Statutes 1971, Sections 16.02, Subdivisions 11 and 12; 215.02 and 215.18 are hereby repealed.*

Sec. 34. [EFFECTIVE DATE.] *Except as otherwise provided herein, this act is in effect upon the appointment by the governor of a commissioner of finance. The transfer of powers, duties, and responsibilities from the state auditor, the state treasurer or the commissioner of administration, shall be accomplished as soon as the commissioner of finance advises the secretary of state in writing that his department is organized and ready to begin functioning. Until then the state auditor, the state treasurer and the commissioner of administration shall continue to exercise the powers, duties, and responsibilities which by this act are transferred to the department of finance. The sections creating a legislative audit commission, a legislative auditor and transferring powers of the*



*public examiner to the state auditor are in effect September 1, 1973."*

Further, amend the title in line 4, after the semicolon, by striking "a", and by striking all of lines 5 through 12 and inserting in lieu thereof:

"transferring the powers of the public examiner to the state auditor; creating a legislative audit commission and legislative auditor; appropriating money; amending Minnesota Statutes 1971, Sections 6.21; 9.031, by adding a subdivision; 11.10, Subdivisions 1 and 2; 16.141, Subdivisions 2 and 3; 16.16, Subdivisions 1, 3, 4, 5, 6, 7, 8, and 8a; 215.04; 215.05; 215.06; 215.07; 215.08; and 215.09; repealing Minnesota Statutes 1971, Sections 16.02, Subdivisions 11 and 12; 215.02; and 215.18."

We request adoption of this report and repassage of the bill in accordance therewith.

House Conferees: (Signed) E. W. Quirin, Irvin N. Anderson, William N. Kelly, Fred C. Norton and Thomas W. Newcome.

Senate Conferees: (Signed) Edward J. Gearty, George S. Pillsbury, David D. Schaaf, John Milton and William McCutcheon.

Mr. Gearty moved that the foregoing recommendations and Conference Committee report on H. F. No. 308 be now adopted and that the bill be repassed as amended by the Conference Committee. Which motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 308: A bill for an act relating to the organization and operation of the state government; creating a department of finance; transferring the powers of the public examiner to the state auditor; creating a legislative audit commission and legislative auditor; appropriating money; amending Minnesota Statutes 1971, Sections 6.21; 9.031, by adding a subdivision; 11.10, Subdivisions 1 and 2; 16.141, Subdivisions 2 and 3; 16.16, Subdivisions 1, 3, 4, 5, 6, 7, 8, and 8a; 215.04; 215.05; 215.06; 215.07; 215.08; and 215.09; repealing Minnesota Statutes 1971, Sections 16.02, Subdivisions 11 and 12; 215.02; and 215.18.

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

### CALL OF THE SENATE

Mr. Gearty imposed a call of the Senate.

The following Senators answered to their names:

Anderson	Dunn	Kirchner	North	Schaaf
Arnold	Fitzsimons	Kleinbaum	Ogdahl	Schrom
Ashbach	Frederick	Knutson	Olhofft	Sillers
Berg	Gearty	Kowalczyk	Olson, A. G.	Solon
Bernhagen	Hansen, Daldy	Krieger	Olson, J. L.	Spear
Blatz	Hansen, Mel	Larson	O'Neill	Stassen
Brown	Hansen, R.	Laufenburger	Patton	Stokowski
Chenoweth	Hughes	Lewis	Perpich, A. J.	Tennessee
Chmielewski	Humphrey	Lord	Perpich, G.	Thorup
Coleman	Jensen	McCutcheon	Pillsbury	Ueland
Conzemius	Josefson	Milton	Purfeert	Wegener
Davies	Keefe, S.	Moe	Renneke	Willet

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

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

Mr. Gearty moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	McCutcheon	Olson, H. D.	Spear
Arnold	Hughes	Milton	Perpich, A. J.	Stokowski
Chenoweth	Humphrey	Moe	Perpich, G.	Tennessen
Chmielewski	Keefe, S.	North	Pillsbury	Thorup
Coleman	Kleinbaum	Novak	Purfeerst	Wegener
Conzemius	Laufenburger	Ogdahl	Schaaf	Willet
Davies	Lewis	Olhoft	Schrom	
Doty	Lord	Olson, A. G.	Solon	

Those who voted in the negative were:

Ashbach	Dunn	Jensen	Krieger	Sillers
Bang	Fitzsimons	Josefson	Larson	Stassen
Berg	Frederick	Keefe, J.	Olson, J. L.	Ueland
Bernhagen	Hansen, Baldy	Kirchner	O'Neill	
Blatz	Hansen, Mel	Knutson	Patton	
Brown	Hanson, R.	Kowalczyk	Renneke	

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

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Dunn moved that S. F. No. 211 and the Conference Committee Report be laid on the table, the Report be printed in the Journal and a copy placed on each member's desk. Which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON 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.

May 8, 1973

Honorable Alec G. Olson, President  
of the Senate

Honorable Martin O. Sabo, Speaker  
of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 211, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and the bill be further amended as follows:

Page 4, at the end of line 14 following the word "create" strike the comma and insert a semicolon. Strike lines 15 and 16.

Page 7, at the end of line 17 following the word "create" strike the comma and insert a semicolon. Strike lines 18 and 19.

Page 10, line 12, after "abolished" strike ", the office of civil"

Page 10, strike all of line 13.

Page 10, line 14, strike "this option pursuant to section 9 of this act,"

Page 10, line 15, strike "county sheriff,"

Page 16, at the end of line 3 insert:

"This subdivision shall not apply to any person who on January 1, 1973, held the office of county administrator pursuant to Minnesota Statutes, Sections 375.48 to 375.50 and did not on that date concurrently hold an elective county office."

Page 18, strike all of lines 21 and 22 and insert in lieu thereof "any other law to the contrary and in addition to the other options provided by this act,"

Page 19, line 1, strike "Unless a county has" and insert in lieu thereof "In addition to the other options provided by this act,"

Page 19, strike all of line 2.

Page 19, line 3, strike "plan"

Page 19, line 10, after "offices" insert "if they have not been abolished by the adoption of other options"

Page 20, line 19, after "office" insert "; provided that if a county adopts either the elected executive or the county manager plan, the county civil counsel shall be appointed and removed by the elected executive or county manager, subject to the approval of the county board"

Page 21, line 2, after "counsel" insert "and the county attorney"

Page 21, line 4, after "general" strike "in the same manner as the county attorney" and insert in lieu thereof "on matters of public importance"

Page 23, line 26, strike "through" and insert in lieu thereof "to"

Page 26, lines 5 and 6, strike all the language on line 5 and before "upon" on line 6.

Page 26, line 18, after "15." insert:

"A non-commissioner from each commissioner district shall be appointed to a study commission. In addition three members shall be county commissioners and two shall be elected county officials."

Page 28, line 5, strike "11" and insert in lieu thereof "12"

We request adoption of this report and repassage of the bill in accordance therewith.

Senate Conferees: (Signed) Robert Dunn, Florian Chmielewski, Arnulf Ueland, Jack Kleinbaum and Jim Lord.

House Conferees: (Signed) Arlan Stangeland, Harry Peterson, David Cummiskey, Willis Eken and Neil Haugerud.

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. O'Neill moved that the names of Messrs. Gearty and Kirchner be added as co-authors to S. F. No. 2315. Which motion prevailed.

### SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to take up the Special Orders Calendar at this time, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

### SPECIAL ORDER

H. F. No. 515: A bill for an act relating to the metropolitan council; providing for election of council members from designated districts; amending Minnesota Statutes 1971, Sections 202.03, Subdivision 1; 473B.02, Subdivisions 1, 2, 3, and 4.

### RECONSIDERATION

Mr. McCutcheon moved that the vote whereby the Hughes amendment to H. F. No. 515 was adopted on May 14, 1973 be now reconsidered.

### CALL OF THE SENATE

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

Arnold	Davies	Jensen	Milton	Purfeerst
Ashbach	Doty	Josefson	Moe	Schaaf
Bang	Dunn	Keefe, J.	Nelson	Schrom
Berg	Fitzsimons	Kirchner	North	Sillers
Bernhagen	Frederick	Knutson	Ogdahl	Solon
Blatz	Gearty	Kowalczyk	Olhoft	Stassen
Borden	Hansen, Baldy	Larson	Olson, J. L.	Stokowski
Brown	Hansen, Mel	Laufenburger	O'Neill	Tennessen
Chenoweth	Hanson, R.	Lewis	Patton	Thorup
Coleman	Hughes	Lord	Perpich, G.	Ueland
Conzemius	Humphrey	McCutcheon	Pillsbury	Willet

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

The question being taken on the adoption of the motion,

Mr. Hughes moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Lewis	Olhoft	Solon
Arnold	Doty	Lord	Olson, A. G.	Spear
Borden	Gearty	McCutcheon	Olson, H. D.	Stassen
Chenoweth	Humphrey	Moe	O'Neill	Stokowski
Chmielewski	Keefe, S.	North	Perpich, A. J.	Tennessee
Coleman	Larson	Novak	Perpich, G.	Willet
Conzemius	Laufenburger	Ogdahl	Schaaf	

Those who voted in the negative were:

Ashbach	Fitzsimons	Josefson	Nelson	Sillers
Bang	Frederick	Keefe, J.	Olson, J. L.	Thorup
Berg	Hansen, Baldy	Kirchner	Patton	Ueland
Bernhagen	Hansen, Mel	Knutson	Pillsbury	Wegener
Blatz	Hanson, R.	Kowalczyk	Purfeerst	
Brown	Hughes	Krieger	Renneke	
Dunn	Jensen	Milton	Schrom	

Which motion prevailed. So the vote was reconsidered.

The question recurring on the adoption of the Hughes amendment to H. F. No. 515,

### CALL OF THE SENATE

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

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

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

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Jensen	Nelson	Schrom
Ashbach	Fitzsimons	Josefson	Novak	Sillers
Bang	Frederick	Kirchner	Olson, J. L.	Stassen
Berg	Hansen, Baldy	Knutson	Patton	Thorup
Bernhagen	Hansen, Mel	Kowalczyk	Pillsbury	Ueland
Blatz	Hanson, R.	Krieger	Purfeerst	Wegener
Brown	Hughes	Larson	Renneke	

Those who voted in the negative were:

Arnold	Doty	Lewis	Olhoft	Solon
Borden	Gearty	Lord	Olson, A. G.	Spear
Chenoweth	Humphrey	McCutcheon	Olson, H. D.	Stokowski
Chmielewski	Keefe, J.	Milton	O'Neill	Tennessee
Coleman	Keefe, S.	Moe	Perpich, A. J.	Willet
Conzemius	Kleinbaum	North	Perpich, G.	
Davies	Laufenburger	Ogdahl	Schaaf	

Which motion prevailed. So the amendment was adopted.

H. F. No. 515 was then progressed as amended.

**MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Borden moved that H. F. No. 1659 be taken from the table. Which motion prevailed.

Mr. Borden moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1659 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 appointed on the part of the House. Which motion prevailed.

Mr. Milton moved that S. F. No. 82 and the Conference Committee Report be laid on the table, the Report be printed in the Journal and a copy placed on each member's desk. Which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON S. F. NO. 82**

A bill for an act relating to the joint or cooperative exercise of powers by cities, villages, boroughs, counties, towns, school districts, other political subdivisions, agencies of the state and the United States; authorizing boards of county commissioners to perform services for other governmental units; amending Minnesota Statutes 1971, Section 471.59, by adding a subdivision.

May 15, 1973

Honorable Alec G. Olson, President of the Senate

Honorable Martin O. Sabo, Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 82, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 82 be amended as follows:

Page 1, line 23, after the period add a sentence to read: "*The provisions of this subdivision do not apply to any county wherein the chairman of the board of county commissioners is a mayor of any municipality within that county.*"

We request adoption of this report and repassage of the bill in accordance therewith.

Senate Conferees: (Signed) John Milton, Robert G. Dunn and Joseph T. O'Neill.

House Conferees: (Signed) Arlan I. Stangeland, Thomas W. Newcome and John E. Boland.

**MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Perpich, A. J. moved that H. F. Nos. 1697 and 2484 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Rules and Administration. Which motion prevailed.

Mr. Novak moved that H. F. No. 2360 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration. Which motion prevailed.

**RECESS**

Mr. Coleman moved that the Senate do now recess until 1:30 o'clock p.m. Which motion prevailed.

The hour of 1:30 o'clock p.m. having arrived, the President called the Senate to order.

**CALL OF THE SENATE**

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

Anderson	Davies	Knutson	Olson, H. D.	Stokowski
Ashbach	Dunn	Kowalczyk	Patton	Tennessen
Berg	Gearty	Larson	Pillsbury	Thorup
Blatz	Hansen, Mel	Lewis	Purfeerst	Wegener
Borden	Hanson, R.	Lord	Renneke	Willet
Chenoweth	Humphrey	Moe	Schrom	
Chmielewski	Keefe, S.	Ogdahl	Sillers	
Coleman	Kirchner	Olhoft	Spear	

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

**SUSPENSION OF RULES**

Mr. Coleman moved that the rules of the Senate be so far suspended as to revert to Messages From the House and First Reading of House Bills, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

**MESSAGE FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 2531.

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

Transmitted May 16, 1973

**FIRST READING OF HOUSE BILLS**

H. F. No. 2531: A bill for an act relating to public buildings and public lands of the state of Minnesota; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; the acquisition by gift, purchase, or condemnation of certain real property therefor; the equipping and replacement of equipment of certain said buildings; appropriating and reappropriating moneys therefor, including necessary expenses from the Minnesota state building fund; authorizing the issuance of the sale of bonds under the provisions of the constitution, article IX, section 6, to finance said fund; appropriating moneys in connection therewith.

Was read the first time.

**SUSPENSION OF RULES**

Mr. Novak moved that an urgency be declared within the meaning of Article IV, Section 20, of the Constitution of Minnesota, with respect to H. F. No. 2531 and that the rules of the Senate be so far suspended as to give H. F. No. 2531 its second and third reading and placed on its final passage. Which motion prevailed.

H. F. No. 2531 was read the second time.

Mr. Novak moved to amend H. F. No. 2531, the typewritten bill, as follows:

Strike everything after the enacting clause and insert:

"Section 1. State government; public buildings, appropriation. Except as otherwise provided by this act there is hereby appropriated from the Minnesota state building fund in the state treasury for the purposes hereinafter stated, the sums of money herein set forth or so much thereof as may be necessary. There is also appropriated from federal funds or other sources the moneys made available for any of the purposes prescribed in this act and in accordance with the terms hereof.

Sec. 2. Subdivision 1. To the commissioner of administration to be expended for the purposes and in accordance with the provision of this act.

Subd. 2. Department of Public Welfare:

(1) At the state institutions for alterations, betterments, construction, improvements, rehabilitation, fire safety, and demolition of buildings.....\$3,150,000

Provided that the expenditure of these funds shall be preceded by a plan which shall be forwarded to the Senate Finance Committee and the House Appropriations Committee not less than 30 days prior to the implementation of such plan. The demolition of buildings shall be included in such plan. Notwithstanding any laws to the contrary, the commissioner of public welfare is hereby directed to demolish any old or obsolete buildings immediately

(2) At Gillette State Hospital

For designing, rehabilitation and constructing.....\$3,700,000

Provided that no more than \$170,000 may be expended for architectural planning, however, these funds shall not be expended unless Ramsey county or an agency thereof provides its share.

Provided that the remainder of these funds may be expended only after the Gillette Authority has sub-



mitted its plan to the Senate Finance Committee and the House Appropriations Committee and has received their favorable recommendation, such recommendation shall be advisory only. No affirmative recommendation may be given until Ramsey county or an agency thereof has committed to fund and construct its share of the project.

Provided further that these funds shall not be available unless separate legislation is enacted by the legislature which authorizes a Gillette Authority.

(3) At the Lake Owasso Children's Home, Glenn Lake State Sanatorium and Oak Terrace Nursing Home, Ah-Gwah-Ching Nursing Home, Braille and Sight Saving School, and the School for the Deaf for alterations, betterments, construction, reconstruction, improvements, rehabilitation, and fire safety ..... 540,000

Subd. 3. Department of Corrections:

(1) At the Minnesota State Prison  
 (a) Power plant ..... 200,000  
 (b) Remodel minimum security building ..... 135,000

Sec. 3. To the commissioner of administration to landscape and improve grounds at certain junior colleges. . . \$2,000,000

Of the sum of \$4,680,000 appropriated from the Minnesota state building fund by Laws 1971, chapter 963, section 3, to construct and equip Cambridge State Junior College and Fairmont State Junior College, the sum of \$1,680,000 is reappropriated to the commissioner of administration for this purpose.

Sec. 4. To the commissioner of administration to construct, rehabilitate, and equip certain state college buildings ..... \$1,497,400

This appropriation and anticipated federal grants are for the construction and equipping of the following state college buildings in the amounts indicated:

(1) At Bemidji State College:  
 (a) Construct parking lot ..... \$132,000  
 (2) At Mankato State College:  
 (a) Install oil tanks ..... 35,000  
 (b) Assessment to Mankato State College on Cherry/Warren projects.. 42,000

- (3) At Moorhead State College:
- (a) Install boiler .....\$235,000
  - (b) City street assessment ..... 6,400
- (4) At St. Cloud State College:
- (a) Rehabilitate Stewart Hall..... 200,000
  - (b) Install and rehabilitate boiler..... 200,000
  - (c) Install city utilities ..... 150,000
  - (d) Complete and equip remodeling of  
Kiehle Hall ..... 397,000
- (5) At Southwest State College:
- (a) Complete site work and landscap-  
ing and develop road and circulation  
patterns ..... 100,000

The commissioner of administration is authorized to make applications for the maximum federal share for any project. In the event the amount of federal funds obtained for these projects exceeds the amount appropriated for it in the above appropriation, the commissioner of administration shall reduce the state share for individual projects.

The state auditor shall establish a single control account for the construction and equipping of state colleges. The appropriation in this section, federal grants received for state college construction and transfers from the higher education facilities contingent account shall be recorded in this account. The commissioner of administration shall maintain individual project accounts for each project authorized by this section.

Notwithstanding limitations on cost of projects approved, the commissioner of administration may exceed the cost approved for an authorized project within the limitations of total funds available from appropriation, from federal funds granted and from transfer from the higher education facilities contingent account. The moneys in excess of project authorizations are hereby appropriated for the purposes expressed in this paragraph.

Expenditure of funds in excess of the project authorization shall be made only after the commissioner of administration has consulted with the house appropriation committee and the senate finance committee and such committees have made their recommendation thereon. Such recommendation shall be advisory only.

Sec. 5. To the commissioner of administration.....\$ 1,000,000

(A) For land acquisition including improvements and preparation of sites for construction at the following sites:

(1) At State Capitol Area

Sec. 6. Subdivision 1. To the commissioner of ad-

ministration to be expended for the purposes and in accordance with the provisions of this act

- (1) Remodel Capitol for Supreme Court and rent temporary quarters, Phase I.....\$ 800,000

Notwithstanding the provisions of Minnesota Statutes 1971, Chapter 15.50 or any other law to the contrary, no architectural competition shall be required in the completion of this project.

- (2) Capitol building annex—preliminary plans and cost estimates ..... 1,200,000

Notwithstanding the provisions of Minnesota Statutes 1971, Chapter 15.50 or any other law to the contrary, no architectural competition shall be required in the completion of this project.

- (3) Special improvements to present State Office building ..... 330,000
- (4) Building remodeling, rehabilitation and special projects ..... 1,290,000
- (5) Supplemental for Centennial building parking facility ..... 100,000
- (6) Improvements to Historical building ..... 100,000
- (7) Expansion of state archives and records center.. 720,334

Provided that the funds shall not be expended without the written approval of the director of the state historical society.

- (8) Replace windows and install two elevators in the infirmary, tuckpoint, improve electrical service, install kitchen equipment and install bathrooms in building 6 domiciliary, install auditorium elevator. 50 percent to be federal funds furnished by the Veteran administration — total cost to the state .....\$ 100,000
- (9) Remodel property in area bounded by 12th and 14th Streets and Robert and Jackson Streets, including Champion Chevrolet property ..... 400,000

Sec. 7. Subdivision 1. To the regents of the University of Minnesota to be expended for the purposes and in accordance with the provisions of this act

Subd. 2. At the University of Minnesota, Twin Cities Campus

- (1) Preliminary planning of Music building.....\$ 100,000
- (2) Working drawings for Veterinary medicine, Phase II ..... 480,000
- (3) Construct and equip Home Economics building expansion, Phase I ..... 5,800,000

(4) Remodel and rehabilitate to upgrade for the handicapped .....	300,000
(5) Remodel Cook Hall/Norris Gym .....	781,800
(6) Land acquisition at Minneapolis Campus .....	100,000
(7) Minneapolis primary electrical system, Phase V.	460,000
(8) St. Paul primary electrical system, Phase III...	270,000
(9) St. Paul gas main extension, Phase II.....	25,000
(10) Boiler additions and pollution control at Minneapolis and St. Paul, Phase II.....	2,048,800
(11) St. Anthony sewer assessment, Phase II.....	125,000

## Subd. 3. At the University of Minnesota, Twin Cities

(1) Planning for basic science remodeling .....	200,000
(2) Construct Unit B/C, health science .....	14,000,000

Construction not to start until \$14,000,000 non-state funds are available.

(3) Primary electrical distribution system.....	250,000
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## Subd. 4. At University of Minnesota, Duluth Campus

(1) Remodeling of Science building, Phase III.....	411,000
(2) Boiler addition to heating plant .....	550,000
(3) Road and campus improvements, Phase I.....	100,000
(4) Library addition .....	1,893,800
(5) Preliminary Planning Social Science building...	100,000

The funds are not to be expended until the special study on all buildings at the University of Minnesota, Duluth,

## Subd. 5. At Northwest Experiment Station, Crookston

(1) Construct control for runoff from animal facilities .....	30,000
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## Subd. 6. At West Central Experiment Station, Morris

(1) Road surfacing and improve drainage.....	15,000
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## Subd. 7. At Southwest Experiment Station, Lambertson

(1) Complete drainage system .....	12,356
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## Subd. 8. At North Central Experiment Station, Grand Rapids

(1) Construct two Herdsman's Residences (to be built by station personnel) .....	35,000
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## Subd. 9. At Cloquet Forest Research Center

(1) Improve campus roads, surfacing and lighting.. 15,000

Subd. 10. At Lake Itasca Forestry and Biological Station

(1) Rehabilitate station facilities, Phase II, kitchen dining-meeting room facility ..... 81,000

(2) Central student cabin ..... 13,845

Subd. 11. Horticultural Research Center, Excelsior

(1) Remodel superintendent house ..... 10,000

(2) Connect sewer to new main sewer line..... 20,000

Subd. 12. ENERGY CONSERVATION. In all University building construction, both new buildings and improvements to existing structures, structural modifications and design features shall be incorporated, where practicable, to reduce energy consumption. Such changes shall include, but not be limited to, improved insulation, efficient lighting systems and efficient heating and cooling systems. The University shall submit to the legislature by January 1, 1974, a report indicating measures taken in ongoing construction to implement the above requirement, and outlining a procedure to evaluate energy needs and structural and design alternatives to conserve energy in future building construction.

The regents of the University of Minnesota are authorized to make applications for the maximum federal share for each project including interest subsidies. In the event the amount of federal funds obtained for any of these projects exceeds the amount appropriated for it in the above appropriation, the regents of the University shall reduce the state share for individual projects.

Sec. 8. Subdivision 1. To the state auditor to be expended for the purposes and in accordance with the provisions of this act.

Subd. 2. Expenses incidental to the sale, printing, execution, and delivery of the bonds authorized by this act, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for such purposes not to exceed .....\$ 39,665

Sec. 9. Neither the commissioner of administration nor the board of regents shall prepare final plans and specifications for any building authorized in this act until the using agency or department has presented the program and schematic plans to the house appropriation committee and the senate finance committee and the committees have made their recommendations thereon. Such recommendations shall be advisory only.

Sec. 10. Lands or sites for public buildings or real estate, the acquisition of which is included in the appropriations made by this act, may be acquired by gift, purchase, or condemnation proceedings by the regents of the University of Minnesota in the case of lands for the University and by the commissioner of administration in the case of other lands. Condemnation proceedings shall be pursuant to Minnesota Statutes, Chapter 117.

Sec. 11. Subdivision 1. Upon the awarding of final contracts for the completion of any projects enumerated in any of the sections 3 through 6, the commissioner of administration may transfer any unexpended funds in said project account to any other project enumerated in the same section.

Subd. 2. Upon the awarding of final contracts for the completion of any projects enumerated in section 7, the regents of the University of Minnesota may transfer any unexpended funds in said project account to any other project therein enumerated.

Subd. 3. The moneys which may be transferred pursuant to this section are hereby appropriated for the purposes for which transferred.

Subd. 4. The commissioner of administration, and the University of Minnesota shall report to the House Appropriations Committee and the Senate Finance Committee on any transfer of funds made pursuant to this section.

Subd. 5. The balance of each appropriation made by this and any prior act to the commissioner of administration from the Minnesota state building fund, remaining when the specific purpose of such appropriation is accomplished as certified by the commissioner to the House Appropriations Committee and Senate Finance Committee and to the state auditor, may be transferred to any other account for which an appropriation from the fund is made to the commissioner by this or any prior act; provided that the amount so transferred to the account for any project shall not exceed ten percent of the amount otherwise appropriated for that project, and that before any such transfer is made the commissioner shall consult and obtain the recommendations of the House Appropriations Committee and the Senate Finance Committee, which shall be advisory only.

Sec. 12. There is appropriated to the commissioner of administration from the Minnesota state building fund the sum of \$100,000 which may be expended by him for the administration of the building program covered by this appropriation, including the employment of personnel. The commissioner may expend these funds for microfilming of plans of all state buildings.

Sec. 13. There is appropriated to the commissioner of administration from the Minnesota state building fund the sum of \$250,000 which may be expended for plans, studies and surveys, and for the alterations, betterments, construction, reconstruction, improve-

ments or rehabilitation of any state-owned building or structure, if it appears to the commissioner that such an expenditure is necessary in the public interest in order to avoid injury or damage to persons or property and funds have not been otherwise appropriated for such purposes. The commissioner, however, shall not authorize any expenditures from such appropriation until he has first consulted with the House Appropriations Committee and Senate Finance Committee and such committees have made their recommendations thereon. Such recommendations shall be advisory only.

Sec. 14. There is appropriated to the commissioner of administration from the Minnesota state building fund the sum of \$50,000 which may be expended for the purpose of preparing preliminary plans, or other documentation that may be required, for assistance in obtaining non-state participation in state buildings programs. The commissioner, however, shall not authorize any expenditures from such appropriation until he has first consulted the House Appropriations Committee and Senate Finance Committee and such committees have made their recommendation thereon. Such recommendations shall be advisory only.

Sec. 15. There is appropriated to the commissioner of administration from the Minnesota state building fund the sum of \$500,000 for a higher education facilities contingent account. The commissioner may transfer these funds when the amount of the federal share for a project is less than the amount anticipated or if it appears that the total cost of constructing and equipping an entire project will exceed the total cost authorized notwithstanding limitations on state funds appropriated therefor.

The commissioner may transfer these funds to the building accounts projects authorized in sections 3, 4, and 7, and to the building accounts of projects authorized by Laws 1967, Extra Session, Chapter 8, Section 9 and by Laws 1969, Chapter 1159, Section 8. Moneys transferred are hereby reappropriated for such purposes. All transfers authorized by this section shall be made only after the commissioner has consulted with the House Appropriations Committee and Senate Finance Committee and such committees have made their recommendation thereon. Such recommendation shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation. Funds for the transfer of moneys to a project under the authority of the University of Minnesota are hereby reappropriated to the board of regents to carry out the purpose of the transfer.

Sec. 16. Minnesota state building bond issue and appropriation. For the purpose of providing the moneys appropriated by this act to the state agencies herein designated, for the acquisition and betterment of the public lands and buildings and other public improvements of a capital nature herein designated, the state auditor is authorized upon request of the governor to sell and issue Minnesota state building bonds in the amount of \$44,750,000 in the manner and upon the terms and conditions prescribed by Minnesota Statutes, Sections 6.30 and 6.31 and by the Constitution, Article IX, Section 6. The proceeds of such bonds, other than accrued interest and premium, are appropriated and shall be credited to the Minnesota state building fund.

Sec. 17. Minnesota state building bond account; appropriation. In order to reduce the amount of taxes otherwise required by the Constitution, Article IX, Section 6, Subdivision 4, to be levied for the payment of interest and principal on the bonds authorized in Section 16 of this act, there is hereby appropriated annually to the Minnesota state building bond account in the state bond fund from the general fund in the state treasury a sum of money sufficient in amount, when added to the balance on November 1 in each year in said Minnesota state building bond account, to pay all principal and interest due and to become due on said bonds within the then ensuing year and to and including July 1 in the second ensuing year. The moneys received and on hand pursuant to the appropriation annually made by this section are available in the state bond fund prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4, and shall be used to reduce the amount of the tax otherwise required to be levied.

Sec. 18. Where an amount is payable to a creditor of the state from a project account which is financed partly with federal funds and such project is one included in appropriations now or hereafter made to the commissioner of administration for public buildings and equipment therefor and such amount cannot be timely paid because of a deficiency of money in such project account caused by a delay in the receipt of federal funds, the commissioner may provide such money as is needed to pay the amount by temporarily transferring such sum from any other appropriation made to him in the same act as contains the project account wherein the deficiency has occurred. Such moneys as are required therefor are hereby appropriated for such purpose. When the delayed federal funds are received the commissioner shall cause the amount of money transferred to be returned to the account from whence it came.

Sec. 19. In the case of appropriations made for construction or other permanent improvement, including acquisition of real estate, equipment, rehabilitation, appurtenances or utility systems, which appropriations do not lapse until the purposes for which the appropriations were made shall have been accomplished or abandoned, the commissioner of administration may dispense with periodic allotment and shall prescribe such regulations as will insure proper application and encumbrance of funds.

Sec. 20. Notwithstanding any other provision of law, all moneys appropriated by this act and all previous acts for the purposes of the Minnesota state building fund shall be and remain available for such purposes until and unless such appropriations are specifically rescinded by law. The state auditor shall, upon the certification of the commissioner of administration as to the accounts involved, make such transfers of appropriations as will place in one account all of the moneys appropriated for the same or related projects, incidental expenses or contingencies.

Sec. 21. This act is in effect the day following enactment."

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



"A bill for an act relating to public buildings and public lands of the state of Minnesota; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; the acquisition by gift, purchase, or condemnation of certain real property therefor; the equipping and replacement of equipment of certain said buildings; appropriating and re-appropriating moneys therefor, including necessary expenses from the Minnesota state building fund; authorizing the issuance of the sale of bonds under the provisions of the constitution, article IX, section 6, to finance said fund; appropriating moneys in connection therewith."

Which motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Novak imposed a call of the Senate.

The following Senators answered to their names:

Anderson	Dunn	Kowalczyk	O'Neill	Stokowski
Ashbach	Gearty	Larson	Patton	Tennessen
Berg	Hansen, Mel	Lewis	Pillsbury	Thorup
Blatz	Hanson, R.	Milton	Purfeerst	Ueland
Borden	Humphrey	Moe	Renneke	Wegener
Chenoweth	Jensen	Nelson	Schaaf	Willet
Chmielewski	Josefson	Novak	Sillers	
Coleman	Keefe, S.	Ogdahl	Solon	
Davies	Kirchner	Olhoft	Spear	
Doty	Kleinbaum	Olson, H. D.	Stassen	

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

H. F. No. 2531 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kleinbaum	Novak	Schrom
Ashbach	Gearty	Knutson	Ogdahl	Sillers
Berg	Hansen, Baldy	Kowalczyk	Olhoft	Solon
Bernhagen	Hansen, Mel	Larson	Olson, H. D.	Spear
Blatz	Hanson, R.	Laufenburger	Olson, J. L.	Stassen
Borden	Hughes	Lewis	O'Neill	Stokowski
Chenoweth	Humphrey	Lord	Patton	Tennessen
Chmielewski	Jensen	Milton	Pillsbury	Thorup
Coleman	Josefson	Moe	Purfeerst	Ueland
Davies	Keefe, S.	Nelson	Renneke	Wegener
Doty	Kirchner	North	Schaaf	Willet

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

### MOTIONS AND RESOLUTIONS—CONTINUED

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on S. F. No. 384:

Messrs. Ogdahl, Tennessen and Lewis. Which motion prevailed.

Mr. Olson, H. D. moved that H. F. No. 266 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 185 now on General Orders. Which motion prevailed.

### SPECIAL ORDER—CONTINUED

The question recurred on H. F. No. 515.

Mr. Lord moved to amend H. F. No. 515, the Senate unofficial engrossment, as follows:

Page 49, line 10, strike "*Subdivision 1.*"

Page 49, strike lines 19 to 25

Page 50, strike lines 24 to 26

Page 55, line 18, strike "*nine-tenths*" insert "*three-fourths*"

Page 56, strike lines 3 to 16

Page 57, line 13, after "*open space*" strike "*and mosquito control functions;*" and insert "*function;*"

Page 57, strike lines 17 to 28

Page 58, strike lines 1 to 2

Renumber the remaining sections and subdivisions accordingly.

Page 58, after line 9, insert:

"Sec. 9. Minnesota Statutes 1971, Section 399.01, Subdivision 5, is amended to read:

Subd. 5. "Eligible counties" means the counties which have now joined together in a joint agreement to control mosquitoes, and such counties are the counties of Anoka, *Carver*, Dakota, Hennepin, Ramsey, Scott, and Washington."

Page 58, strike lines 10 and 11.

Amend the title as follows:

Page 1, Lines 15 to 18, strike "transferring the functions of the Metropolitan Mosquito Control District to the Parks and Open Space Commission;"

Line 38, after "287.12;" insert "399.01, Subdivision 5;"

Line 52, strike "Chapter 399;"

Mr. Schaaf moved to amend H. F. No. 515, the unofficial engrossment, as follows:

Page 56, line 3, before "*The*" insert "*Subdivision 1.*"

Page 56, after line 16, insert the following new subdivision:

"Subd. 2. *In planning for and operating the mosquito control functions transferred to the commission under this article, the commission should work with any advisory committee appointed by the Metropolitan Inter-County Council.*"

Page 58, after line 6, insert the following new subdivision:

*"Subd. 9. The commission may assign up to 30 permanent employees to work under the direction of individual county boards when such employees are not required for the work of the commission."*

Which motion did not prevail. So the amendment was not adopted.

The question recurred on the Lord amendment.

Mr. Chenoweth moved that those not voting be excused from voting. Which motion did not prevail.

Mr. Lord moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Jensen	Milton	Renneke
Ashbach	Dunn	Josefson	Nelson	Sillers
Berg	Fitzsimons	Kowalczyk	Novak	Stassen
Bernhagen	Frederick	Krieger	Olson, H. D.	Stokowski
Blatz	Hansen, Baldy	Laufenburger	Olson, J. L.	Thorup
Brown	Hansen, Mel	Lord	Patton	Ueland

Those who voted in the negative were:

Arnold	Doty	Kirchner	Ogdahl	Solon
Bang	Gearty	Kleinbaum	Olhoff	Spear
Borden	Hanson, R.	Knutson	Olson, A. G.	Tennessen
Chenoweth	Hughes	Lewis	O'Neill	Wegener
Coleman	Humphrey	McCutcheon	Pillsbury	Willet
Conzemius	Keefe, J.	Moe	Purfeerst	
Davies	Keefe, S.	North	Schaaf	

Which motion did not prevail. So the amendment was not adopted.

Mr. Lord moved that the vote whereby the Schaaf amendment failed be now reconsidered. Which motion prevailed.

The question recurred on the Schaaf amendment. Which motion prevailed. So the amendment was adopted.

Mr. Stassen moved to amend H. F. No. 515, the Senate unofficial engrossment, as follows:

Page 8, Line 24, strike "appointed" and insert "elected"

Page 8, line 25, strike "governor with the advice and consent of the senate" and insert "legislators representing the precincts, with members of the House of Representatives and the Senate having equal votes, except that legislators serving only a portion of the precinct shall have a proportional vote. Each commission member shall serve with the advice and consent of the Senate"

Page 10, line 19, strike "appointed" and insert "elected"

Page 11, line 11, strike "appointment" and insert "election"

Page 11, line 11, strike "governor" and insert "legislators"

Page 11, line 12, strike "appointment" and insert "election"

Which motion did not prevail. So the amendment was not adopted.

**CALL OF THE SENATE**

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

Ashbach	Coleman	Keefe, S.	Olhoft	Pillsbury
Blatz	Davies	Kirchner	Olson, J. L.	Renneke
Borden	Dunn	Kowalczyk	Patton	Solon
Brown	Frederick	Nelson	Perpich, A. J.	Spear
Chenoweth	Humphrey	North	Perpich, G.	Thorup

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

**MOTIONS AND RESOLUTIONS—CONTINUED**

Pursuant to Rule 21, Mr. Novak moved that the following members be excused for a Conference Committee on S. F. No. 1626:

Messrs. Anderson, Doty, Borden, O'Neill and Sillers. Which motion prevailed.

**RECESS**

Mr. Coleman moved that the Senate do now recess subject to the call of the President.

Which motion prevailed.

After a brief recess, the President called the Senate to order.

**MEMBERS EXCUSED**

Mr. Stokowski was excused from the remainder of this afternoon's Session.

**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  
APPOINTMENTS**

Mr. Davies, from the Committee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on S. F. No. 1302, pursuant to the request of the Senate:

Messrs. Borden, Stassen, Milton.

Mr. Davies moved that the foregoing appointments be approved. Which motion prevailed.

Mr. Davies, from the Committee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on S. F. No. 1964, pursuant to the request of the Senate:

Messrs. Borden; Olson, J. L.; Moe.

Mr. Davies moved that the foregoing appointments be approved. Which motion prevailed.

Mr. Davies, from the Committee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 491, pursuant to the request of the House:

Messrs. Chenoweth; Thorup; Hanson, R.

Mr. Davies moved that the foregoing appointments be approved. Which motion prevailed.

Mr. Davies, from the Committee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 1659 pursuant to the request of the House:

Messrs. Borden, Dunn, Moe.

Mr. Davies moved that the foregoing appointments be approved. Which motion prevailed.

Mr. Davies, from the Committee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 633, pursuant to the request of the House:

Messrs. Renneke, Chmielewski, Willet.

Mr. Davies moved that the foregoing appointments be approved. Which motion prevailed.

Mr. Davies, from the Committee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 9, pursuant to the request of the House:

Messrs. Milton; Kowalczyk; Olson, H. D.

Mr. Davies moved that the foregoing appointments be approved. Which motion prevailed.

#### MOTIONS AND RESOLUTIONS—CONTINUED

The question recurred on H. F. No. 515.

Mr. Coleman moved that H. F. No. 515 be returned to the top of General Orders.

Mr. Thorup moved that H. F. No. 515 be returned to the Committee on Metropolitan and Urban Affairs.

#### CALL OF THE SENATE

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

Anderson	Bernhagen	Chenoweth	Doty	Gearty
Arnold	Blatz	Coleman	Dunn	Hansen, Mel
Ashbach	Borden	Conzemius	Fitzsimons	Hanson, R.
Berg	Brown	Davies	Frederick	Hughes

Humphrey	Krieger	Novak	Pillsbury	Tennessen
Jensen	Larson	Ogdahl	Purfeerst	Thorup
Keefe, J.	Laufenburger	Olhoft	Renneke	Wegener
Keefe, S.	Lewis	Olson, A. G.	Schrom	Willet
Kirchner	McCutcheon	Olson, J. L.	Sillers	
Kleinbaum	Milton	O'Neill	Spear	
Knutson	Moe	Patton	Stassen	
Kowalczyk	Nelson	Perpich, A. J.	Stokowski	

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

The question being taken on adoption of the motion of Mr. Thorup,

And the roll being called, there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Kirchner	Olson, H. D.	Stassen
Bang	Fitzsimons	Knutson	Olson, J. L.	Thorup
Berg	Frederick	Kowalczyk	Patton	Ueland
Bernhagen	Hansen, Baldy	Krieger	Pillsbury	Wegener
Blatz	Hansen, Mel	Larson	Purfeerst	
Brown	Hanson, R.	McCutcheon	Renneke	
Chmielewski	Jensen	Nelson	Schrom	
Coleman	Josefson	Novak	Sillers	

Those who voted in the negative were:

Anderson	Gearty	Lewis	Olson, A. G.	Stokowski
Arnold	Hughes	Lord	O'Neill	Tennessen
Borden	Humphrey	Milton	Perpich, A. J.	Willet
Chenoweth	Keefe, J.	Moe	Perpich, G.	
Conzemius	Keefe, S.	North	Schaaf	
Davies	Kleinbaum	Ogdahl	Solon	
Doty	Laufenburger	Olhoft	Spear	

Which motion prevailed.

Pursuant to Rule 31, Mr. Coleman gave notice of intention to move for reconsideration of the motion to return H. F. No. 515 to the Committee on Metropolitan and Urban Affairs.

### SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to take up the Special Orders Calendar at this time, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

### SPECIAL ORDER

H. F. No. 1626: A bill for an act relating to retirement; the Minnesota unclassified employees retirement programs; amending Minnesota Statutes 1971, Chapter 352D, by adding sections; Sections 352D.01, 352D.02, 302D.03, 352D.04, 352D.05, 352D.06, and 352D.09; repealing Minnesota Statutes 1971, Sections 352D.07, and 352D.08.

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:

Ashbach	Fitzsimons	Keefe, J.	Nelson	Schaaf
Bang	Frederick	Keefe, S.	North	Schrom
Berg	Gearty	Kirchner	Novak	Solon
Bernhagen	Hansen, Baldy	Kleinbaum	Olhoft	Spear
Blatz	Hansen, Mel	Knutson	Olson, J. L.	Stassen
Borden	Hanson, R.	Kowalczyk	Patton	Stokowski
Chenoweth	Hughes	Krieger	Perpich, G.	Ueland
Conzemius	Humphrey	Larson	Pillsbury	Wegener
Davies	Jensen	Laufenburger	Purfeerst	Willet
Dunn	Josefson	Moe	Renneke	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1585: A bill for an act relating to commerce; prohibiting the use of powdered asbestos in the construction or improvement of buildings; providing a penalty.

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 3, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Josefson	North	Schrom
Bang	Fitzsimons	Keefe, S.	Novak	Solon
Berg	Gearty	Kirchner	Olhoft	Spear
Bernhagen	Hansen, Baldy	Kleinbaum	Olson, J. L.	Stassen
Blatz	Hansen, Mel	Kowalczyk	Patton	Stokowski
Borden	Hanson, R.	Larson	Perpich, G.	Ueland
Chenoweth	Hughes	Lord	Purfeerst	Willet
Chmielewski	Humphrey	Moe	Renneke	
Davies	Jensen	Nelson	Schaaf	

Messrs. Knutson, Krieger and Pillsbury voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1045: A bill for an act relating to automobile insurance; cancellation; right to complain; amending Minnesota Statutes 1971, Section 65B.19, and 65B.21.

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 0, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Chmielewski	Fitzsimons	Hansen, Baldy
Bang	Borden	Davies	Frederick	Hansen, Mel
Berg	Chenoweth	Dunn	Gearty	Hanson, R.

Hughes	Kleinbaum	North	Pillsbury	Stassen
Humphrey	Knutson	Novak	Purfeerst	Stokowski
Jensen	Krieger	Olhoff	Renneke	Ueland
Josefson	Larson	Olson, J. L.	Schaaf	Willet
Keefe, S.	Moe	Patton	Schrom	
Kirchner	Nelson	Perpich, G.	Solon	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 255: A bill for an act relating to barbering by nursing aides; amending Minnesota Statutes 1971, Section 154.04.

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 2, as follows:

Those who voted in the affirmative were:

Bang	Hansen, Baldy	Krieger	Olson, J. L.	Spear
Berg	Hansen, Mel	Larson	Patton	Stassen
Bernhagen	Hanson, R.	Laufenburger	Perpich, G.	Stokowski
Chenoweth	Hughes	Lord	Pillsbury	Ueland
Davies	Humphrey	Moe	Purfeerst	Wegener
Dunn	Jensen	Novak	Renneke	Willet
Fitzsimons	Josefson	Nelson	Schaaf	
Frederick	Keefe, S.	Olhoff	Schrom	
Gearty	Kirchner	Olson, H. D.	Solon	

Messrs. Chmielewski and North voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1293: A bill for an act relating to adult corrections; parole; eliminating certain limitations on parole; amending Minnesota Statutes 1971, Section 243.05.

Mr. Spear moved that the amendment made to H. F. No. 1293 by the Committee on Rules and Administration in the report adopted May 11, 1973, pursuant to Rule 49 be stricken. Which motion prevailed. So the amendment was stricken.

H. F. No. 1293 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

Mr. Berg moved that those not voting be excused from voting. Which motion did not prevail.

And the roll being called, there were yeas 35 and nays 22, as follows:



Those who voted in the affirmative were:

Borden	Humphrey	Lewis	Olson, H. D.	Solon
Coleman	Jensen	Lord	Patton	Spear
Conzemius	Keefe, S.	Milton	Perpich, A. J.	Stassen
Davies	Kirchner	Moe	Perpich, G.	Tennessee
Gearty	Kleinbaum	Nelson	Pillsbury	Thorup
Hansen, Mel	Knutson	North	Schaaf	Ueland
Hughes	Laufenburger	Olhoff	Sillers	Wegener

Those who voted in the negative were:

Anderson	Chmielewski	Hansen, Baldy	Ogdahl	Schrom
Bang	Doty	Hanson, R.	Olson, J. L.	Willet
Berg	Dunn	Josefson	O'Neill	
Bernhagen	Fitzsimons	Kowalczyk	Purfeerst	
Blatz	Frederick	Larson	Renneke	

So the bill passed and its title was agreed to.

Pursuant to Rule 21, Mr. Borden moved that the following members be excused for a Conference Committee on H. F. No. 2121:

Messrs. Coleman; Olson, A. G.; Perpich, A. J.; Conzemius and McCutcheon. Which motion prevailed.

### SPECIAL ORDER

H. F. No. 2225: 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.

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	Doty	Jensen	North	Schaaf
Bang	Dunn	Josefson	Olhoff	Schrom
Berg	Fitzsimons	Keefe, J.	Olson, A. G.	Solon
Bernhagen	Frederick	Keefe, S.	Olson, H. D.	Spear
Blatz	Gearty	Kowalczyk	Olson, J. L.	Stassen
Borden	Hansen, Baldy	Larson	Patton	Thorup
Brown	Hansen, Mel	Laufenburger	Perpich, A. J.	Ueland
Chmielewski	Hanson, R.	Lord	Perpich, G.	Wegener
Coleman	Hughes	Moe	Pillsbury	Willet
Davies	Humphrey	Nelson	Renneke	

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 make the following bills a Special Orders Calendar, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

H. F. Nos. 134, 1271, 1410, 702, 377, 624, 1940, 1065, 358, 1302, 1612, 534, 2174, 1897, 924, 133, 1765, 735, 1307 and 677. S. F. Nos. 1840, 2370, 552, 2246 and 2243.

### SPECIAL ORDER

H. F. No. 134: A bill for an act relating to labor; establishing procedures for determining wage rates on state projects and state highway construction; prohibiting wage rates lower than prevailing wage rates; providing penalties.

Mr. Olson A. G. moved to amend H. F. No. 134, the printed bill, as follows:

Page 3, line 34, after "establish" insert "by regulation"

Which motion prevailed. So the amendment was adopted.

H. F. No. 134 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

H. F. No. 702: A bill for an act relating to probate proceedings; partition of property in probate decree; amending Minnesota Statutes 1971, Section 525.485.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Blatz	Conzemius	Fitzsimons	Hansen, Mel
Bang	Borden	Davies	Frederick	Hanson, R.
Berg	Chmielewski	Doty	Gearty	Hughes
Bernhagen	Coleman	Dunn	Hansen, Baldy	Humphrey

Jensen	Laufenburger	Novak	Pillsbury	Stassen
Josefson	Lewis	Olhoft	Renneke	Tennessee
Keefe, J.	Lord	Olson, A. G.	Schaaf	Thorup
Kirchner	McCutcheon	Olson, H. D.	Schrom	Wegener
Knutson	Moe	Olson, J. L.	Sillers	Willet
Kowalczyk	Nelson	Perpich, A. J.	Solon	
Larson	North	Perpich, G.	Spear	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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.

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	Doty	Jensen	North	Schrom
Bang	Dunn	Josefson	Novak	Sillers
Berg	Fitzsimons	Kirchner	Olhoft	Solon
Bernhagen	Frederick	Knutson	Olson, A. G.	Spear
Borden	Gearty	Larson	Olson, J. L.	Stassen
Brown	Hansen, Baldy	Laufenburger	Perpich, A. J.	Thorup
Chmielewski	Hansen, Mel	Lewis	Perpich, G.	Ueland
Coleman	Hansen, R.	Lord	Pillsbury	Wegener
Conzemius	Hughes	Moe	Renneke	Willet
Davies	Humphrey	Nelson	Schaaf	

So the bill passed and its title was agreed to.

### RECESS

Mr. Coleman moved that the Senate do now recess until 7:30 o'clock p.m. Which motion prevailed.

The hour of 7:30 o'clock 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	Kowalczyk	Novak	Purfeerst
Berg	Fitzsimons	Krieger	Olhoft	Renneke
Bernhagen	Gearty	Larson	Olson, A. G.	Tennessee
Blatz	Humphrey	Laufenburger	Olson, J. L.	Ueland
Brown	Josefson	Lord	Patton	Willet
Chmielewski	Keefe, S.	McCutcheon	Perpich, A. J.	
Coleman	Kirchner	Milton	Perpich, G.	
Davies	Kleinbaum	Nelson	Pillsbury	

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

**SUSPENSION OF RULES**

Mr. Coleman moved that the rules of the Senate be so far suspended as to revert to Introduction of Bills, and proceed through the Agenda, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

**INTRODUCTION OF BILLS**

Mr. Perpich, G. introduced—

S. F. No. 2497: A bill for an act relating to the village of Hibbing, the town of Stuntz, and Independent School District Number 701; permitting tax levy by joint recreation and park board regardless of existing mill rates and per capita limit.

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

Mr. Perpich, G. introduced—

S. F. No. 2498: A bill for an act relating to the village of Hibbing; taxation; levy for library purposes.

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

Mr. Perpich, G. introduced—

S. F. No. 2499: A bill for an act relating to the city of Hibbing; financing of firemen's relief; amending Laws 1971, Chapter 807, Section 3.

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

Mr. Perpich, G. introduced—

S. F. No. 2500: A bill for an act relating to the city of Chisholm; financing of firemen's relief; amending Laws 1971, Chapter 810, Section 7.

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

Messrs. Purfeerst, Bernhagen and Lord introduced—

S. F. No. 2501: A bill for an act relating to game and fish; distribution of certain proceeds from hunting leases; amending Minnesota Statutes 1971, Section 97.49, Subdivision 3.

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

Messrs. Purfeerst, Larson and Laufenburger introduced—

S. F. No. 2502: A bill for an act relating to counties; establishment and use of imprest cash funds in counties.

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

Mr. Chmielewski introduced—

S. F. No. 2503: A bill for an act relating to intoxicating liquor; authorizing issuance of one additional on-sale liquor license by the village of Cromwell.

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

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 903, 1125, 1948, and 1949.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 16, 1973

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 34, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 34: A bill for an act relating to funeral directing; requiring an itemized statement of funeral costs; requiring the retail price of burial caskets to be clearly marked; authorizing cremation or calcination without a casket; providing a penalty; amending Minnesota Statutes 1971, Chapter 149, by adding a section.

Senate File No. 34 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 16, 1973

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2167, and repassed said bill in accordance with the report of the Committee, so adopted.

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 and poultry association and societies; for sheriff's 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 capital area architectural and planning commission; and for other purposes; and amending Minnesota Statutes 373.23.

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

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 16, 1973

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1772, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 1772: A bill for an act relating to the Minnesota historical society; commissioning a painting concerning Indian life; appropriating money.

House File No. 1772 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 16, 1973

Mr. Keefe, J. moved that H. F. No. 1772 and the Conference Committee Report 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. 557: A bill for an act relating to taxation; wheelage taxes in the seven county metropolitan area; exempting certain vehicles from the wheelage tax; amending Minnesota Statutes 1971, Section 163.051, Subdivision 1.

Senate File No. 557 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 16, 1973

Mr. Ogdahl moved that S. F. No. 557 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. 879: A bill for an act relating to Ramsey county; providing for the commissioner districts, membership, and the removal of the mayor of the city of Saint Paul as a member and chairman of the board of commissioners; amending Special Laws 1891, Chapter 438, Section 1, as amended; and Special Laws 1871, Chapter 73, Section 4.

Senate File No. 879 is herewith returned to the Senate.

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

Returned May 16, 1973

Mr. Chenoweth moved that S. F. No. 879 be laid on the table. Which motion prevailed.

#### MESSAGE 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. 1526: A bill for an act relating to welfare; assistance, claim against a blind person's estate; repealing Minnesota Statutes 1971, Section 256.65.

Senate File No. 1526 is herewith returned to the Senate.

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

Returned May 16, 1973

#### CONCURRENCE AND REPASSAGE

Mr. Ueland moved that the Senate do now concur in the amendments by the House to S. F. No. 1526 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1526: A bill for an act relating to welfare; assistance, claim against a blind person's estate; releasing claims of the state; repealing Minnesota Statutes 1971, Section 256.65.

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 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	Olhoft	Solon
Ashbach	Dunn	Kleinbaum	Olson, A. G.	Stassen
Bang	Fitzsimons	Krieger	Olson, H. D.	Stokowski
Berg	Gearty	Larson	Olson, J. L.	Ueland
Bernhagen	Hansen, Baldy	Laufenburger	Patton	Wegener
Borden	Hansen, Mel	Lord	Perpich, A. J.	Willet
Brown	Hanson, R.	Milton	Pillsbury	
Chmielewski	Hughes	Nelson	Renneke	
Conzemius	Jensen	North	Schrom	
Davies	Keefe, J.	Novak	Sillers	

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 that the House has acceded to

the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 384: A bill for an act relating to hospital, boarding care homes, and nursing homes; providing for the regulation thereof; imposing certain duties on the state board of health and the commissioner of public welfare; establishing rights of patients and residents of nursing homes; requiring reports of maltreatment of nursing home patients; prescribing penalties; amending Minnesota Statutes 1971, Chapters 144, by adding sections; 154, by adding a section; 256B, by adding a section; 609, by adding a section; and 626, by adding a section; repealing Minnesota Statutes 1971, Section 144.583.

There has been appointed as such committee on the part of the House:

Flakne, Salchert and Swanson.

Senate File No. 384 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 16, 1973

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 1247: A bill for an act relating to elections; providing for applications for and acknowledgement of absentee ballots; amending Minnesota Statutes 1971, Sections 207.03 and 207.08.

There has been appointed as such committee on the part of the House:

Tomlinson, Sarna and Cleary.

Senate File No. 1247 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 16, 1973

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1203:

H. F. No. 1203: A bill for an act relating to pollution; pollution control agency; providing for the certification of operators of solid waste disposal facilities; providing for enforcement; amending Minnesota Statutes 1971, Chapter 116, by adding sections.



And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Sherwood, McFarlin and Kahn have been appointed as such committee on the part of the House.

House File No. 1203 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 16, 1973

Mr. Willet moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1203 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 appointed on the part of the House. Which motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1547:

H. F. No. 1547: A bill for an act relating to Hennepin county; permitting county to lease real property for periods up to 15 years; amending Laws 1969, Chapter 476, Section 1.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Enebo, Parish and Pleasant have been appointed as such committee on the part of the House.

House File No. 1547 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 16, 1973

Mr. Ogdahl moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1547 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 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. 1837 and 701.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 16, 1973

**FIRST READING OF HOUSE BILLS**

H. F. No. 1837: A bill for an act relating to water well contractors; requiring compliance with Minnesota Statutes, Chapter 156A, by certain nonlicensees; providing for limited licenses; establishing procedures for examination and licensing of water well contractors; authorizing the department of health to coordinate a state water information system; prohibiting imposition of fees by political subdivisions; amending Minnesota Statutes 1971, Sections 156A.02, Subdivisions 2 and 3; 156A.03, Subdivision 2; 156A.06, Subdivision 1; 156A.07, Subdivisions 1 and 4; and by adding subdivisions; repealing Minnesota Statutes 1971, Sections 156A.06, Subdivision 2; and 156A.07, Subdivision 3.

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

H. F. No. 701: A bill for an act relating to education; authorizing and directing the higher education coordinating commission to establish and supervise a student loan program; providing for the issuance of revenue bonds; amending Minnesota Statutes 1971, Sections 136A.14; 136A.15, Subdivisions 5 and 7; 136A.16, Subdivisions 3 and 8; and 136A.17, Subdivisions 1, 3, 4 and 10.

Mr. Hughes moved that H. F. No. 701 be laid on the table. Which motion prevailed.

**REPORTS OF COMMITTEES**

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

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

S. F. No. 2092: A bill for an act relating to taxation; assessment of real property; location of training courses for assessors; examinations; amending Minnesota Statutes 1971, Sections 270.46; and 270.47.

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

Page 2, after line 3, add a section to read:

"Sec. 3. Minnesota Statutes 1971, Chapter 270, is amended by adding a section to read:

[270.493] [CERTAIN TOWNSHIPS OPTION TO CONTINUE EXISTING SYSTEM.]

*Notwithstanding the provisions of section 270.49, any township which failed to certify by resolution to the commissioner of taxation its intention to employ or continue to employ a certified assessor on or before April 1, 1972, may if done prior to December 1, 1974, hire a certified assessor in which case the assessment function will be returned to the local assessor by the county assessor."*

Amend the title, as follows:

Page 1, line 6, after the semicolon strike "and"

Page 1, line 6, after "270.47" insert "; and Chapter 270 by adding a section"

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

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

S. F. No. 1676: A bill for an act relating to taxation; private outdoor recreational, open space and park land tax; amending Minnesota Statutes 1971, Section 273.112, Subdivision 3.

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

Strike everything after the enacting clause and insert:

"Section 1. [WHEATON, CITY OF; SPECIAL TAXING PROVISIONS FOR REAL PROPERTY USED FOR RECREATIONAL SWIMMING.] Notwithstanding any law, regulation or ordinance to the contrary, the city of Wheaton is hereby authorized to provide special valuation, assessment and tax deferments for real estate within the corporate bounds of that city upon which is situated an establishment or facility that is actively and exclusively devoted to recreational swimming and other recreational uses. Except as otherwise provided in this act, the valuation, assessment and deferment of taxes for such real property shall be in accordance with the requirements and procedures set out in Minnesota Statutes 1971, Section 273.112.

Sec. 2. Notwithstanding the provisions of Minnesota Statutes 1971, Section 273.112, Subdivision 6, the provisions of section 1 are effective for taxes assessed and levied in 1973 and thereafter and payable in 1974 and thereafter.

Sec. 3. This act shall take effect only after its approval by a majority of the governing body of the city of Wheaton, and upon compliance with the provisions of Minnesota Statutes, Section 645.021."

Further, amend the title on page 1 by striking all of lines 2 through 5 and inserting in lieu thereof "relating to the city of Wheaton; authorizing special tax treatment for real properties used for recreational swimming."

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

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

S. F. No. 2443: A bill for an act relating to taxation of property

devoted to temporary and seasonal residential occupancy; amending Minnesota Statutes 1971, Section 273.13, Subdivision 4.

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. 1779: A bill for an act relating to education; teaching practices and certification; providing a penalty; appropriating money; amending Minnesota Statutes 1971, Sections 125.04; 125.05, Subdivisions 1 and 2; 125.06; 125.08; 125.09; 125.181; 125.182; 125.183; 125.184; and 125.185.

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

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

"Section 1. Minnesota Statutes 1971, Section 125.04, is amended to read:

125.04 [QUALIFIED TEACHER DEFINED.] A qualified teacher is one holding a valid certificate ~~from the state board~~ , as hereinafter provided, to perform the particular service for which he is employed in a public school.

Sec. 2. Minnesota Statutes 1971, Section 125.05, Subdivision 1, is amended to read:

125.05 [COMMISSION TO ISSUE CERTIFICATES.] Subdivision 1. [QUALIFICATIONS.] The authority to certify teachers *as defined herein* is vested in the ~~state board~~ *commission but teacher standards and certification commission but based solely on criteria and qualifications approved by the state board of education. The authority to certify superintendents and principals is vested in the state board of education* . Certificates shall be issued to such persons as the ~~state board~~ *commission* finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the ~~state board~~ *commission* under the rules which it promulgates. Certificates of qualifications of teachers shall be issued by the commissioner and the commissioner shall issue certificates to any qualified blind graduates of a school of education.

Sec. 3. Minnesota Statutes 1971, Section 125.05, Subdivision 2, is amended to read:

Subd. 2. [EXPIRATION AND RENEWAL.] Each certificate shall bear the date of issue. Certificates shall expire and be renewed in accordance with rules promulgated by the ~~state board of education~~ *commission* . Renewal requirements for the renewal of a certificate shall include the production of satisfactory evidence

of successful teaching experience for at least one school year during the period covered by the certificate in grades or subjects for which the certificate is valid or the completion of such additional preparation as the ~~state board~~ *commission* shall prescribe.

Sec. 4. Minnesota Statutes 1971, Section 125.06, is amended to read:

125.06 [APPLICANTS TRAINED IN OTHER STATES.] When a certificate to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state college or of the University of Minnesota, or of a liberal arts college, or a technical training institution, such certificate may also, in the discretion of the ~~state board~~ *commission*, be issued to any holder of a diploma or a degree of a teacher training institution of equivalent rank and standing of any other state, granted by virtue of the completion of a course in teacher preparation essentially equivalent in content to that required by such Minnesota State college or the university of Minnesota or a liberal arts college in Minnesota or a technical training institution as preliminary to the granting of a diploma or a degree of the same rank and class.

Sec. 5. Minnesota Statutes 1971, Section 125.08, is amended to read:

125.08 [TEACHERS' CERTIFICATES, FEES.] Each application for the issuance, renewal, or extension of a certificate to teach shall be accompanied by a nonrefundable fee of \$5 *in an amount set by the commission*. Such fee shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the state auditor the amount of fees collected.

Sec. 6. Minnesota Statutes 1971, Section 125.09, is amended to read:

125.09 [SUSPENSION OR REVOCATION OF CERTIFICATES.] Subdivision 1. [GROUNDS FOR REVOCATION.] The ~~state board~~ *commission* may, on the written complaint of the board employing a teacher, or of the superintendent of schools where such teacher is employed, or of a teacher organization, or of a teacher in a district where no teacher organization exists, or of the commissioner, which complaint shall specify ~~generally~~ the nature and character of the charges, suspend or revoke such teacher's certificate or license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of his contract;
- (3) Gross inefficiency or wilful neglect of duty; or
- ~~(4) A violation of the professional code of ethics, when, in the determination of the state board, in consultation with the commission, such violation constitutes gross misconduct.~~
- (4) Failure to meet recertification requirements; or

(5) *Fraud or misrepresentation in obtaining a certificate.*

Subd. 2. [HEARING ON CHARGES.] The ~~commissioner~~ chairman of the commission shall, within 10 days after the filing of the complaint, serve a copy thereof upon the teacher in person or by registered mail addressed to such teacher at his last known address and such teacher shall, within 10 days after the service of such copy upon him, file with the state board commission his answer to the charges specified. The ~~commissioner~~ chairman of the commission shall thereupon fix in writing a time for a hearing upon the complaint, and serve a copy thereof on the teacher. Such hearing shall be conducted by the state board commission or by the ~~commissioner~~ chairman of the commission or assistant commissioner, as the rules of the state board commission may provide; unless the complaint is filed by the commissioner, in which case it shall be conducted by the state board or a member thereof designated by the state board. In the case of a complaint of a violation of the professional code of ethics, the hearing shall be conducted by the professional teaching practices commission unless the teacher charged requests otherwise. The hearing shall be held in the office of the state board commission unless the teacher at the time of filing his answer shall file therewith a written demand that the hearing be held in the county seat of the county wherein he is employed, in which case it shall be held at such county seat. Such hearing shall be either private or public, as the teacher may elect, and the teacher shall have the right to appear in person and by counsel and produce evidence thereat. All witnesses shall be sworn before testifying and the official conducting such hearing is hereby authorized to administer the oath prescribed by law for witnesses in judicial proceedings. A record in writing shall be made of the proceedings and of all evidence produced thereat and forthwith filed with the state board commission upon the conclusion of such hearing. A copy thereof shall be furnished to such teacher upon his request.

Subd. 3. [DECISION BY COMMISSION.] Upon concluding such hearing, if conducted by the state board commission, the state board commission shall consider the same and make its decision within 30 days from the date of such hearing. If the hearing is conducted by the ~~commissioner~~, deputy commissioner chairman or such other person as is authorized by rules of the commission; member of the state board, or the professional teaching practices commission, the state board commission shall make its decision within 30 days from the date of the filing of the hearing report with the state board commission, which report shall be filed within 30 days from the date of such hearing. The report of a hearing conducted by the professional teaching practices commission shall also include the findings and recommendation of such commission. In case of suspension or revocation, the order of the state board commission shall fix the date at which suspension or revocation becomes effective and, in case of suspension, the duration thereof, and notice thereof shall forthwith be given in writing to the teacher and to the school board by which he is employed.

The action of the ~~state board~~ *commission* shall be ~~final and subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0426.~~ All orders of suspension or revocation shall be included in the certificate records of the ~~department~~ *commission*.

Sec. 7. Minnesota Statutes 1971, Section 125.181, is amended to read:

125.181. [PROFESSIONAL PRACTICES; INTENT.] The purpose of ~~Extra session Laws 1967, Chapter 25 sections 125.181 to 125.185~~, is to develop standards of ethical conduct for the guidance and improvement of the teaching profession and to provide measures through which the observance of such standards by the members of the profession may be promoted and enforced.

Sec. 8. Minnesota Statutes 1971, Section 125.182, is amended to read:

125.182 [DEFINITIONS.] Subdivision 1. For the purpose of ~~Extra Session Laws 1967, Chapter 25 this act~~, the words, phrases and terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Teacher" means a ~~superintendent, principal,~~ supervisor, classroom teacher, or other similar professional employee required to hold a certificate from the state department of education.

Subd. 3. "Commission" means the ~~professional teaching practices teacher standards and certification~~ commission.

Subd. 4. "State board" means the state board of education.

Sec. 9. Minnesota Statutes 1971, Section 125.183, is amended to read:

125.183 [MEMBERSHIP.] Subdivision 1. A ~~professional teaching practices teacher standards and certification~~ commission consisting of ~~12~~ 15 members is hereby established. Each member shall be appointed by the governor for a four year term and serve until his successor is duly appointed and qualified. No member shall be reappointed for more than one additional term. A vacancy during the term of a member shall be filled by the governor for the unexpired term.

Subd. 2. ~~Of the first members appointed, three shall be appointed for a term ending the first Monday in January 1968; three shall be appointed for a term ending the first Monday in January 1969; three shall be appointed for a term ending the first Monday in January 1970; and three shall be appointed for a term ending the first Monday in January 1971. Initial appointments shall be made by November 15, 1973 for terms as follows: five members shall be appointed for terms ending November 15 in each of the years 1974, 1975 and 1976. Thereafter each member shall be appointed for a full four year term.~~

Subd. 3. *Except for the representatives of higher education and the public, to be eligible for appointment to the commission a person must be fully certificated for the position he holds and*

have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. The commission shall be composed of *one teacher whose responsibilities are those either of a counsellor, librarian, psychologist, remedial reading teacher, speech therapist, vocational teacher, or certified school nurse, four elementary school classroom teachers, four secondary classroom teachers, three school administrators, one of whom shall be a superintendent, one of whom shall be an elementary school administrator, one of whom shall be a secondary school administrator, and one other teacher* higher education representatives, from higher education faculties preparing teachers, two of whom shall be representatives of state institutions and one of whom shall be a representative of private institutions; one school administrator and two members of the public. Each nominee other than a public nominee shall be selected on the basis of his professional experience, and knowledge of teacher education, accreditation and certification.

*Subd. 4. The position of a member who leaves Minnesota or whose employment status changes to a category different from that from which he was appointed shall be deemed vacant.*

Sec. 10. Minnesota Statutes 1971, Section 125.184, is amended to read:

125.184 [MEETINGS.] Subdivision 1. The commission shall meet regularly at quarterly intervals at the seat of government and at such other times and places as the commission shall determine. Meetings shall be called by the chairman or at the written request of any ~~six~~ eight members. ~~Each member shall be reimbursed for travel, subsistence and other reasonable expenses incurred in the performance of his duties in the same manner and in the same amounts as other state officers and employees are reimbursed.~~ The members of the commission shall receive compensation of the sum of \$35 per day for attendance at commission meetings and ordinary and necessary expenses in the same amount and manner as state employees. When attendance at commission meetings requires a member to absent himself from other public employment, the compensation paid for other public employment shall be reduced by the amount of compensation paid for attendance at commission meetings."

*Subd. 2. The commissioner of education shall serve as secretary of the commission and , in his discretion, may assign such persons as may be required to perform clerical and professional assistance to the commission.*

Sec. 11. Minnesota Statutes 1971, Section 125.185, is amended to read:

125.185 [DUTIES.] Subdivision 1. The commission shall, after public hearings, develop a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance *and methods of enforcement*.

*Subd. 2. The commission shall act in an advisory capacity to*



the state board of education and to members of the profession in matters of interpretation of the code of ethics.

*Subd. 3. In the case of a complaint under section 125.09, the commission shall conduct the hearing if the complaint is based upon an alleged violation of the professional code of ethics, except that, upon request of the teacher against whom the charges are brought, such hearing shall be held in the manner otherwise provided in section 125.09.*

*Subd. 4. 3. The commission shall elect a chairman and such other officers as it may deem necessary.*

*Subd. 4. The commission shall develop and create criteria, rules, and regulations for the certification of public school teachers and interns, which shall be submitted to the state board of education for approval, and from time to time the commission shall revise or supplement the criteria for certification of public school teachers subject to approval by the state board. It shall be the duty of the commission to establish criteria for the approval of teacher education programs subject to approval by the board. Subject to criteria, rules, and regulations approved by the state board of education, the commission shall also grant certificates to interns and to candidates for original certificates and receive recommendations from local committees as established by the commission for the renewal of teaching certificates, grant life certificates to those who qualify according to requirements established by the commission, and suspend or revoke certificates pursuant to Minnesota Statutes, Section 125.09. With regard to vocational education teachers the commission shall adopt and maintain as its criteria the state plan for vocational education.*

*In the event the state board of education disapproves any proposal from the commission, it shall give written notice of such disapproval within 120 days after the receipt of the proposal including its reasons. Any proposal disapproved by the state board may be resubmitted by the commission at any time after the expiration of 90 days after the date of disapproval.*

*Subd. 5. The secretary of the commission shall keep a record of the proceedings of and a register of all persons certificated under this act. The register shall show the name, address, certificate number and the renewal thereof. The commission shall on July 1, 1974, or as soon thereafter as is practicable, and each year thereafter compile a list of such duly certificated teachers and transmit a copy thereof to the board. A copy of the register shall be available during business hours at the office of the commission to any interested person.*

*Subd. 6. The state board shall provide all necessary materials and assistance for the transaction of the business of the commission and all moneys received by the commission shall be paid into the state treasury as provided by law.*

*Subd. 7. Any person who shall in any manner represent himself as a certificated teacher without a valid existing certificate issued to him by the commission or any person who employs fraud or*

*deception in applying for or securing a certificate shall be guilty of a gross misdemeanor.*

*Subd. 8. The sum of \$30,000 or so much thereof as may be necessary is appropriated to the state board of education from the general fund in the state treasury for the establishment of the commission to carry out the purposes of this act.*

*Subd. 9. The commission may adopt rules and regulations, pursuant to Minnesota Statutes, Chapter 15, in order to effect the purposes of this act. Rules and regulations so adopted shall be subject to the approval of the state board as provided in this act. The state board shall not hold a public hearing pursuant to Minnesota Statutes, Chapter 15, with respect to rules and regulations adopted by the commission.*

*Sec. 12. No regulation adopted by the teacher standards and certification commission shall affect the validity of certificates or licenses to teach in effect on July 1, 1974, or the rights and privileges of the holders thereof, except that any such certificate or license may be suspended or revoked for any of the causes and by the procedures specified by law.*

*Sec. 13. This act is effective July 1, 1973. The present rules and regulations of the state board of education shall continue in full force and effect relative to teacher certification and approval of teacher preparation programs until superseded."*

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

Mr. Novak from the Committee on Finance, to which was referred

H. F. No. 1000: A bill for an act creating a commission on Minnesota's future; describing its duties and functions; and appropriating funds for its operation; repealing Minnesota Statutes 1971, Section 4.14.

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

Page 1, line 6, strike "two nor more than eight representatives" and insert in lieu thereof "one representative"

Page 2, line 20, strike "requiring recourse to them or to" and insert in lieu thereof "or"

Page 2, line 29, strike "The legisla-"

Page 2, line 30, strike "tive representatives" and insert in lieu thereof "This committee"

Page 2, line 30, after "majority leader; three" strike "senators"

Page 2, line 31, before "by the minority leader;" strike "appointed"

Page 3, strike line 3

Further amend the title as follows:

In the second line of the title, strike “; repealing Minnesota Statutes 1971, Section 4.14”

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

Mr. Novak from the Committee on Finance, to which was referred

H. F. No. 1536: A bill for an act relating to the department of corrections; community corrections centers; amending Minnesota Statutes 1971, Sections 241.31; and 241.32.

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

S. F. No. 2290: A bill for an act relating to taxation; providing for use of cigarette tax stamping machines; appropriating moneys; amending Minnesota Statutes 1971, Section 297.03, Subdivision 6.

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

#### **SECOND READING OF SENATE BILLS**

S. F. Nos. 2092, 1676, 2443 and 2290 were read the second time.

#### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1779, 1000 and 1536 were read the second time.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Larson moved that the vote whereby S. F. No. 1824 was repassed by the Senate on May 15, 1973 be now reconsidered. Which motion prevailed.

Mr. Larson moved that the vote whereby the amendments by the House to S. F. No. 1824 were adopted by the Senate on May 15, 1973 be now reconsidered. Which motion prevailed.

Mr. Larson moved that the Senate do not concur in the amendments by the House to S. F. No. 1824 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. Hughes moved that H. F. No. 701 be taken from the table. Which motion prevailed.

#### **SUSPENSION OF RULES**

Mr. Hughes moved that an urgency be declared within the meaning of Article IV, Section 20, of the Constitution of Min-

nesota, with respect to H. F. No. 701 and that the rules of the Senate be so far suspended as to give H. F. No. 701 its second and third reading and placed on its final passage. Which motion prevailed.

H. F. No. 701 was read the second time.

H. F. No. 701: A bill for an act relating to education; authorizing and directing the higher education coordinating commission to establish and supervise a student loan program; providing for the issuance of revenue bonds; amending Minnesota Statutes 1971, Sections 136A.14; 136A.15, Subdivisions 5 and 7; 136A.16, Subdivisions 3 and 8; and 136A.17, Subdivisions 1, 3, 4 and 10.

Was read the third time and place on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Knutson	Olhoft	Sillers
Bang	Fitzsimons	Kowalczyk	Olson, A. G.	Solon
Berg	Gearty	Krieger	Olson, H. D.	Spear
Bernhagen	Hansen, Baldy	Larson	Olson, J. L.	Stassen
Blatz	Hansen, Mel	Laufenburger	Patton	Stokowski
Borden	Hanson, R.	Lewis	Perpich, A. J.	Tennessee
Brown	Hughes	Lord	Perpich, G.	Ueland
Chmielewski	Humphrey	McCutcheon	Pillsbury	Willet
Coleman	Jensen	Moe	Purfeerst	
Conzemius	Keefe, J.	Nelson	Renneke	
Davies	Kirchner	North	Schaaf	
Doty	Kleinbaum	Novak	Schrom	

So the bill passed and its title was agreed to.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Conzemius moved that H. F. No. 1306 be taken from the table.

#### SUSPENSION OF RULES

Mr. Conzemius moved that an urgency be declared within the meaning of Article IV, Section 20, of the Constitution of Minnesota, with respect to H. F. No. 1306 and that the rules of the Senate be so far suspended as to give H. F. No. 1306 its second and third reading and placed on its final passage. Which motion prevailed.

H. F. No. 1306 was read the second time.

H. F. No. 1306: A bill for an act relating to insurance; regulating the terms of certain insurance contracts; amending Minnesota Statutes 1971, Sections 62A.041; and 62C.14, by adding subdivisions; repealing Minnesota Statutes 1971, Section 309.176; and Laws 1971, Chapter 680, Section 2.

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 40 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Hansen, Baldy	Kowalczyk	North	Schrom
Ashbach	Hansen, Mel	Krieger	Novak	Sillers
Berg	Hanson, R.	Larson	Olhoft	Solen
Borden	Hughes	Laufenburger	Olson, A. G.	Spear
Coleman	Humphrey	Lewis	Perpich, A. J.	Stassen
Conzemius	Keefe, J.	Lord	Perpich, G.	Stokowski
Doty	Kirchner	McCutcheon	Pillsbury	Tennesen
Gearty	Knutson	Moe	Schaaf	Wegener

Those who voted in the negative were:

Fang	Brown	Fitzsimons	Olson, J. L.	Renneke
Bernhagen	Chmielewski	Nelson	Patton	Willet
Blatz	Dunn	Olson, H. D.	Purfeerst	

So the bill passed and its title was agreed to.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Novak moved that S. F. No. 2472 be indefinitely postponed. Which motion prevailed.

#### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that S. F. No. 1283, No. 187 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

S. F. No. 1283: A bill for an act relating to cable communications; providing penalties; appropriating money; amending Minnesota Statutes 1971, Sections 161.45, Subdivision 1; and 222.37, Subdivision 1.

Mr. Borden moved to amend S. F. No. 1283 as follows:

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

"Section 1. [DECLARATION OF LEGISLATIVE FINDINGS AND INTENT.] *Upon investigation of the public interest associated with cable communications, the legislature of the state of Minnesota has determined that while cable communications serve in part as an extension of interstate broadcasting, that their operations also involve public rights-of-way, municipal franchising, and vital business and community service, which are of state concern; that while said operations must be subject to state oversight, they also must be protected from undue restraint and regulation so as to assure development of cable systems with optimum technology and maximum penetration in this state as rapidly as economically and technically feasible; that the municipalities and the state would benefit from valuable educational and public services through cable communications systems; that the cable communications industry must provide the opportunity for minority participation and benefit which its diversity promises; that the public and the business community would benefit if served by cable channels sufficient*

to meet the needs of producers and distributors of program and other communication content services; that the cable communications industry is in a period of rapid growth and corporate consolidation and should proceed in accord with regional and statewide service objectives; that these objectives should encourage area-wide service where consistent with the public interest and discourage concentration of control and ownership when not in the public interest; and that many municipalities lack the necessary resources and expertise to plan for and secure these benefits and to protect subscribers and other parties to the public interest in franchise negotiations.

There is, therefore, a need for a state agency to develop a state cable communications policy; to promote the rapid development of the cable communications industry responsive to community and public interest and consonant with policies, regulations and statutes of the federal government; to assure that cable communications companies provide adequate, economical and efficient service to their subscribers, the municipalities within which they are franchised and other parties to the public interest; to encourage the endeavors of public and private institutions, municipalities, associations and organizations in developing programming for public interest; and to provide minorities with the fullest opportunity to make effective use of the medium.

It is the intent of the legislature in the provisions of this act to vest authority in a commission to oversee development of the cable communications industry in Minnesota in accordance with the statewide service plan; to review the suitability of practices for franchising cable communications companies to protect the public interest; to set standards for cable communications systems and franchise practices; to assure channel availability for municipal services, educational television, program diversity, local expression and other program and communications content services; to assure that municipal franchising results in communication across metropolitan areas and in neighborhood communities in larger municipalities; to provide consultant services to community organizations and municipalities in franchise negotiations; and, to stimulate the development of diverse instructional, educational, community interest and public affairs programming with full access thereto by cable communications companies, educational broadcasters and public and private institutions operating closed circuit television systems and instructional television fixed services.

Sec. 2. [DEFINITIONS.] Subdivision 1. The words and phrases used in the provisions of this act shall have the following meanings unless a different meaning clearly appears in the text.

Subd. 2. "Cable communications company" shall mean any person owning, controlling, operating, managing or leasing a cable communications system within the state.

Subd. 3. "Cable communications system" shall mean any system which operates for hire the service of receiving and amplifying programs broadcast by one or more television or radio stations and any other programs originated by a cable communications company or by another party, and distributing such programs by wire, cable, microwave or other means, whether such means are owned or leased, to persons who subscribe to such service. Such definition does not include:

- (a) any system which serves fewer than 50 subscribers;
- (b) any master antenna television system;
- (c) any specialized closed-circuit system which does not use the public rights-of-way for the construction of its physical plant; and
- (d) any translator systems which receives and rebroadcasts over-the-air signals.

Subd. 4. "Commission" shall mean the commission on cable communications created by the provisions of this act.

Subd. 5. "Franchise" shall mean any authorization granted by a municipality in the form of a franchise, privilege, permit, license or other municipal authorization to construct, operate, maintain, or manage a cable communications system in any municipality.

Subd. 6. "Gross annual receipts" shall mean all compensation received directly or indirectly by a cable communications company from its operations within the state, limited to sums received from subscribers in payment for programs received.

Gross annual receipts shall not include any taxes on services furnished by a cable communications company imposed directly on any subscriber or user by any municipality, state, or other governmental unit and collected by the company for such governmental unit.

Subd. 7. "Master antenna television system" shall mean any system which serves only the residents of one or more apartment dwellings under common ownership, control or management and any commercial establishment located on the premises of such apartment house and which transmits only signals broadcast over the air by stations which may be normally viewed or heard locally without objectionable interference, and which does not provide any additional service over its facilities other than closed-circuit security viewing services.

Subd. 8. "Municipality" shall mean any village, town, city, borough, county, or any combination of these which undertakes to issue a franchise.

Subd. 9. "State" shall mean the state of Minnesota.

Subd. 10. "State agency" shall mean any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of the state.

Subd. 11. "Person" shall mean any individual, trustee, partnership, association, corporation or other legal entity.

Subd. 12. "Program" shall mean any broadcast-type program, signal, message, graphics, data, or communication content service.

Sec. 3. [APPLICATION OF THIS ACT.] The provisions of this act shall apply to every cable communications system and every cable communications company as defined in section 2, operating within the state, including a cable communications company which constructs, operates and maintains a cable communications system in whole or in part through the facilities of a person fran-

*chised to offer common or contract carrier services. Persons possessing franchises for any of the purposes contemplated by the provisions of this act shall be deemed to be subject to the provisions of this act although no property may have been acquired, business transacted or franchises exercised.*

**Sec. 4. [COMMISSION CREATED.]** *Subdivision 1. A state commission on cable communication is hereby created within the department of administration and shall consist of seven members. The commission shall reside within the department of administration for a period not to exceed two years from the effective date of this act.*

*The members of the commission shall be representative of the broad range of interests related to telecommunication needs and concerns.*

*Subd. 2. Each member shall be appointed by the governor, by and with the advice and consent of the senate, for seven years provided, however, that of the seven members first appointed, one shall be appointed for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years from January 1 next succeeding their appointment. Their successors shall be appointed for terms of seven years each. Members shall continue in office until their successors have been appointed and qualified. No more than four members shall be from the same political party.*

*Subd. 3. The governor shall designate one of the members to be chairman who shall be the chief executive officer of the commission. The members shall elect one of their number as vice chairman of the commission.*

*Subd. 4. Vacancies in the commission occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments.*

*Subd. 5. The chairman and the other members of the commission shall receive per diem compensation fixed by the governor within the amounts made available by appropriation therefor.*

*Subd. 6. A majority of the members of the commission then in office shall constitute a quorum for the transaction of any business or the exercise of any power or function of the commission. The commission may delegate to one or more of its members, or its officers, agents, or employees, such powers and duties as it may deem appropriate.*

*Subd. 7. The department of administration may appoint an executive director and such other officers, employees, agents, and consultants as it may deem necessary, and prescribe their duties.*

*The attorney general shall appoint a counsel for the commission.*

*Subd. 8. The executive director shall serve in the unclassified service of the state. All other employees shall serve in the classified service of the state.*

*Subd. 9. The commission shall be established within three months of the effective date of this act. The commission shall adopt the regu-*



lations required by this act necessary for franchising and certification within one year after it is established.

Sec. 5. [DUTIES OF THE COMMISSION.] Subdivision 1. The commission shall develop and maintain a statewide plan for development of cable communications services, setting forth the objectives which the commission deems to be of regional and state concern.

Subd. 2. The commission shall, to the extent permitted by, and not contrary to, applicable federal and state law, rules and regulations;

(a) prescribe procedures and practices which municipalities shall follow in granting franchises, including those providing for issuance of a public invitation to compete for the franchise, said invitation containing the outlines for the municipality's cable system and the desired services, as well as the criteria and priorities which shall be applied;

(b) prescribe minimum standards for inclusion in franchises, including maximum initial, renegotiation and renewal periods, a requirement that no such franchise may be exclusive, length of residential subscriber contracts, and municipal purchase; taking into account the size of the cable communications system, the commission shall also prescribe minimum standards for channel capacity, access to, and facilities to make use of, channels for education, government and public access, two-way capability, performance bonds, and construction and operation of the cable communication system;

(c) prescribe a list of items for inclusion in franchises;

(d) prescribe standards for: franchises awarded in the twin cities metropolitan area which designate a uniform regional channel reserved for public use; the interconnection of all cable systems within this area; and the designation of a single entity to schedule programs and facilitate use of this channel.

Subd. 3. The commission shall provide advice and technical assistance to the cable communications industry, federal, state and local governments, members of the citizenry without commercial cable interests, community organizations, and other private and public agencies interested in matters relating to cable communications, franchises and services.

Subd. 4. The commission shall issue certificates of confirmation in accordance with the standards prescribed by the commission.

Subd. 5. The commission shall represent the interests of the people of the state before the federal communications commission.

Subd. 6. The commission shall adopt, after consulting with the metropolitan council and regional development commissions of the state, a set of minimum standards for the size of cable territories within which a franchise may be awarded, and procedures to be followed for alteration of cable service territory boundaries, by municipalities in the twin cities metropolitan area as designated in Minnesota Statutes 1971, Section 473B.01, and other designated standard metropolitan statistical areas.

Subd. 7. The commission shall approve, modify or reject boundaries for specific territories proposed by municipalities or cable communi-

cations applicants, after consultation with the affected regional planning commission.

*Subd. 8. The commission shall prohibit invasion of privacy.*

*Subd. 9. The commission shall insure that minorities and all other groups have the fullest access to cable communications at all levels, including the establishment of an affirmative action regulation and compliance mechanism consistent with Federal Executive Order 11246, of the President, as amended by Executive Order No. 11375 and Executive Order No. 11478.*

*Subd. 10. The commission shall establish standards pertaining to transfer, renewal, termination or amendment of franchises.*

*Subd. 11. The commission shall establish standards pertaining to ownership and control of cable communications companies.*

*Subd. 12. The commission shall prescribe standards for interconnection and compatibility of cable communications systems.*

*Subd. 13. The commission shall establish provisions pertaining to liability for obscenity and defamation.*

*Subd. 14. The commission shall encourage experimental, innovative approaches to the building and operation of cable communications systems.*

*Subd. 15. The commission shall encourage the establishment of non-profit corporations to facilitate production for the access channels.*

*Subd. 16. The commission shall establish standards covering the construction, operation and abandonment of cable communications systems.*

**Sec. 6. [POWERS OF COMMISSION.]** *Subdivision 1. The commission may promulgate, issue, amend, rescind, and provide for the enforcement of such orders, rules and regulations as it may find necessary or appropriate to carry out the provisions of this act in accordance with Minnesota Statutes 1971, Chapter 15. Such orders, rules and regulations may classify persons and matters within the jurisdiction of the commission and prescribe different requirements for different classes of persons or matters. A copy of any order, rule or regulation promulgated hereunder shall be subject to public inspection during reasonable business hours.*

*Subd. 2. The commission or other aggrieved party shall have the right to institute or to intervene as a party in any action in any court of competent jurisdiction seeking mandamus, injunctive or other relief to compel compliance with any provision of this act or any rules, regulations or orders issued hereunder.*

**Sec. 7. [COSTS AND EXPENSES OF THE COMMISSION.]** *On or before December 1 of each year, the commission shall estimate the total costs and expenses, including compensation for personal services necessary to operate and administer the commission for the next ensuing state fiscal year. The commission shall, at such time or times and pursuant to such procedure as it shall determine by regulation, bill and collect from each franchised cable communication company funds to carry on the work of the commission, according to an equitable formula established by the commission; provided that the amount billed to or collected from any operating cable communications company pursuant to this section shall never exceed one percent of the gross annual receipts*

of such company during the 12 month period designated by the commission, and further provided that in no case shall the amount collected pursuant to this section diminish the amount collected by the municipality from the cable communications company. The proceeds collected pursuant to this section shall be annually appropriated to the general fund of the state treasury.

Sec. 8. [FRANCHISE REQUIREMENTS.] Subdivision 1. A municipality shall have the power to require a franchise of any cable communications system providing service within the municipality.

Subd. 2. Nothing in the provisions of this act shall be construed to prevent franchise requirements in excess of those prescribed by the commission, unless such requirement is inconsistent with the provisions of this act or any regulation, policy or procedure of the commission.

Subd. 3. Nothing in this act shall be construed to limit any municipality from the right to construct, purchase, and operate a cable communications system.

Subd. 4. Nothing in this act shall be construed to limit the power of any municipality to impose upon any cable communications company a fee, tax or charge.

Sec. 9. [CERTIFICATE OF CONFIRMATION.] Subdivision 1. Except as provided in subdivision 4 and 5 of this section, after the effective date of this act, no person shall exercise a franchise, and no such franchise shall be effective, until the commission has confirmed such franchise.

Subd. 2. The commission may issue a certificate of confirmation contingent upon compliance with standards, terms or conditions set by the commission.

Subd. 3. Any cable communications company which, pursuant to an existing franchise was lawfully engaged in actual operations on the effective date of this act, may continue to exercise said franchise pursuant to the terms thereof, provided such company files with the commission by such date as the commission shall set, an application in such form and containing such information and supporting documentation as the commission may require. The commission shall issue a certificate of confirmation to such a cable communications company valid for five years without further proceedings.

Subd. 4. Cable communications companies which have been granted a franchise prior to April 1, 1973, and which were not in operation prior to the effective date of this act, shall be given a 10-year certificate of confirmation provided such company files with the commission by such date as the commission shall set, an application in such form and containing such information and supporting documentation as the commission may require, and further provided such companies have commenced substantial construction, indicated by erection of the "head end" and stringing of no less than 5 miles of trunk and distribution cable, by January 1, 1974.

Subd. 5. Notwithstanding the provisions of section 9, subdivision 6, of this act, a municipality may issue a franchise by September 15, 1973, if done so pursuant to a municipal enabling ordinance on cable com-

munications enacted by April 1, 1973, containing detailed specifications for the construction and operation of a cable communications system. Any cable communications company so franchised may exercise its franchise pursuant to the terms thereof, provided such company files with the commission an application in such form and containing such information and supporting documentation as the commission may require. The commission shall issue a certificate of confirmation to such a cable communications company valid for 10 years.

Subd. 6. Any cable communications company granted a franchise after April 1, 1973, shall be required to secure a certificate of confirmation from the commission before becoming operational. Such certificate may be granted after full commission proceedings and shall be for a period of 10 years.

Subd. 7. Any renewal of a certificate of confirmation shall be for a period of five years.

Subd. 8. Nothing in this section shall be deemed to validate a franchise not granted in accordance with law or affect any claims in litigation on the effective date of this act. No confirmation under this section shall preclude invalidation of any franchise illegally obtained.

Sec. 10. [REGIONAL DEVELOPMENT COMMISSIONS.] For the purposes of assisting in the implementation of this act, the metropolitan council and regional development commissions of the state may engage in a program of research and study concerning interconnection, cable territories, regional use of cable communications and all other aspects which may be of regional concern.

Sec. 11. [CENSORSHIP PROHIBITED.] Subdivision 1. The commission may not promulgate any regulation or condition which would interfere with the right of free speech by means of cable communications.

Subd. 2. No cable communications company may prohibit or limit any program or class or type of program presented over a leased channel or any channel made available for public access, governmental or educational purposes.

Sec. 12. [RATES.] Subdivision 1. Except as otherwise provided in this section, the rates charged by a cable communications company shall be those specified in the franchise, which may establish, or provide for the establishment of reasonable classifications of service and categories of subscribers, or specify different rates for differing services or for subscribers in different categories.

Subd. 2. Such rates may not be changed except as provided for in the approved franchise.

Subd. 3. The commission shall provide assistance regarding rates and related economic matters to interested municipalities and their citizens. The commission shall study, or cause to be studied, the desirability of regulation of all rates and charges of cable communications systems.

Sec. 13. [POLES, DUCTS AND CONDUITS.] The commission shall within two years from the effective date of this act adopt com-

plete and detailed rules specifying necessary regulations for contractual agreements between cable communications operators and any public utilities with respect to the use of poles, ducts, conduits, and other appurtenances related to the cable communications transmission lines.

Sec. 14. [APPEALS TO THE COMMISSION.] Any franchised cable communications company, who is aggrieved by action of any franchise authority in modifying, suspending, cancelling, revoking, or declaring forfeited the franchise, may appeal to the commission within 30 days following notice of such action by a petition in writing, setting forth all the material facts in the case. Any municipality which is aggrieved by the failure of its franchisee to perform according to the municipal ordinance may appeal to the commission for assistance in gaining franchisee compliance with the municipal ordinance by a petition in writing, setting forth all the material facts in the case.

The commission at its discretion shall hold a hearing upon such appeals, requiring due notice to be given to all interested parties.

If the commission approves the action of the municipality it shall issue notice to it that effect, but if the commission disapproves of its action it shall issue a decision in writing advising the municipality of the reasons for its decision and ordering the municipality to conform with such decision. If the commission approves the action of the cable communications company it shall issue notice to it to that effect, but if the commission disapproves of its action it shall issue a decision in writing advising the cable communications company of the reasons for its decision and ordering the cable communications company to conform with the decision.

Upon request, or upon its own initiative, the commission may investigate the renewal or assignment of such franchise or the conduct of the business being done thereunder, and may, after hearing, modify, suspend, revoke or cancel such license for cause.

If the municipality fails to suspend, revoke, cancel or declare forfeited a license or to perform any other disciplinary act when lawfully ordered so to do by the commission upon appeal or otherwise, within such reasonable time as it may prescribe, the commission may itself revoke such license or perform such act with the same force and effect as if performed by the municipality.

Sec. 15. [FINANCIAL INTEREST OF MEMBERS AND EMPLOYEES.] No member of the commission and no employee of the commission shall be employed by, or shall have any significant financial interest in any cable communications company holding a franchise in the state, their subsidiaries, major equipment or programming suppliers, or in any broadcasting company holding an operating license issued by the federal communications commission, their subsidiaries, major equipment or programming suppliers. Members of any elected body granting franchises and employees of any franchising body who would be directly involved in the granting or administration of franchises for cable communications and who are employed or have any significant financial interest in any cable communications company holding a franchise in the state, their subsidiaries, major equipment or

*program suppliers shall abstain from participation in the franchising of cable communications companies.*

**Sec. 16. [FINES AND PENALTIES.]** *Subdivision 1. The commission may seek such injunctive relief as is necessary to prevent violations of the orders, rules or regulations of the commission.*

*Subd. 2. Any person violating the provisions of this act or any rules or regulations made pursuant thereto, is guilty of a gross misdemeanor. Any term of imprisonment imposed for any violation by a corporation shall be served by the senior resident officer of the corporation.*

**Sec. 17. [APPROPRIATION.]** *The sum of \$300,000 is hereby appropriated from the general fund to the department of administration as an appropriation for the commission.*

**Sec. 18. [ENACTMENT.]** *The act shall take effect the day following enactment.*

**Sec. 19.** Minnesota Statutes 1971, Section 161.45, Subdivision 1, is amended to read:

**161.45 [PUBLIC UTILITIES AND WORKS ON TRUNK HIGHWAYS; RELOCATION OF UTILITIES.]** *Subdivision 1. Electric transmission, telephone or telegraph lines, pole lines, community antenna television lines, railways, ditches, sewers, water, heat or gas mains, gas and other pipe lines, flumes, or other structures which, under the laws of this state or the ordinance of any village, borough or city, may be constructed, placed, or maintained across or along any trunk highway, or the roadway thereof, by any person, persons, corporation, or any subdivision of the state, may be so maintained or hereafter constructed only in accordance with such regulations as may be prescribed by the commissioner who shall have power to prescribe and enforce reasonable rules and regulations with reference to the placing and maintaining along, across, or in any such trunk highway of any of the utilities hereinbefore set forth. Nothing herein shall restrict the actions of public authorities in extraordinary emergencies nor restrict the power and authority of the department of public service as provided for in other provisions of law. Provided, however, that in the event any local subdivision of government has enacted ordinances relating to the method of installation or requiring underground installation of such community antenna television lines, the permit granted by the commissioner of highways shall require compliance with such local ordinance.*

**Sec. 20.** Minnesota Statutes 1971, Section 222.37, Subdivision 1, is amended to read:

**222.37 [PUBLIC ROADS; USE, RESTRICTION.]** *Subdivision 1. Any water power, telegraph, telephone, pneumatic tube, community antenna television, or electric light, heat, or power company may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, or conduits, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line,*

subway, canal, or conduit, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town, village, *borough* or city in which such public road may be. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, *community antenna television system*, light, heat, or power system within the corporate limits of any city ~~or~~, *village or borough* until such person shall have obtained the right to maintain such system within such city ~~or~~, *village or borough*, or for a period beyond that for which the right to operate such system is granted by such city ~~or~~, *village or borough*."

Which motion prevailed. So the amendment was adopted.

Mr. Doty moved to amend S. F. No. 1283, as amended, as follows:

Page 10, line 3, Strike "five" and insert in lieu thereof "ten"

Which motion did not prevail. So the amendment was not adopted.

Mr. McCutcheon moved to amend S. F. No. 1283, as amended, as follows:

Page 13, line 7, after "*any*" strike "*significant*"

Page 13, line 14, after "*any*" strike "*significant*"

Which motion prevailed. So the amendment was adopted.

Mr. North moved to amend S. F. No. 1283, as amended, as follows:

On page 5, line 2, delete "*seven*" and insert in lieu thereof "*four*"

On page 5, line 3, strike "*one shall be appointed for one year,*"

On page 5, delete all of line 4 and add in lieu thereof "*three for two years, four for four years,*"

On page 5, line 5, delete everything before "*from*"

On page 5, line 6, delete the word "*seven*" and insert in lieu thereof "*four*"

On page 5, line 16, after "*receive*" and before "*per diem*" insert "\$35" and delete everything after "*compensation*" and insert a period

On page 5, delete all of line 17

Which motion prevailed. So the amendment was adopted.

Mr. Nelson moved to amend S. F. No. 1283, as amended, as follows:

Page 5, line 8, strike "*four*" and insert "*three*"

Which motion did not prevail. So the amendment was not adopted.

Mr. Nelson moved to amend S. F. No. 1283, as amended, as follows:

Page 5, line 22, after the period, insert "*The commission shall be subject to section 471.705.*"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 24 and nays 26, as follows:

Those who voted in the affirmative were:

Ashbach	Fitzsimons	Kirchner	North	Renneke
Bang	Hansen, Baldy	Knutson	Olson, J. L.	Sillers
Bernhagen	Hansen, Mel	Kowalczyk	O'Neill	Stassen
Blatz	Hanson, R.	Larson	Patton	Ueland
Brown	Keefe, J.	Nelson	Pillsbury	

Those who voted in the negative were:

Anderson	Gearty	Milton	Purfeerst	Tennessee
Borden	Hughes	Moe	Schaaf	Willet
Chenoweth	Humphrey	Novak	Schrom	
Chmielewski	Kleinbaum	Olhoff	Solon	
Davies	Lewis	Olson, H. D.	Spear	
Doty	Lord	Perpich, G.	Stokowski	

Which motion did not prevail. So the amendment was not adopted.

Mr. Blatz moved to amend S. F. No. 1283, as amended, as follows:

Page 10, line 6, strike "10" and insert "15"

Page 10, line 22, strike "10" and insert "15"

Page 10, line 26, strike "10" and insert "15"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 24 and nays 27, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Kirchner	Olson, J. L.	Solon
Bang	Doty	Kowalczyk	Patton	Stassen
Berg	Hansen, Baldy	Krieger	Pillsbury	Thorup
Bernhagen	Hansen, Mel	Larson	Renneke	Ueland
Blatz	Hanson, R.	Nelson	Sillers	

Those who voted in the negative were:

Anderson	Hughes	Milton	Perpich, G.	Tennessee
Borden	Humphrey	Moe	Purfeerst	Wegener
Chenoweth	Keefe, J.	North	Schaaf	Willet
Davies	Kleinbaum	Novak	Schrom	
Dunn	Lewis	Olhoff	Spear	
Gearty	Lord	Olson, H. D.	Stokowski	

Which motion did not prevail. So the amendment was not adopted.

Mr. Bernhagen moved to amend S. F. No. 1283, as amended, as follows:



Page 8, line 29, before "*one*" insert "*one half of*"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 26 and nays 26, as follows:

Those who voted in the affirmative were:

Ashbach	Doty	Kirchner	O'Neill	Stassen
Bang	Fitzsimons	Knutson	Patton	Ueland
Berg	Hansen, Baldy	Kowalczyk	Pillsbury	
Bernhagen	Hansen, Mel	Larson	Renneke	
Blatz	Hanson, R.	Nelson	Sillers	
Brown	Keefe, J.	Olson, J. L.	Solon	

Those who voted in the negative were:

Anderson	Gearty	Milton	Perpich, G.	Tennessee
Borden	Hughes	Moe	Purfeerst	Wegener
Chenoweth	Humphrey	North	Schaaf	
Chmielewski	Kleinbaum	Novak	Schrom	
Davies	Lewis	Olhoft	Spear	
Dunn	Lord	Olson, H. D.	Stokowski	

Which motion did not prevail. So the amendment was not adopted.

#### CALL OF THE SENATE

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

Anderson	Dunn	Kowalczyk	Olhoft	Schrom
Ashbach	Fitzsimons	Krieger	Olson, H. D.	Sillers
Bernhagen	Hansen, Baldy	Larson	Olson, J. L.	Solon
Blatz	Hansen, Mel	Lewis	O'Neill	Spear
Borden	Hanson, R.	Lord	Patton	Stassen
Brown	Hughes	Milton	Perpich, G.	Stokowski
Chenoweth	Humphrey	Moe	Pillsbury	Tennessee
Chmielewski	Keefe, J.	Nelson	Purfeerst	Ueland
Davies	Kirchner	North	Renneke	Wegener
Doty	Knutson	Novak	Schaaf	

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

S. F. No. 1283 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,

Mr. Keefe, J. moved that those not voting be excused from voting. Which motion did not prevail.

And the roll being called, there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Doty	Hughes	Kleinbaum
Borden	Davies	Dunn	Humphrey	Lewis
Chenoweth	Conzemius	Gearty	Keefe, S.	Lord

McCutcheon	Novak	Perpich, A. J.	Schrom	Tennessen
Milton	Olhoft	Perpich, G.	Solon	Wegener
Moe	Olson, A. G.	Purfeerst	Spear	Willet
North	Olson, H. D.	Schaaf	Stokowski	

Those who voted in the negative were:

Ashbach	Chmielewski	Josefson	Larson	Renneke
Bang	Fitzsimons	Keefe, J.	Nelson	Sillers
Berg	Hansen, Baldy	Kirchner	Olson, J. L.	Stassen
Bernhagen	Hansen, Mel	Knutson	O'Neill	Thorup
Blatz	Hanson, R.	Kowalczyk	Patton	Ueland
Brown	Jensen	Krieger	Pillsbury	

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 1473, No. 188 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 1473: A bill for an act abolishing the legislative buildings commission; transferring the commission's functions, powers and duties to the legislative advisory committee; repealing Minnesota Statutes 1971, Sections 3.421 to 3.471.

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	Davies	Jensen	Nelson	Sillers
Ashbach	Doty	Josefson	Novak	Spear
Bang	Dunn	Kirchner	Olhoft	Stassen
Bernhagen	Fitzsimons	Kleinbaum	Olson, J. L.	Stokowski
Blatz	Gearty	Knutson	O'Neill	Tennessen
Borden	Hansen, Baldy	Kowalczyk	Perpich, G.	Thorup
Brown	Hansen, Mel	Larson	Pillsbury	Ueland
Chenoweth	Hanson, R.	Lewis	Purfeerst	Wegener
Chmielewski	Hughes	Lord	Schaaf	Willet
Coleman	Humphrey	Moe	Schrom	

Mr. Renneke voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 1821, No. 189 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 1821: A bill for an act relating to the environmental impact, reduction, reuse and recycling of solid waste; authorizing state grants to regions, municipalities, and institutions therefor; prescribing duties and powers of the Minnesota pollution control agency; providing penalties; imposing a solid waste disposal charge; appropriating funds.

## CALL OF THE SENATE

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

Anderson	Dunn	Keefe, S.	Novak	Renneke
Bang	Gearty	Kirchner	Olhoft	Solon
Bernhagen	Hansen, Baldy	Kleinbaum	Olson, H. D.	Stokowski
Blatz	Hansen, Mel	Kowalczyk	Olson, J. L.	Tennessen
Borden	Hanson, R.	Lewis	O'Neill	Thorup
Brown	Hughes	Lord	Patton	Ueland
Coleman	Humphrey	Moe	Perpich, G.	Wegener
Davies	Jensen	Nelson	Pillsbury	Willet
Doty	Josefson	North	Purfeerst	

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

Mr. Lord moved to amend H. F. No. 1821, the unofficial engrossment, as follows:

Page 6, line 12, after "adopt" and before "guidelines" insert "and may amend or rescind".

Page 6, line 15, strike "Chapter 15" and insert in lieu thereof "Section 15.0412, Subdivision 4."

Page 8, line 6, strike "July 1, 1974" and insert in lieu thereof "September 1, 1973".

Which motion prevailed. So the amendment was adopted.

Mr. Lord then moved to amend H. F. No. 1821, the unofficial engrossment, as follows:

Page 5, line 23, strike everything after "closures."

Page 5, line 24, strike the entire line.

Page 5, line 25, strike "section, when" and insert in lieu thereof "When".

Which motion prevailed. So the amendment was adopted.

Mr. Brown moved to amend H. F. No. 1821, the unofficial engrossment, as follows:

Page 2, after line 16, insert:

"Subd. 8. "Beverage" means beer, ale, or other malt drink containing one half of one percentum or more of alcohol by volume; and mineral waters, soda waters or any other carbonated soft drink in liquid form and intended for human consumption.

Subd. 9. "Bottler" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

Subd. 10. "Consumer" means every person who purchases a beverage in a beverage container for use or consumption.

Subd. 11. "Container" means an individual, hermetically sealed glass, metal or plastic bottle, can, jar or carton used for the purpose of containing a beverage.

Subd. 12. "Dealer" means every person in this state who engages in the sale of beverages in beverage containers to a consumer.

Subd. 13. "Deposit" means a sum of money which is added to the price of each beverage container and refunded to the bearer when the empty container is returned.

Subd. 14. "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any bottler who engages in such sales.

Subd. 15. "In the state" means within the exterior limits of the state of Minnesota and includes all territory within these limits owned by or ceded to the United States of America.

Subd. 16. "Nonrefillable, nonreturnable or disposable beverage container" means any container, containing or made for the purpose of containing any beverage, which is not suitable for refilling.

Subd. 17. "Place of business of a dealer" means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers.

Subd. 18. "Use or consumption" includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale, the keeping or retention of a beverage for the purposes of sale, or for the purpose of transportation of a beverage container through the state."

Page 8, after line 22, insert:

"Sec. 9. [REFUND.] Subdivision 1. [REFUND VALUE OF CONTAINERS.] Except as otherwise provided in this section, every beverage container sold or offered for sale in this state shall have a refund value of not more than

(a) five cents on a container holding 16 ounces or less;

(b) ten cents on a container holding less than 32 ounces, but more than 16 ounces;

(c) twenty five cents on a container holding 32 ounces or more. Provided, however, that every beverage container certified as provided in section 6 sold or offered for sale in this state, shall have a refund value of not less than three cents.

Subd. 2. [REFUND PAYMENT REQUIRED.] Except as provided in subdivision 3,

(a) A dealer shall accept from a consumer any empty beverage containers of the brand sold by the dealer, and shall pay to the consumer the refund value therefor as provided in subdivision 1.

(b) A distributor or bottler or a designee of a distributor or bottler shall accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor or bottler, and shall pay the dealer the refund value therefor as provided in subdivision 1.

Subd. 3. [EXCEPTIONS.] A dealer may refuse to accept from a consumer, and a distributor, bottler or designee may refuse to

accept from a dealer, any empty beverage container which does not state thereon a refund value as required by section 5.

Sec. 10. [TRUTH IN PRICING.] Beverage dealers shall display an itemized listing on each container or group of containers sold to the consumer as a packaged unit showing the deposit charge separate from the actual cost of the beverage.

Sec. 11. [CONTAINER DESIGN.] Subdivision 1. Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing, by a stamp, by a label or other method securely affixed to the beverage container, the refund value therefor as provided in section 3, subdivision 1.

Subd. 2. Subdivision 1 shall not apply to returnable beverage containers having a brand name permanently marked thereon which, on the effective date of this section, had a refund value of not less than five cents.

Sec. 12. [CONTAINER CERTIFICATION.] Subdivision 1. [PROMOTION OF UNIFORM CONTAINERS.] To promote the use in this state of reusable beverage containers of uniform design, and to facilitate the return of containers to bottlers for reuse as a beverage container, the agency director shall certify beverage containers which satisfy the requirements of this section.

Subd. 2. [REQUIREMENTS FOR CERTIFICATION AS UNIFORM CONTAINER.] A beverage container shall be certified if:

(a) It is reusable as a beverage container by bottlers representing more than one corporation's beverage product line in the ordinary course of business; and

(b) More than one bottler will, in the ordinary course of business, accept the beverage container for reuse as a beverage container and pay the refund value of the container.

Subd. 3. [NON-UNIFORM CONTAINERS.] A beverage container shall not be certified under this section:

(a) If by reason of its quality, weight, shape, color or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a bottler of a beverage sold under a specific brand name, or

(b) If the bottler's proposed system of identifying the contents of the beverage container causes an adverse environmental effect worse than that caused by the use of non-uniform beverage containers.

Subd. 4. [AUTOMATIC CERTIFICATION.] Unless an application for certification under this section is denied by the agency within 60 days after the filing of the application for certification, the beverage container shall be deemed certified.

Subd. 5. [CERTIFICATION REVIEW.] The agency board may at any time review the certification of any beverage container. If the agency board determines that certification was improperly withheld by the agency director and that the container is qualified for certification, the board shall grant certification.

Sec. 13. [PENALTY.] Violation of sections 9 through 11 shall be a misdemeanor. For each day on which a violation occurs, a separate offense may be charged.

Sec. 14. [STANDARDS AND REGULATIONS.] Pursuant to the provisions of chapter 15 and to the rules of procedure of the Minnesota pollution control agency, the agency board may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of sections 9 to 15. The regulations or standards may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein."

Page 9, after line 9, insert:

"Sec. . [EFFECTIVE DATE.] Except as otherwise provided in this section, sections 9 to 14 shall take effect January 1, 1976. Applications and certifications referred to in section 12 may be made prior to January 1, 1976. Prior to March 31, 1974 the agency board shall adopt rules and regulations applying to this act."

Renumber the sections in sequence

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 22 and nays 36, as follows:

Those who voted in the affirmative were:

Bang	Dunn	Knutson	North	Snear
Berg	Frederick	Kowalczyk	Olson, J. L.	Willet
Bernhagen	Hansen, Mel	Krieger	O'Neill	
Brown	Josefson	Larson	Patton	
Doty	Keefe, J.	Nelson	Schaaf	

Those who voted in the negative were:

Anderson	Davies	Lord	Pillsbury	Tennessen
Arnold	Fitzsimons	Milton	Purfeerst	Thorup
Ashbach	Gearty	Moe	Renneke	Ueland
Blatz	Hughes	Novak	Schrom	Wegener
Borden	Humphrey	Olhaft	Sillers	
Chmielewski	Keefe, S.	Olson, A. G.	Solon	
Coleman	Kirchner	Olson, H. D.	Stassen	
Conzemius	Lewis	Perpich, A. J.	Stokowski	

Which motion did not prevail. So the amendment was not adopted.

Mr. Olson, J. L. moved to amend H. F. No. 1821, the unofficial engrossment, as follows:

Page 9, line 8, strike "September 1, 1973" and insert "July 1, 1974"

The question being taken on the adoption of the amendment,

Mr. Olson, J. L. moved that those not voting be excused from voting. Which motion did not prevail.

Mr. Hughes moved that those not voting be excused from voting. Which motion did not prevail.

Mr. Lord moved that those not voting be excused from voting.

The question being taken on the adoption of the motion of Mr. Lord,

And the roll being called, there were yeas 42 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lewis	Olson, H. D.	Stassen
Arnold	Hansen, Baldy	Lord	Olson, J. L.	Stokowski
Borden	Hanson, R.	McCutcheon	Perpich, A. J.	Tennessen
Chmielewski	Hughes	Milton	Pillsbury	Thorup
Coleman	Humphrey	Moe	Purfeerst	Wegener
Conzemius	Jensen	North	Schaaf	Willet
Davies	Keefe, S.	Novak	Schrom	
Doty	Kleinbaum	Olhoff	Solon	
Fitzsimons	Knutson	Olson, A. G.	Spear	

Those who voted in the negative were:

Bang	Frederick	Kirchner	O'Neill	Ueland
Berg	Hansen, Mel	Kowalczyk	Patton	
Bernhagen	Josefson	Krieger	Renneke	
Blatz	Keefe, J.	Nelson	Sillers	

Which motion prevailed.

The question recurred on the adoption of the amendment,

And the roll being called, there were yeas 31 and nays 31, as follows:

Those who voted in the affirmative were:

Bang	Dunn	Josefson	Olhoff	Sillers
Berg	Fitzsimons	Keefe, J.	Olson, H. D.	Stassen
Bernhagen	Frederick	Kirchner	Olson, J. L.	Ueland
Blatz	Hansen, Baldy	Knutson	O'Neill	
Brown	Hansen, Mel	Kowalczyk	Patton	
Chmielewski	Hanson, R.	Krieger	Pillsbury	
Doty	Jensen	Nelson	Renneke	

Those who voted in the negative were:

Anderson	Gearty	McCutcheon	Purfeerst	Thorup
Arnold	Hughes	Milton	Schaaf	Wegener
Borden	Humphrey	Moe	Schrom	Willet
Chenoweth	Keefe, S.	North	Solon	
Coleman	Kleinbaum	Novak	Spear	
Conzemius	Lewis	Olson, A. G.	Stokowski	
Davies	Lord	Perpich, A. J.	Tennessen	

Which motion did not prevail. So the amendment was not adopted.

Mr. Berg moved to amend H. F. No. 1821, the unofficial engrossment, as follows:

Page 9, line 7, strike everything following "1974," and delete lines 8 and 9 and insert in lieu thereof "and the remainder of this act shall take effect September 1, 1973."

Which motion did not prevail. So the amendment was not adopted.

Mr. Brown moved to amend H. F. No. 1821, the unofficial engrossment, as follows:

Page 2, after line 16, add:

"Subd. 8. "Beverage" means beer, ale or other malt drink containing one half of one percentum or more of alcohol by volume; and mineral waters, soda waters or any other carbonated soft drink in liquid form and intended for human consumption."

Pages 7 and 8, strike section 7 and insert:

"Sec. 7. A tax of 0.2 cents shall be levied on each beverage container which is not suitable for refilling. Such tax shall be collected by the state commissioner of taxation in a manner determined by him. Proceeds from this tax shall be paid into the general fund of the state treasury."

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 17 and nays 34, as follows:

Those who voted in the affirmative were:

Bang	Dunn	Kirchner	Nelson	Patton
Berg	Fitzsimons	Knutson	Olson, J. L.	Pillsbury
Bernhagen	Frederick	Kowalczyk	O'Neill	Schaaf
Brown	Josefson			

Those who voted in the negative were:

Anderson	Davies	Lewis	Olthoft	Spear
Arnold	Doty	Lord	Olson, A. G.	Stassen
Borden	Gearty	McCutcheon	Perpich, A. J.	Tennessee
Chenoweth	Hansen, Baldy	Milton	Purfeerst	Thorup
Chmielewski	Hughes	Moe	Renneke	Wegener
Coleman	Humphrey	North	Schrom	Willet
Conzemius	Kleinbaum	Novak	Solon	

Which motion did not prevail. So the amendment was not adopted.

Mr. Berg moved to amend H. F. No. 1821, the unofficial engrossment, as follows:

Pages 7 and 8, delete all of section 7 and renumber the following sections accordingly.

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 21 and nays 36, as follows:

Those who voted in the affirmative were:



Bang	Fitzsimons	Kirchner	Olson, H. D.	Stassen
Berg	Frederick	Knutson	Olson, J. L.	
Bernhagen	Jensen	Kowalczyk	Patton	
Blatz	Josefson	Knieger	Pillsbury	
Brown	Keefe, J.	Nelson	Renneke	

Those who voted in the negative were:

Anderson	Doty	Lewis	Olson, A. G.	Tennessen
Arnold	Gearty	Lord	O'Neill	Thorup
Borden	Hansen, Baldy	McCutcheon	Perpich, A. J.	Wegener
Chenoweth	Hansen, Mel	Milton	Purfeerst	Willet
Chmielewski	Hughes	Moe	Schaaf	
Coleman	Humphrey	North	Solon	
Conzemius	Keefe, S.	Novak	Spear	
Davies	Kleinbaum	Olhoft	Stokowski	

Which motion did not prevail. So the amendment was not adopted.

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Krieger moved that the Senate do now adjourn.

The question being taken on adoption of the motion,

And the roll being called, there were yeas 23 and nays 34, as follows:

Those who voted in the affirmative were:

Bang	Fitzsimons	Kirchner	Nelson	Pillsbury
Berg	Hansen, Mel	Knutson	Olson, H. D.	Renneke
Bernhagen	Jensen	Kowalczyk	Olson, J. L.	Ueland
Blatz	Josefson	Knieger	O'Neill	
Brown	Keefe, J.	McCutcheon	Patton	

Those who voted in the negative were:

Anderson	Davies	Lewis	Olson, A. G.	Stassen
Arnold	Doty	Lord	Perpich, A. J.	Stokowski
Borden	Dunn	Milton	Purfeerst	Tennessen
Chenoweth	Gearty	Moe	Schaaf	Thorup
Chmielewski	Humphrey	North	Schrom	Wegener
Coleman	Keefe, S.	Novak	Solon	Willet
Conzemius	Kleinbaum	Olhoft	Spear	

Which motion did not prevail.

### SPECIAL ORDER—CONTINUED

Mr. Chmielewski moved to amend H. F. No. 1821, the unofficial engrossment, as follows:

Page 8, line 6, strike "July 1, 1974" and insert "March 1, 1974"

Page 9, line 8, strike "September 1, 1973" and insert "March 1, 1974"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 31 and nays 28, as follows:

Those who voted in the affirmative were:

Bang	Blatz	Doty	Hansen, Baldy	Josefson
Berg	Brown	Dunn	Hansen, Mel	Keefe, J.
Bernhagen	Chmielewski	Fitzsimons	Jensen	Kirchner

Knutson	Nelson	Olson, J. L.	Pillsbury	Stassen
Kowalczyk	Olhoft	O'Neill	Renneke	Thorup
Krieger	Olson, H. D.	Patton	Solon	Ueland
McCutcheon				

Those who voted in the negative were:

Anderson	Davies	Lewis	Olson, A. G.	Stokowski
Arnold	Gearty	Lord	Perpich, A. J.	Tennessen
Borden	Hughes	Milton	Purfeerst	Wegener
Chenoweth	Humphrey	Moe	Schaaf	Willett
Coleman	Keefe, S.	North	Schrom	
Conzemius	Kleinbaum	Novak	Spear	

Which motion prevailed. So the amendment was adopted.

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Krieger moved that the Senate do now adjourn.

The question being taken on adoption of the motion,

And the roll being called, there were yeas 19 and nays 37, as follows:

Those who voted in the affirmative were:

Bang	Brown	Keefe, J.	Krieger	Pillsbury
Berg	Fitzsimons	Kirchner	Nelson	Renneke
Bernhagen	Jensen	Knutson	Olson, J. L.	Ueland
Blatz	Josefson	Kowalczyk	O'Neill	

Those who voted in the negative were:

Anderson	Doty	Lewis	Olson, H. D.	Stokowski
Arnold	Dunn	Lord	Perpich, A. J.	Tennessen
Borden	Gearty	Milton	Purfeerst	Thorup
Chenoweth	Hansen, Baldy	Moe	Schaaf	Wegener
Chmielewski	Hughes	North	Schrom	Willett
Coleman	Humphrey	Novak	Solon	
Conzemius	Keefe, S.	Olhoft	Spear	
Davies	Kleinbaum	Olson, A. G.	Stassen	

Which motion did not prevail.

### SPECIAL ORDER—CONTINUED

H. F. No. 1821 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 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Lord	O'Neill	Stassen
Arnold	Dunn	McCutcheon	Patton	Stokowski
Bernhagen	Gearty	Milton	Perpich, A. J.	Tennessen
Borden	Hansen, Baldy	Moe	Pillsbury	Thorup
Brown	Hansen, Mel	Nelson	Purfeerst	Wegener
Chenoweth	Hughes	North	Renneke	Willett
Chmielewski	Humphrey	Novak	Schaaf	
Coleman	Keefe, S.	Olhoft	Schrom	
Conzemius	Kleinbaum	Olson, A. G.	Solon	
Davies	Lewis	Olson, H. D.	Spear	

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

## SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that S. F. No. 2021, No. 164 on the General Orders Calendar be designated as a Special Order to be heard immediately. Which motion prevailed.

S. F. No. 2021: A bill for an act relating to education; private trade schools; providing penalties; amending Minnesota Statutes 1971, Sections 141.21, Subdivisions 4 and 7; 141.25, Subdivisions 3, 4, 7, 8, 9, 10, and by adding a subdivision; 141.26, Subdivisions 2 and 5; 141.28, Subdivision 3, and by adding subdivisions; 141.29, Subdivision 1, and by adding a subdivision; 141.30; 141.32; 141.35; and Chapter 141, by adding a section; repealing Minnesota Statutes 1971, Section 141.27.

Mr. Hughes moved to amend S. F. No. 2021, the printed bill, as follows:

Page 13, line 19, after the comma and before "the" insert "*but before completion of 75 percent of the course of instruction,*"

Page 13, line 25, delete "*In no event*"

Page 13, strike all of lines 26 and 27 and insert "*After completion of 75 percent of the course of instruction, no refunds are required.*"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 35 and nays 16, as follows:

Those who voted in the affirmative were:

Bernhagen	Doty	Kirchner	Moe	Renneke
Borden	Dunn	Kleinbaum	Novak	Schaaf
Brown	Fitzsimons	Knutson	Olhoft	Solon
Chmielewski	Gearty	Kowalczyk	Olson, H. D.	Stokowski
Coleman	Hansen, Mel	Lewis	O'Neill	Thorup
Conzemius	Hughes	McCutcheon	Perpich, A. J.	Wegener
Davies	Keefe, S.	Milton	Pillsbury	Willet

Those who voted in the negative were:

Bang	Jensen	Nelson	Schrom
Blatz	Josefson	North	Spear
Chenoweth	Keefe, J.	Olson, J. L.	Stassen
Hansen, Baldy	Krieger	Patton	Tennessen

Which motion prevailed. So the amendment was adopted.

S. F. No. 2021 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 44 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Chmielewski	Davies	Fitzsimons
Bang	Borden	Coleman	Doty	Gearty
Berg	Chenoweth	Conzemius	Dunn	Hansen, Mel

Hughes	Lewis	Novak	Renneke	Stokowski
Jensen	Lord	Olthoff	Schaaf	Tennessen
Josefson	McCutcheon	Olson, A. G.	Schrom	Thorup
Keefe, J.	Milton	Olson, H. D.	Solon	Wegener
Keefe, S.	Moe	Patton	Spear	Willet
Kirchner	North	Perpich, A. J.	Stassen	

Those who voted in the negative were:

Hansen, Baldy	Kowalczyk	Olson, J. L.	O'Neill	Ueland
Knutson				

So the bill, as amended, 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 revert to Messages From the House, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

### MESSAGES FROM THE HOUSE

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. 2047: A bill for an act relating to state government; establishing salaries for certain unclassified employees in the executive and judicial branch of government; amending Minnesota Statutes 1971, Sections 15A.081; 15A.083; 15A.084; 15A.085; and 15A.101

Senate File No. 2047 is herewith returned to the Senate.

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

Returned May 16, 1973

Mr. Novak moved that the Senate do not concur in the amendments by the House to S. F. No. 2047 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 that the House refuses to concur in the Senate amendments to House File No. 2531:

H. F. No. 2531: A bill for an act relating to public buildings and public lands of the state of Minnesota; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; the acquisition by gift, purchase, or condemnation of certain real property therefor; the equipping and replacement of equipment of certain said buildings; appropriating and reappropriating moneys therefor, including necessary expenses from the Minnesota state building

fund; authorizing the issuance of the sale of bonds under the provisions of the constitution, article IX, section 6, to finance said fund appropriating moneys in connection therewith.

And the House respectfully requests that a Conference Committee of five members be appointed thereon:

Norton, Haugerud, Smith, Samuelson and Anderson, D. have been appointed as such committee on the part of the House.

House File No. 2531 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

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

Transmitted May 16, 1973

Mr. Novak moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2531 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 appointed on the part of the House. Which motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 805:

H. F. No. 805: A bill for an act relating to taxes on and measured by net income; limiting the deductions attributable to farming; amending Minnesota Statutes 1971, Sections 290.01, Subdivision 20; and 290.09, by adding a subdivision.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Eken, Anderson, G. and Dirlam have been appointed as such committee on the part of the House.

House File No. 805 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

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

Transmitted May 16, 1973

Mr. Conzemius moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 805 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 appointed on the part of the House. Which motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 23:

H. F. No. 23: A bill for an act relating to pharmacists; permitting price advertising of prescription drugs; restricting the content of such advertisements and requiring certain disclosure of prices; amending Minnesota Statutes 1971, Section 151.06, by adding a subdivision.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Sieben, M., Carlson, L. and Ulland have been appointed as such committee on the part of the House.

House File No. 23 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 16, 1973

Mr. Keefe, S. moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 23 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 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 Files, herewith returned: S. F. Nos. 1246 and 1252.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 16, 1973

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Chenoweth moved that S. F. No. 879 be taken from the table. Which motion prevailed.

Mr. Chenoweth moved that the Senate do not concur in the amendments by the House to S. F. No. 879 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. Larson moved that S. F. No. 1182 and the Conference Committee Report be laid on the table and the Report be printed in the Journal. Which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON S. F. NO 1182**

A bill for an act relating to county government, providing for county license bureaus.

May 16, 1973

Honorable Alec G. Olson,  
President of the Senate

Honorable Martin O. Sabo,  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 1182, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1182 be amended as follows:

Page 4, after line 11, add a section to read:

"Sec. 7. All such offices shall maintain hours to best serve the public need, and shall be open to the public for a minimum period of three hours one evening after 5:00 p.m. or on Saturday of each week."

We request adoption of this report and repassage of the bill in accordance therewith.

Senate Conferees: (Signed) Lew W. Larson, Florian W. Chmielewski and Wayne Olhoft.

House Conferees: (Signed) Leonard C. Myrah, E. W. Quirin and Neil S. Haugerud.

#### **MEMBERS EXCUSED**

Mr. McCutcheon was excused from the Session of tomorrow.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Coleman moved that the Senate do now adjourn until 9:30 o'clock a.m., Thursday, May 17, 1973. Which motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.