

## SIXTY-FIFTH DAY

St. Paul, Minnesota, May 19, 1973.

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

## CALL OF THE SENATE

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

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

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

Prayer by the Chaplain.

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

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

Quorum present.

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

**MEMBERS EXCUSED**

Mr. Novak was excused from the Session of today, beginning at 4:30 o'clock p.m. Mr. Olson, J. L., was excused from the Session of today, beginning at 5:00 o'clock p.m. Mr. Hansen, Baldy was excused from the Session of next Monday, May 21.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

May 18, 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. 771, An act regulating mobile home lot rentals; prescribing penalties.

Sincerely,  
Wendell R. Anderson, Governor.

May 19, 1973

The Honorable Alec G. Olson  
President of the Senate

Sir:

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

S. F. No. 54, An act relating to courts, procedure and penalties in petty misdemeanor and traffic violation cases; amending Minnesota Statutes 1971, Sections 169.121, Subdivision 1; 169.89, Subdivision 1; 171.01, Subdivision 13; 171.16, Subdivisions 1 and 3; 484.63; 488.20; and 488A.18, Subdivision 12.

S. F. No. 122, An act relating to public records; accessibility for research; amending Minnesota Statutes 1971, Section 15.17, Subdivision 4.

S. F. No. 507, An act relating to water pollution; pollution control agency; providing financial assistance to municipalities for the construction of waste disposal systems; amending Minnesota Statutes 1971, Sections 116.16, Subdivisions 2, 3, 4, 6, 7 and 9; 116.17, Subdivision 5; 116.18, Subdivisions 1 and 2; repealing Minnesota Statutes 1971, Sections 116.15; 116.18, Subdivision 3, and cancelling an appropriation.

S. F. No. 650, An act relating to the village of Bayport; authorizing the sale of certain state owned lands in Washington County which are no longer needed for state purposes.

S. F. No. 794, An act relating to alcoholic beverages; places where possession prohibited; providing a penalty; amending Minnesota Statutes 1971, Section 624.701.

S. F. No. 900, An act relating to water pollution control; authorizing certain advisory and regulatory powers of the pollution control agency over disposal systems; providing penalties; amending Minnesota Statutes 1971, Sections 115.01, Subdivisions 1, 2, 4, 5, and 10, and by adding subdivisions; 115.03, Subdivisions 1 and 4, and by adding a subdivision; 115.04; 115.05, Subdivision 1; 115.07, Subdivisions 3; 115.44, Subdivisions 5 and 8; 115.49, Subdivision 1, and by adding a subdivision; Chapter 115, by adding sections; 116.05, Subdivision 1; 116.075; 116.11; repealing Minnesota Statutes 1971, Sections 115.05, Subdivision 2; 115.07, Subdivisions 2, 4, and 6; 115.43, Subdivision 3; 115.45, Subdivision 2; 115.47; 115.81; 116.08; 116.30 and 116.31.

S. F. No. 942, An act relating to counties, authorizing county boards to annually appropriate money as a contingent fund for use by the members of the board for incidental costs and expenses.

S. F. No. 1087, An act relating to health care coverage provided by nonprofit health service plan corporations and accident and health insurance companies; providing that references in a policy to "physicians" shall include dentists performing consultation or surgical procedure.

S. F. No. 1095, An act relating to the regulation of barbers in the state of Minnesota; amending Minnesota Statutes 1971, Sections 154.03; 154.16; 154.18; and 154.22.

S. F. No. 1147, An act relating to motor vehicles; registration and taxation; providing charges for filing applications; amending Minnesota Statutes 1971, Section 168.33, by adding a subdivision.

S. F. No. 1156, An act relating to the interpretation of Minnesota Statutes, definitions; defining "public member" amending Minnesota Statutes 1971, Section 645.44, by adding a subdivision.

S. F. No. 1160, An act relating to natural resources and the environment; establishing the Minnesota environmental quality council; stating the powers and duties of the council; appropriating money.

S. F. No. 1165, An act relating to real property; abolishing tax judgment sales and county auditor's certificates; amending Minnesota Statutes 1971, Chapter 280, by adding a section.

S. F. No. 1242, An act relating to insurance; requiring employers and insurers to continue group accident and health policy benefits to disabled employees.

S. F. No. 1316, An act relating to insurance; providing continuing group accident and health coverage for survivors of a deceased employee.

S. F. No. 1317, An act relating to insurance, governmental units; requiring that contracts for employee group insurance be let on competitive bidding; providing for the disclosure of the particulars of such policies of insurance.

S. F. No. 1341, An act relating to local improvements; special

assessments for certain services, including alley maintenance; amending Minnesota Statutes 1971, Section 429.101, Subdivision 1.

S. F. No. 1560, An act relating to the village of Edina; authorizing issuance of Sunday on-sale intoxicating liquor licenses to two country clubs.

S. F. No. 1666, An act authorizing the county of St. Louis to borrow money from agencies of the United States for certain purposes.

S. F. No. 1803, An act relating to insurance; providing for assignment of interests of certificate holders under group life insurance policies; amending Minnesota Statutes 1971, Section 61A.09.

S. F. No. 1835, An act relating to trust companies; permitting the purchase and investment by such companies in certain farm loan bonds; amending Minnesota Statutes 1971, Section 48.67.

S. F. No. 1943, An act relating to unemployment compensation; limiting the contribution required of any employing unit or units controlled by the same interests as to any employee; amending Minnesota Statutes 1971, Section 268.04, Subdivision 10.

S. F. No. 1954, An act relating to the city of St. Cloud; providing for the continuance of a retirement program for police officers employed by the city.

S. F. No. 2157, An act relating to the county state-aid highway system; payment of contract price; amending Minnesota Statutes 1971, Section 162.04.

S. F. No. 2221, An act relating to state parks, authorizing additional lands to be included within the boundaries of Afton state park.

S. F. No. 2232, An act relating to state employees; deferred compensation plan; amending Minnesota Statutes 1971, Section 16.027, Subdivision 8.

Sincerely,  
Wendell R. Anderson, Governor.

The Honorable Alec G. Olson  
President of the Senate

May 19, 1973

Sir:

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

S. F. No. 60, An act relating to motor vehicles; regulating the type and use of tires on vehicles using the highways; providing for a study of the effect of the use of wire embedded tires on highways; empowering the commissioner of highways to authorize the use of such tires under certain conditions; amending Minnesota Statutes 1971, Section 169.72, Subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1971, Section 169.72, Subdivision 2.



S. F. No. 225, An act relating to water resources; providing for the regulation of shoreland use and development in municipalities; prescribing the powers and duties of municipalities and state agencies in relation thereto; amending Minnesota Statutes 1971, Sections 105.485, Subdivisions 2 and 3, and by adding subdivisions; and 462.357, Subdivision 1.

S. F. No. 410, An act relating to public welfare, abolishing the town system of poor relief and placing responsibility for poor relief in the county; fixing responsibility for welfare in the counties; providing a penalty; amending Minnesota Statutes 1971, Sections 245.77; 261.01; 261.03; 261.04, Subdivision 1; 261.063, 261.07, Subdivision 1; 261.08; 261.10; 275.09, Subdivision 3; 376.424; 393.01, Subdivision 3; and 393.07, Subdivision 2, 393.08, Subdivision 1; repealing Minnesota Statutes 1971, Sections 261.02; 261.05; 261.06; 261.061; 261.064; 261.065; 261.066; 261.067; 261.14; 261.141; 261.142; 261.143; and 393.08, Subdivision 2.

S. F. No. 475, An act relating to commercial fertilizers and soil conditioners; imposing penalties; amending Minnesota Statutes 1971, Section 17.718, Subdivision 1.

S. F. No. 17, An act abolishing the commission on taxation and production of iron ore and other minerals; repealing Minnesota Statutes 1971, Section 3.923.

S. F. No. 496, An act relating to the city of Gilbert: placing new police officers of the city of Gilbert under the public employees retirement association.

S. F. No. 523, An act relating to hearing aids; permitting sales only upon the recommendation of persons licensed to practice medicine; providing a penalty.

S. F. No. 551, An act relating to highway traffic regulations; school bus equipment; use of equipment; color; amending Minnesota Statutes 1971, Section 169.44, Subdivisions 1, 2, 6, 7, 8, and by adding subdivisions.

S. F. No. 578, An act relating to group insurance for certain retired public officers and employees and their dependents; amending Minnesota Statutes 1971, Section 471.61, Subdivision 2a.

S. F. No. 697, An act relating to education; textbooks; license to sell; failure to conform to agreement; failure to obtain a license; prescribing penalties; amending Minnesota Statutes 1971, sections 126.16; and 127.22; repealing Minnesota Statutes 1971, Section 126.17.

S. F. No. 736, An act relating to elections; providing that certain officers in cities of the first class be elected with party designation; amending Minnesota Statutes 1971, Sections 202.09, Subdivision 1; and 205.17.

S. F. No. 753, An act relating to agricultural lands; regulating the ownership of such lands by certain corporations; providing penalties; repealing Minnesota Statutes 1971, Sections 500.22, Subdivisions 3, 4 and 5; and 500.23.

S. F. No. 906, An act relating to disabled persons, enacting the uniform duties to disabled persons act; providing a penalty.

S. F. No. 925, An act relating to the city of Chisholm; placing new employees of the department of public safety under the public employees police and fire fund.

S. F. No. 929, An act relating to natural resources; prescribing a stream maintenance program; setting forth powers and duties of the commissioner of natural resources; amending Minnesota Statutes 1971, Chapter 105, by adding a section.

S. F. No. 1030, An act relating to the attorney general; payment of attorneys' fees for special counsel with respect to The Bush Foundation; appropriating money therefor.

S. F. No. 1037, An act relating to water resources; revising certain provisions concerning dams, reservoirs, control structures, and waterway obstructions; providing for the orderly maintenance, repair or reconstruction of dams serving the public interest; prescribing powers and duties of the commissioner of natural resources; authorizing the commissioner to make grants to local governmental units; amending Minnesota Statutes 1971, Sections 105.37, by adding a subdivision; 105.38; 105.42; 105.52; and Chapter 105, by adding a section.

S. F. No. 1109, An act relating to villages, boroughs, and cities of the fourth class; permitting a tax levy for certain purposes without requesting a referendum of the electorate; amending Minnesota Statutes 1971, Section 465.56.

S. F. No. 1128, An act relating to the policeman's relief association in the city of Red Wing; membership in the public employees police and fire fund.

S. F. No. 1141, An act relating to the Hennepin county municipal court; increasing the number of judges; amending Minnesota Statutes 1971, Section 488A.021, Subdivision 1.

S. F. No. 1155, An act relating to public welfare; imposing penalties in connection with public assistance wrongfully obtained; amending Minnesota Statutes 1971, Section 256.98.

S. F. No. 1222, An act relating to education; redesignating all state junior colleges as community colleges and the state junior college board as the state board for community colleges; amending Minnesota Statutes 1971, Chapter 136, by adding a section.

S. F. No. 1233, An act relating to veterans; regulating the appointment, term and compensation of veterans service officers; amending Minnesota Statutes 1971, Section 197.60, Subdivisions 1, 2 and 3.

S. F. No. 1278, An act relating to the city of Red Wing, exempting the cost of principal and interest on bonded indebtedness of the city from certain levy limitations.

S. F. No. 1332, An act relating to flood plain management; amending Minnesota Statutes 1971, Sections 104.01, by adding a subdivision; 104.03, Subdivision 1, and by adding a subdivision;

104.04, Subdivision 3, and by adding subdivisions; and Chapter 104, by adding a section.

S. F. No. 1353, An act relating to community corrections; authorizing a state subsidy to local units of government for providing community based corrections services; prescribing the powers of the commissioner of corrections; appropriating funds therefor.

S. F. No. 1376, An act relating to highway traffic regulations; axle weights and gross vehicle weights on pneumatic-tired vehicles or combination of vehicles used in the hauling of raw and unfinished forest products in the winter time; amending Minnesota Statutes 1971, Section 169.83, Subdivisions 1, 2 and 3.

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

S. F. No. 1498, An act relating to the state board of health; defining its functions; amending Minnesota Statutes 1971, Sections 144.03; and 144.05.

S. F. No. 1655, An act relating to highway traffic regulation; prescribing weight limitations of a compactor collection vehicle transporting solid waste; amending Minnesota Statutes 1971, Section 169.831.

S. F. No. 1708, An act relating to the firemen's relief association in the city of Red Wing; membership in the public employees fire fund; repealing Laws 1953, Chapter 348, Sections 12, 17, and 20; Laws 1957, Chapter 10; Laws 1961, Chapter 300, Sections 2, 3, and 4; and Laws 1965, Chapter 604.

S. F. No. 1724, An act relating to election matters; authorizing political party organization in legislative districts; amending Minnesota Statutes 1971, Sections 202.21; 202.22, Subdivisions 2 and 3, 202.25, and 202.26, Subdivision 4.

S. F. No. 1731, An act relating to courts, establishing salary for court reporters in fourth judicial district; amending Laws 1969, Chapter 568, Section 1, Subdivision 1, as amended; and Minnesota Statutes 1971, Section 486.06, as amended.

S. F. No. 1781, An act relating to the Hennepin county municipal court and the city of Saint Paul municipal court; amending Minnesota Statutes 1971, Section 488A.01, Subdivision 6; and 488A.18, Subdivision 7.

S. F. No. 1782, An act relating to the county of McLeod; tax levy for road and bridge purposes.

S. F. No. 1836, An act relating to insurance; prescribing time within which suit for recovery of claim under hail insurance policy must be commenced; amending Minnesota Statutes 1971, Section 65A.26.

S. F. No. 1930, An act relating to municipal housing and redevelopment authorities; rehabilitation loans and grants; amend-

ing Minnesota Statutes 1971, Sections 462.445 by adding a subdivision; and 462.581.

S. F. No. 1993, An act relating to the department of education, division of vocational rehabilitation; providing for the purchase of cattle; and appropriating money.

S. F. No. 1994, An act relating to Independent School District No. 306; exempting the district from certain building requirements.

S. F. No. 2125, An act relating to transportation; motor vehicle carriers; defining exempt carrier; amending Minnesota Statutes 1971, Section 221.011, Subdivision 22.

S. F. No. 2148, An act relating to Independent School District No. 625; amending Laws 1969, Chapter 911, Section 2, as amended.

S. F. No. 2230, An act relating to the application of the state mobile homes building code; amending Minnesota Statutes 1971, section 327.31, Subdivision 6.

S. F. No. 2233, An act relating to tax-forfeited lands; imposing limitations on the sale of tax-forfeited land which borders on or is adjacent to certain waters; and on the timber growing on such land; amending Minnesota Statutes 1971, Chapter 282, by adding a section.

S. F. No. 2317, An act relating to Independent School District No. 709, St. Louis county; the payment of the net salary or wages of the employees; authorizing the "direct deposit" of said sums in a bank account in the name of the individual employee of the school district.

S. F. No. 2320, An act relating to Ramsey county; providing for a park and open space system and recreational program; conferring power on the Ramsey county board to acquire land and personal property under certain conditions; authorizing the expenditure of county road and bridge funds for the construction and maintenance of bicycle paths on roads under county jurisdiction; amending Laws 1971, Chapter 950, Sections 2, by adding a subdivision; and 7.

Sincerely,  
Wendell R. Anderson, Governor.

May 19, 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. 695, An act relating to savings banks; investments, loans and powers; amending Minnesota Statutes 1971, Section 50.14, Subdivision 5; and Chapter 50, by adding sections.

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
103		Chapter 249	May 16, 1973	May 16, 1973
147		Chapter 250	May 16, 1973	May 16, 1973
170		Chapter 251	May 16, 1973	May 16, 1973
181		Chapter 252	May 16, 1973	May 16, 1973
641		Chapter 253	May 16, 1973	May 16, 1973
662		Chapter 254	May 16, 1973	May 16, 1973
935		Chapter 255	May 16, 1973	May 16, 1973
1027		Chapter 256	May 16, 1973	May 16, 1973
1042		Chapter 257	May 16, 1973	May 16, 1973
1167		Chapter 258	May 16, 1973	May 16, 1973
1319		Chapter 259	May 16, 1973	May 16, 1973
1343		Chapter 260	May 16, 1973	May 16, 1973
1361		Chapter 261	May 16, 1973	May 16, 1973
1441		Chapter 262	May 16, 1973	May 16, 1973
1678		Chapter 263	May 16, 1973	May 16, 1973
1791		Chapter 264	May 16, 1973	May 16, 1973
1881		Chapter 265	May 16, 1973	May 16, 1973
1940		Chapter 266	May 16, 1973	May 16, 1973
1955		Chapter 267	May 16, 1973	May 16, 1973
2035		Chapter 268	May 16, 1973	May 16, 1973
2189		Chapter 269	May 16, 1973	May 16, 1973
	356	Chapter 270	May 16, 1973	May 16, 1973
	672	Chapter 271	May 16, 1973	May 16, 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
	748	Chapter 272	May 16, 1973	May 16, 1973
	843	Chapter 273	May 16, 1973	May 16, 1973
	917	Chapter 274	May 16, 1973	May 16, 1973
	1166	Chapter 275	May 16, 1973	May 16, 1973
	1198	Chapter 276	May 16, 1973	May 16, 1973
	1214	Chapter 277	May 16, 1973	May 16, 1973
	1257	Chapter 278	May 16, 1973	May 16, 1973
	1259	Chapter 279	May 16, 1973	May 16, 1973
	1319	Chapter 280	May 16, 1973	May 16, 1973
	1467	Chapter 281	May 16, 1973	May 16, 1973
	1472	Chapter 282	May 16, 1973	May 16, 1973
	1510	Chapter 283	May 16, 1973	May 16, 1973
	1522	Chapter 284	May 16, 1973	May 16, 1973
	1537	Chapter 285	May 16, 1973	May 16, 1973
	1579	Chapter 286	May 16, 1973	May 16, 1973
	1580	Chapter 287	May 16, 1973	May 16, 1973
	1671	Chapter 288	May 16, 1973	May 16, 1973
	1711	Chapter 289	May 16, 1973	May 16, 1973
	1727	Chapter 290	May 16, 1973	May 16, 1973
	1841	Chapter 291	May 16, 1973	May 16, 1973
	1873	Chapter 292	May 16, 1973	May 16, 1973
	1932	Chapter 293	May 16, 1973	May 16, 1973
	2365	Chapter 294	May 16, 1973	May 16, 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
771		Chapter 295	May 18, 1973	May 18, 1973
	11	Chapter 296	May 18, 1973	May 18, 1973
	190	Chapter 297	May 18, 1973	May 18, 1973
	225	Chapter 298	May 18, 1973	May 18, 1973
	240	Chapter 299	May 18, 1973	May 18, 1973
	399	Chapter 300	May 18, 1973	May 18, 1973
	400	Chapter 301	May 18, 1973	May 18, 1973
	474	Chapter 302	May 18, 1973	May 18, 1973
	532	Chapter 303	May 18, 1973	May 18, 1973
	535	Chapter 304	May 18, 1973	May 18, 1973

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1973	Date Filed 1973
	632	Chapter 305	May 18, 1973	May 18, 1973
	759	Chapter 306	May 18, 1973	May 18, 1973
	794	Chapter 307	May 18, 1973	May 18, 1973
	813	Chapter 308	May 18, 1973	May 18, 1973
	890	Chapter 309	May 18, 1973	May 18, 1973
	945	Chapter 310	May 18, 1973	May 18, 1973
	964	Chapter 311	May 18, 1973	May 18, 1973
	1031	Chapter 312	May 18, 1973	May 18, 1973
	1121	Chapter 313	May 18, 1973	May 18, 1973
	1190	Chapter 314	May 18, 1973	May 18, 1973
	1465	Chapter 315	May 18, 1973	May 18, 1973
	1568	Chapter 316	May 18, 1973	May 18, 1973
	1591	Chapter 317	May 18, 1973	May 18, 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
	1666	Chapter 318	May 18, 1973	May 18, 1973
	1681	Chapter 319	May 18, 1973	May 18, 1973
	1706	Chapter 320	May 18, 1973	May 18, 1973
	1709	Chapter 321	May 18, 1973	May 18, 1973
	1718	Chapter 322	May 18, 1973	May 18, 1973
	1949	Chapter 323	May 18, 1973	May 18, 1973
	1959	Chapter 324	May 18, 1973	May 18, 1973
	1960	Chapter 325	May 18, 1973	May 18, 1973
	1968	Chapter 326	May 18, 1973	May 18, 1973
	1969	Chapter 327	May 18, 1973	May 18, 1973
	2206	Chapter 328	May 18, 1973	May 18, 1973
	2132	Chapter 329	May 18, 1973	May 18, 1973
	2178	Chapter 330	May 18, 1973	May 18, 1973
	2180	Chapter 331	May 18, 1973	May 18, 1973
	2208	Chapter 332	May 18, 1973	May 18, 1973
	2241	Chapter 333	May 18, 1973	May 18, 1973
	2246	Chapter 334	May 18, 1973	May 18, 1973
	2351	Chapter 335	May 18, 1973	May 18, 1973
	2352	Chapter 336	May 18, 1973	May 18, 1973
1341		Chapter 337	May 19, 1973	May 19, 1973

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1973	Date Filed 1973
1317		Chapter 338	May 19, 1973	May 19, 1973
1316		Chapter 339	May 19, 1973	May 19, 1973
1242		Chapter 340	May 19, 1973	May 19, 1973
1165		Chapter 341	May 19, 1973	May 19, 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
1160		Chapter 342	May 19, 1973	May 19, 1973
1156		Chapter 343	May 19, 1973	May 19, 1973
1037		Chapter 344	May 19, 1973	May 19, 1973
1109		Chapter 345	May 19, 1973	May 19, 1973
1128		Chapter 346	May 19, 1973	May 19, 1973
1141		Chapter 347	May 19, 1973	May 19, 1973
1155		Chapter 348	May 19, 1973	May 19, 1973
1222		Chapter 349	May 19, 1973	May 19, 1973
1233		Chapter 350	May 19, 1973	May 19, 1973
1332		Chapter 351	May 19, 1973	May 19, 1973
1278		Chapter 352	May 19, 1973	May 19, 1973
1376		Chapter 353	May 19, 1973	May 19, 1973
1353		Chapter 354	May 19, 1973	May 19, 1973
1388		Chapter 355	May 19, 1973	May 19, 1973
1498		Chapter 356	May 19, 1973	May 19, 1973
1655		Chapter 357	May 19, 1973	May 19, 1973
1724		Chapter 358	May 19, 1973	May 19, 1973
1708		Chapter 359	May 19, 1973	May 19, 1973
1781		Chapter 360	May 19, 1973	May 19, 1973
1731		Chapter 361	May 19, 1973	May 19, 1973
1782		Chapter 362	May 19, 1973	May 19, 1973
1836		Chapter 363	May 19, 1973	May 19, 1973
1930		Chapter 364	May 19, 1973	May 19, 1973
1993		Chapter 365	May 19, 1973	May 19, 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
1994		Chapter 366	May 19, 1973	May 19, 1973
2125		Chapter 367	May 19, 1973	May 19, 1973
2148		Chapter 368	May 19, 1973	May 19, 1973
2233		Chapter 369	May 19, 1973	May 19, 1973
2230		Chapter 370	May 19, 1973	May 19, 1973
2317		Chapter 371	May 19, 1973	May 19, 1973
2320		Chapter 372	May 19, 1973	May 19, 1973
942		Chapter 373	May 19, 1973	May 19, 1973
900		Chapter 374	May 19, 1973	May 19, 1973
1147		Chapter 375	May 19, 1973	May 19, 1973
1095		Chapter 376	May 19, 1973	May 19, 1973
17		Chapter 377	May 19, 1973	May 19, 1973
60		Chapter 378	May 19, 1973	May 19, 1973
225		Chapter 379	May 19, 1973	May 19, 1973
410		Chapter 380	May 19, 1973	May 19, 1973
475		Chapter 381	May 19, 1973	May 19, 1973
496		Chapter 382	May 19, 1973	May 19, 1973
523		Chapter 383	May 19, 1973	May 19, 1973
551		Chapter 384	May 19, 1973	May 19, 1973
578		Chapter 385	May 19, 1973	May 19, 1973
697		Chapter 386	May 19, 1973	May 19, 1973
736		Chapter 387	May 19, 1973	May 19, 1973
	1200	Chapter 388	May 19, 1973	May 19, 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
	2173	Chapter 389	May 19, 1973	May 19, 1973
	2166	Chapter 390	May 19, 1973	May 19, 1973
	2072	Chapter 391	May 19, 1973	May 19, 1973
	1903	Chapter 392	May 19, 1973	May 19, 1973
	1704	Chapter 393	May 19, 1973	May 19, 1973
	1729	Chapter 394	May 19, 1973	May 19, 1973
	1557	Chapter 395	May 19, 1973	May 19, 1973
	1556	Chapter 396	May 19, 1973	May 19, 1973
	1551	Chapter 397	May 19, 1973	May 19, 1973
	1515	Chapter 398	May 19, 1973	May 19, 1973
	1483	Chapter 399	May 19, 1973	May 19, 1973
	1217	Chapter 400	May 19, 1973	May 19, 1973
	1103	Chapter 401	May 19, 1973	May 19, 1973
	906	Chapter 402	May 19, 1973	May 19, 1973
	904	Chapter 403	May 19, 1973	May 19, 1973
	833	Chapter 404	May 19, 1973	May 19, 1973
	704	Chapter 405	May 19, 1973	May 19, 1973
	248	Chapter 406	May 19, 1973	May 19, 1973
	346	Chapter 407	May 19, 1973	May 19, 1973
	368	Chapter 408	May 19, 1973	May 19, 1973
	443	Chapter 409	May 19, 1973	May 19, 1973
	600	Chapter 410	May 19, 1973	May 19, 1973
	703	Chapter 411	May 19, 1973	May 19, 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
	1001	Chapter 412	May 19, 1973	May 19, 1973
	873	Chapter 413	May 19, 1973	May 19, 1973
	347	Chapter 414	May 19, 1973	May 19, 1973
	189	Chapter 415	May 19, 1973	May 19, 1973
	2240	Chapter 416	May 19, 1973	May 19, 1973
	1853	Chapter 417	May 19, 1973	May 19, 1973
	1948	Chapter 418	May 19, 1973	May 19, 1973
	1750	Chapter 419	May 19, 1973	May 19, 1973
	1767	Chapter 420	May 19, 1973	May 19, 1973

Cont. of Laws 1973				
S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1973	Date Filed 1973
54		Chapter 421	May 19, 1973	May 19, 1973
122		Chapter 422	May 19, 1973	May 19, 1973
507		Chapter 423	May 19, 1973	May 19, 1973
650		Chapter 424	May 19, 1973	May 19, 1973
794		Chapter 425	May 19, 1973	May 19, 1973
695		Chapter 426	May 19, 1973	May 19, 1973
753		Chapter 427	May 19, 1973	May 19, 1973
906		Chapter 428	May 19, 1973	May 19, 1973
1030		Chapter 429	May 19, 1973	May 19, 1973
1087		Chapter 430	May 19, 1973	May 19, 1973
1943		Chapter 431	May 19, 1973	May 19, 1973
1954		Chapter 432	May 19, 1973	May 19, 1973
925		Chapter 433	May 19, 1973	May 19, 1973
929		Chapter 434	May 19, 1973	May 19, 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
2232		Chapter 435	May 19, 1973	May 19, 1973
2221		Chapter 436	May 19, 1973	May 19, 1973
2157		Chapter 437	May 19, 1973	May 19, 1973
1835		Chapter 438	May 19, 1973	May 19, 1973
1803		Chapter 439	May 19, 1973	May 19, 1973
1666		Chapter 440	May 19, 1973	May 19, 1973
1560		Chapter 441	May 19, 1973	May 19, 1973

Sincerely,  
Arlen Erdahl, Secretary of State

#### INTRODUCTION OF BILLS

Messrs. Dunn and Arnold introduced—

S. F. No. 2517: A bill for an act relating to game and fish; prohibiting use of lead shot in taking waterfowl; amending Minnesota Statutes 1971, Section 100.29, by adding a subdivision.

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

Messrs. Thorup and Keefe, J. introduced—

S. F. No. 2518: A bill for an act relating to courts; providing for the reimbursement of attorneys fees in certain actions for wages; amending Minnesota Statutes 1971, Section 549.03.

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

Messrs. Thorup, Laufenburger and Krieger introduced—

S. F. No. 2519: A bill for an act relating to courts; providing that salaries of clerks of district court be set by the court; amending Minnesota Statutes 1971, Section 485.018, Subdivisions 2 and 6; repealing Minnesota Statutes 1971, Section 485.018, Subdivisions 1, 3, 4, 7 and 8.

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

Mr. Perpich, A. J. introduced—

S. F. No. 2520: A bill for an act relating to taxation; authorizing the imposition of selective excise, sales, or earnings taxes or fees by counties, cities, villages, boroughs, and towns; amending Minnesota Statutes 1971, Section 477A.01, Subdivision 18.

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

Mr. Laufenburger introduced—

S. F. No. 2521: A bill for an act relating to taxation; providing for the levy and collection of local wheelage taxes upon motor vehicles for highway purposes; repealing Minnesota Statutes 1971, Sections 163.051; and 426.05.

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

Mr. Hansen, Baldy introduced—

S. F. No. 2522: A bill for an act relating to taxation; imposing certain taxes; and providing for the collection of such taxes and the uses of the proceeds.

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

Mr. Chmielewski introduced—

S. F. No. 2523: A bill for an act relating to public welfare; reducing the maximum age for receipt of aid to families with dependent children; amending Minnesota Statutes 1971, Section 256.12, Subdivision 14.

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

Messrs. Berg, Wegener and Olson, H. D. introduced—

S. F. No. 2524: A bill for an act relating to rural regional development; providing for plans and studies on the problems of rural areas; appropriating money.

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

#### MESSAGES FROM THE HOUSE

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. 733, and repassed said bill in accordance with the report of the Committee, so adopted.

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

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

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

Returned May 18, 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. 910, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 910: A bill for an act relating to snowmobiles; prohibiting the operation thereof on public airports; prescribing penalties; amending Minnesota Statutes 1971, Sections 84.87, by adding a subdivision; and 84.88, Subdivision 1.

Senate File No. 910 is herewith returned to the Senate.

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

Returned May 18, 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. 1182, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 1182: A bill for an act relating to county government, providing for county license bureaus.

Senate File No. 1182 is herewith returned to the Senate.

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

Returned May 18, 1973

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned:

S. F. Nos. 462, 568 and 1445.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 18, 1973

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted:

H. F. No. 2056.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 18, 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. 2338: A bill for an act relating to the appropriations by the county of Ramsey for the plans and designs of an addition to St. Paul-Ramsey hospital in conjunction with the Gillette hospital authority.

Senate File No. 2338 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 18, 1973

#### CONCURRENCE AND REPASSAGE

Mr. O'Neill moved that the Senate do now concur in the amendments by the House to S. F. No. 2338 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 2338: A bill for an act relating to public welfare; permitting Ramsey county and the city of St. Paul to incur certain debt and impose taxes to discharge it for public hospital and social service programs.

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 52 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Brown	Hansen, Baldy	Kirchner	Moe
Arnold	Chmielewski	Hansen, Mel	Kleinbaum	Nelson
Ashbach	Conzemius	Hanson, R.	Knutson	North
Berg	Davies	Humphrey	Larson	Novak
Bernhagen	Doty	Jensen	Lord	Ogdahl
Blatz	Dunn	Josefson	McCutcheon	Olhoft
Borden	Fitzsimons	Keefe, J.	Milton	Olson, A. G.

Olson, H. D.	Perpich, A. J.	Schrom	Stokow ki	Willet
Olson, J. L.	Pillsbury	Solon	Tennessen	
O'Neill	Furfeerst	Spear	Thorup	
Patton	Renneke	Stassen	Ueland	

Mr. Perpich, G. voted in the negative.

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

#### 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. 1742: A bill for an act relating to the credentialing of allied health manpower under the state board of health; appropriating money.

Senate File No. 1742 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 18, 1973

#### CONCURRENCE AND REPASSAGE

Mr. North moved that the Senate do now concur in the amendments by the House to S. F. No. 1742 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1742 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	Conzemius	Keefe, J.	Ogdahl	Renneke
Arnold	Davies	Kirchner	Olhoft	Schrom
Ashbach	Doty	Kleinbaum	Olson, A. G.	Solon
Bang	Dunn	Larson	Olson, H. D.	Spear
Berg	Fitzsimons	Lord	Olson, J. L.	Stassen
Bernhagen	Hansen, Baldy	McCutcheon	O'Neill	Stokowski
Blatz	Hansen, Mel	Milton	Patton	Tennessen
Borden	Hanson, R.	Moe	Perpich, A. J.	Thorup
Brown	Humphrey	Nelson	Perpich, G.	Ueland
Chenoweth	Jensen	North	Pillsbury	Willet
Chmielewski	Josefson	Novak	Purfeerst	

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

## 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. 430: A bill for an act relating to education; school districts; permitting increased annual compensation and extended transportation reimbursement to local school board members; amending Minnesota Statutes 1971, Section 123.33, Subdivision 12.

Senate File No. 430 is herewith returned to the Senate.

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

Returned May 18, 1973

## CONCURRENCE AND REPASSAGE

Mr. Moe moved that the Senate do now concur in the amendments by the House to S. F. No. 430 and that the bill be placed on its repassage as amended.

Mr. Nelson moved that the Senate do not concur in the amendments by the House to S. F. No. 430 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.

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

And the roll being called, there were yeas 18 and nays 40, as follows:

Those who voted in the affirmative were:

Bang	Brown	Hanson, R.	Larson	Renneke
Berg	Dunn	Josefson	Nelson	Stassen
Bernhagen	Frederick	Knutson	Patton	
Blatz	Hansen, Mel	Kowalczyk	Pillsbury	

Those who voted in the negative were:

Anderson	Fitzsimons	Laufenburger	Ogdahl	Schnom
Arnold	Gearty	Lewis	Olhoft	Solon
Borden	Hansen, Baldy	Lord	Olson, A. G.	Spear
Chenoweth	Humphrey	McCutcheon	O'Neill	Stokowski
Chmielewski	Keefe, J.	Milton	Perpich, A. J.	Tennessen
Coleman	Keefe, S.	Moe	Perpich, G.	Thorup
Davies	Kirchner	North	Purfeerst	Wegener
Doty	Kleinbaum	Novak	Schaaf	Willet

Which motion did not prevail.

The question recurred on the adoption of the motion of Mr. Moe. Which motion prevailed.



S. F. No. 430: A bill for an act relating to education; school districts; compensation and transportation reimbursement to local school board members; amending Minnesota Statutes 1971, Section 123.33, Subdivision 12.

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 52 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Knutson	Olhoft	Spear
Arnold	Fitzsimons	Krieger	Olson, A. G.	Stassen
Ashbach	Gearty	Laufenburger	Olson, J. L.	Stokowski
Bang	Hansen, Baldy	Lewis	O'Neill	Tennessen
Blatz	Hanson, R.	Lord	Patton	Thorup
Borden	Humphrey	McCutcheon	Perpich, A. J.	Ueland
Chenoweth	Jensen	Milton	Perpich, G.	Wegener
Chmielewski	Keefe, J.	Moe	Purfeerst	Willet
Coleman	Keefe, S.	North	Renneke	
Conzemius	Kirchner	Novak	Schaaf	
Davies	Kleinbaum	Ogdahl	Solan	

Those who voted in the negative were:

Berg	Dunn	Josefson	Larson	Pillsbury
Bernhagen	Frederick	Kowalczyk	Nelson	
Brown	Hansen, Mel			

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

#### 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. 1091: A bill for an act relating to health; authorizing the commissioner of public welfare to make grants to aid in the purchase, construction or remodeling of community residential facilities for the mentally retarded and cerebral palsied; directing the commissioner of public welfare to establish an advisory board on community residential facilities for the mentally retarded and cerebral palsied; appropriating money.

Senate File No. 1091 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 18, 1973

#### CONCURRENCE AND REPASSAGE

Mr. Milton moved that the Senate do now concur in the amendments by the House to S. F. No. 1091 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1091 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### 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. 1480: A bill for an act relating to meetings of state agencies and of governing bodies open to public; providing a penalty; amending Minnesota Statutes 1971, Section 471.705; repealing Minnesota Statutes 1971, Section 10.41.

Senate File No. 1480 is herewith returned to the Senate.

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

Returned May 18, 1973

#### CONCURRENCE AND REPASSAGE

Mr. Humphrey moved that the Senate do now concur in the amendments by the House to S. F. No. 1480 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1480 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 55 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Blatz	Chmielewski	Doty	Hansen, Baldy
Arnold	Borden	Coleman	Dunn	Hansen, Mel
Bang	Brown	Conzemius	Fitzsimons	Hanson, R.
Berg	Chenoweth	Davies	Gearty	Humphrey

Jensen	Krieger	North	O'Neill	Spear
Keefe, J.	Larson	Novak	Perpich, A. J.	Stassen
Keefe, S.	Laufenburger	Ogdahl	Perpich, G.	Stokowski
Kirchner	Lewis	Olhoff	Pillsbury	Tennessen
Kleinbaum	Lord	Olson, A. G.	Purfeerst	Thorup
Knutson	Moe	Olson, H. D.	Schaaf	Wegener
Kowalczyk	Nelson	Olson, J. L.	Solon	Willet

Messrs. Bernhagen, Josefson, Renneke and Ueland voted in the negative.

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

#### MESSAGE FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted:

H. F. No. 1996.

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

Transmitted May 18, 1973

#### FIRST READING OF HOUSE BILLS

H. F. No. 2056: A bill for an act relating to taxation; providing for use of cigarette tax stamping machines; appropriating money; amending Minnesota Statutes 1971, Section 297.03, Subdivision 6.

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

H. F. No. 1996: A bill for an act relating to the Minnesota state college board; appropriating money and authorizing a loan to the board for the refunding of outstanding revenue bonds; authorizing the issuance and sale of bonds under the provisions of Article IX, Section 6 of the Constitution to provide money for such loan, and appropriating money in connection with such bonds; amending Minnesota Statutes 1971, Section 136.40, by adding a subdivision.

Which was read the first time.

#### SUSPENSION OF RULES

Mr. Chenoweth 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. 1996 and that the rules of the Senate be so far suspended as to give H. F. No. 1996 its second and third reading and placed on its final passage. Which motion prevailed.

H. F. No. 1996 was read the second time.

H. F. No. 1996: A bill for an act relating to the Minnesota state college board; appropriating money and authorizing a loan to the

board for the refunding of outstanding revenue bonds; authorizing the issuance and sale of bonds under the provisions of Article IX, Section 6 of the Constitution to provide money for such loan, and appropriating money in connection with such bonds; amending Minnesota Statutes 1971, Section 136.40, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 revert to Messages From the House, remaining on the Order of Business of Motions and Resolutions. 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. 1557: A bill for an act relating to education; establishing a work-study program for post-secondary education students; appropriating money therefor.

Senate File No. 1557 is herewith returned to the Senate.

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

Returned May 18, 1973

**CONCURRENCE AND REPASSAGE**

Mr. Hughes moved that the Senate do now concur in the amendments by the House to S. F. No. 1557 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1557 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**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. 1232: A bill for an act relating to education; defining gifted pupil; permitting school districts to provide services for gifted pupils.

Senate File No. 1232 is herewith returned to the Senate.

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

Returned May 18, 1973

Mr. Hughes moved that S. F. No. 1232 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 was referred

H. F. No. 2444 for comparison to companion Senate Files, reports the following House File was found not identical with its companion Senate File as follows:

#### CALENDAR OF

GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2444	2358				

Pursuant to Rule 49 the Committee recommends that H. F. No. 2444 be amended as follows:

Page 3, line 17, strike "Grants"

Page 3, delete lines 18 through 20

Page 3, line 24, delete everything after "subdivision 1" and insert a period

Page 3, delete lines 25 through 28

Page 9, delete lines 26 through 28

Page 16, delete lines 16 through 28

Page 17, delete lines 1 through 28

Page 18, delete lines 1 through 10

Renumber sections in sequence

Further, amend the title as follows: In line 20, delete "; amending" and insert a period; delete lines 21 and 22

And when so amended, H. F. No. 2444 will be identical to S. F. No. 2358 and further recommends that H. F. No. 2444 be given its second reading and substituted for S. F. No. 2358 and S. F. No. 2358 be indefinitely postponed. Amendments adopted.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

#### 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 H. F. No. 2530, pursuant to the request of the House,

Messrs. Arnold; Novak; Olson, J. L; Fitzsimons; Davies.

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

#### MOTIONS AND RESOLUTIONS

Mr. North moved that S. F. No. 160 together with the Conference Committee Report thereon be taken from the table. Which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON S. F. NO. 160**

A bill for an act relating to public health; dating of perishable foods; providing a penalty.

May 17, 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. 160, 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. [DECLARATION OF POLICY.] The legislature recognizes the entire food industry in the nation as leaders in the world in providing wholesome, nutritious, fresh and clean food to its citizens and to others. The Minnesota department of agriculture is hereby authorized and directed to promulgate rules and regulations which provide for a quality assurance date on perishable foods, to assure this industry's continuation and the degree of improvement reasonable and feasible, so as to provide people with wholesome, nutritious, fresh and clean food.

Sec. 2. [DEFINITIONS.] Subdivision 1. As used in this act, the following terms shall have the meanings ascribed to them.

Subd. 2. "Commissioner" means the commissioner of agriculture or designee.

Subd. 3. "Perishable food" means any food intended for human consumption (other than meat and poultry, frozen food, or fresh fruit or vegetables), which has a quality assurance date.

Subd. 4. "Quality assurance date" means any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wiltage, drying or any other foreseeable and normal natural phenomenon, lose its palatability or its desired or nutritive properties. The date shall include the day, month, and if appropriate, the year.

Sec. 3. [REGULATIONS, SCOPE.] Subdivision 1. The commissioner shall administer and enforce the provisions of this act by regulations adopted prior to October 1, 1973 pursuant to the administrative procedures act.

Subd. 2. Perishable foods which bear a quality assurance date of 90 days or less from the date of packaging shall be dated in accordance with the regulations adopted pursuant to this act.

Subd. 3. Perishable foods which bear a quality assurance date of more than 90 days from the date of packaging may require dating in accordance with regulations adopted pursuant to this act.

Subd. 4. Whenever the commissioner has reason to believe that any regulation adopted pursuant to this act is inappropriate or unsuitable to any particular perishable food product or products, the commissioner may, in accordance with the administrative procedures act, waive the application of such regulations as to such product or products.

Sec. 4. [EXPIRATION OF QUALITY ASSURANCE DATE.] Nothing contained in this act or any regulation adopted pursuant hereto shall require the removal from sale of a perishable food product after the expiration of the quality assurance date on the product nor imply that after the expiration of the quality assurance date on the product, the product is not wholesome or safe for human consumption.

Sec. 5. [REGULATIONS OF OTHER STATES AND THE FEDERAL GOVERNMENT.] If any other state, or the federal government, adopts an open dating statute or regulation which provides for information and enforcement equal to or greater than that of this act, the commissioner may, by regulation, exempt any product from the provisions of this act if it is in compliance with such other statute or regulation.

Sec. 6. [LOCAL ORDINANCES PRE-EMPTED.] No subordinate unit of government may adopt or enforce any rule or ordinance regarding open dating of perishable foods other than this act.

Sec. 7. [ENFORCEMENT.] In enforcing the provisions of this act, the commissioner may receive complaints and investigate possible violations. The commissioner and his employees shall have reasonable access to all places wherein any item of perishable food regulated pursuant to this act is sold or held or offered for sale, and may take samples of perishable food for analysis. The attorney general, acting for the commissioner, or any municipal or county official responsible for the enforcement of rules or ordinances, may bring an action to restrain violations of this act.

Sec. 8. [PENALTIES.] Any person injured by a violation of this act may bring a civil action and recover damages, together with costs and disbursements.

Sec. 9. [EXEMPTIONS.] Nothing in this act shall apply to any sale exempt from a license by the Minnesota Constitution, Article I, Section 18.

Sec. 10. [EFFECTIVE DATE.] This act shall be effective as to all perishable food manufactured or processed on or after January 1, 1974."

Further, amend the title by striking it in its entirety and inserting in lieu thereof the following:

"A bill for an act relating to food; requiring open dating of perishable food; directing the commissioner of agriculture to promulgate rules and regulations governing the dating, handling and labeling of perishable food; providing penalties."



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

Senate Conferees: (Signed) Robert D. North, Stephen Keefe, Howard A. Knutson.

House Conferees: (Signed) Joe Connors, Bruce F. Vento, Robert J. Ferderer.

Mr. North moved that the foregoing recommendations and Conference Committee Report on S. F. No. 160 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.

S. F. No. 160: A bill for an act relating to public health; dating of perishable foods; providing a penalty.

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

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

And the roll being called, there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 384

S. F. No. 384: A bill for an act relating to 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; establishing certain boards and prescribing their powers and duties; requiring reports of maltreatment of nursing home patients; prescribing penalties; and appropriating money; amending Minnesota Statutes 1971, Sections 144.53; and 609.23; Chapters 144, by adding sections; 154, by adding a section; 256B, by adding sections; and 626, by adding a section.

May 17, 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. 384, 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. [PUBLIC POLICY.] It is the intent of the legislature and the purpose of this act to promote the interests and well being of the patients and residents of health care facilities. It is declared to be the public policy of this state that the interests of the patient be protected by a declaration of a patients bill of rights which shall include but not be limited to the following:*

*(1) Every patient and resident shall have the right to considerate and respectful care;*

*(2) Every patient can reasonably expect to obtain from his physician or the resident physician of the facility complete and current information concerning his diagnosis, treatment and prognosis in terms and language the patient can reasonably be expected to understand. In such cases that it is not medically advisable to give such information to the patient the information may be made available to the appropriate person in his behalf;*

*(3) Every patient and resident shall have the right to know by name and specialty, if any, the physician responsible for coordination of his care;*

*(4) Every patient and resident shall have the right to every consideration of his privacy and individuality as it relates to his social, religious, and psychological well being;*

*(5) Every patient and resident shall have the right to respectfulness and privacy as it relates to his medical care program. Case discussion, consultation, examination, and treatment are confidential and should be conducted discreetly.*

*(6) Every patient and resident shall have the right to expect the facility to make a reasonable response to the requests of the patient;*

*(7) Every patient and resident shall have the right to obtain information as to any relationship of the facility to other health care and related institutions insofar as his care is concerned, and:*

*(8) The patient and resident have the right to expect reasonable continuity of care which shall include but not be limited to what appointment times and physicians are available.*

*Sec. 2. [NOTICE TO PATIENT.] The policy statement contained in section 1 of this act shall be posted conspicuously in a*

*public place in all facilities licensed under the provisions of Minnesota Statutes, Sections 144.50 to 144.58. Copies of the policy statement shall be furnished the patient and resident upon admittance to the facility.*

Sec. 3. Minnesota Statutes 1971, Chapter 144, is amended by adding a section to read:

[144.541] [HEALTH CARE FACILITIES; REGULATIONS; INSPECTIONS.] *Subdivision 1. [RULES AND REGULATIONS.] The state board of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under the provisions of Minnesota Statutes 1971, Sections 144.50 to 144.58. The state board of health shall enforce such rules, regulations and standards subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in nursing homes and other licensed health care facilities and the responsibility of the commissioner of public welfare pursuant to Minnesota Statutes 1971, Sections 245.78; 252.28; and 257.081 to 257.123.*

*Subd. 2. [PERIODIC INSPECTION.] All facilities required to be licensed under the provisions of sections 144.50 to 144.58 shall be periodically inspected by the state board of health to insure compliance with its rules, regulations and standards. The state board of health may enter into agreements with political subdivisions providing for the inspection of such facilities by locally employed inspectors.*

*Subd. 3. [ENFORCEMENT.] With the exception of the department of public safety which has the exclusive jurisdiction to enforce state fire and safety standards, the state board of health is the exclusive state agency charged with the responsibility and duty of inspecting facilities required to be licensed under the provisions of sections 144.50 to 144.58 and enforcing the rules, regulations and standards prescribed by it.*

*Subd. 4. [WITHOUT NOTICE.] One or more unannounced inspections of each facility required to be licensed under the provisions of sections 144.50 to 144.58 shall be made annually.*

*Subd. 5. [CORRECTION ORDERS.] Whenever a duly authorized representative of the state board of health finds upon inspection of a facility required to be licensed under the provisions of sections 144.50 to 144.58 that the licensee of such facility is not in compliance with an applicable regulation promulgated under the administrative procedures act by the state board of health pursuant to section 144.56, a correction order shall be issued to the licensee. The correction order shall state the deficiency, cite the specific regulation violated, and specify the time allowed for correction.*

*Subd. 6. [REINSPECTIONS; FINES.] If upon reinspection it is found that the licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 has not corrected the deficiency or deficiencies specified in the correction order, the licensee shall forfeit to the state within 15 days a sum of up to \$250 for each such deficiency not corrected. For each subsequent reinspection, the licensee may be fined an additional amount for each deficiency which has not been corrected. All forfeitures shall be paid into the state treasury and credited to the general fund.*

*Subd. 7. [RECOVERY.] Any unpaid forfeitures may be recovered by the attorney general.*

*Subd. 8. [HEARINGS.] A licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 is entitled to a hearing on any correction order issued to him, provided that he makes a written request therefor within 15 days of receipt by him of the correction order. Such request shall operate as a stay during the hearing and review process of the payment of any forfeiture provided for in this section. Upon receipt of the request for a hearing, a hearing officer, who shall not be an employee of the state board of health shall be appointed by the state board of health, and the hearing officer shall promptly schedule a hearing on the matter, giving at least ten days notice of the date, time, and place of such hearing to the licensee. The hearing and review thereof shall be in accordance with the relevant provisions of the administrative procedures act.*

*Subd. 9. [NONLIMITING.] Nothing in this section shall be construed to limit the powers granted to the state board of health in section 144.55.*

*Sec. 4. Minnesota Statutes 1971, Chapter 144, is amended by adding a section to read:*

*[144.542] [EXPERTS MAY BE EMPLOYED.] The state board of health may employ experts in the field of health care to assist the staffs of facilities required to be licensed under the provisions of sections 144.50 to 144.58 in programming and providing adequate care of the patients and residents of the facility. Alternate methods of care for patients and residents of such facilities shall be researched by the state board of health using the knowledge and experience of experts employed therefor.*

*Sec. 5. Minnesota Statutes 1971, Chapter 144, is amended by adding a section to read:*

*[144.543] [PROGRAM FOR VOLUNTARY MEDICAL AID.] Licensed physicians may visit a facility required to be licensed under the provisions of sections 144.50 to 144.58 and examine patients and residents thereof under a program which shall be established by the state board of health and regulated and governed by rules and regulations promulgated by the state board of health pursuant to the administrative procedures act. Such rules and regulations shall protect the privacy of patients and residents of facilities. No patient or resident of any facility shall be required to submit to an examination under such program. The state board of health shall consult with medical schools and other experts for the purpose of establishing the program. The state board of health shall encourage the active participation of all licensed physicians on a voluntary basis in such program.*

*Sec. 6. Minnesota Statutes 1971, Chapter 144, is amended by adding a section to read:*

*[144.555] [EMPLOYEES TO BE COMPENSATED.] All employees of facilities required to be licensed under the provisions of sections 144.50 to 144.58 participating in orientation programs or in inservice training provided by the facility shall be compensated*

*therefor at their regular rate of pay, provided, however, that this section will be effective only to the extent that facilities are reimbursed for such compensation by the commissioner of public welfare in the proportion of welfare to total residents and patients in the facility.*

Sec. 7. Minnesota Statutes 1971, Chapter 144, is amended by adding a section to read:

[144.556] [VOLUNTEER EFFORTS ENCOURAGED.] *The state board of health, through the dissemination of information to appropriate organizations, shall encourage citizens to promote improved care in facilities required to be licensed under the provisions of sections 144.50 to 144.58 throughout the state.*

Sec. 8. Minnesota Statutes 1971, Chapter 256B, is amended by adding a section to read:

[256B.30] [HEALTH CARE FACILITY REPORT.] *Every facility required to be licensed under the provisions of sections 144.50 to 144.58 shall provide annually to the commissioner of public welfare such reports as may be required under law and under regulations adopted by the commissioner of public welfare under the administrative procedures act. Such regulations shall provide for the submission of a full and complete financial report of a facility's operations including:*

- (1) An annual statement of income and expenditures;*
- (2) A complete statement of fees and charges;*
- (3) The names of all persons other than mortgage companies owning any interest in the facility including stockholders with an ownership interest of ten percent or more of the facility.*

*The financial reports and supporting data of the facility shall be available for inspection and audit by the commissioner of public welfare.*

Sec. 9. Minnesota Statutes 1971, Chapter 609, is amended by adding a section to read:

[609.23] [MISTREATMENT OF RESIDENTS OR PATIENTS.] *Whoever, being in charge of or employed in any facility required to be licensed under the provisions of Minnesota Statutes, Sections 144.50 to 144.58 intentionally abuses, ill-treats, or culpably neglects any patient or resident therein to his physical detriment may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

Sec. 10. Minnesota Statutes 1971, Chapter 626, is amended by adding a section to read:

[626.555] REPORTING OF MALTREATMENT OF PATIENTS.] *Subdivision 1. [DECLARATION OF PURPOSE.] The purpose of this section is to provide for the protection of persons being cared for in hospitals, nursing homes or other related institutions licensed pursuant to Minnesota Statutes, Sections 144.50 to*

144.58, who have had physical injury inflicted upon them, by other than accidental means, when the injury appears to have been caused as a result of physical abuse or neglect.

**Subd. 2. [WHO MAKES REPORT AND TO WHOM MADE.]** Whether licensed or not, any physician, surgeon, person authorized to engage in the practice of healing, administrator of a hospital or nursing home, nurse or pharmacist, shall immediately report all cases of physical injury to persons being cared for in hospitals, nursing homes or other related institutions licensed pursuant to Minnesota Statutes, Sections 144.50 to 144.58, inflicted by other than accidental means which come to their attention, when the injury appears to have been caused as a result of physical abuse or neglect. Cases shall be reported to the state board of health.

**Subd. 3. [NATURE AND CONTENT OF REPORT.]** The report described in subdivision 2 may be made immediately by telephone or other means. The state department of health may require a supplementary written report which shall contain such information as the department shall request.

**Subd. 4. [RESPONSIBILITY OF LOCAL POLICE AUTHORITY AND OF THE COUNTY WELFARE AGENCY.]** The local police authority and county welfare agency shall cooperate with the state department of health and shall investigate claims of neglect and abuse when requested by the state department of health. The county welfare agency shall offer protective social services in an effort to protect the health and welfare of these persons and to prevent further abuses.

**Subd. 5. [IMMUNITY FROM LIABILITY.]** Anyone participating in good faith in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. A participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

**Subd. 6. [EVIDENCE NOT PRIVILEGED.]** The physician patient privilege shall not be a ground for excluding evidence regarding the injuries or the cause thereof, in any judicial proceeding concerning a physical injury to any person protected by this act, which injury appears to have been caused as a result of physical abuse or neglect.

**Subd. 7. [RETALIATION PROHIBITED.]** No person who directs or exercises any authority in a facility required to be licensed under the provisions of sections 144.50 to 144.58 shall evict, harass, dismiss or retaliate against a patient, resident or employee because he or any member of his family has reported in good faith any violation or suspected violation of laws, ordinances or regulations applying to the facility.

**Subd. 8. [PENALTY.]** Any person knowingly and willingly violating this section is guilty of a misdemeanor. "

Further, amend the title by striking it in its entirety and inserting in lieu thereof the following:

"A bill for an act relating to 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; establishing certain boards and prescribing their powers and duties; requiring reports of maltreatment of nursing home patients; prescribing penalties; amending Minnesota Statutes 1971, Chapters 144, by adding a section; 256B, by adding sections; 609, by adding a section; and 626, by adding a section."

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

Senate Conferees: (Signed) Harmon T. Ogdahl, B. Robert Lewis, Robert J. Tennessen.

House Conferees: (Signed) Gary W. Flakne, John J. Salchert, James C. Swanson.

Mr. Ogdahl moved that the foregoing recommendations and Conference Committee Report on S. F. No. 384 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.

S. F. No. 384: A bill for an act relating to 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; establishing certain boards and prescribing their powers and duties; requiring reports of maltreatment of nursing home patients; prescribing penalties; and appropriating money; amending Minnesota Statutes 1971, Sections 144.53; and 609.23; Chapters 144, by adding sections; 154, by adding a section; 256B, by adding sections; and 626, by adding a section.

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

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

And the roll being called, there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. North moved that S. F. No. 452 together with the Conference Committee Report thereon be taken from the table. Which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON S. F. NO. 452

A bill for an act relating to city of St. Paul; providing for a change in the election of members of the council.

May 17, 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. 452, report that we have agreed upon the items in dispute and recommend as follows: That S. F. No. 452 be amended as follows:

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

“Section 1. [ST. PAUL, CITY OF; COUNCIL ELECTION; DISTRICTS.] Subdivision 1. The council of the city of St. Paul shall divide the city into four districts equal so far as possible in population at least 60 days prior to the first day for filing for the city elections. In the city general election next following the effective date of this section and thereafter four councilmen who shall be residents of the district shall be elected, one from each district, and three councilmen shall be elected at-large. Each person desiring to have his name placed on the primary ballot shall state in his affidavit of candidacy which office he is a candidate for specifying the district or specifying one of the three at-large positions. Incumbency shall not be indicated on election ballots. After the 1980 federal census and each federal census every ten years thereafter, the city council shall reapportion as necessary the four council districts provided herein. Except as provided herein the laws relating to the election of the council of the city of St. Paul shall continue to apply.

Subd. 2. This section takes effect when approved by a majority of the governing body of the city of St. Paul and upon compliance with Minnesota Statutes, Section 645.021; provided that notwithstanding the provisions of Minnesota Statutes, Section 645.021, Subdivision 1, relating to expiration of special laws, this section shall also take effect if approved at a special election by the voters of the city of St. Paul which election shall be held on the uniform municipal election day specified in Minnesota Statutes, Section 205.20, Subdivision 2, next following the presentation of a petition to the city clerk of the city of St. Paul signed by 2,000 or more qualified voters.

Sec. 2. [ST. PAUL, CITY OF; ALLEY SYSTEM OF ELECTING COUNCIL.] Subdivision 1. Sixty days after this section becomes effective the city council of the city of St. Paul shall desig-



nate each council seat, whether occupied or not, by a separate letter of the alphabet. Each so designated council seat shall be deemed a separate office for the city election of 1974 and thereafter. Any incumbent member of the city council running for election or re-election to the city council shall be a candidate for that office only of which he was an incumbent. Each person desiring to have his name placed on the primary ballot shall state in his affidavit of candidacy which designated council seat he is a candidate for. The names of the candidates for each council seat shall be rotated on the ballots to avoid any appearance of preference for incumbents. Incumbency shall not be indicated on the ballots. Except as herein provided the laws relating to the election of the council of the city of St. Paul shall continue to apply.

Subd. 2. This section takes effect when approved by a majority of the governing body of the city of St. Paul and upon compliance with Minnesota Statutes, Section 645.021; provided that notwithstanding the provisions of Minnesota Statutes, Section 645.021, Subdivision 1, relating to expiration of special laws, this section shall also take effect if approved at a special election by the voters of the city of St. Paul which election shall be held on the uniform municipal election day specified in Minnesota Statutes, Section 205.20, Subdivision 2, next following the presentation of a petition to the city clerk of the city of St. Paul signed by 2,000 or more qualified voters.

Sec. 3. [ST. PAUL, CITY OF; ELECTION DATE; TERM OF OFFICE.] Subdivision 1. Notwithstanding any provision of the charter of the city of St. Paul to the contrary, commencing November 4, 1975, the election of St. Paul city officers and such other officers as are required to be elected at a city election in the city of St. Paul shall be held on the first Tuesday after the first Monday in November of odd-numbered years. A primary election shall be held on a date set by the council which shall be no less than 14 days before the city election day.

Subd. 2. Notwithstanding any provision of the charter of the city of St. Paul to the contrary, commencing with the election of city officers on November 4, 1975, the mayor and each councilman of the city of St. Paul shall hold office for a term of two years commencing on the first business day in January next succeeding their election and until a successor is elected and qualified. Further, notwithstanding any provision of the charter of the city of St. Paul to the contrary, the term of office of the mayor and each councilman elected in 1974 shall begin on the first Tuesday of June of 1974 and end as of the first business day of January, 1976.

Subd. 3. This section takes effect when approved by a majority of the governing body of the city of St. Paul and upon compliance with Minnesota Statutes, Section 645.021; provided that notwithstanding the provisions of Minnesota Statutes, Section 645.021, Subdivision 1, relating to expiration of special laws, this section shall also take effect if approved at a special election by the voters of the city of St. Paul which election shall be held on the uniform municipal election day specified in Minnesota Statutes, Section

205.20, Subdivision 2, next following the presentation of the petition to the city clerk of the city of St. Paul signed by 2,000 or more qualified voters.

Sec. 4. [ST. PAUL, CITY OF; OFFICERS' COMPENSATION.] Subdivision 1. Notwithstanding any provision of law or the St. Paul city charter to the contrary, the city of St. Paul shall have the power, from and after the effective date of this section, to fix in term and refix from time to time the compensation of all duly elected officers under its charter. Such compensation shall be fixed by ordinance passed upon in the manner provided for by the charter of the city of St. Paul, provided that no ordinance increasing compensation of elected officials may be passed during the last three months of any term of office. Except for the initial fixing of compensation authorized herein, no subsequent fixing of compensation shall be prescribed to take effect during the term of office for which the elected officials shall have been elected.

Subd. 2. [REFERENDUM.] Nothing contained in this section shall prohibit a referendum by petition of the registered voters of the city of St. Paul upon any ordinance adopted hereunder.

Subd. 3. [FEES.] No elected official shall receive any other compensation than that provided for pursuant to this section for the performance of his official duties and such compensation shall include compensation for all services rendered in any office or employment for said city. All fees, moneys or remuneration of whatever kind that accrue to any official in his elected capacity shall be reported to the city council and paid monthly into the treasury of the city.

Subd. 4. [REPEALER.] Laws 1971, Chapter 473, is hereby repealed.

Subd. 5. [EFFECTIVE DATE.] This section takes effect when approved by a majority of the governing body of the city of St. Paul and upon compliance with Minnesota Statutes, Section 645.021; provided that notwithstanding the provisions of Minnesota Statutes, Section 645.021, Subdivision 1, relating to expiration of special laws, this section shall also take effect if approved at a special election by the voters of the city of St. Paul which election shall be held on the uniform municipal election day specified in Minnesota Statutes, Section 205.20, Subdivision 2, next following the presentation of a petition to the city clerk of the city of St. Paul signed by 2,000 or more qualified voters."

Further, amend the title by striking it in its entirety and inserting in lieu thereof the following:

"A bill for an act relating to the city of St. Paul; providing for the division of the city into districts for election of the city council; providing for an alley system of electing the city council; changing the election day for election of city officers and changing the term of office of the mayor and councilmen; providing a method for fixing compensation of elected officials; repealing Laws 1971, Chapter 473."

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

Senate Conferees: (Signed) Robert D. North, John C. Cheno-  
weth and William McCutcheon.

House Conferees: (Signed) Bruce F. Vento, Ray W. Faricy and  
Robert L. Pavlak.

Mr. North moved that the foregoing recommendations and Conference Committee Report on S. F. No. 452 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.

S. F. No. 452: A bill for an act relating to the city of St. Paul; providing for a change in the election of members of the council.

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

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

And the roll being called, there were yeas 53 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	North	Schrom
Arnold	Fitzsimons	Kirchner	Olhoft	Sillers
Bang	Frederick	Kleinbaum	Olson, H. D.	Solon
Berg	Gearty	Krieger	Olson, J. L.	Spear
Bernhagen	Hansen, Baldy	Laufenburger	Patton	Stokowski
Blatz	Hansen, Mel	Lewis	Perpich, A. J.	Tennessen
Borden	Hanson, R.	Lord	Perpich, G.	Thorup
Brown	Hughes	McCutcheon	Pillsbury	Wegener
Chenoweth	Humphrey	Milton	Purfeerst	Willet
Chmielewski	Josefson	Moe	Renneke	
Conzemius	Keefe, J.	Nelson	Schaaf	

Those who voted in the negative were:

Dunn	Kowalczyk	Novak	Olson, A. G.	Stassen
Knutson	Larson	Ogdahl	O'Neill	Ueland

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Keefe, S. moved that S. F. No. 1247 together with the Conference Committee Report thereon be taken from the table. Which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON 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.

May 17, 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. 1247, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1247 be amended as follows:

Page 6, line 16, after "*voter*" insert "*or address of residence from which the witness voted if he resides where there was no permanent registration*"

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

Senate Conferees: (Signed) Stephen Keefe, Mel Hansen and David D. Schaaf.

House Conferees: (Signed) John D. Tomlinson, John J. Sarna and David Cleary.

Mr. Keefe, S. moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1247 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.

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.

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

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

And the roll being called, there were yeas 55 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	North	Renneke
Arnold	Fitzsimons	Kirchner	Novak	Schaaf
Bang	Frederick	Kleinbaum	Olhoft	Schnom
Berg	Gearty	Krieger	Olson, A. G.	Solon
Bernhagen	Hansen, Baldy	Larson	Olson, H. D.	Spear
Blatz	Hansen, Mel	Laufenburger	Olson, J. L.	Stassen
Borden	Hansen, R.	Lewis	Patton	Stokowski
Brown	Hughes	Lord	Perpich, A. J.	Tennessee
Chmielewski	Humphrey	Milton	Perpich, G.	Thorup
Conzemius	Jensen	Moe	Pillsbury	Wegener
Davies	Josefson	Nelson	Purfeerst	Willet

Those who voted in the negative were:

Ashbach  
Keefe, J.

Knutson  
Kowalczyk

Ogdahl

O'Neill

Sillers

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 1302

A bill for an act relating to health; organization of public health nursing services; amending Minnesota Statutes 1971, Sections 145.12, Subdivision 1; and 393.07, Subdivisions 2 and 3.

May 18, 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. 1302, 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. 1302 be amended as follows:

Page 1, line 14, after "more," and before "may" insert "*and except Cook, Isanti, and Kanabec counties,*"

Page 3, line 5, after "*personnel*" and before "*but*" insert "*other than homemaker-home help aides,*"

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

Senate Conferees: (Signed) Winston W. Borden, J. Robert Stassen, John Milton.

House Conferees: (Signed) E. William Quirin, Douglas St. Onge, Wendell O. Erickson.

Mr. Borden moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1302 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.

S. F. No. 1302: A bill for an act relating to health; organization of public health nursing services; amending Minnesota Statutes 1971, Sections 145.12, Subdivision 1; and 393.07, Subdivisions 2 and 3.

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

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

And the roll being called, there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 1824

A bill for an act relating to motor carriers; permit carriers; providing that permits may be assigned or transferred under certain conditions; amending Minnesota Statutes 1971, Section 221.151, Subdivision 1; and repealing Minnesota Statutes 1971, Section 221.151, Subdivision 2.

May 18, 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. 1824, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments. Further, at page 3, line 4, strike "two" and insert in lieu thereof "five".

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

Senate Conferees: (Signed) Florian Chmielewski, Roger A. Laufenburger, Carl A. Jensen.

House Conferees: (Signed) A. J. Eckstein, M. J. McCauley, Glen H. Anderson.

Mr. Chmielewski moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1824 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.

S. F. No. 1824: A bill for an act relating to motor carriers; permit carriers; providing that permits may be assigned or transferred under certain conditions; amending Minnesota Statutes 1971, Section 221.151, Subdivision 1; and repealing Minnesota Statutes 1971, Section 221.151, Subdivision 2.

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

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

And the roll being called, there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 1964

A bill for an act relating to watershed districts; prescribing additional powers and duties of managers thereof; authorizing the managers to institute works by resolution providing for consolidation procedures.

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. 1964, 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. 1964 be amended as follows:

Page 8, line 24, after "board of managers"; insert ", provided, the engineers' preliminary estimate of costs is not over \$125,000 for any project in any calendar year, and that no such resolution shall be used for the establishment of a project, the essential nature and purpose of which is for drainage"

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

Senate Conferees: (Signed) Winston Borden, John Olson, Roger Moe.

House Conferees: (Signed) William Kelly, Vince Lombardi, Jr., Glen Sherwood.

Mr. Borden moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1964 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.

S. F. No. 1964: A bill for an act relating to watershed districts; prescribing additional powers and duties of managers thereof; authorizing the managers to institute works by resolution providing for consolidation procedures.

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

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

And the roll being called, there were yeas 51 and nays 10, as follows:

Those who voted in the affirmative were:

Arnold	Hansen, Baldy	Lewis	Olson, J. L.	Stassen
Ashbach	Hansen, Mel	Lord	O'Neill	Stokowski
Bang	Hanson, R.	McCutcheon	Patton	Tennessen
Blatz	Hughes	Milton	Perpich, A. J.	Thorup
Borden	Humphrey	Moe	Perpich, G.	Ueland
Chenoweth	Jensen	Nelson	Purfeerst	Wegener
Chmielewski	Keefe, S.	North	Renneke	Willet
Conzemius	Kirchner	Novak	Schaaf	
Davies	Kleinbaum	Ogdahl	Sillers	
Fitzsimons	Larson	Olson, A. G.	Solon	
Gearty	Laufenburger	Olson, H. D.	Spear	

Those who voted in the negative were:

Anderson	Brown	Frederick	Keefe, J.	Kowalczyk
Bernhagen	Dunn	Josefson	Knutson	Pillsbury

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

#### CONFERENCE COMMITTEE REPORT ON 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.



May 18, 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. 2047, report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 2047 be amended as follows:

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

"Section 1. Minnesota Statutes 1971, Section 15A.081, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES.] Subdivision 1. The following salaries or salary ranges are provided for the below listed officers and employees in the executive branch of government:

*Base Salary or Range*

Administration, department of commissioner		\$32,500	\$36,000
Deputy commissioner			28,800
state building inspector		18,000	24,000
Aeronautics, department of commissioner		20,100	20,400
Agriculture, department of commissioner		21,000	22,000
deputy commissioner	16,600	20,300	17,600
Alcohol problems, commission on executive director		13,000	
Attorney general, office of attorney general		30,000	36,500
chief deputy attorney general	24,500	28,000	31,500
deputy attorney general	19,100	23,300	27,500
solicitor general	21,300	26,000	28,000
assistant attorney general	12,000	22,500	26,000
Special assistant attorney general	10,000	18,500	12,600
22,600			
Auditor, office of auditor		21,000	26,000
deputy auditor	14,600	17,700	20,800
Civil service, department of director	21,300	26,000	25,700
28,200			
<i>This salary is authorized only until the department of civil service is abolished by other law.</i>			
Commerce, department of commissioner of banks		21,000	22,000
commissioner of insurance		21,000	22,000

commissioner of securities	21,000	22,000	
Corrections, department of			
commissioner	26,100	28,000	
deputy commissioner	19,400	23,700	22,400
Crime control and prevention, commission on			
executive director		17,500	
Economic development, depart- ment of commissioner	21,000	22,000	
deputy commissioner	14,000	18,100	17,600
director of finance		13,300	18,000
director of tourism		13,300	17,500
director of publicity and promo- tion		13,300	17,500
director of research		13,300	17,500
director of industrial development		13,300	17,500
area redevelopment administrator		13,300	17,500
Education, department of com- missioner	24,000	29,400	29,800
Employment of handicapped, commission on			
executive secretary	12,200	14,900	
Finance, department of com- missioner			35,500
deputy commissioner			28,400
Governor, office of governor	35,000		41,000
Health, department of			
executive officer	24,500	29,900	
commissioner			30,300
Higher education coordinating commission			
executive director	19,200	28,800	26,100
assistant executive director	15,600	23,400	20,900
director of research	13,700	20,600	
director of community services	13,100	19,700	
director of educational resources	12,200	18,300	
budget director	11,500	17,300	
Highways, department of commissioner		31,500	33,600
Human rights, department of commissioner		18,300	20,000
Indian affairs commission ex- ecutive director	15,400	18,900	17,500
Investment, board of executive secretary		29,900	35,000

Iron range resources and rehabilitation commission commissioner	16,000	
Labor and industry, department of commissioner	21,000	26,400
deputy commissioner		21,100
workmen's compensation commissioner	21,000	22,000
workmen's compensation judge	16,100	19,700
director, mediation services		21,000
Lieutenant governor, office of lieutenant governor		30,000
Liquor control, department of commissioner	18,000	19,000
Livestock sanitary board executive officer	16,100	19,700
Manpower services, department of commissioner	25,200	26,400
Minnesota state retirement system executive secretary	14,500	17,700
Municipal commission secretary	12,000	15,800
Natural resources, department of commissioner		26,700
deputy commissioner	20,700	25,300
assistant commissioner, administration	17,500	21,400
assistant commissioner, planning	17,300	21,000
director, division of game and fish	19,100	23,100
director, division of water, soil and minerals	18,300	22,200
director, division of lands and forestry	17,300	21,000
director, division of parks and recreation	17,300	21,000
director, division of enforcement and field service	16,400	20,000
Office of economic opportunity director	18,300	
Peace officers training board executive secretary	15,100	18,500
Personnel, department of commissioner		31,000
deputy commissioner		24,800

(These salaries are authorized only upon the effective date of any law authorizing the creation of a department of personnel.)

Planning agency director	26,300	27,000
Pollution control agency director	23,200	24,000
Public examiner, department of public examiner (This salary is authorized only until August 31, 1973.)	23,300	25,100
Public safety, department of commissioner	26,000	26,900
deputy commissioner	18,700	22,900
superintendent, crime bureau	18,700	22,900
director, civil defense	17,000	20,700
fire marshal	16,400	20,000
director, drivers license division	16,100	19,500
director, motor vehicle division	13,100	15,900
director, motor vehicle services (The salary for this position is authorized only if the divisions of drivers licenses and of motor vehicles are consolidated and the positions of the two directors of the former divisions are eliminated.)	18,700	22,900
chief of highway patrol	18,700	22,900
Public service, department of commissioner, public service commission director	21,000	22,000
	21,000	20,700
Public welfare, department of commissioner	30,300	33,600
deputy commissioner		26,900
Secretary of state, office of secretary of state	21,000	25,000
deputy secretary of state	13,200	16,200
17,500		
Soil and water conservation commission executive secretary	10,400	12,300
State college system chancellor	22,200	34,200
state college president	19,100	20,600
vice chancellor for academic affairs	18,500	28,000
vice chancellor for administration	17,600	27,000
vice chancellor for plans and development	14,100	22,000
vice chancellor for educational relations	12,300	19,200
vice president of state college	15,400	24,000
State junior college system chancellor	19,800	30,200
state junior college president	15,800	24,200
assistant to chancellor, planning	15,100	23,000
assistant to chancellor, fiscal af-		

airs	14,900	22,800	
assistant to chancellor, curriculum and inservice	14,900	22,800	
assistant to chancellor, personnel	14,200	22,000	
assistant to chancellor, student services	11,700	18,000	
assistant to chancellor, plant services	10,400	15,900	
dean of state junior college	15,100	23,000	
Taxation, department of commissioner		28,000	28,900
Teachers retirement association executive secretary and consultant		16,500	23,000
Treasury, state treasurer		21,000	25,000
deputy treasurer	13,300	17,500	17,500
Veterans affairs, department of commissioner		14,700	16,000
Veterans home commandant		18,100	22,100
Water resources board administrative secretary		9,900	12,000

Subd. 2. The appointing authority of any of the positions listed in subdivision 1, for which ranges and no base salaries are provided, shall fix the individual salary within the prescribed range, considering experience and quality of performance of the officer or employee. ~~Appointments to fill vacancies shall not be made above the midpoint of the salary range prescribed for the position unless the compensation review board has been consulted and its concurrence obtained.~~

Subd. 3. Members of the Minnesota national guard shall receive the pay and allowances prescribed by the armed forces of the United States for similar rank and time in service.

*Subd. 4. The salary of any individual incumbent of any position listed in subdivision 1, for which only a base salary, but no range is listed, may be increased to an aggregate of 25 percent of the base salary under the provisions of section 15A.085.*

Sec. 2. Minnesota Statutes 1971, Section 15A.083, is amended to read:

15A.083 [SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH.] Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

Chief justice of the supreme court	\$35,000	\$40,000
Associate justice of the supreme court	32,500	36,500
District judge	20,000	32,000

Each district judge shall receive \$1,500 additional annually from each county in his district having a population of 200,000 or more. When any district judge shall preside upon the trial or hearing of any cause outside of his resident district wherein the district judge receives a larger salary he shall receive an additional compensation during the period of such trial or hearing the difference between his fixed compensation and the compensation of the district judge of the district where he has been so engaged, to be paid by the county wherein the trial or hearing was held upon certification of the senior resident district judge thereof.

Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] Notwithstanding any other provision of the law, the following salaries shall be paid annually to the enumerated judicial officers:

(1) Judge of a county court (learned in the law)	\$24,000	\$25,000
Judge of a county court (not learned in the law)	20,000	21,000

These salaries are in effect on the effective date of any law establishing a system of county courts enacted at the 1971 session of the legislature.

(2) Judge of the county municipal court in Hennepin county	\$26,000
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This salary is in effect on the effective date of Extra Session Laws 1971, Chapter 32.

(2) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(3) Judges of the county municipal courts, the municipal court of the city of St. Paul, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, Carver and Dakota .....\$29,000.

(3) (4) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

Subd. 3. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of each position positions for which ranges have been provided shall fix individual salaries under the provisions of section 15A.081, subdivision 2.

Public defender	\$18,000	27,500	24,000	30,000
Deputy public defender	14,000	21,000		
Court administrator	18,000	26,500	25,000	32,000
Revisor of statutes	18,000	27,500		32,000
Assistant Deputy revisor of statutes	15,600	23,400	18,000	27,000
Special Assistant to the revisor of statutes	12,000	22,000	15,000	25,000

Law librarian

10,500 15,500

Sec. 3. *The chief justice may temporarily assign for good cause a judge of a county court to another county court district or to a municipal court in a county having a city of the first class. The county court judge so assigned shall be reimbursed by the county court district or the governmental subdivision responsible for the expenses of the municipal court for his reasonable expenses in the amount and in the manner otherwise provided for by law. The county court district shall also be reimbursed by the county court district to which he is temporarily assigned at the rate of \$100 per day for each day the judge is on temporary assignment.*

*Each county court judge temporarily assigned shall furnish the chief justice with such reports as he may require concerning the temporary assignment.*

Sec. 4. Minnesota Statutes 1971, Section 15A.084, is amended to read:

15A.084 [NO DECREASE IN PRESENT SALARIES.] The salary of any state officer and employee whose salary on July 1, 1971 at the beginning of the first pay period in fiscal year 1973/74, was above the limit set in sections 15A.081 and 15A.083 shall not be decreased, but shall remain at the level as of July 1, 1971 the beginning of the first pay period in fiscal year 1973/74, until a vacancy in the position occurs or until the salary falls below a newly established limit. New appointments shall be made at the fixed base salary or within the salary range prescribed in sections 15A.081 and 15A.083.

Sec. 5. Minnesota Statutes 1971, Section 15A.085, is amended to read:

15A.085 [BOARD MAY LIFT SALARY.] *Subdivision 1. The compensation review board personnel board may raise the upper salary limit for any individual incumbent of a position whose fixed base salary, or whose range midpoint is established in this chapter section 15A.081 to be \$10,500 annually or more. The action may be taken by the compensation review board only if the appointing authority, with the concurrence of the civil service board and the commissioner of administration, has applied for the increase, and the increase is clearly in the best interest of the state of Minnesota. In no case may the increases exceed ten percent of the salary established in this chapter.*

*The appointing authority shall furnish the information required by the compensation review board. The compensation review board shall report each individual action taken under the provisions of this section to the house appropriations committee and to the senate finance committee and shall state the reasons for the action, and which has not been provided with a salary range, provided:*

*(a) The incumbent of such position has, in the opinion of the board, challenging written objectives which are specific as to amount and time and which have been agreed upon in advance by the appointing authority;*

(b) *The appointing authority of the incumbent applies to the board for such salary increase and simultaneously certifies to the board that the incumbent has fulfilled, or is fulfilling, his agreed upon objectives.*

*Subd. 2. The board may require the appointing authority or the incumbent to submit additional information as it may deem necessary.*

*Subd. 3. The appointing authority may apply for, and the board may approve salary raises for any such incumbent by any increment, or more than once, provided that the aggregate of all such increases may not increase the individual salary beyond 25 percent of the base salary established for the position in section 15A.081.*

*Subd. 4. Any achievement award granted to individuals under the provisions of this section shall remain in effect for 12 months from the date of approval, unless the appointing authority requests, and the board approves, a lesser effective period of time.*

*Subd. 5. Constitutional officers, the executive secretary of the board of investment, workmens' compensation commissioners and public service commissioners shall be exempted from the provisions of this section and shall not be eligible for any achievement award.*

Sec. 6. Minnesota Statutes 1971, Section 15A.031, Subdivision 2, is amended to read:

*Subd. 2. The base salary of the head of any state department or agency shall serve as the upper limit of compensation in his organization unless the ~~compensation review~~ personnel board has been consulted and its concurrence obtained. Salaries of medical doctors paid under the provisions of Minnesota Statutes, Section 43.126, shall be exempted from the provisions of this subdivision.*

Sec. 7. Minnesota Statutes 1971, Section 15A.101, is amended to read:

**15A.101 [DEPARTMENT HEAD EXPENSES.]** ~~The chancellor of the state college system and the presidents of the state colleges are authorized to expend annually a sum not to exceed \$3,000.~~ Heads of departments in the executive branch who receive a fixed salary of, or whose range midpoint is, ~~\$21,000~~ \$23,000 annually or more, and constitutional officers, are authorized to expend annually a sum not to exceed ~~\$1,000~~ \$2,000; and the heads of all other state departments are authorized to expend a sum not to exceed ~~\$500~~ \$1,000 annually from their supply and expense funds for expenses necessary for the normal performance of their duties for which no other reimbursement is provided. The expenditures are subject to the statutes and rules and regulations of the state governing budgeting, allotment and encumbrance, preaudit, and post audit.

The commissioner of ~~administration~~ finance may promulgate rules and regulations as necessary to assure the proper expenditure of these funds, and to provide for reimbursement.



*Sec. 8. This act is effective the beginning of the first pay period in fiscal year 1973-1974."*

Further amend the title in line 7 after "Sections" and before "15A.081" by inserting "15A.031, Subdivision 2;".

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

Senate Conferees: (Signed) Edward J. Gearty and Harmon T. Ogdahl.

House Conferees: (Signed) E. W. Quirin, Neil S. Haugerud and Robert C. Bell.

Mr. Gearty moved that the foregoing recommendations and Conference Committee Report on S. F. No. 2047 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.

#### CALL OF THE SENATE

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

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

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

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.

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

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

And the roll being called, there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Laufenburger	Olhoft	Stassen
Arnold	Fitzsimons	Lewis	O'Neill	Stokowski
Ashbach	Gearty	Lord	Perpich, A. J.	Tennessee
Blatz	Hughes	McCutcheon	Perpich, G.	Thorup
Borden	Humphrey	Milton	Pillsbury	Ueland
Chenoweth	Jensen	Moe	Purfeerst	
Coleman	Keefe, S.	North	Schaaf	
Conzemius	Kirchner	Novak	Solon	
Davies	Kleinbaum	Ogdahl	Spear	

Those who voted in the negative were:

Bang	Dunn	Knutson	Olson, A. G.	Schrem
Berg	Frederick	Kowalczyk	Olson, H. D.	Sillers
Bernhagen	Hansen, Baldy	Krieger	Olson, J. L.	Wegener
Brown	Hansen, Mel	Larson	Patton	Willet
Chmielewski	Hanson, R.	Nelson	Renneke	

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Pursuant to Rule 21, Mr. Davies moved that the following members be excused for a Conference Committee on H. F. No. 1436.

Messrs. Kowalczyk, Humphrey and Stokowski. Which motion prevailed.

#### 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.

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 23, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

House File 23 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

#### CONFERENCE COMMITTEE REPORT ON 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.

May 17, 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. 23, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 23, the typewritten bill, be amended as follows:

Page 1, line 28, after "*subdivision.*" add "*Nothing in this subdivision shall apply to purchases for their own use by schools, colleges, universities, public libraries, churches, hospitals or charitable institutions not operated for profit.*"

Amend the title as follows:

Page 1, line 2, strike "permitting";

Page 1, strike line 3

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

House Conferees: (Signed) Michael Sieben, Lyndon Carlson, James Ulland.

Senate Conferees: (Signed) Stephen Keefe, Al Kowalczyk, Robert Tennesen.

Mr. Keefe, S. moved that the foregoing recommendations and Conference Committee Report on H. F. No. 23 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. 23: A bill for an act relating to pharmacists; restricting the content of such advertisements and requiring certain disclosure of prices; amending Minnesota Statutes 1971, Section 151.06, by adding a subdivision.

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

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

And the roll being called, there were yeas 51 and nays 7, as follows:

Those who voted in the affirmative were:

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

Jensen	McCutcheon	Olson, A. G.	Purfeerst	Thorup
Keefe, S.	Milton	Olson, H. D.	Renneke	Ueland
Kirchner	Moe	O'Neill	Schaaf	Willet
Knutson	North	Patton	Solon	
Laufenburger	Nevak	Perpich, A. J.	Spear	
Lewis	Ogdahl	Perpich, G.	Stassen	
Lord	Olhoff	Pillsbury	Tennessee	

Those who voted in the negative were:

Hansen, Baldy	Krieger	Olson, J. L.	Schrom	Sillers
Kleinbaum	Larson			

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 295, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 295: A bill for an act relating to public employees; giving public employees and employers certain rights and obligations; defining unfair practices; amending the public employment labor relations act of 1971; amending Minnesota Statutes 1971, Sections 179.63, Subdivision 6, 8, 9, 13, and 18, and by adding a subdivision; 179.64, Subdivisions 1 and 7; 179.65, Subdivisions 2, 3, 5, 6 and 7; 179.66, Subdivisions 4 and 5; 179.66, by adding a subdivision; 179.67, Subdivisions 7, 11, and 12; 179.68; 179.69, Subdivisions 3, 5 and 6; 179.70, Subdivision 1; 179.71, Subdivision 3; 179.72, Subdivisions 1, 7, 9, and 10; 179.73, Subdivision 2; 179.74, Subdivisions 2, 4 and 5; 179.75, Subdivision 8; repealing Minnesota Statutes 1971, Sections 179.69, Subdivision 7; 179.72, Subdivisions 11 and 13; 179.73, Subdivisions 3, 4, and 5; 179.75, Subdivisions 1, 2, 3, 4, 5, 6, 7, and 9; and 179.77.

House File No. 295 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 295

A bill for an act relating to public employees; giving public employees and employers certain rights and obligations; defining unfair practices; amending the public employment labor relations act of 1971; amending Minnesota Statutes 1971, Sections 179.63, Subdivisions 6, 8, 9, 13, and 18, and by adding a subdivision; 179.64, Subdivisions 1 and 7; 179.65, Subdivisions 2, 3, 5, 6 and 7; 179.66, Subdivisions 4 and 5; 179.66, by adding a subdivision; 179.67, Subdivisions 7, 11, and 12; 179.68; 179.69, Subdivisions 3, 5 and 6; 179.70, Subdivision 1; 179.71, Subdivision 3; 179.72, Subdivisions 1, 7, 9, and 10; 179.73, Subdivision 2; 179.74, Subdivisions 2, 4 and 5; 179.75, Subdivision 8; repealing Minnesota Statutes 1971, Sections 179.69, Subdivision 7; 179.72, Subdivisions 11 and 13; 179.73, Subdivisions 3, 4, and 5; 179.75, Subdivisions 1, 2, 3, 4, 5, 6, 7, and 9; and 179.77.

May 16, 1973

Honorable Martin O. Sabo, Speaker of the House 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. 295, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments, and that H. F. No. 295 be amended as follows:

Page 2, line 14, strike "such action" and insert "*any of the aforesaid actions*"

Page 2, line 22, after "means" and before "any" insert "*the administrative head and his assistant of a municipality, municipal utility, police or fire department, or*"

Page 3, lines 19, 20 and 21, strike "terms mean the hours of employment, the compensation therefor, and economic aspects relating to employment, but" and insert "*term*"

Page 4, after line 24, insert a new section to read as follows:

"Sec. 9. Minnesota Statutes 1971, Section 179.65, Subdivision 1, is amended to read:

179.65 [RIGHTS AND OBLIGATIONS OF EMPLOYEES.]  
Subdivision 1. Nothing contained in sections 179.61 to 179.77 shall be construed to limit, impair or affect the right of any public employee or his representative to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with the full faithful and proper performance of the duties of employment or circumvent the rights of the exclusive representative if there be one; nor shall it be construed to require any public employee to perform labor or services against his will. *If no exclusive representative has been certified, any public employee individually, or group of employees through their representative, shall have the right of expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, by meeting with their public employer or his representative so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment."*

Page 5, line 16, after the period, add a new sentence to read: "*In no instance shall the required contribution exceed a pro rata share of the specific expenses incurred for services rendered by the representative in relationship to negotiations and administration of grievance procedures."*

Page 7, line 1, after "act" and before the period insert "*, as though they were essential employees*"

Page 8, line 1, delete "*statute,*"

Page 8, lines 3 and 4, strike "shall be void and of no effect" and insert "*and shall be returned to the arbitrator for an amendment to*

*make the provision consistent with the statute, rule, regulation, charter, ordinance or resolution"*

Page 12, line 21, after the stricken "(13)" restore the stricken "picketing which has an unlawful purpose such as"

Page 12, line 22, restore the stricken semicolon and insert before the restored semicolon "*secondary boycott*"

Page 12, line 23, after the stricken "(14)" insert "(13)"

Page 12, line 25, delete "(13)" and insert in lieu thereof "(14)"

Page 12, line 27, delete "(14)" and insert in lieu thereof "(15)"

Page 13, line 15, after "shall" insert "only"

Page 13, line 20, after "petition" insert "*and determination by the mediator,*"

Page 13, line 23, after "arbitration" insert "*and the director has determined that an impasse has been reached*"

Page 14, line 24, delete "board" and insert in lieu thereof "director"

Page 15, line 2, after "November 15" and before the period insert "*of even-numbered years*"

Page 15, line 3, after "petition" insert "*the director*"

Page 16, line 9, after the period insert a new sentence to read: "*If the employer has not petitioned for binding arbitration under subdivision 3 or 5 or if the employer has not joined in an employee's petition for binding arbitration under subdivision 3 or 5, Minnesota Statutes, Section 179.72, Subdivision 6 shall not be applicable. If no petition has been filed within the time specified under subdivision 3 or 5, at any time thereafter the parties may invoke the provisions of subdivision 3 or 5 and Minnesota Statutes, Section 179.72, Subdivision 6 shall be applicable.*"

Page 16, delete all of lines 12 through 28 and insert in lieu thereof the following:

"179.70 [CONTRACTS; GRIEVANCES; ARBITRATION.] Subdivision 1. A written contract or memorandum of contract containing the agreed upon terms and conditions of employment and such other matters as may be agreed upon by the employer and exclusive representative shall be executed by the parties. ~~The contracts shall not be for a term exceeding three years. The duration of the contract shall be negotiable except in no event shall contracts be for a term exceeding three years.~~ Any contract between employer school board and an exclusive representative of teachers shall in every instance be for a ~~an initial term of two years one year commencing on July 1 of each even numbered year, except, however, such contracts entered into prior to July 1, 1972 shall expire on June 30, 1972, 1974, through June 30, 1975, and thereafter for a term of two years beginning on July 1 of each odd-numbered year.~~ All contracts shall include a grievance procedure which shall provide compulsory binding arbitration of grievances.

In the event that the parties cannot reach agreement on the grievance procedure, they shall be subject to the grievance procedure promulgated by the director pursuant to section 179.71, subdivision 5(i)."

Page 17, delete line 1

Page 17, line 18, after "*find*" insert "*that an employee may perform or effectively recommend*"

Page 17, line 21, after the period, insert a new sentence to read: "*However, in every case the administrative head, and his assistant, of a municipality, municipal utility, police or fire department shall be considered a supervisory employee.*"

Page 17, after line 25, insert a new section to read:

"Sec. 27. Minnesota Statutes 1971, Section 179.71, Subdivision 5, is amended to read:

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

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

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

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

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

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

(f) furnish clerical and administrative services to the Minnesota public employment relations board as may be required;

(g) adopt reasonable and proper rules and regulations relative to and regulating the forms of petitions, notices, orders and the conduct of hearings and elections subject to final approval of the Minnesota public employment relations board. Such rules and regulations shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that every such rule or regulation shall be filed with the secretary of state, and any change therein or additions thereto shall not take effect until 20 days after such filing;

(h) receive, catalogue and file in a logical manner all orders and decisions of the Minnesota public employment relations board and

all arbitration panels authorized by sections 179.61 to 179.77 as well as all grievance arbitration decisions and the director's own orders and decisions. All orders and decisions catalogued and filed shall be made readily available to the public;

(i) promulgate a grievance procedure to effectuate the purposes of section 179.70, subdivision 1. Such grievance procedures shall not provide for the services of the bureau of mediation services. The exercise of authority granted by this clause shall be subject to the provisions of chapter 15; *said grievance procedure to be available to any public employee employed in a unit not covered by a negotiated grievance procedure as contained in section 179.70, subdivision 1;*

(j) conduct elections."

Page 20, restore the stricken language in lines 3 and 4

Page 20, line 5, restore the stricken language "contracts for teacher units shall be effective to the"

Page 20, line 6, after the stricken "year" and before the period insert "*end of the contract period as determined by section 179.70, subdivision 1*"

Page 20, line 6, restore the stricken period

Page 22, line 15, after "legislature" and before the period, insert "*to be accepted, rejected or modified*"

Page 22, after line 27, insert a new section to read as follows:

"Sec. 37. [EFFECTIVE DATE.] *This act shall take effect the day following its final enactment.*"

Renumber the sections in sequence

Further, amend the title on page 1 as follows:

Line 11, after "Subdivisions" insert "1,"

Line 16, strike "Subdivision 3" and insert in lieu thereof "Subdivisions 3 and 5"

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

House Conferees: (Signed) Jack H. La Voy, E. W. Quirin, Stanley A. Enebo, Harry A. Sieben, Jr. and Robert C. Bell.

Senate Conferees: (Signed) Stanley N. Thorup, Baldy Hansen, Ralph R. Doty, William McCutcheon and Harmon T. Ogdahl.

Mr. Thorup moved that the foregoing recommendations and Conference Committee Report on H. F. No. 295 be now adopted and that the bill be repassed as amended by the Conference Committee.

Mr. Ashbach moved that the Conference Committee Report on H. F. No. 295 be rejected.



## CALL OF THE SENATE

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

Arnold	Doty	Josefson	Ogdahl	Schrom
Ashbach	Dunn	Keefe, S.	Olhoff	Sillers
Bang	Fitzsimons	Kleinbaum	Olson, H. D.	Solon
Bernhagen	Frederick	Knutson	Olson, J. L.	Spear
Blatz	Gearty	Larson	Patton	Stassen
Borden	Hansen, Baldy	Laufenburger	Perpich, G.	Tennessen
Brown	Hansen, Mel	Lewis	Pillsbury	Thorup
Chenoweth	Hanson, R.	Lord	Purfeerst	Wegener
Chmielewski	Hughes	Moe	Renneke	Willet
Davies	Jensen	Novak	Schaaf	

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

The question being taken on the rejection of the Conference Committee Report,

And the roll being called, there were yeas 27 and nays 33, as follows:

Those who voted in the affirmative were:

Ashbach	Fitzsimons	Knutson	Olson, H. D.	Schrom
Bang	Frederick	Kowalczyk	Olson, J. L.	Sillers
Berg	Hanson, R.	Krieger	O'Neill	Ueland
Bernhagen	Jensen	Larson	Patton	
Blatz	Josefson	Nelson	Pillsbury	
Dunn	Kirchner	Olhoff	Renneke	

Those who voted in the negative were:

Anderson	Gearty	Lord	Olson, A. G.	Stokowski
Arnold	Hansen, Baldy	McCutcheon	Perpich, A. J.	Tennessen
Borden	Hughes	Milton	Perpich, G.	Thorup
Chenoweth	Humphrey	Moe	Purfeerst	Wegener
Coleman	Keefe, S.	North	Schaaf	Willet
Davies	Laufenburger	Novak	Solon	
Doty	Lewis	Ogdahl	Spear	

Which motion did not prevail.

The question recurred on Mr. Thorup's motion to accept the Conference Committee Report on H. F. No. 295. Which motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 295: A bill for an act relating to public employees; giving public employees and employers certain rights and obligations; defining unfair practices; amending the public employment labor relations act of 1971; amending Minnesota Statutes 1971, Sections 179.63, Subdivisions 6, 8, 9, 13, and 18, and by adding a subdivision; 179.64, Subdivisions 1 and 7; 179.65, Subdivisions 1, 2, 3, 5, 6 and 7; 179.66, Subdivisions 4 and 5; 179.66, by adding a subdivision; 179.67, Subdivisions 7, 11, and 12; 179.68; 179.69, Subdivisions 3, 5 and 6; 179.70, Subdivision 1; 179.71, Subdivisions 3 and 5; 179.72, Subdivisions 1, 7, 9, and 10; 179.73, Subdivision 2; 179.74, Subdivisions 2, 4 and 5; 179.75, Subdivision 8; repealing Minnesota Statutes 1971, Sections 179.69, Subdivision 7; 179.72, Subdivisions 11 and 13; 179.73, Subdivisions 3, 4, and 5; 179.75, Subdivisions 1, 2, 3, 4, 5, 6, 7, and 9; and 179.77.

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

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

And the roll being called, there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lewis	Olhoft	Stokowski
Arnold	Hansen, Baldy	Lord	Olson, A. G.	Tennessee
Borden	Hansen, Mel	McCutcheon	Perpich, A. J.	Thorup
Chenoweth	Hughes	Milton	Perpich, G.	Wegener
Chmielewski	Humphrey	Moe	Purfeerst	Willet
Coleman	Keefe, S.	Nelson	Schaaf	
Davies	Kirchner	North	Solon	
Doty	Kleinbaum	Novak	Spear	
Dunn	Laufenburger	Ogdahl	Stassen	

Those who voted in the negative were:

Ashbach	Brown	Josefson	Olson, H. D.	Renneke
Bang	Fitzsimons	Knutson	Olson, J. L.	Schrom
Berg	Frederick	Kowalczyk	O'Neill	Sillers
Bernhagen	Hanson, R.	Krieger	Patton	Ueland
Blatz	Jensen	Larson	Pillsbury	

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 491, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 491: A bill for an act relating to labor and industry; providing for safe and healthful working conditions for working men and women; authorizing the commissioner of labor and industry to promulgate standards and rules and regulations therefor; creating an occupational safety and health advisory board; prescribing penalties; amending Minnesota Statutes 1971, Section 175.16; repealing Minnesota Statutes 1971, Sections 182.01 to 182.08; 182.10 to 182.62; and 183.05 to 183.34.

House File No. 491 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 491

A bill for an act relating to labor and industry; providing for safe and healthful working conditions for working men and women; authorizing the commissioner of labor and industry to promulgate standards and rules and regulations therefor; creating an occupational safety and health advisory board; prescribing penalties; amending Minnesota Statutes 1971, Section 175.16; repealing

Minnesota Statutes 1971, Sections 182.01 to 182.08; 182.10 to 182.62; and 183.05 to 183.34.

May 17, 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. 491, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendments and that H. F. No. 491 be further amended as follows:

Page 1, line 17, delete "25" and insert in lieu thereof "26"

Page 19, line 6, delete ", and to be" and insert in lieu thereof a period

Page 19, delete line 7

Page 24, delete lines 6 through 8 and insert in lieu thereof:

"Subd. 3. If an employer notifies the commissioner that he intends to contest the citation or the proposed assessment of penalty or the employee or the employee representative notifies the commissioner that he intends to contest the time fixed for abatement in"

Page 24, line 25, after "order" insert ", after consultation either by phone or in person with the commissioner and upon the commissioner's recommendation,"

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

House Conferees: (Signed) Irvin N. Anderson, Stanley A. Enebo, Robert J. McFarlin.

Senate Conferees: (Signed) John C. Chenoweth, Stanley N. Thorup, Roger Hanson.

Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on H. F. No. 491 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. 491: A bill for an act relating to labor and industry; providing for safe and healthful working conditions for working men and women; authorizing the commissioner of labor and industry to promulgate standards and rules and regulations therefor; creating an occupational safety and health advisory board; prescribing penalties; amending Minnesota Statutes 1971, Section 175.16; repealing Minnesota Statutes 1971, Sections 182.01 to 182.08; 182.10 to 182.62; and 183.05 to 183.34.

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

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

And the roll being called, there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	North	Renneke
Arnold	Dunn	Kirchner	Novak	Schrom
Ashbach	Fitzsimons	Kleinbaum	Olhoff	Sillers
Bang	Frederick	Knutson	Olson, A. G.	Solon
Bernhagen	Gearty	Laufenburger	Olson, H. D.	Spear
Blatz	Hansen, Baldy	Lewis	Olson, J. L.	Stassen
Chenoweth	Hansen, Mel	Lord	O'Neill	Stokowski
Chmielewski	Hanson, R.	McCutcheon	Perpich, A. J.	Tennessee
Coleman	Hughes	Milton	Perpich, G.	Thorup
Conzemius	Humphrey	Moe	Pillsbury	Wegener
Davies	Josefson	Nelson	Purfeerst	Willet

Messrs. Jensen, Larson and Patton voted in the negative.

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 611, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 611: A bill for an act relating to public safety; division of highway patrol; providing salary adjustments for members of the highway patrol assigned to air patrol duty; amending Minnesota Statutes 1971, Section 299D.03, Subdivision 3.

House File No. 611 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 611

A bill for an act relating to public safety; division of highway patrol; providing salary adjustments for members of the highway patrol assigned to air patrol duty; amending Minnesota Statutes 1971, Section 299D.03, Subdivision 3.

May 18, 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. 611, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 611 be amended as follows:

Page 1, line 14, strike "40 percent of his salary" and insert in lieu thereof "\$215"

Page 1, line 14, after "month" insert "for operation of fixed wing aircraft and \$290 per month for operation of helicopter"

Page 1, line 18, strike "shall" and insert "may"

Page 1, line 18, strike "\$100" and reinstate the stricken "\$50"

Page 1, lines 21 and 22, strike "The following schedule is a guide for such salary increases:"

Page 1, strike lines 23 to 28

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

House Conferees: (Signed) Harry A. Sieben, Joan R. Growe, Tony L. Bennett

Senate Conferees: (Signed) A. J. Perpich, J. A. Josefson

Mr. Perpich, A. J., moved that the foregoing recommendations and Conference Committee Report on H. F. No. 611 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. 611: A bill for an act relating to public safety; division of highway patrol; providing salary adjustments for members of the highway patrol assigned to air patrol duty; amending Minnesota Statutes 1971, Section 299D.03, Subdivision 3.

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

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

And the roll being called, there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Arnold, Josefson and Tennessen voted in the negative.

So the bill, as amended by the Conference Committee, 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 adopted the recommendation and report of the Conference Committee on House File No. 633, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 633: A bill for an act relating to towns; authorizing all towns to make local improvements and to assess the cost thereof against benefited property; amending Minnesota Statutes 1971, Sections 429.011, Subdivision 2; and 435.19, Subdivision 1.

House File No. 633 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

**CONFERENCE COMMITTEE REPORT ON H. F. NO. 633**

A bill for an act relating to towns; authorizing all towns to make local improvements and to assess the cost thereof against benefited property; amending Minnesota Statutes 1971, Sections 429.011, Subdivision 2; and 435.19, Subdivision 1.

May 17, 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. 633, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendment and that H. F. No. 633 be further amended as follows:

Section 1, line 3 of the Senate amendment, after "*town*" and before "*in the*" insert "*not having the powers granted herein pursuant to any other law*"

Section 1, line 6 of the Senate amendment after "*subdivision 1,*" delete "*clause (1)*" and insert in lieu thereof "*clauses (1), (2), (4), (5), (6), (7), (8) and (10); provided that any improvement or assessments authorized by this subdivision may be made only upon the affirmative vote of the election of the town at the annual town meeting or at a special town meeting held pursuant to Minnesota Statutes, Sections 365.52 to 365.58*"

After section 1 of the Senate amendment add:

"Sec. 2. *This act is effective the day following final enactment.*"

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

House Conferees: (Signed) Joseph T. Niehaus, Harry Peterson and Victor Schulz.

Senate Conferees: (Signed) Earl W. Renneke, Florian Chmielewski and Gerald L. Willet.

Mr. Renneke moved that the foregoing recommendations and Conference Committee Report on H. F. No. 633 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. 633: A bill for an act relating to towns; authorizing all towns to make local improvements and to assess the cost thereof against benefited property; amending Minnesota Statutes 1971, Sections 429.011, Subdivision 2; and 435.19, Subdivision 1.

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

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

And the roll being called, there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kleinbaum	Novak	Spear
Arnold	Doty	Kowalczyk	Olhoft	Stassen
Bang	Dunn	Krieger	Olson, H. D.	Tennessen
Berg	Fitzsimons	Larson	Olson, J. L.	Thorup
Bernhagen	Frederick	Lewis	O'Neill	Ueland
Blatz	Hansen, Baldy	Lord	Patton	Wegener
Brown	Hansen, Mel	McCutcheon	Pillsbury	Willet
Chenoweth	Hughes	Milton	Renneke	
Chmielewski	Jensen	Moe	Schrom	
Coleman	Josefson	Nelson	Sillers	
Conzernius	Keefe, S.	North	Solon	

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 805, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

House File No. 805 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

**CONFERENCE COMMITTEE REPORT ON 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.

May 18, 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. 805, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 805 be amended as follows:

Page 3, after line 18, insert the following:

*"(9) Expenses and losses arising from a farm which are not allowable under section 2 of this act."*

Page 8, delete lines 2 and 3

Page 8, line 11, after "agricultural" insert "or horticultural"

Page 8, line 15, strike "hedging" and insert in lieu thereof "hedging"

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

House Conferees: (Signed) Willis Eken, Glen H. Anderson and Aubrey W. Dirlam.

Senate Conferees: (Signed) George R. Conzemius, Alec G. Olson and Carl A. Jensen.

Mr. Conzemius moved that the foregoing recommendations and Conference Committee Report on H. F. No. 805 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. 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.

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

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



And the roll being called, there were yeas 42 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kleinbaum	Olson, A. G.	Spear
Arnold	Fitzsimons	Kowalczyk	Olson, H. D.	Stokowski
Berg	Hansen, Baldy	Lewis	Olson, J. L.	Tennessen
Bernhagen	Hughes	Lord	Patton	Thorup
Chenoweth	Humphrey	Milton	Perpich, A. J.	Wegener
Chmielewski	Jensen	Moe	Perpich, G.	Willet
Coleman	Josefson	North	Purfeerst	
Conzemius	Keefe, S.	Novak	Renneke	
Davies	Kirchner	Olhoft	Solon	

Those who voted in the negative were:

Bang	Krieger	O'Neill	Schrom	Stassen
Blatz	Larson	Pillsbury	Sillers	Ueland
Hansen, Mel	Nelson			

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Spear moved that H. F. No. 835 together with the Conference Committee Report thereon be taken from the table. Which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 835

A bill for an act relating to divorce; abolishing the action and substituting proceedings for dissolution; amending Minnesota Statutes 1971, Sections 518.001; 518.01; 518.03; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.15; 518.16; 518.17; 518.175, Subdivision 1; 518.25; 518.27; 518.54; 518.55; 518.551; 518.57; 518.58; 518.59; 518.62; 518.63; 518.64 and 518.66; repealing Minnesota Statutes 1971, Sections 518.08; 518.26 and 518.28.

May 16, 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. 835, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 835 be amended as follows:

Page 4, after line 14, insert

*"Subd. 2. If both of the parties, by petition or otherwise, have stated under oath or affirmation that the marriage is irretrievably broken, or if one of the parties has so stated and the other has not denied it, there is a presumption of such fact and unless controverted by the evidence, the court, after a hearing, shall find the marriage to be irretrievably broken."*

Page 4, line 15, delete "Subd. 2." and insert in lieu thereof "Subd. 3."

Page 4, lines 15 and 16, delete "*subdivision 1*" and insert in lieu thereof "*subdivisions 1 and 2*"

Page 4, delete lines 19 and 20

Page 4, line 21, delete "(3)" and insert in lieu thereof "(1)"

Page 4, line 22, delete "*of the party seeking the dissolution*"

Page 4, line 23, delete "(4)" and insert in lieu thereof "(2)"

Page 4, delete lines 27 and 28, and insert in lieu thereof "(3) *Habitual alcoholism or chemical dependency;*"

Page 5, delete lines 1 and 2

Page 5, line 3, delete "(7) *Three years under*" and insert in lieu thereof "(4)"

Page 5, line 6, delete "*the*"

Page 5, line 7, delete "*three years need not be continuous; (c)*"

Page 5, line 15, delete "(d)" and insert in lieu thereof "(c)"

Page 5, line 17, delete "(e)" and insert in lieu thereof "(d)"

Page 5, line 20, delete "(f)" and insert in lieu thereof "(e)"

Page 5, line 22, delete "(g)" and insert in lieu thereof "(f)"

Page 5, delete lines 24 and 25

Page 5, line 26, delete "*commencement of the action, and*" and insert in lieu thereof "(5)"

Page 5, line 28, delete "*two years*" and insert in lieu thereof "*one year*"

Page 6, line 1, delete "*action*" and insert in lieu thereof "*proceeding*"

Page 6, line 2, delete "*Subd. 3.*" and insert in lieu thereof "*Subd. 4.*"

Page 6, line 2, delete "2" and insert in lieu thereof "3"

Page 6, line 4, delete "*aforementioned grounds*" and insert in lieu thereof "*foregoing*"

Page 6, line 6, delete "*subdivision 1*" and insert in lieu thereof "*subdivisions 1 and 2*"

Page 8, line 18, delete "*without enumerating the*"

Page 8, line 19, delete "*amounts thereof*"

Page 8, line 25, delete "*and that the maintenance of the*" and insert in lieu thereof a period

Page 8, delete lines 26 and 27

Page 14, line 5, after "OF" insert "DISSOLUTION"

Page 14, line 20, insert before the stricken language "18", restore the stricken language, and delete "*the age of majority*"

Page 20, after line 15, insert a new section to read:

"Sec. 28. *Wherever the word "divorce" is used in the statutes, it has the same meaning as "dissolution" or "dissolution of marriage".*"

Page 20, line 16, after "518.08" delete the comma and insert in lieu thereof a semicolon

Page 20, line 17, after "518.26" delete the comma and insert in lieu thereof a semicolon and after "518.28" delete the semicolon

Renumber the remaining sections in sequence

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

House Conferees: (Signed) Phyllis Kahn, Charles R. Weaver and Robert C. Bell.

Senate Conferees: (Signed) Allan H. Spear, Robert J. Tennessen and John B. Keefe.

Mr. Spear moved that the foregoing recommendations and Conference Committee Report on H. F. No. 835 be now adopted and that the bill be repassed as amended by the Conference Committee.

#### CALL OF THE SENATE

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

Anderson	Fitzsimons	Knutson	Olhoft	Spear
Berg	Gearty	Kowalczyk	O'Neill	Stassen
Bernhagen	Hansen, Baldy	Laufenburger	Patton	Stokowski
Blatz	Hansen, Mel	Lewis	Perpich, A. J.	Tennessen
Borden	Hanson, R.	Lord	Perpich, G.	Thorup
Chenoweth	Hughes	Moe	Pillsbury	Wegener
Chmielewski	Humphrey	Nelson	Purfeerst	Willet
Coleman	Jensen	North	Renneke	
Davies	Keefe, S.	Novak	Schaaf	
Doty	Kirchner	Ogdahl	Sillers	

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

Mr. Spear moved that the Conference Committee Report on H. F. 835 be returned to the Conference Committee for further consideration. Which motion prevailed.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Thorup moved that H. F. No. 1053 together with the Conference Committee Report thereon be taken from the table. Which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1053

A bill for an act relating to workmen's compensation; raising minimum weekly benefits; coordinating the payment of workmen's compensation death benefits with governmental death bene-

fits; extending coverage to occupational diseases; amending Minnesota Statutes 1971, Sections 176.101, Subdivisions 1, 2, and 3; 176.111, Subdivisions 19, 20, and by adding a subdivision; 176.131, Subdivision 7; 176.132, Subdivision 2; 176.151; 176.66, Subdivision 1; and repealing Minnesota Statutes 1971, Sections 176.66, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 176.661 to 176.668.

May 14, 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. 1053, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1053 be further amended as follows:

Page 9, after line 23, insert:

"Sec. 4. Minnesota Statutes 1971, Section 176.101, Subdivision 4, is amended to read:

Subd. 4. [PERMANENT TOTAL DISABILITY.] For permanent total disability, as defined in subdivision 5, the compensation shall be 66⅔ percent of the daily wage at the time of the injury, subject to a maximum compensation of \$80 \$100 per week and a minimum compensation of \$17.50 per week. If the wages of the employee at the time of the injury are \$17.50 or less per week, he shall receive the full amount of his wages per week. This compensation shall be paid during the permanent total disability of the injured employee but after a total of \$25,000 of weekly compensation has been paid, the amount of the weekly compensation benefits being paid by the employer shall be reduced by the amount of any disability benefits being paid by any government disability benefit program if such disability benefits are occasioned by the same injury or injuries which give rise to payments under this subdivision. Such reduction shall also apply to any old age and survivor insurance benefits. Payments shall be made at the intervals when the wage was payable, as nearly as may be. In case an employee who is permanently and totally disabled becomes an inmate of a public institution, no compensation shall be payable during the period of his confinement in such institution, unless he has wholly dependent on him for support some person named in section 176.111, subdivisions 1, 2 or 3, in which case the compensation provided for in section 176.111, during the period of such confinement, shall be paid for the benefits of such dependent person during dependency. The dependency of such persons shall be determined as though the employee were deceased."

Renumber the sections in sequence.

Amend the title as follows:

Line 9 after "2," strike "and"

Line 10 after "3" insert ", and 4"

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

House Conferees: (Signed) Bruce F. Vento and Harry Sieben, Jr.

Senate Conferees: (Signed) Stanley N. Thorup and Allan H. Spear.

Mr. Thorup moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1053 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. 1053: A bill for an act relating to workmen's compensation; raising minimum weekly benefits; coordinating the payment of workmen's compensation death benefits with governmental death benefits; extending coverage to occupational diseases; amending Minnesota Statutes 1971, Sections 176.101, Subdivisions 1, 2, 3, and 4; 176.111, Subdivisions 19, 20, and by adding a subdivision; 176.131, Subdivision 7; 176.132, Subdivision 2; 176.151; 176.66, Subdivision 1; and repealing Minnesota Statutes 1971, Sections 176.66, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 176.661 to 176.668.

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

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

And the roll being called, there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 1203, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

House File No. 1203 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 18, 1973

#### CONFERENCE COMMITTEE REPORT ON 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.

May 17, 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. 1203, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment adopted May 14, 1973 and that the House concur in the other Senate amendments.

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

House Conferees: (Signed) Glen Sherwood, Robert J. McFarlin and Phyllis Kahn.

Senate Conferees: (Signed) Gerald L. Willet, James F. Lord and John J. Bernhagen.

Mr. Willet moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1203 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. 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.

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

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

And the roll being called, there were yeas 49 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, S.	Nelson	Purfeerst
Arnold	Davies	Kirchner	North	Sillers
Ashbach	Doty	Kleinbaum	Novak	Spear
Bang	Dunn	Kowalczyk	Olson, A. G.	Stassen
Bernhagen	Fitzsimons	Larson	Olson, H. D.	Stokowski
Blatz	Gearty	Laufenburger	Olson, J. L.	Tennessee
Borden	Hansen, Mel	Lord	O'Neill	Thorup
Chenoweth	Hughes	McCutcheon	Patton	Ueland
Chmielewski	Humphrey	Milton	Perpich, A. J.	Willet
Coleman	Josefson	Moe	Perpich, G.	

Mr. Renneke voted in the negative.

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Chenoweth moved that H. F. No. 1355 together with the Conference Committee Report thereon be taken from the table. Which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1355

A bill for an act relating to the operation of the state government; prescribing compensation, retirement and related benefits for certain state officers and employees, and establishing certain compulsory retirement requirements; amending Minnesota Statutes 1971, Sections 43.01, Subdivision 9, and by adding subdivisions; 43.03, Subdivision 3; 43.051; 43.09, Subdivision 6; 43.111; 43.12, Subdivisions 2, 2a, 2b and 3; 43.121, Subdivision 2; 43.122; 43.126, Subdivision 1; 43.24, Subdivision 1; 43.50, Subdivision 1; 299D.03, Subdivision 2; 352.04, Subdivisions 2 and 3; 352.115, Subdivisions 2 and 3, and by adding subdivisions; 352.116, Subdivision 1; 352.118; 352.22, Subdivision 1; 356.21, Subdivision 5; and Chapter 352, by adding sections; repealing Minnesota Statutes 1971, Section 16.02, Subdivision 20a.

May 17, 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. 1355, report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 1355 be amended as follows:

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

"Section 1. Minnesota Statutes 1971, Section 3A.02, Subdivision 1, is amended to read:

3A.02 [RETIREMENT ALLOWANCE.] Subdivision 1. [QUALIFICATIONS.] Any member of the legislature:

(1) Who has served at least eight years or who has served during all or part of four regular sessions as such member of the legislature, which service need not be continuous, but must have been after January 1, 1965 except as hereinafter provided; and

(2) Who attains the age of 65 60 years; and

(3) Who has retired as a member of the legislature; and

(4) Who has made all contributions provided for in sections 3A.01 to 3A.10, or who has made payments in lieu of all contributions provided for in sections 3A.01 to 3A.10 as provided for in subdivision 2; shall be entitled upon written application to the state auditor to receive a retirement allowance monthly of 40 percent of his average monthly salary during the period of his service as a member of the legislature since January 1, 1967 1973, beginning with the first day of the month following of receipt of such application and for the remainder of his life, provided he is not serving as a member of the legislature or as a constitutional officer or commissioner.

In addition to the amount provided above, the retired member who meets the qualifications of paragraphs (1), (2), (3) and (4) of this subdivision shall receive for every year of service over 8 years a monthly allowance which equals two and one half percent of the average monthly salary determined pursuant to paragraph (4).

This subdivision is applicable to members of the legislature who retire after January 1, 1971 1973, and to any widow or dependent child of any such member who retires after January 1, 1971 1973.

Sec. 2. Minnesota Statutes 1971, Section 3A.02, Subdivision 2, is amended to read:

Subd. 2. [PAYMENT FOR PAST SERVICE.] Any member of the legislature who is a member on July 1, 1965 or thereafter, may, notwithstanding the provisions of subdivision 1, clause (1), receive credit for service rendered as a member of the legislature prior to July 1, 1965, and the pension based thereon provided that he pays to the state treasurer for credit to his account an amount equal to seven eight percent of all salary received by him for all periods of service rendered by him as a member of the legislature, even if such periods are not continuous and exceed ten years in duration. Such payment may be made at any time after the commencement of any regular session of the legislature of which he is a member.

Sec. 3. Minnesota Statutes 1971, Section 3A.02, is amended by adding a subdivision to read:

Subd. 4. [DEFERRED ANNUITIES AUGMENTATION.] *The deferred annuity of any member of the legislature who retires after July 1, 1973, shall be computed in the manner provided in subdivision 1 and augmented as provided herein. The required resources applicable to the deferred annuity, determined as of the date the benefit begins to accrue using an appropriate mortality table and an interest assumption of five percent, shall be augmented by interest at the rate of three and one-half percent per annum compounded annually from the date of retirement to the first day of the month in which the annuity begins to accrue.*

Sec. 4. Minnesota Statutes 1971, Section 3A.03, Subdivision 1, is amended to read:

3A.03 [CONTRIBUTIONS.] Subdivision 1. [PERCENTAGE.]



Every member of the legislature shall contribute ~~seven~~ *eight* percent of his total salary, by payroll deduction, to be paid into the state treasury and deposited in the general fund. It shall be the duty of the state treasurer to record the periodic contributions of each member of the legislature and credit such contribution to the member's account.

Sec. 5. Minnesota Statutes 1971, Section 3A.04, Subdivision 1, is amended to read:

3A.04 [SURVIVOR BENEFIT.] Subdivision 1. [SURVIVING SPOUSE.] Upon the death of a member of the legislature while serving as such member, who has served as a member of the legislature for at least two years, or upon the death of a member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1 (1), whether in the legislature or not and regardless of age, the surviving spouse shall be paid a survivor benefit in the amount of one-half of the retirement allowance of the member of the legislature computed as though the member ~~had served eight years and had retired at age 65~~ *60* on the date of his death and ~~shall be based upon his allowable service or eight years whichever is greater~~. Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.

Sec. 6. Minnesota Statutes 1971, Section 3A.04, Subdivision 2, is amended to read:

Subd. 2. [DEPENDENT CHILDREN.] Upon the death of a member of the legislature while serving as such member, who has served as a member of the legislature for at least two years, or upon the death of a member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1 (1), whether in the legislature or not and regardless of age, each dependent child of such member shall be paid a survivor benefit in the following amount: First dependent child, a monthly allowance which equals 25 percent of the monthly allowance of the member of the legislature computed as though the member had retired at age ~~65~~ *60* on the date of his death; for each additional dependent child, a monthly allowance which equals 12½ percent of the monthly allowance of the member computed as in the case of the first child; but the total amount paid to the surviving spouse and dependent children shall not exceed in any one month 100 percent of the monthly allowance of the member computed as in the case of the first child. The payments for dependent children shall be made to the surviving spouse or the guardian of the estate of the dependent children, if there is one. A posthumous child qualifies as a dependent child for benefits provided herein from the date of its birth.

Sec. 7. Minnesota Statutes 1971, Chapter 3A, is amended by adding a section to read:

[3A.11] [PARTICIPATION IN MINNESOTA ADJUSTABLE FIXED BENEFIT FUND.] Subdivision 1. *The reserves necessary to fund the retirement benefits granted under section 3A.02 to retired legislators and legislators retiring in the future, shall be*

*transferred by the state auditor to the Minnesota adjustable fixed benefit fund as of June 30, 1973, or as of the date benefits begin to accrue, whichever is later, in accord with section 11.25 as amended. The amount of the transfer made hereunder shall be determined by an approved actuary as defined in section 352.01, subdivision 15, in accord with appropriate mortality table using an interest assumption of five percent.*

*Subd. 2. Annuities and benefits shall be adjusted in accord with the provisions of section 11.25 as amended.*

*Subd. 3. There is herein appropriated from general revenue moneys sufficient to fund the reserves required by this section.*

*Subd. 4. Notwithstanding section 356.18 increases in benefit payments pursuant to this section will be made automatically unless the intended recipient files written notice with the auditor requesting that the increase shall not be made.*

Sec. 8. Minnesota Statutes 1971, Section 43.01, Subdivision 9, is amended to read:

Subd. 9. [RATE OF PAY.] "Rate of pay" means rate of pay for a work month, and "salary" means compensation for a work month regular work hour, "monthly rate of pay" means compensation for 174 regular hours of work and "annual rate of pay" means compensation for 2,088 regular hours of work.

Sec. 9. Minnesota Statutes 1971, Section 43.01, is amended by adding a subdivision to read:

Subd. 15. [TOTAL COMPENSATION.] "Total compensation" means salary, paid time off, group insurance benefits, the retirement plan, and other direct and indirect items of compensation.

Sec. 10. Minnesota Statutes 1971, Section 43.01, is amended by adding a subdivision to read:

Subd. 16. [COMPETITIVE.] "Competitive" means a level which is generally equal to the total compensation paid for similar types of work.

Sec. 11. Minnesota Statutes 1971, Section 43.03, Subdivision 3, is amended to read:

Subd. 3. Each member of the board shall be paid \$35 per day for each day actually devoted to duties as a member of the board, but in no case shall any member be paid more than ~~\$1,050~~ \$1,200 in any one year; provided, that this limitation shall not apply to payments on account of expenses. Members of the board shall be paid for expenses in travel to and from meetings and for necessary expenses incurred during meetings of the board.

Sec. 12. Minnesota Statutes 1971, Section 43.051, is amended to read:

43.051 [AGE FOR RETIREMENT.] Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Sections 197.45, 197.46, 197.47, 43.30, or any other law to the contrary effective July 1, 1974, an officer or employee of the state of Minnesota in

the classified or unclassified service of the state civil service and who is subject to the provisions of the Minnesota state retirement system must retire from his employment by the state if such officer or employee has reached the age of 68 prior to July 1, 1974, or upon reaching the age of 70 68. Effective July 1, 1975, an officer or employee of the state of Minnesota in the classified or unclassified service of the state civil service and who is subject to the provisions of the Minnesota state retirement system must retire from his employment by the state if such officer or employee has reached the age of 65 prior to July 1, 1975, or upon reaching the age of 65. The mandatory retirement age for all other classified officers and employees of the state, if not otherwise provided for by law, shall be 70. Nothing in this subdivision shall apply to persons in the judicial branch.

Subd. 2. Notwithstanding any provision to the contrary, a physician in the classified or unclassified state service may upon reaching the maximum retirement age of 70 years specified in subdivision 1, continue to be employed in the department of public welfare or one of its institutions subject to annual certification by the commissioner upon the recommendation of the medical policy directional committee on mental health appointing authority of the department in which the physician is employed to the director that the employee is physically and mentally competent to fulfill the duties of his position.

Subd. 3. Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in the special retirement program for correctional personnel defined in Minnesota Statutes, Chapter 352, must retire from such covered classification upon having reached or upon reaching the mandatory retirement age as of the effective dates established herein:

Effective Date	Mandatory Retirement Age
July 1, 1974	65
January 1, 1975	62
July 1, 1975	59
January 1, 1976	57
July 1, 1976	55

Subd. 4. (1) Notwithstanding any provisions of Minnesota Statutes, Chapters 352A and 352B or any other law to the contrary, conservation officers and crime bureau officers who are first employed on or after July 1, 1973 and are members of the highway patrolmen's retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for such fractional portion of one year as will enable the employee to complete his next full year of allowable service.

(2) Notwithstanding any provisions of Minnesota Statutes, Chapters 352A and 352B or any other law to the contrary, conservation officers and crime bureau officers who are first employed

*and are members of the highway patrolmen's retirement association by reason of their employment before July 1, 1973, shall be governed by the same mandatory retirement regulations applied to other state employees who are covered by the Minnesota state retirement system.*

Sec. 13. Minnesota Statutes 1971, Section 43.111, is amended to read:

43.111 [POLICY.] It is the public policy of the state of Minnesota that an efficient and well trained work force be maintained to carry out the work ordained by the legislature. It is further directed that modern methods of selection, training and salary administration be established and maintained. The standards of selection shall be of such a nature as to provide the proper level of preparation and experience. Recognizing the cost of excessive employee turnover, it is directed that priority be given to the maintenance of a steady work force. To this end, training, by way of in-service programs and stipend allowances shall be encouraged. It is also established as the policy of the state of Minnesota that employees be paid on the same level as their counterparts in other private and public employment a total compensation which is competitive with that paid for like positions in other private and public employment. Proper attention will also be given to equitable internal pay relationships between related job classes and among the various levels within the same job family or department. Continuing analysis of pay rates and supplementary pay practices shall be carried on, as well as analyses of jobs to determine comparability of job content.

Sec. 14. Minnesota Statutes 1971, Section 43.12, Subdivision 2, is amended to read:

Subd. 2. [SALARY RANGES.] (1) The following procedure will be used in establishing rates of pay for all employees in the state classified service except as provided elsewhere in chapter 43. Classes will be assigned salary ranges within an area of compensation beginning at a prescribed monthly base rate and extending upward by a maximum of 50 additional four percent increments rounded to the nearest dollar. Salary range assignments for each class of work will include no more than ten salary steps. Effective November 17, 1971, the prescribed monthly base rate will be \$290 per month.

In assigning classes of work to this schedule the board shall give consideration to the reduction of supervisory levels and separate classifications state employees in the classified service whose positions are assigned to classes in the administrative, management, and professional salary schedule, hereinafter referred to as schedule "A". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed minimum monthly rate of pay and extending upward by a maximum of 30 additional salary increments. Salary range assignments for each class of employment in this schedule shall include no more than ten salary steps. Effective July 11, 1973, the prescribed minimum monthly rate of

pay shall be \$708. The maximum monthly rate of pay shall be \$2,294.

(2) All employees whose rates of pay are established according to the salary schedule cited in section 43.12, subdivision 2 clause (1), effective November 17, 1971, shall be advanced in salary to the new minimum rate for their class or two and one half salary steps, whichever is greater. salary schedule "A" as cited in section 43.12, subdivision 2, clause (1), effective July 11, 1973, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date to the comparable step in the new salary range for their class or to the new minimum rate of pay for their class, whichever rate is greater provided that all employees shall receive at least a one step salary increase so long as that increase does not cause the employee's compensation to exceed the new range maximum.

(3) Effective the beginning of the first payroll period in fiscal year 1972-1973, all employees compensated according to the salary schedule cited in 43.12, subdivision 2(1), shall be advanced by one salary step within their respective salary ranges to the next higher step. The one salary step advancement will also apply to those employees whose rates of pay are at or above the maximum rate for their class as a result of the adjustment provided for in section 43.12, subdivision 2 clause (2). However, any person serving his initial probationary period at the time of the fiscal year 1972-1973 adjustment, shall not receive the one salary step advancement within his salary range until he satisfactorily completes his initial probationary period. Employees compensated according to salary schedule "A" as cited in section 43.12, subdivision 2, clause (1), whose monthly rate of pay immediately preceding July 11, 1973, equals or exceeds the new maximum monthly rate of pay for their class shall be advanced in salary by an amount equal to one half the difference between the new maximum monthly rate of pay for their class and the next lowest monthly rate of pay in their salary range, rounded to the next highest dollar, effective July 11, 1973.

(4) The following schedule of hourly rates is procedure shall be used to establish the establish rates of pay for all state employees in the classified service employed in skilled, semi-skilled, and whose positions are assigned to classes in the maintenance classes and related trades schedule, hereinafter referred to as schedule "B". Classes shall be assigned an orientation and base rate, one consecutive wage step apart. The orientation rate shall be paid during the probationary period, and the base rate thereafter. In assigning rates of pay to classes of work covered by this schedule, the board shall give primary consideration to the most commonly median of rates paid rates by other public and private employers for each class similar types of work. Supplementary pay practices shall be evaluated and costs considered in comparing the rates to be private being paid by other employment employers. The board is authorized to establish a percentage differential based upon full annual employment and tenure where such advantages are not common in employment outside of the state service.

Range	Orientation	Base
1b	3.33	3.47
2b	3.47	3.61
3b	3.61	3.76
4b	3.76	3.91
5b	3.91	4.07
6b	4.07	4.23
7b	4.23	4.40
8b	4.40	4.58
9b	4.58	4.76
10b	4.76	4.96
11b	4.96	5.15
12b	5.15	5.35
13b	5.35	5.57
14b	5.57	5.79
15b	5.79	6.03

*Effective July 11, 1973, the minimum hourly rate of pay in the maintenance and related trades schedule shall be \$3.69. The schedule shall provide for 13 additional wage steps with a maximum rate of \$6.19 per hour.*

Notwithstanding any provision of chapter 43 to the contrary, the board is authorized to establish (a) hourly equipment rates to provide appropriate compensation to employees intermittently engaged in operating maintenance equipment and (b) an hourly rate to provide appropriate compensation to employees intermittently assigned to first level highway foreman work. The director of civil service shall establish regulations and procedures to equitably implement such hourly differential rates.

(5) All permanent employees whose rates of pay are established according to the wage schedule cited in section 43.12, subdivision 2 clause (4), effective November 17, 1971, shall be advanced in salary to the established base rate for their class or two and one-half wage steps, whichever is greater. To receive the two and one-half wage step advancement, an employee shall be permitted to be paid at a rate higher than the established base rate for his class. Probationary employees, effective November 17, 1971, shall be advanced in salary to the orientation rate for their class except, if they have permanent status in another class they shall be advanced in salary by one and one-half wage steps. The civil service board is directed to prepare and adopt a supplemental schedule of hourly wage rates to implement the provisions of this clause. schedule "B" as cited in section 43.12, subdivision 2, clause (4), effective July 11, 1973, shall be advanced in salary to the established base rate for their class or receive one half the difference between the monthly equivalence of the base rate for their class and the orientation rate for their class, rounded to the next highest dollar, whichever is greater.

*Probationary employees, effective July 11, 1973, shall be advanced in salary to the established orientation rate for their class.*

(6) Effective the beginning of the first payroll period for the fiscal year 1972-1973, the hourly orientation and base rates cited

in section 43.12, subdivision 2, clause (4) shall be adjusted upward by four percent. Concurrent with this adjustment of the hourly orientation and base rates, all wage assignments and individual wage rates will be adjusted upward by four percent. The civil service board is directed to prepare and adopt a supplemental schedule of hourly wage rates to implement the provisions of this clause. The following procedure shall be used to establish rates of pay for all state employees in the classified service whose positions are assigned to classes in the clerical, technical, service and related salary schedule, hereinafter referred to as schedule "C". Classes shall be assigned salary ranges within an area of compensation beginning at a prescribed monthly rate of pay and extending upward 27 additional fixed salary increments. Salary range assignments for each class of employment in this schedule shall not include more than seven salary steps. Effective July 11, 1973, the prescribed minimum monthly rate of pay shall be \$340. The maximum monthly rate of pay shall be \$1,100.

(7) All employees whose rates of pay are established according to salary schedule "C" as cited in section 43.12, subdivision 2, clause (6), effective July 11, 1973, shall be advanced in salary from their rate of pay and step in salary range immediately preceding that date, to the comparable step in the new salary range for their class unless otherwise provided in procedures established by the board.

(8) Employees compensated according to salary schedule "C" as cited in section 43.12, subdivision 2, clause (6), whose monthly rate of pay immediately preceding July 11, 1973, equals or exceeds the new maximum monthly rate of pay for their class shall be advanced in salary by an amount equal to one half the difference between the new maximum monthly rate of pay for their class and the next lowest monthly rate of pay in their salary range, rounded to the next highest dollar, effective July 11, 1973.

(9) For each full four tenths point increase in the consumers price index for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of July, 1973, and April, 1974, new series index (1967=100), all monthly rates of pay in the "A" and special teacher salary schedules as cited in sections 43.12, subdivision 2, clause (1), and 43.121, subdivision 3, shall be increased by two tenths of one percent, rounded to the nearest dollar. All hourly rates of pay in the "B" and "C" schedules as cited in section 43.12, subdivision 2, clauses (4) and (6), shall be increased by one cent per hour.

The increase, if any, in wages and salaries generated by this formula shall be effective with the first full payroll period after July 1, 1974, and shall continue in effect until the first full payroll period after January 1, 1975.

A redetermination of the cost of living allowance shall be made in October, 1974. For each full four tenths point increase in the consumer price index for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics for the months of July, 1973, through October, 1974, all monthly rates of pay in the "A" and special

*teacher salary schedules as cited in sections 43.12, subdivision 2, clause (1), and 43.121, subdivision 3, shall be increased by two tenths of one percent, rounded to the nearest dollar. All hourly rates in the "B" and "C" schedules as cited in section 43.12, subdivision 2, clauses (4) and (6), shall be increased by one cent per hour. The increase, if any, in wages and salaries generated by this redetermination shall be effective with the first full payroll period after January 1, 1975.*

*During periods when such cost of living allowance is in effect, it shall be added to the applicable basic hourly and monthly rates of pay of each employee, including those that are above the maximum step of their range, and treated as a part thereof in all calculations involving employees' pay.*

*(10) The commissioner of administration may direct the state auditor to transfer to the various departments and agencies the necessary amounts to finance clause (9) into effect. These transfers shall be from such accounts and funds from which each department or agency receives its revenue, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of such salaries. Such sums of money as are necessary for such purposes are hereby appropriated to such departments or agencies from such account and fund in the state treasury. The accounts and funds referred to from which agencies receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.*

*(7) (11) Overtime worked shall be compensated for either by cash payment or compensatory time off as provided for in overtime schedules approved under the provisions of the civil service rules.*

*(8) (12) None of the provisions of sections 43.12, subdivision 2, to 43.122, shall apply to employees in the classified service under the state civil service act who are paid on a fee basis, or to such employees who are department heads.*

*(9) An employee appointed on or subsequent to July 14, 1971, and prior to November 17, 1971, may receive the prescribed salary and wage increases set forth in section 43.12, subdivision 2, clauses (2) and (6) with the approval of his appointing authority. However, so that all employees are compensated at an established rate of pay, an employee who is not granted the prescribed salary or wage increase provided under the provisions of this clause shall have his rate of pay advanced to the next higher salary or wage step established for his class or the new minimum salary rate or probationary wage rate for his class, whichever is greater.*

*(10) (13) Except as otherwise provided in section 43.12, subdivision 2, no class will be reassigned to a higher salary range by the civil service board during the 1971-1973 1973-1975 biennium.*

*(11) Notwithstanding the provisions of any other law to the contrary, the civil service board is directed to reduce all adopted salary assignments by two percent for classes of work compensated*



according to the salary schedules cited in section 43.12, subdivision 2, clauses (1) and (4) and section 43.121, subdivision 3, except in no instance shall the minimum rate of a salary assignment be less than the prescribed monthly base rate. The civil service board is directed to prepare and adopt a supplemental schedule of salary rates to implement the provisions of the clause rounded off to the nearest dollar.

(12) If the Minneapolis-St. Paul Consumers' Price Index increases at least one and one-half percent between October, 1971, and April, 1972, all salary and wage rates cited in section 43.12, subdivision 2 clauses (1) and (4) shall be increased in value by two percent effective at the beginning of the first payroll period for fiscal year 1972-1973. Concurrent with this adjustment, all salary and wage assignments shall be increased by two percent and employees shall be advanced to the comparable step of the revised schedule of rates. In the event this increase should occur, the civil service board is directed to establish supplemental salary schedules with steps two percent higher than the schedules then in effect. Where necessary to receive this advancement, an employee shall be permitted to be paid at a rate higher than the established maximum rate for his class.

(13) The commissioner of administration is hereby authorized to direct the state auditor to transfer to the various departments and agencies the necessary amounts to finance clause (12) into effect. These transfers shall be from such accounts and funds from which each department or agency receives its revenue, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of such salaries. Such sums of money as are necessary for such purposes are hereby appropriated to such departments or agencies from such account and fund in the state treasury. The accounts and funds referred to from which agencies receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

(14) Notwithstanding the provisions of any other law to the contrary, when making an appointment to the unclassified service of the executive branch of government, the appointing authority shall provide the director of civil service with a personal resume of the appointee and a detailed job description outlining the duties and responsibilities of the position which the appointee will occupy in such form as the director may prescribe. Any changes in work assignment shall be reported in writing to the director. If, in the judgment of the director, additional information is required in order to establish comparability with positions in the classified service, the director shall review the duties of the position in the same manner as a position in the classified service would be investigated. All persons in the unclassified service of the executive branch of government, except those whose salary is set specifically by statute, may, with the approval of the appointing authority, be granted salary increases on the same effective dates as all employees of the classified state civil service, but in no event may these salary increases exceed the salary increases authorized for person-

nel in the classified service nor shall be paid according to the compensation provisions applicable to employees performing comparable work in the classified service, but in no event shall unclassified personnel receive rates of pay which exceed the maximum rate of the salary range established for comparable work in the classified service.

(15) Notwithstanding the provisions of any other law to the contrary, all non-academic employees of the University of Minnesota and the University of Minnesota department of civil service personnel shall be subject to all of the preceding clauses as if they were classified employees of the Minnesota civil service and the Minnesota civil service board.

(15) Effective July 1, 1974, employees whose positions are assigned to classes in the A, B and C compensation schedules working an assigned shift that begins before 6:00 a.m. or which ends on or after 7:00 p.m. shall receive a shift differential of ten cents per hour for all hours worked on that shift in addition to their regular rate of pay. Such differential shall be included in all payroll computations for hours worked but shall not apply during periods of paid leave.

Employees working the regular day schedule who are required to work overtime or who are called back to work for special projects shall not be eligible for the shift differential.

(16) Effective July 1, 1973, any permanent employee who is separated from the state classified service by reason of death, mandatory retirement, layoff, excluding seasonal layoffs, or who is separated after completing 20 years of state service shall be entitled upon such separation, to pay in an amount equal to ten percent of the employee's regular accumulated but unused sick leave balance at the time of separation. Effective July 1, 1974, severance pay shall be computed upon 20 percent of the employee's regular accumulated but unused sick leave balance. The provisions of this clause shall apply to unclassified employees in the same manner as they apply to employees in the classified service.

Should any employee who has received severance pay be subsequently reappointed to state service, eligibility for future severance pay shall be computed upon the difference between the amount of accumulated but unused sick leave to the employee's credit at the time the employee was separated and the amount of accumulated but unused sick leave balance at the time of the employee's subsequent eligibility for severance pay.

The base for computing the severance pay provided for in this clause shall not exceed 800 hours, nor shall said base include lapsed sick leave hours as defined by departmental rules and regulations.

Such severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits and shall be paid over a period not to exceed five years from termination of employment. In the event that a terminated employee dies before all or a portion of the severance pay has been disbursed, that

*balance due shall be paid to a named beneficiary or, lacking same, to the deceased's estate.*

*(17) The board is hereby empowered to establish by rule an injured on duty compensation plan for certain classes of state employees in hazardous or dangerous classes of employment. Said plan shall not be subject to the limitations contained in Minnesota Statutes, Section 176.021, Subdivision 5.*

Sec. 15. Minnesota Statutes 1971, Section 43.12, Subdivision 2a, is amended to read:

Subd. 2a. [CAREER EXECUTIVE SERVICE.] (a) *There is established a career executive service within the Minnesota state service.*

*The purpose of the career executive service is to foster managerial and high level professional identification, development, utilization, mobility and responsiveness in the state service.*

~~(a)~~ (b) *The director of civil service, with the approval of the board, shall designate classes positions in the classified service of the state as eligible for assignment to inclusion in the career executive compensation schedule service. Such classes positions shall include those which carry basic responsibilities for high level professional or scientific competence, policy determination, leadership, or the internal management and administration of a department or other major unit.*

*The incumbents of such classes positions shall be selected from among the employees of the state, or its political subdivisions, as set forth in this subdivision 2a, clauses (b), (c), and (d).*

~~(b)~~ (c) *Eligibility for appointment to assignment in the career executive compensation schedule service shall be established as a result of an examination of persons who first meet such qualifications in accordance with regulations and procedures as the board director shall determine. The board shall select individuals knowledgeable in the field of administrative management who shall serve in an examining capacity to review in detail the applicants' qualifications. The review shall include but not be limited to the following matters: (1) Educational qualifications, (2) Pertinent work experience, (3) Evidence of continuing academic development, (4) Membership in professional organizations, and (5) Estimate of continuing professional growth in a particular discipline. Assignments will be made only after the nominee has achieved permanent or probationary civil service status in the class occupied at the time nomination is made and after meeting requirements as determined by the director.*

~~(c)~~ (d) *The provisions of chapter 43, and sections 197.45 to 197.48 insofar as they relate to the selection, classification, preference, transfer, tenure and other conditions of employment shall not apply in the selection and assignment of personnel in the career executive compensation schedule service. Assignments Appointments may be terminated by the appointing authority, provided, however, that a written report relative to such the termin-*

ation is first submitted to the board not based on reasons of politics, religion, race, age, sex, or disability.

~~(d)~~ (e) The director shall certify the names of those persons passing a screening examination meeting requirements established elsewhere in this subdivision to the appointing authority in the order of their performance in said examination, and the appointing authority shall be limited in his appointment to such list.

~~(e)~~ (f) No person assigned appointed to the career executive compensation schedule service shall be deemed to acquire any vested rights or tenure to such assignment appointment, provided however, that the time served in such assignment appointment shall be credited to his the employee's seniority, sick leave, vacation, and retirement rights. Upon the termination of his assignment to the career executive compensation schedule, if the employee was appointed to the career executive service from the classified service. An employee may be reassigned to another career executive service position at the same or lower level at the discretion of his appointing authority. An employee removed from the career executive service who was appointed from the classified state service shall be reinstated to his former grade in the same or similar position under the civil service laws and his compensation shall be at the level formerly received plus any annual increments he would have received had he remained in the schedule provided in subdivision 2, clause (1).

(g) The director may establish and enforce regulations and procedures with respect to the career executive service to ensure compliance with the purposes and intent of this subdivision.

(h) Notwithstanding any provision to the contrary, persons appointed to the career executive service shall be subject to the retirement requirements set forth in section 43.051.

Sec. 16. Minnesota Statutes 1971, Section 43.12, Subdivision 2b, is amended to read:

Subd. 2b. [CAREER EXECUTIVE SERVICE.] The following schedule of rates is established as the annual rates of pay for the employees selected under subdivision 2a:

CES-I	13,000	13,500 to 18,000	21,500
CES-II	15,000	15,500 to 21,000	24,500
CES-III	18,000	18,500 to 24,000	28,000
CES-IV	22,000	23,000 to 28,000	32,000

The salary rate to be paid an employee, within the range assigned by the director, shall be determined by the appointing authority. The beginning salary rate and any subsequent changes shall be reported to the director by the appointing authority.

Sec. 17. Minnesota Statutes 1971, Section 43.12, Subdivision 3, is amended to read:

Subd. 3. [ALLOCATIONS.] (1) The director shall allocate each position in the classified civil service to one of the classes within the classification plan, subject to review of the board if an appli-

cation is made in writing to the board upon one of the grounds set forth in clause (7) by the appointing authority immediately affected at any time within 30 days following notice to him of that allocation, or within 30 days from the date of notice of the final action of the director in case of an application for reconsideration, as hereinafter provided for, and thereafter all salary rates, schedules, or compensation policies shall apply uniformly to all positions within each class, in accordance with rules and regulations established by the board, except those positions for which special provision is made in clause (6) below. When a position which has not been allocated to one of the classes within the classification plan is established, the appointing authority shall notify the director, who shall allocate that new position to its appropriate class, subject to the same right of review by the board as heretofore provided in this clause.

(2) After the director makes an allocation under clause (1), he shall notify the appointing authority affected, in writing, of that allocation. The allocation shall become immediately effective, but the appointing authority may within ten days file with the director an application for reconsideration, together with any written evidence by way of affidavits, statements or exhibits which that appointing authority may desire considered by him. The director shall act upon that application within ten days after receiving it, and notify the appointing authority of his final action. In case of the filing of such application for reconsideration, the time for asking a review by the board shall commence to run from the date of notice to the appointing authority of the director's final action.

(3) Whenever, because of changes in the organizational structure of an agency, in the duties of a position, or for some other reason, a position appears to be improperly allocated, the director shall, upon his own initiative, or upon the written request of a permanent employee or an appointing authority, investigate the duties of the affected position. Following that investigation he may reallocate it to an appropriate class. If the director makes a reallocation or denies an application for reallocation, under this clause, he shall notify the appointing authority and the employee affected of his action. A permanent employee or appointing authority affected by any such action shall have the same right to make an application for reconsideration as is granted an appointing authority in the case of an original allocation by clause (2), and the procedure set out in clause (2) shall apply to such application. Except as provided in clause (6) below, any reallocation granted by the director shall become effective upon the expiration of the time fixed for making an application for reconsideration, if none is made, or if one is made, at the date of notice by the director of this final action. A permanent employee or appointing authority shall have the same right of review by the board of a reallocation which changes the class of a position as is granted an appointing authority in the case of an original allocation. Application for such a review must be made within 30 days from the date of notice by the director of his original action, or, if a reconsideration has been asked, within 30 days from the date of the director's final action upon that application.

(4) In case of any allocation under clause (1), or any reallocation under clause (3), no examination of witnesses nor any trial or hearing shall be required, but the director may act upon such matters as are submitted to him in writing by the employee whose position will be affected by a reallocation or by the appointing authority who will be affected by an allocation or a reallocation, and reports and records of investigators of the department, and may take official notice of the records of the department and of allocations of other comparable positions. The matters of which he takes official notice shall be set out by him in a memorandum to be filed with his order or report of investigation and made a part of his record. In all cases of applications for reallocation, the burden of proof shall be upon the person requesting the reallocation.

(5) Except as provided in clause (6) below, the incumbent of a position which has been reallocated shall continue in the position only if he is eligible for and actually is appointed to the position of the new class in accordance with the rules of the board governing promotion, transfer, and demotion. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted or demoted, the layoff provisions of this chapter and the rules of the board shall apply. Personnel changes required by the reallocation of positions shall be completed within a period of 60 days following the date of reallocation notice to an appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in any promotional examination held to fill the reallocated position, as provided in the rules of the board.

(6) When a position is reallocated by the director to a class in a lower salary range, *or when an employee is demoted to a position in a lower salary range*, the director and the commissioner of administration may give consideration to the employee's long or outstanding service, exceptional or technical qualifications, age, health, or *substantial changes in work assignment or operational changes in state government which eliminate positions held by classified employees with permanent status*. When, as a result of such consideration, the director and the commissioner determine that the best interests of the state will be served by such action, the position shall be reallocated but the employee shall continue at the same rate of pay. Thereafter, as long as he remains in the same position, such employee shall not be eligible to receive any salary increases, *except those economic adjustment increases based on the consumer's price index authorized by law*, until such time as his salary once again may be within the range of the class to which his position has been reallocated.

(7) A review by the board as provided for in this subdivision may be had when the employee or appointing authority affected files an application for review in writing on the ground:

(a) That the action of the director was not in accordance with the civil service act;

(b) That the action of the director was unwarranted by the evidence before him, or was procured by fraud, coercion or other improper conduct of any party in interest.

The board after receiving any application for review shall order the director to submit to it the record upon which he acted and thereafter, upon that record, may sustain, reverse or modify the action of the director or, in its discretion, may order that further evidence be taken by him to be submitted to the board and considered by it upon its review.

Sec. 18. Minnesota Statutes 1971, Section 43.121, Subdivision 2, is amended to read:

Subd. 2. When an additional class is added to the classification plan, it shall be assigned to one of the salary ranges schedules set forth in section 43.12, subdivision 2 ; and, if the duties and responsibilities of a class in the plan are substantially changed, or if an apparent inequity exists in the assignment of a class to a salary range, that class shall be reassigned to another salary range by the director of civil service. Such assignment or reassignment to a salary range schedule when approved by the civil service board after public hearing shall be submitted to the commissioner of administration who shall determine whether funds are available for such purposes. The commissioner of administration may approve or reject such schedules. These schedules shall become effective when approved by the commissioner and shall be used by him in connection with all payrolls and accounting records and with all budget estimates for all departments of agencies of the state government. Upon his approval, the commissioner shall file such new schedules in the office of the secretary of state.

Sec. 19. Minnesota Statutes 1971, Section 43.122, is amended to read:

43.122 [SALARY INCREASES.] Subdivision 1. Appointing authorities are authorized to grant achievement awards in the amount of one salary step for employees assigned to the schedule A, as set forth in section 43.12, subdivision 2 clause (1), who have demonstrated outstanding performance. Justification to the director must be in writing setting forth qualitative and quantitative criteria on which the determination was made. In no instance shall such awards be granted in excess of 20 percent of employees authorized at the beginning of each fiscal year, nor to employees whose rates of pay are at or above the maximum rate of pay established for their class. Appointing authorities shall make every effort to distribute achievement awards equitably among and within all classifications to eligible employees. To insure conformance to legislative intent, appointing authorities shall submit quarterly reports to the chairman of the senate civil administration and house governmental operations committees indicating the name and classification of each employee granted an achievement award, and the salary step at which the employee is being compensated within his salary range. A copy of each such report must be filed with the civil service director. The first quarterly report is due April 1, 1972.

Subd. 2. Within the limits of available appropriations an appointing authority may propose salary increases *within the range* of more than one step or more frequently than provided in this section upon detailed written statements to the director specifying

the unusual employment conditions that make such action necessary. The director shall review each such proposal giving due consideration to the salary rates paid other employees in the same class and agency and may deny any request which in his judgment is contrary to the best interest of the service.

*Subd. 3. (a) Employees in classes assigned to the "A" schedule as cited in section 43.12, subdivision 2, clause (1), may receive a one step salary increase annually, on their anniversary date, to the position rate in their salary range, provided performance is satisfactory as indicated by their appointing authority.*

*The position rate shall be as follows:*

*9 step salary range—5th step*

*8 step salary range—5th step*

*7 step salary range—4th step*

*6 step salary range—4th step*

*5 step salary range—4th step*

*4 step salary range—3rd step*

*3 step salary range—3rd step*

*Beyond the position rate, employees may receive one step satisfactory performance increases biennially, on their anniversary date, upon the recommendation of their appointing authority, up to and including the maximum rate of the salary range for their class.*

*No increases authorized by this subdivision shall be granted by the appointing authority until an appropriate employee evaluation program is filed with the director. Authorized increases shall be recommended in the context of performance measured against specific performance standards or objectives.*

*Appointing authorities shall not recommend increases for those employees in this schedule who have not met, or only marginally attained, performance standards or objectives. Increases withheld may subsequently be granted by the appointing authority upon certification to the director that the employee is achieving performance standards or objectives.*

*(b) Employees in classes assigned to the "C" schedule as cited in section 43.12, subdivision 2, clause (6), shall progress through the salary range for their class according to the following procedure:*

*Employees compensated at the first step in their salary range shall be advanced to the second step following the completion of 1,044 hours of satisfactory service subsequent to the implementation of the provisions of section 43.12, subdivision 2, clause (7). Employees compensated at the second step in their salary range shall be advanced to the third step following the completion of 1,044 hours of satisfactory service subsequent to the implementation of the provisions of section 43.12, subdivision 2, clause (7).*

*Employees compensated at or beyond the third step in their*



*salary range shall advance to the next highest rate in their salary range at the completion of each increment of 2,088 hours of satisfactory service subsequent to the implementation of the provisions of section 43.12, subdivision 2, clause (7), until the maximum rate of pay is attained.*

*Employees compensated at the maximum step in their range or above shall receive no salary adjustments under the provisions of this subdivision.*

*(c) Appointing authorities may withhold increases authorized in section 43.122, subdivision 3, clause (b). Those employees who will be denied an increase because of unsatisfactory service must be notified in writing. Increases withheld may subsequently be granted by the appointing authority upon certification to the director that the employee has achieved a satisfactory level of performance.*

*(d) All salary increase provisions for the "A" schedule cited in section 43.122, subdivision 3, shall be effective beginning with the payroll period following the employee's anniversary date but in no instance prior to the first full payroll period subsequent to May 30, 1974.*

*Subd. 4. [ANNIVERSARY DATES.] To determine anniversary dates for the purposes of this section, the following procedure shall be used. For all persons employed on or before May 30, 1973, annual anniversary dates shall be computed from that date. For those employed subsequent to May 30, 1973, the anniversary date shall be computed from the date of employment. For those promoted, reinstated, reemployed, or returned from leave of absence subsequent to May 30, 1973, the anniversary date shall be computed from the date of the action. Anniversary dates shall not be affected by the withholding of increases authorized in section 43.122, subdivision 3, clause (1).*

Sec. 20. Minnesota Statutes 1971, Section 43.126, Subdivision 1, is amended to read:

43.126 [SPECIAL RATES OF PAY.] Subdivision 1. Notwithstanding the provisions of sections 43.12 and 43.121 to 43.123, the following salary ranges are established with annual salaries as shown:

Range A ~~\$19,500~~ \$23,000 to ~~\$28,000~~ \$32,000

Range B ~~\$23,500~~ \$28,000 to ~~\$32,000~~ \$38,000

Range C ~~\$27,500~~ \$30,000 to ~~\$37,000~~ \$45,000

Sec. 21. Minnesota Statutes 1971, Section 43.24, Subdivision 1, is amended to read:

43.24 [REMOVAL.] Subdivision 1. [WRITTEN STATEMENT.] No permanent employee in the classified service, under the provisions of this chapter or the rules made pursuant thereto, shall be removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, except for just cause, which shall not be religious or political, or because of the employee's race, sex, disability or age, subject however to the mandatory re-

*tiement ages specified by law*. In case of any disciplinary action, as enumerated in this section, the employee shall, before the action is taken, be furnished with a statement, in writing, setting forth the reasons for the disciplinary action, be permitted five days time to reply thereto, in writing, or upon his request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the director of ~~civil service~~ prior to the effective date thereof.

Sec. 22. Minnesota Statutes 1971, Section 43.50, Subdivision 1, is amended to read:

43.50 [PAYMENT OF PREMIUMS.] Subdivision 1. Each department or agency of the state government shall pay the amounts due for basic life insurance and basic health benefits coverage authorized for eligible state employees as provided by Laws 1967, Chapter 103. *Additionally, and notwithstanding any law to the contrary, effective July 1, 1974, each department or agency of the state government shall contribute \$10 per month toward the cost of dependent hospital-medical insurance coverage premiums for their eligible employees who have eligible dependents. To enable employees to receive benefit from this provision, an open enrollment period of not less than one month, commencing May 1, 1974, is established. During said open enrollment period employees may enroll their dependents without proof of insurability. Effective January 1, 1975, the state contribution provided herein shall apply to eligible members of the legislature who have eligible dependents.* Each of such departments and agencies shall pay such amounts from such accounts and funds from which each department or agency receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of such salaries. Such sums of money as are necessary for such purposes are hereby appropriated to such departments and agencies from such account and funds in the state treasury. In order to enable the state auditor to maintain proper records covering the appropriations made by this section, he may require such certifications in connection therewith as he may deem necessary from any state department or agency whose officers and employees receive benefits pursuant to Laws 1967, Chapter 103. The accounts and funds referred to from which departments and agencies receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

Sec. 23. Minnesota Statutes 1971, Section 299D.03, Subdivision 2, is amended to read:

Subd. 2. [SALARIES.] (1) Each such employee other than the chief supervisor, lieutenant colonel, majors, captains, and sergeants hereinafter designated shall be known as patrol officers.

(2) There may be appointed one lieutenant colonel; and such majors, captains, sergeants and officers as the commissioner deems necessary to carry out the duties and functions of the highway patrol. Persons in above named positions shall be appointed by law and have such duties as the commissioner may direct and, except

for officers, shall be selected from the patrol officers, sergeants, captains, and majors who shall have had at least five years' experience as either patrol officers, sergeants, or supervisors. The total number of supervisors shall not exceed one for each ten patrol officers, but no supervisor shall be demoted in order to obtain this ratio. Vacancies in supervisory positions, however, shall not be filled until the ratio provided for herein is reached.

(3) Commencing ~~November 17, 1971~~ *July 11, 1973*, the salaries for all members of the highway patrol, except for the chief supervisor and these members subject to the provisions of clause (7), shall be as shown in the following table:

## TIME IN RANK

	Base	1	2	3	4	5 & 6	7 thru 11	12 Years and Over
	Salary	Year	Years	Years	Years	Years	Years	
Officer	\$ 735	766	797	828	861	896	931	969
Sergeant	1000	1000	1000	1049	1049	1090	1090	1090
Captain	1134	1134	1134	1179	1179	1226	1226	1226
Major	1275	1275	1275	1326	1326	1379	1379	1379
Lt. Col.	1434	1434	1434	1491	1491	1550	1550	1550

(4) Beginning with the first payroll period in fiscal year 1972-73, the salaries for all members of the highway patrol, except for the chief supervisor, and those members subject to the provisions of clause (7), shall be as shown in the following table:

## TIME IN RANK

	Base	1	2	3
	Salary	Year	Years	Years
Officer	\$766 808	797 851	820 894	861 938
Sergeant	1049 1113	1049 1113	1049 1158	1090 1158
Captain	1179 1252	1179 1252	1179 1302	1226 1302
Major	1326 1408	1326 1408	1326 1464	1376 1464
Lt. Col.	1491 1584	1491 1584	1491 1647	1550 1647
	4 thru 6 Years	5 & 6 Years	7 thru 11 Years	12 Years and Over
Officer	896 982	931	969 1026	1098 1070
Sergeant	1090 1204	1134	1134 1204	1134 1204
Captain	1226 1354	1275	1275 1354	1275 1354
Major	1379 1523	1434	1434 1523	1434 1523
Lt. Col.	1550 1713	1613	1613 1713	1613 1713

Commencing *July 10, 1974*, the salary rates for all highway patrol officers and sergeants as cited in section 299D.03, subdivision 2, clause (3), shall be increased by \$10 per month in lieu of receiving any salary differential for working evening and night hours.

The salary figures shown in the table above shall be increased in value by two percent, effective at the beginning of the first payroll period in fiscal year 1972-73, if the classified civil service receives a two percent cost of living increase pursuant to other law.

In addition to the rates of pay provided above, all employees

compensated according to the above salary table shall be paid a cost of living allowance to be determined and redetermined in the following manner:

The difference, if any, between the consumers price index for the city of Minneapolis-St. Paul, Minnesota (new series index 1967=100) as published for the months July, 1973, and April, 1974, by the Bureau of Labor Statistics of the United States Department of Labor shall be computed. For each full four tenths point increase so computed, one cent per hour shall be added to the hourly rate of pay of each highway patrol officer; and two tenths of one percent rounded to the nearest dollar shall be added to the monthly rate of pay of each sergeant, captain, major, and lieutenant colonel. Such cost of living allowance shall become effective the first full payroll period after July 1, 1974, and shall continue in effect until the first full payroll period after January 1, 1975. A redetermination of the cost of living allowance shall be made in October, 1974, and will involve computation of the difference, if any, between the aforementioned index as published for the base month of July, 1973, and the month of October, 1974. For each full four tenths point increase so computed one cent per hour shall be added to the hourly rate of pay of each officer; and two tenths of one percent rounded to the nearest dollar shall be added to the monthly rate of pay of each sergeant, captain, major and lieutenant colonel as a cost of living allowance. Such cost of living allowance shall become effective the first full payroll after January 1, 1975.

During periods when such cost of living allowance is in effect, it shall be added to the applicable basic hourly and monthly rates of pay for highway patrol officer, sergeant, captain, major and lieutenant colonel, and treated as a part thereof in all calculations involving employees' pay.

The commissioner of administration may direct the state auditor to transfer to the department of public safety the necessary amount to finance the increased cost of the cost of living provisions of this clause. This amount is appropriated from the trunk highway fund to the department of public safety for this purpose.

~~(5)~~ (4) Upon promotion, the person will be paid at the base salary rate of pay in effect for that rank, and, if initially appointed to the highway patrol on or before the effective date of this act, shall subsequently be eligible for the time in rank increases calculated from the effective date of promotion.

~~(6)~~ (5) Any time in rank increases in salary provided for in the tables in clauses clause (3) and ~~(4)~~, shall be effective for the payroll period nearest the employee's anniversary date of employment.

~~(7)~~ Patrol officers appointed on or after the effective date of this act, shall be paid the base salary assigned to the rank of patrol officer. In lieu of time in rank increases, 20 percent of such officers shall be eligible for achievement awards contemplated by Minnesota Statutes, Section 43.122, Subdivision 1.

(8) No time in rank increases shall be granted after June 30, 1973.

*The salary rates for all highway patrol officers and sergeants as cited in section 299D.03, subdivision 2, clause (3) shall be deemed to include reimbursement for meal and business expenses incurred by highway patrol officers and sergeants in the performance of their assigned duties in their patrol areas; business expenses include, but are not limited to: uniform costs, home garaging of squad cars and maintenance of home office.*

Sec. 24. Minnesota Statutes 1971, Section 352.03, Subdivision 1, is amended to read:

352.03 [BOARD OF DIRECTORS, COMPOSITION, EXECUTIVE DIRECTOR; DUTIES, POWERS.] Subdivision 1. [MEMBERSHIP OF BOARD; ELECTION; TERM.] The policy making function of the system is hereby vested in a board of seven members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of ~~the state auditor, the state treasurer, the insurance commissioner,~~ *three members appointed by the governor, one of whom shall be a constitutional officer or appointed state official and two public members knowledgeable in pension matters,* and four state employees who shall be elected by state employees covered by the system at a time and in a manner to be fixed by the board. Two board members, whose terms of office shall begin on the first Monday in March next succeeding their election, shall be elected biennially. The term of the two board members whose terms expire in 1968 shall terminate on the first Monday in March, 1968, and the terms of the two board members whose terms expire in 1970 shall terminate on the first Monday in March, 1970. The members of the board so elected shall hold office for a term of four years and until their successors are elected, and have qualified. A state employee on leave of absence shall not be eligible for election or re-election to membership on the board of directors; and the term of any board member who is on leave for more than six months shall automatically terminate upon the expiration of such period.

Sec. 25. Minnesota Statutes 1971, Section 352.03, Subdivision 3, is amended to read:

Subd. 3. [DIRECTORS SERVE WITHOUT COMPENSATION.] The members of the board *employed by the state* shall serve without compensation, but shall be reimbursed out of the retirement fund for expenses actually and necessarily paid or incurred in the performance of their duties, and shall suffer no loss of salary or wages through service on the board. *The public members of the board shall be paid \$35 per day for each day actually devoted to duties as a member of the board. Members of the board shall be paid for expenses in travel to and from meetings and for necessary expenses incurred during meetings of the board.*

Sec. 26. Minnesota Statutes 1971, Section 352.04, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS.] The employee

contribution to the fund ~~(a)~~ by those employees whose state service is covered by the federal social security act shall be an amount equal to ~~three~~ *four* percent of salary, and ~~(b)~~ by those employees whose state service is not covered by the federal social security act shall be an amount equal to ~~six~~ percent of salary *beginning with the first full pay period after June 30, 1973*. These contributions shall be made by deduction from salary in the manner provided in subdivision 4.

Sec. 27. Minnesota Statutes 1971, Section 352.04, Subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTIONS.] The employer contribution to the fund shall be ~~(1)~~ an amount equal to the total amount deducted from the salaries of employees on each payroll abstract, plus ~~(2)~~ ~~(a)~~ *an additional one-half of the amount of such deductions beginning with the first full pay period after June 30, 1969, for employees paying three percent contributions, such amount to be reduced to one-third of such deductions beginning with the first full pay period after June 30, 1970, or* ~~(b)~~ *an additional one-sixth of the amount of such deductions for employees paying six percent contributions an additional two percent of salary beginning with the first full pay period after June 30, 1973*. The employer contribution shall be made in the manner provided in subdivisions 5 and 6.

Sec. 28. Minnesota Statutes 1971, Section 352.115, Subdivision 2, is amended to read:

Subd. 2. [AVERAGE SALARY.] The retirement annuity hereunder payable at age 65 or thereafter shall be computed in accordance with the applicable provisions of the formula stated in subdivision 3 hereof, on the basis of the employee's average salary for the period of his allowable service. Such retirement annuity is known as the "normal" retirement annuity.

~~(a)~~ For years prior to July 1, 1957, "average salary" for the purpose of determining an employee's retirement annuity means the average of his highest salary upon which deductions were based for any five consecutive years prior to that date.

~~(b)~~ For each year of allowable service subsequent to June 30, 1957, "average salary" of an employee for the purpose of determining his retirement annuity means the average of his *the highest five successive years of salary upon which he has made contributions to the retirement fund by payroll deductions.*

Sec. 29. Minnesota Statutes 1971, Section 352.115, Subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The employee's average salary, as defined in subdivision 2 multiplied by the applicable percentages indicated below *1 percent per year of allowable service for the first ten years and 1.5 percent for each subsequent year of allowable service and pro rata for completed months less than a full year shall determine the amount*

of the retirement annuity to which the employee qualifying therefor is entitled ÷ .

- |   |                                 |
|---|---------------------------------|
| (1) For Years of Allowable Service Rendered Prior to July 1, 1969         | Percentages at the Rate of :    |
| (a) First ten years   | 1 percent per year of service   |
| (b) Second ten years or completed months of service less than such period | 1.1 percent per year of service |
| (c) Third ten years or completed months of service less than such period  | 1.7 percent per year of service |
| (d) Subsequent years or completed months of service less than such period | 2 percent per year of service   |
| (2) For years of Allowable Service Rendered Subsequent to June 30, 1969   | Percentage at the Rate of       |
| (a) First ten years of  | 1 percent per year of service   |
| (b) Second ten years of completed months of service less than such period | 1.3 percent per year of service |
| (c) Third ten years of completed months of service less than such period  | 2 percent per year of service   |
| (d) Subsequent years of completed months of service less than such period | 2.5 percent per year of service |

(3) If a combination of the above formulas is used, the formula percentages used shall be those percentages in each formula as continued for the respective years of allowable service from one formula to the next.

Sec. 30. Minnesota Statutes 1971, Section 352.115, is amended by adding a subdivision to read:

*Subd. 13. [PROPORTIONATE ANNUITY IN CERTAIN CASES.] Any employee who prior to July 1, 1973, was less than 60 years of age when entering covered state service who, due to the lowering of the mandatory retirement age, does not qualify for an annuity at the time he is required to retire, shall be entitled upon application to a proportionate annuity based upon his allowable service credit at time of mandatory retirement.*

Sec. 31. Minnesota Statutes 1971, Section 352.116, Subdivision 1, is amended to read:

352.116 [ANNUITIES UPON RETIREMENT.] Subdivision 1. [REDUCED ANNUITY BEFORE AGE 65.] Any employee who retires prior to age 65 shall be paid the normal retirement annuity provided in sections 352.115, subdivisions 2 and 3, or 352.715, subdivision 2, as the case may be, reduced by one-half of one percent for each month that the employee is under age 65 on the last day for which he is entitled to service credit as provided in section 352.01, subdivision 11, clause (3), or the date state service terminated, or the date the application for the annuity is filed with the director, whichever is later, *provided however that if an employee is entitled to credit for not less than 30 years allowable service, such reduction shall be applied only for each month the employee is under age 62.*

Sec. 32. Minnesota Statutes 1971, Section 352.118, is amended to read:

352.118 [INCREASE IN BENEFITS.] The retirement annuities and disability benefits authorized and in effect on June 30, 1969 1973 shall be increased in the same ratio that the actuarially computed reserve for such benefits determined by using an interest assumption of three *and one-half* percent bears to the actuarially computed reserve for such benefits determined by using an interest assumption of ~~three and one-half~~ *five* percent. The reserves upon which such increase shall be based shall be the actuarially determined reserve for benefits in effect at ~~December 31, 1968~~ *June 30, 1972*, in accordance with the mortality assumptions then in effect and at interest assumptions of three *and one-half* percent and ~~three and one-half~~ *five* percent. Such ratio of increase computed to the last full one one-hundredth of one percent shall be applied to benefits in effect on June 30, 1969 1973 and shall begin to accrue July 1, 1969 1973. Notwithstanding section 356.18, increases in benefit payments pursuant to this section will be made automatically unless the intended recipient files written notice with the Minnesota state retirement system requesting that the increase shall not be made.

Sec. 33. Minnesota Statutes 1971, Section 352.119, Subdivision 2, is amended to read:

Subd. 2. [VALUATION OF ASSETS; ADJUSTMENT OF BENEFITS.] (1) As of June 30, 1969, the present value of all annuities in force as of June 30, 1969 and as amended in accordance with Laws 1969, Chapter 893, shall be determined in accordance with the 1937 standard annuity table of mortality, calculated separately as to sex, with an interest assumption of three and one-half percent and assets representing the required reserves for these annuities shall be transferred to the Minnesota adjustable fixed benefit fund, during a period of one year in accordance with the procedures specified by law for the Minnesota adjustable fixed benefit fund.

(2) (1) Effective July 1, 1969, for those employees commencing to receive benefits pursuant to chapter 352, and acts amendatory



thereof, the required reserves as determined in accordance with ~~this section~~ *the interest assumption then in effect and appropriate mortality table based on experience of the fund as recommended by the system's actuary* shall be transferred to the Minnesota adjustable fixed benefit fund as of the date benefits begin to accrue.

(3) (2) Annuity payments shall be adjusted in accordance with the provisions of section 11.25, subdivisions 12 and 13.

Sec. 34. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.1191] [SURVIVOR BENEFIT INCREASE.] *The survivor benefits payable from the state employees retirement fund as provided by section 352.715, subdivision 4, which are authorized and in effect on January 1, 1974 shall be increased 25 percent. Such increase shall apply to the accrual of benefits commencing January 1, 1974.*

Sec. 35. Minnesota Statutes 1971, Section 352.22, Subdivision 1, is amended to read:

352.22 [REFUNDMENTS OR DEFERRED ANNUITIES.] Subdivision 1. [SERVICE TERMINATION.] Any employee who ceases to be a state employee by reason of termination of state service, shall be entitled to a refundment provided in subdivision 2 or a deferred retirement annuity as provided in subdivision 3. Application for a refundment may be made 60 or more days after the termination of state service if the applicant has not again become a state employee required to be covered by the system; except that employees of the University of Minnesota, having attained the age of 60 years or more, and employees of other departments and agencies of the state having attained the age of 70 years or more, whose state service is terminated by operation of law, or by direction of the appointing authority, who attain mandatory retirement age and are required to retire and who are not eligible to receive an annuity under sections 352.115 or 352.72, may apply for refundment without any waiting period.

Sec. 36. Minnesota Statutes 1971, Section 352.22, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT OF REFUNDMENT.] Except as provided in subdivision 3, any person who ceased to be a state employee *after June 30, 1973*, by reason of termination of state service shall receive a refundment in an amount equal to his accumulated contributions without interest, except that an employee terminating state service at the age of 65 or more shall receive a refundment in an amount equal to his accumulated contributions plus interest thereon to the date of termination at the rate of three and one-half percent per annum compounded annually if the employee due to age could not qualify for an annuity upon reaching compulsory retirement age had he continued in covered employment. Interest shall not be paid on any contributions for service rendered prior to age 60 at the rate of three and one-half percent per annum compounded annually on deductions taken after the third year of

*coverage except that if the employee, due to age, could not qualify for an annuity upon reaching compulsory retirement age had he continued in covered employment, he shall be paid interest from the date of coverage. Such interest shall be computed to the first day of the month in which the refund is processed and shall be based on fiscal year balances .*

Sec. 37. Minnesota Statutes 1971, Section 352.23, is amended to read:

352.23 [TERMINATION OF RIGHTS.] When any employee accepts a refundment as provided in section 352.22, all existing service credits and all rights and benefits to which the employee was entitled prior to the acceptance of such refundment shall terminate and shall not again be restored until the former employee acquires not less than one year's allowable service credit subsequent to taking his last refundment. In that event, he may repay all refundments which he had taken from the retirement fund. Repayment of refundments will entitle the employee only to credit for service covered by (a) salary deductions, (b) payments made in lieu of salary deductions, and (c) payments made to obtain credit for service as permitted by laws in effect at the time payment was made. If an employee before taking one or more refundments had credit for prior service or for military service without payment in either case, he may obtain credit for such forfeited service prior to July 1, 1929, and for such forfeited military service by making payments at a contribution rate of three percent of his average salary upon which deductions for the retirement fund were based, for the three year period immediately preceding repayment of refundment for service credit prior to July 1, 1929, and on the salary received by him at the time of entering military service to restore his military service credit. All such payments and repayment of refundments are to be paid with interest at ~~four~~ six percent per annum compounded annually.

Sec. 38. Minnesota Statutes 1971, Section 352.27, is amended to read:

352.27 [CREDIT FOR MILITARY SERVICE.] Any employee given a leave of absence to enter military service who returns to state service upon discharge from military service as provided in section 192.262, may obtain credit for his period of military service but he shall not be entitled to credit for any voluntary extension of military service at the instance of the employee beyond the initial period of enlistment, induction or call to active duty, nor to credit for any period of service following a voluntary return to military service. Such employee may obtain such credit by paying into the fund an employee contribution based upon his salary at the date of return from military service. The amount of this contribution shall be the applicable amounts required in section 352.04, subdivision 2, plus interest at ~~four~~ six percent per annum compounded annually. In such cases the matching employer contribution and additional contribution provided in section 352.04 shall be paid by the department employing such employee upon his return to state service from funds available to such department at the time and in the manner provided in section 352.04.

Sec. 39. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.90] [CORRECTIONAL EMPLOYEES.] *It is the policy of the legislature to provide special retirement benefits and contributions for certain correctional employees who, because of the nature of their employment, are required to retire at an early age. For the purpose of Minnesota Statutes, Chapter 356, the actuary shall make separate reports with respect to these employees. Except as otherwise provided, the provisions of Minnesota Statutes, Chapter 352, apply to covered correctional employees.*

Sec. 40. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.91] [COVERED CORRECTIONAL SERVICE.] *Covered correctional service means: (a) services performed on, before, or after July 1, 1973, by a state employee, as defined in section 352.01, as an attendant guard, attendant guard supervisor, correctional captain, correctional counselor I, correctional counselor II, correctional counselor III, correctional counselor IV, correctional lieutenant, correctional officer, correctional sergeant, director of attendant guards and guard farmer garden, provided the employee was employed in such position on July 1, 1973 or thereafter; (b) services performed before July 1, 1973 by an employee covered under clause (a) in a position classified as a houseparent or guard instructor; and (c) services performed before July 1, 1973 in a position listed in clause (a) and positions classified as houseparent, guard instructor and guard farmer dairy, by a person employed on July 1, 1973 in a position classified as a license plant manager, prison industry foreman (general, metal fabricating and foundry), prison industry supervisor, food service manager, prison farmer supervisor, prison farmer assistant supervisor or rehabilitation therapist employed at the Minnesota security hospital. However an employee shall not be covered hereunder if first employed after July 1, 1973 and who because of his age could not acquire ten years of service to qualify for an annuity as a correctional employee.*

Sec. 41. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.92] [CORRECTIONAL EMPLOYEE CONTRIBUTIONS.] *Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] Beginning with the first full pay period after June 30, 1973 in lieu of employee contributions payable under section 352.04, subdivision 2, contributions by covered correctional employees shall be in an amount equal to six percent of salary.*

*Subd. 2. [EMPLOYER CONTRIBUTIONS.] Beginning with the first full pay period after June 30, 1973, in lieu of employer contributions payable under section 352.04, subdivision 3, the employer shall contribute for covered correctional employees (1) an amount equal to 1½ times the deduction from salaries of covered correctional employees on each payroll abstract, plus (2) an additional amount of five percent of salaries of covered correctional employees on each payroll abstract.*

Sec. 42. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.93] [RETIREMENT ANNUITY.] *Subdivision 1. After separation from state service an employee covered under section 34 of this act who has attained the age of at least 55 years and has credit for not less than a total of ten years of covered correctional service and regular Minnesota state retirement system service shall be entitled upon application to a retirement annuity under this section based only on covered correctional employees' service.*

*For the purpose of this section, average salary means the average of the monthly salary during the employees' highest five successive years of salary as a correctional employee.*

*Subd. 2. The monthly annuity under this section shall be determined by multiplying the average monthly salary by the number of years, or completed months, of covered correctional service by 2.5 percent for the first 20 years of correctional service and two percent for each year thereafter; provided however, the monthly annuity shall not exceed 75 percent of the average monthly salary.*

*Subd. 3. The annuity under this section shall begin to accrue as provided in section 352.115, subdivision 8, and shall be paid for an additional 84 full calendar months or to the first of the month following the month in which he becomes age 65, whichever occurs first, and then be reduced to the amount as calculated under section 352.115, except that if this amount, when added to the social security benefit based on state service the employee is eligible to receive at such time, is less than the benefit payable under subdivision 2, the retired employee shall receive an amount that when added to such social security benefit will equal the amount payable under subdivision 2. When an annuity is reduced under this subdivision, the percentage adjustments, if any, that have been applied to the original annuity under Minnesota Statutes, Section 11.25, prior to the reduction, shall be compounded and applied to the reduced annuity. A former correctional employee employed by the state in a position covered by the regular plan between the ages of 58 and 65 shall receive a partial return of his correctional contributions at retirement with five percent interest based on the following formula:*

<i>Employee contributions contributed as a correctional employee in excess of the contributions such employee would have contributed as a regular employee</i>	<i>Years and complete months of regular service between ages 58 and 65</i>
X	<u>7</u>
	.

*Subd. 4. A former employee who has both regular and correctional service shall, if qualified, receive an annuity based on both periods of service under applicable sections of law but no period of service shall be used more than once in calculating the annuity.*

*Subd. 5. Notwithstanding the provisions of subdivision 1 an employee who was in a covered correctional position on July 1,*

1973; was employed in a position covered by Minnesota Statutes, Chapter 352, prior to reaching age 60; and was required to retire because of the lowering of the mandatory age, shall be entitled to an annuity under this section even though he does not have ten years of covered service under Minnesota Statutes, Chapter 352.

*Subd. 6. This section shall apply to qualified employees who retire on or after July 1, 1973, but the annuity payable hereunder shall not begin to accrue until July 1, 1974.*

Sec. 43. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.94] [AUGMENTATION.] *Subdivision 1. An employee who becomes a correctional employee after serving as a regular employee shall be covered under section 352.72, subdivision 2, with respect to the regular service.*

*Subd. 2. An employee who becomes a regular employee after serving as a correctional employee shall not be covered under section 352.72, subdivision 2, with respect to his correctional service.*

Sec. 44. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.95] [DISABILITY BENEFITS.] *An employee who becomes totally and permanently disabled while in a covered correctional position shall have his disability benefit rights determined under section 352.113 except that when such person becomes 55 years of age he shall be deemed to be retired and shall be entitled to receive the benefit provided under section 352.113, subdivision 3, whether or not disabled at such age. An employee who receives a disability benefit shall not be entitled to an annuity under Minnesota Statutes, Section 352.93, even though otherwise qualified, until reemployed in a covered correctional position for a period of at least one year.*

Sec. 45. Minnesota Statutes 1971, Section 356.21, Subdivision 5, is amended to read:

Subd. 5. [ACTUARIAL SURVEY; CONTENTS.] Each actuarial survey required under this section shall include:

(1) For each fund providing any benefits under a benefit formula, the level normal cost of the benefits provided by the laws governing the fund as of the date of the survey, computed in accordance with the Entry Age Normal Cost (Level Normal Cost) Method. Accrued liabilities of the fund shall also be calculated in accordance with that method.

(2) For each fund providing benefits under the money purchase method, the member contributions accumulated at interest, as apportioned to members' accounts, to the date of the survey. These accumulations shall be separately tabulated in such manner as to reflect properly any differences in money purchase annuity rates which may apply.

(3) An interest assumption of ~~three and one-half~~ five percent.

(4) Other assumptions as to mortality, disability, withdrawal,

and salary scale that are appropriate to the fund, which shall be set forth in the survey report.

(5) A balance sheet showing accrued assets, accrued liabilities, and the deficit from full funding of liabilities (unfunded accrued liability). The accrued liabilities shall include the following required reserves:

- (a) For active members
  - 1. Retirement benefits
  - 2. Disability benefits
  - 3. Refundment liability due to death or withdrawal
  - 4. Survivors' benefits
- (b) For deferred annuitants' benefits
- (c) For former members without vested rights
- (d) For annuitants
  - 1. Retirement annuities
  - 3. Widows' annuities
  - 4. Surviving children's annuities

In addition to the above required reserves, separate items shall be shown for additional benefits, if any, which may not be appropriately included in the reserves listed above.

(6) In addition to the level normal cost, such additional rate of support as is required to amortize any deficit in the fund by the end of the fiscal year occurring in 1997.

(7) Each actuarial survey shall measure all aspects of the fund in accordance with such changes in benefit plans, if any, as will be in force during the following fiscal year.

(8) An actuarial balance sheet shall not include as an asset any amount representing the present value of contributions to be made for the purpose of amortizing the present deficit in the fund.

(9) A statement of the average entry ages at which employment commences.

(a) For all those currently active members at the date of the actuarial valuation.

(b) Separately as to new entrants for each of the last five fiscal years.

(10) A statement of the average ages at which service retirements have taken place.

(a) For all service retirement annuitants living at the date of the actuarial valuation.

(b) Separately as to new retirements for each of the last five fiscal years.

(11) A separate item of administrative expense and a statement of level normal cost. The administrative expense and level normal cost shall also be expressed as a percentage of covered payroll.

(12) For each fund providing any benefit that is based entirely on the rate of compensation in the year of retirement or later years or on a limited period of years in which compensation was at its highest level, an assumption that in each future year the salary on which a retirement or other benefit is based is 1.035 multiplied by the salary for the preceding year.

*Sec. 46. Section 45 of this act is effective June 30, 1973.*

*Sec. 47. Minnesota Statutes 1971, Sections 3A.02, Subdivision 1a; and 16.02, Subdivision 20a, are repealed.*

*Sec. 48. Except as otherwise specifically provided, the effective date of this act is July 1, 1973."*

Further, amend the title by striking it in its entirety and inserting in lieu thereof the following:

"A bill for an act relating to the operation of the state government; prescribing compensation, retirement and related benefits for certain state officers and employees, and establishing certain compulsory retirement requirements; amending Minnesota Statutes 1971, Sections 3A.02, Subdivisions 1 and 2, and by adding a subdivision; 3A.03, Subdivision 1; 3A.04, Subdivisions 1 and 2; 43.01, Subdivision 9, and by adding subdivisions; 43.03, Subdivision 3; 43.051; 43.111; 43.12, Subdivisions 2, 2a, 2b and 3; 43.121, Subdivision 2; 43.122; 43.126, Subdivision 1; 43.24, Subdivision 1; 43.50, Subdivision 1; 299D.03, Subdivision 2; 352.03, Subdivisions 1 and 3; 352.04, Subdivisions 2 and 3; 352.115, Subdivisions 2 and 3, and by adding a subdivision; 352.116, Subdivision 1; 352.118; 352.119, Subdivision 2; 352.22, Subdivisions 1 and 2; 352.23; 352.27; 356.21, Subdivision 5; and Chapters 3A, by adding a section; and 352, by adding sections; repealing Minnesota Statutes 1971, Sections 3A.02, Subdivision 1a; and 16.02, Subdivision 20a."

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

House Conferees: (Signed) John C. Lindstrom, E. W. Quirin, Richard J. Parish, Donald M. Moe and Charles R. Weaver.

Senate Conferees: (Signed) John C. Chenoweth, Clarence M. Purfeerst, Harmon T. Ogdahl, Jack Kleinbaum and Joseph T. O'Neill.

Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1355 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. 1355: A bill for an act relating to the operation of the state government; prescribing compensation, retirement and related benefits for certain state officers and employees, and establishing certain compulsory retirement requirements; amending Minnesota Statutes 1971, Sections 3A.02, Subdivisions 1 and 2, and by adding a subdivision; 3A.03, Subdivision 1; 3A.04, Subdivisions 1 and 2; 43.01, Subdivision 9, and by adding subdivi-

sions; 43.03, Subdivision 3; 43.051; 43.111; 43.12, Subdivisions 2, 2a, 2b and 3; 43.121, Subdivision 2; 43.122; 43.126, Subdivision 1; 43.24, Subdivision 1; 43.50, Subdivision 1; 299D.03, Subdivision 2; 352.03, Subdivisions 1 and 3; 352.04, Subdivisions 2 and 3; 352.115, Subdivisions 2 and 3, and by adding a subdivision; 352.116, Subdivision 1; 352.118; 352.119, Subdivision 2; 352.22, Subdivisions 1 and 2; 352.23; 352.27; 352.21, Subdivision 5; and Chapters 3A, by adding a section; and 352, by adding sections; repealing Minnesota Statutes 1971, Sections 3A.02, Subdivision 1a; and 16.02, Subdivision 20a.

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

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

And the roll being called, there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 1659, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

House File No. 1659 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1659

A bill for act prescribing policies and procedures for the selection, designation, planning and regulation of areas of critical concern.



May 17, 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. 1659, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1659, the typewritten bill, be amended as follows:

Page 1, line 23, after "the" and before "environmental" insert "Minnesota"

Page 6, after line 2, insert:

"(c) The order designating an area of critical concern shall be effective for no longer than three years pending approval by the legislature or by the regional development commission, where one exists, of each development region in which a part of the area of critical concern is located. After a regional development commission has approved the designation of an area of critical concern, it shall not revoke or rescind its approval, except as necessary to update and re-evaluate plans and regulations under section 10."

Page 8, line 4, strike "as though validly" and insert in lieu thereof "when"

Page 8, line 5, after "government" and before "upon" insert "or, following legislative or regional development commission approval of the designation,"

Page 12, lines 3 and 4, strike "without the payment of full compensation"

Page 12, strike lines 23 to 28

Page 13, strike line 1

Page 13, line 4, strike all the language after "for" in line 4 and insert in lieu thereof "as much as 100 percent but not less than 50 percent of the non-federal cost of preparing and adopting plans and regulations for areas of critical concern pursuant to section 7, for a period not to exceed five years from the date the legislature or regional development commissions approve the designation of an area of critical concern."

Page 13, strike lines 5 and 6

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

House Conferees: (Signed) Bruce Vento, Harry Sieben and David Fjoslien.

Senate Conferees: (Signed) Winston Borden, Robert Dunn and Roger Moe.

Mr. Borden moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1659 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. 1659: A bill for an act prescribing policies and procedures for the selection, designation, planning, and regulation of areas of critical concern.

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

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

And the roll being called, there were yeas 54 and nays 0, as follows:

~~Those who voted in the affirmative were:~~

Anderson	Doty	Josefson	Moe	Purfeerst
Arnold	Dunn	Keefe, S.	Nelson	Renneke
Ashbach	Fitzsimons	Kirchner	North	Schrom
Bang	Frederick	Kleinbaum	Olhoft	Solon
Bernhagen	Gearty	Kowalczyk	Olson, A.G.	Stokowski
Blatz	Hansen, Baldy	Larson	Olson, H. D.	Tennessen
Borden	Hansen, Mel	Laufenburger	Olson, J. L.	Thorup
Chenoweth	Hanson, R.	Lewis	O'Neill	Ueland
Chmielewski	Hughes	Lord	Patton	Wegener
Conzemius	Humphrey	McCutcheon	Perpich, A. J.	Willet
Davies	Jensen	Milton	Perpich, G.	

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 1673, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 1673: A bill for an act relating to the public employees retirement association; appointment of assistant attorney general to serve three funds; clarification of language, elimination of unnecessary language; increased contributions, actuarial interest assumption, and benefits on high five years final average salary; providing penalties; amending Minnesota Statutes 1971, Chapter 8, by adding a section; Sections 353.01, Subdivisions 2, 4, 6, 7, 10, 11, 12, 15, 16, 20, 23, 25, 27, 29, and 31, and by adding subdivisions; 353.03, Subdivision 1, and by adding a subdivision; 353.06; 353.08; 353.14; 353.15; 353.18; 353.19; 353.27, Subdivisions 1, 2, 3, 4, and 7, and by adding subdivisions; 353.271, Subdivisions 1 and 2; 353.28, Subdivisions 1, 6, and 8; 353.29, Subdivisions 1, 2, and 3, and by adding subdivisions; 353.30, Subdivisions 3 and 4, and by adding a subdivision; 353.31, Subdivision 1 and 8; 353.32, Subdivisions 1, 2, 4, and 5, and by adding a subdivision; 353.33, Subdivisions 1, 2, 3, and 11; 353.34, Subdivisions 2, 3, and 6; 353.35; 353.36, Subdivision 2, and by adding subdivisions; 353.37, Subdivision 1; 353.40; 353.46, Subdivisions 1, 2, 3, and 4; 353.65, Subdivisions 2 and 3, and by adding a subdivision; 353.656, Subdivisions 1, 3 and 6; 353.657, Subdivisions 1, 2, and 3; 353.68, Subdivision 4; 353.69; 353.71, Subdivisions 1, 2, 3, and 4; 490.12, Subdivision 5; and

Chapter 353, by adding sections; repealing Minnesota Statutes 1971, Sections 353.015; 353.07; 353.13; 353.26; 353.27, Subdivision 5; 353.28, Subdivisions 2, 3, 4, 7, 9, and 10; 353.31, Subdivisions 3, 4, 5, 6, 7, and 10; 353.33, Subdivision 10; 353.36, Subdivisions 5, 6, 7, 8, 9, and 10; 353.37, Subdivisions 2 and 3; 353.39; 353.44; 353.45; 353.46, Subdivision 5; 353.51; 353.52; 353.53; 353.54; 353.55; 353.56; 353.57; 353.58; 353.59; 353.591; 353.60; 353.61; 353.65, Subdivision 5; 353.654; 353.655; 353.66; 353.68, Subdivisions 2, 3, 5, 6, 7, 8, and 9.

House File No. 1673 is herewith transmitted to the Senate

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 18, 1973.

**CONFERENCE COMMITTEE REPORT ON H. F. NO. 1673**

A bill for an act relating to the public employees retirement association; appointment of assistant attorney general to serve three funds; clarification of language, elimination of unnecessary language; increased contributions, actuarial interest assumption, and benefits on high five years final average salary; providing penalties; amending Minnesota Statutes 1971, Chapter 8, by adding a section; Sections 353.01, Subdivisions 2, 4, 6, 7, 10, 11, 12, 15, 16, 20, 23, 25, 27, 29, and 31, and by adding subdivisions; 353.03, Subdivision 1, and by adding a subdivision; 353.06; 353.08; 353.14; 353.15; 353.18; 353.19; 353.27, Subdivisions 1, 2, 3, 4, and 7, and by adding subdivisions; 353.271, Subdivisions 1 and 2; 353.28, Subdivisions 1, 6, and 8; 353.29, Subdivisions 1, 2, and 3, and by adding subdivisions; 353.30, Subdivision 4, and by adding a subdivision; 353.31, Subdivisions 1 and 8, and by adding a subdivision; 353.32, Subdivisions 1, 2, 4, and 5, and by adding a subdivision; 353.33, Subdivisions 1, 2, 3, and 11; 353.34, Subdivisions 2, 3, and 6; 353.35; 353.36, Subdivision 2, and by adding subdivisions; 353.37, Subdivision 1; 353.40; 353.46, Subdivisions 1, 2, 3, and 4; 353.65, Subdivisions 2 and 3, and by adding a subdivision; 353.656, Subdivisions 3 and 6; 353.657, Subdivisions 1, 2, and 3, and by adding a subdivision; 353.68, Subdivision 4; 353.69; 353.71, Subdivisions 1, 2, 3, and 4; 490.12, Subdivision 5; and Chapter 353, by adding sections; repealing Minnesota Statutes 1971, Sections 353.01, Subdivisions 24 and 30; 353.015; 353.07; 353.13; 353.26; 353.27, Subdivision 5; 353.28, Subdivisions 2, 3, 4, 7, 9, and 10; 353.30, Subdivision 3; 353.31, Subdivisions 2, 3, 4, 5, 6, 7, 10, and 11; 353.32, Subdivision 3; 353.33, Subdivision 10; 353.36, Subdivisions 5, 6, 7, 8, 9, and 10; 353.37, Subdivisions 2 and 3; 353.39; 353.44; 353.45; 353.46, Subdivision 5; 353.51; 353.52; 353.53; 353.54; 353.55; 353.56; 353.57; 353.58; 353.59; 353.591; 353.60; 353.61; 353.65, Subdivision 5; 353.654; 353.655; 353.66; and 353.68, Subdivisions 2, 3, 5, 6, 7, 8, and 9.

May 16, 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. 1673, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1673 be further amended as follows:

Page 2, line 7, delete the comma and insert in lieu thereof "and"

Page 2, line 8, delete "*and the highway patrolmen's retirement*"

Page 2, line 9, delete "*association*"

Page 2, line 14, delete the comma and insert in lieu thereof "and"

Page 2, line 14, after "*association*" delete "and"

Page 2, line 15, delete everything before the period

Page 2, after line 15, add a section to read:

"Sec. 2. Minnesota Statutes 1971, Section 11.25, is amended by adding a subdivision to read:

*Subd. 14. All assets in the annuity stabilization reserve and suspense account shall be credited proportionately to the individual retirement funds' participation in the Minnesota adjustable fixed benefit fund, except that the share attributable to the municipal employees retirement fund of Minneapolis shall be used to increase benefits or may at the discretion of its board of trustees be returned to such fund.*

*Effective January 1, 1974 each participating fund in the Minnesota adjustable fixed benefit fund, except the municipal employees retirement fund of Minneapolis, shall increase the benefits in effect on June 30, 1973 by an amount that when added to the interest assumption increase granted to such benefits effective July 1, 1973, equals 25 percent. The increase shall apply to the accrual of benefits commencing January 1, 1974 and shall be in lieu of the adjustment provided by section 11.25, subdivisions 12 and 13 scheduled to take effect January 1, 1974.*

*The actuary for each participating fund, except the municipal employees retirement fund of Minneapolis, shall calculate the reserve required to support the benefits in effect on June 30, 1973 as increased July 1, 1973 and herein. As of December 31, 1973, each participating fund shall transfer to or from the Minnesota Adjustable fixed benefit fund assets so that its participation equals the total of such required reserve and the reserve for benefits authorized on or after July 1, 1973.*

*The increased benefits accruing as of January 1, 1974 shall be considered the "originally determined benefits" for the purpose of future adjustments.*

*Notwithstanding section 356.18, increases in payments pursuant to this section will be made automatically unless the intended recipient files written notice with the public employees retirement association requesting that the increase shall not be made."*

Page 8, after line 12, insert the following:

*"(p) Nothing in this act shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793."*

Page 11, line 9, restore the stricken "his"

Page 11, line 15, restore the stricken language and delete the underscored language

Page 11, line 16, restore the stricken "his"

Page 14, delete lines 24 through 28

Page 15, delete lines 1 and 2

Page 32, delete all of lines 7 through 28 and insert in lieu thereof the following:

"Subd. 2. [VALUATION OF ASSETS; ADJUSTMENT OF BENEFITS.] (1) As of June 30, 1969, the present value of all annuities in force as of June 30, 1969, except for supplementary benefits payable from the general fund of the state and except for survivor or disability benefits, shall be determined by the 1965 group annuity table males, the 1965 group annuity table females, and three and one half percent interest, and assets representing the required reserves for these annuities shall be transferred to the Minnesota adjustable fixed benefit fund, during a period of one year in accordance with procedures specified in section 11.25.

(2) (1) Effective July 1, 1969 1973, for those members retiring pursuant to the provisions of the law relating to the public employees retirement association, the required reserves as determined in accordance with these sections on a five percent interest assumption shall be transferred to the Minnesota adjustable fixed benefit fund as of the date of retirement. The 1965 group annuity table males, the 1965 group annuity table females, and three and one-half percent interest, will be used to determine the amount to be transferred.

(3) (2) Annuity payments shall be adjusted in accordance with the provisions of section 11.25, subdivisions 12 and 13.

(4) (3) Notwithstanding section 356.18, increases in annuity payments pursuant to this section will be made automatically unless the intended recipient files written notice is filed by the annuitant with the public employees retirement association requesting that the increase shall not be made."

Page 33, delete all of lines 1 through 6

Page 33, line 10, delete "and benefits"

Page 33, line 15, delete "and benefits"

Page 33, line 18, delete "and benefits"

Page 33, line 23, delete "and benefits"

Page 35, delete lines 12 through 28

Page 36, delete line 1

Page 37, after line 33, insert "for the first ten years and thereafter by 2.5 percent per year of allowable service"

Page 37, line 35, delete "1.25" and insert in lieu thereof "one"

Page 37, after line 35, insert "for the first ten years and thereafter by 1.5 percent per year of allowable service"

Page 39, line 22, delete "a subdivision" and insert in lieu thereof "subdivisions"

Page 40, after line 1, insert the following:

Subd. 1b. [EARLY RETIREMENT; REDUCTION IN ANNUITY IN CERTAIN CASES.] Any person with 30 years or more of allowable service credit who elects early retirement under subdivision 1, shall receive an annuity reduced by one-half of one percent for each month that such person is under age 62 at the time of retirement."

Page 40, line 8, restore the stricken language and delete the underscored language

Page 40, line 10, restore the stricken language and delete the underscored language

Page 40, line 12, restore the stricken language and delete the underscored language

Page 40, line 13, after the period insert "*Upon retirement a member may select an optional form of annuity in lieu of accepting any other form of annuity which might otherwise be available.*"

Page 43, line 26, after "member" insert "*or former member who terminated public service after June 30, 1973,*"

Page 44, line 6, strike "two" and insert in lieu thereof "*three and one-half*"

Page 44, line 7, delete the underscored language

Page 44, line 13, strike "If a former member dies before he"

Page 44, strike all of lines 14 through 18

Page 49, line 6, strike "He may instead"

Page 49, strike all of lines 7 through 11

Page 49, line 12, strike "section 353.31."

Page 49, line 19, after "employee" insert "*after June 30, 1973*"

Page 49, line 20, after "interest" insert "*for the first three years of membership and thereafter accumulated deductions with interest to the first day of the month in which the refund is processed at the rate of three and one-half percent per annum compounded annually after the third year of membership based on fiscal year balances*"

Page 50, line 28, strike "without interest"

Page 59, line 12, before "*The rights*" insert "*Except as provided in section 84 of this act,*"

Page 60, delete all of lines 20 through 27

Page 63, line 17, delete "73" and insert in lieu thereof "71"

Page 64, line 1, strike the comma

Page 64, strike all of lines 2 and 3

Page 64, line 4, strike "then available to other members retiring at the time"

Page 65, strike all of lines 9 through 17

Page 66, line 7, delete "*, including surviving spouse and*"

Page 66, line 8, delete "*children,*"

Page 66, line 18, delete "73" and insert in lieu thereof "71"

Page 71, line 14, delete "20" and insert in lieu thereof "25"

Page 71, line 18, delete "20" and insert in lieu thereof "25"

Page 71, after line 21, insert the following:

*"Notwithstanding section 356.18, increases in payments pursuant to this section will be made automatically unless the intended recipient files written notice with the public employees retirement association requesting that the increase shall not be made."*

Page 71, delete lines 22 through 28

Page 72, delete lines 1 through 17

Page 72, line 18, after "Sections" insert "353.01, Subdivision 25;"

Page 72, line 20, after "353.31, Subdivisions" insert "2,"

Renumber the sections in sequence

Further amend the title as follows:

Line 12, after "Sections" insert "11.25, by adding a subdivision;"

Line 14, delete "25,"

Line 21, before "6" insert "and" and after "6" delete ", and 8"

Line 24, delete "a subdivision" and insert in lieu thereof "subdivisions"

Line 33, after "2 and 3" delete ", and"

Line 34, delete "by adding a subdivision"

Line 38, delete "490.12,"

Line 39, delete "Subdivision 5;"

Line 41, after "Sections" insert "353.01, Subdivision 25;"

Line 44, after "Subdivisions" insert "2,"

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

House Conferees: (Signed) Richard J. Parish, E. W. Quirin, Donald M. Moe, Calvin R. Larson and Al Patton.

Senate Conferees: (Signed) John C. Chenoweth, Jack Kleinbaum, Eugene Stokowski, Harmon T. Ogdahl and Edward J. Gearty.

Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1673 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. 1673: A bill for an act relating to the public employees retirement association; appointment of assistant attorney general to serve three funds; clarification of language; elimination of unnecessary language; increased contributions, actuarial interest assumption, and benefits on high five years final average salary; providing penalties; amending Minnesota Statutes 1971, Chapter 8, by adding a section; Sections 11.25, by adding a subdivision; 353.01, Subdivisions 2, 4, 6, 7, 10, 11, 12, 15, 16, 20, 23, 27, 29, and 31, and by adding subdivisions; 353.03, Subdivision 1, and by adding a subdivision; 353.06; 353.08; 353.14; 353.15; 353.18; 353.19; 353.27, Subdivisions 1, 2, 3, 4, and 7, and by adding subdivisions; 353.271, Subdivisions 1 and 2; 353.28, Subdivisions 1, and 6; 353.29, Subdivisions 1, 2, and 3, and by adding subdivisions; 353.30, Subdivisions 3 and 4, and by adding subdivisions; 353.31, Subdivisions 1 and 8; 353.32, Subdivisions 1, 2, 4, and 5, and by adding a subdivision; 353.33, Subdivisions 1, 2, 3, and 11; 353.34, Subdivisions 2, 3, and 6; 353.35; 353.36, Subdivision 2, and by adding subdivisions; 353.37, Subdivision 1; 353.40; 353.46, Subdivisions 1, 2, 3, and 4; 353.65, Subdivisions 2 and 3; 353.656, Subdivisions 1, 3 and 6; 353.657, Subdivisions 1, 2, and 3; 353.68, Subdivision 4; 353.69; 353.71, Subdivisions 1, 2, 3, and 4; and Chapter 353, by adding sections; repealing Minnesota Statutes 1971, Sections 353.01, Subdivision 25; 353.015; 353.07; 353.13;

353.26; 353.27, Subdivision 5; 353.28, Subdivisions 2, 3, 4, 7, 9, and 10; 353.31, Subdivisions 2, 3, 4, 5, 6, 7, and 10; 353.33, Subdivision 10; 353.36, Subdivisions 5, 6, 7, 8, 9, and 10; 353.37, Subdivisions 2 and 3; 353.39; 353.44; 353.45; 353.46, Subdivision 5; 353.51; 353.52; 353.53; 353.54; 353.55; 353.56; 353.57; 353.58; 353.59; 353.591; 353.60; 353.61; 353.65, Subdivision 5; 353.654; 353.655; 353.66; 353.68, Subdivisions 2, 3, 5, 6, 7, 8, and 9.

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

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

And the roll being called, there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Hansen, Mel voted in the negative.

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 1854, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 1854: A bill for an act relating to Ramsey county; renewing authority of Ramsey county hospital and sanitarium commission and revising its membership; amending Laws 1969, Chapter 1104, Sections 2; 3; 4, Subdivisions 2, 3, 4 and 5; 6, Subdivisions 1 and 3; and repealing Laws 1969, Chapter 1104, Section 11.

House File No. 1854 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1854

A bill for an act relating to Ramsey county; renewing authority of Ramsey county hospital and sanitarium commission and revising its membership; amending Laws 1969, Chapter 1104, Sections 2; 3; 4, Subdivisions 2, 3, 4 and 5; 6, Subdivisions 1 and 3; and repealing Laws 1969, Chapter 1104, Section 11.



May 17, 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. 1854, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the amendments of the Senate and that H. F. No. 1854 be further amended as follows:

Page 2, line 5, delete "*December*" and insert in lieu thereof "*July*"

Page 2, line 14, delete "*December*" and insert in lieu thereof "*July*"

Page 2, line 18, delete ", *provided that*" and insert in lieu thereof a period

Page 2, line 19, delete "*15*" and insert in lieu thereof "*30*"

Page 4, line 12, after "*vice-chairman*" strike "*and*" and insert in lieu thereof ","

Page 4, line 12, after "*secretary,*" insert "*and other officers as they deem necessary,*"

Page 4, line 23, strike "*September*" and insert in lieu thereof "*November*"

Page 5, line 2, after the period, insert "*The Ramsey county board of commissioners shall consult with the commission before approval.*"

Page 9, after line 7, add the following section

"Sec. 10. [EFFECTIVE DATE.] *This act is effective upon its approval by the board of county commissioners of Ramsey county and by the city council of the city of St. Paul, and upon compliance with Minnesota Statutes, Section 645.021.*"

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

House Conferees: (Signed) Bruce F. Vento, Robert J. Ferderer and Ray W. Faricy.

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

Mr. O'Neill moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1854 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. 1854: A bill for an act relating to Ramsey county; renewing authority of Ramsey county hospital and sanitarium commission and revising its membership; amending Laws 1969, Chapter 1104, Sections 2; 3; 4, Subdivisions 2, 3, 4 and 5; 6, Subdivisions 1 and 3; and repealing Laws 1969, Chapter 1104, Section 11.

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

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

And the roll being called, there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 2353, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2353: A bill for an act relating to Ramsey county; appropriations by the county for the preliminary plans of a detention center or centers.

House File No. 2353 is herewith transmitted to the Senate.

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

Transmitted May 18, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2353

A bill for an act relating to Ramsey county; appropriations by the county for the preliminary plans of a detention center or centers.

May 15, 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. 2353, report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 2353 be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The county board of commissioners of Ramsey county may appropriate a sum not exceeding \$30,000 for the preliminary plans for a detention center or centers, juvenile and adult, in Ramsey county or in conjunction with any adjoining county.

Sec. 2. The county board of commissioners may levy a tax for the purposes of the plans and designs which power is in addition to all other taxing powers of the county and independently of any restrictions upon the power of the county to levy taxes for other purposes, except the restrictions contained in Minnesota Statutes, Sections 275.50 to 275.56.

Sec. 3. The final report shall be submitted to the county board on or before December 15, 1973. An interim progress report shall be submitted to the county board not later than October 1, 1973.

Sec. 4. This act becomes effective on the date following its enactment."

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

House Conferees: (Signed) John D. Tomlinson, Neil Dieterich and Richard A. Andersen.

Senate Conferees: (Signed) William McCutcheon, John Milton and David D. Schaaf.

Mr. McCutcheon moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2353 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. 2353: A bill for an act relating to Ramsey county; appropriations by the county for the preliminary plans of a detention center or centers.

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

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

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 1821, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

House File No. 1821 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT ON 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.

May 18, 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. 1821, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1821, the typewritten bill, be amended as follows:

Page 1, strike lines 31 and 32

Re-number the subsequent subdivisions

Page 3, line 15, after "agency" strike "and the director" and insert in lieu thereof "may"

Page 5, line 20, strike "protection goals" and insert "policies"

Page 5, line 28, strike "or environmental protection problem" and insert "problem or be inconsistent with state environmental policies, the manufacturer of the product may withdraw it from further consideration until such time as the manufacturer may resubmit such product to the agency, or"

Page 6, line 12, strike "prepare" and insert "adopt and may amend or rescind"

Page 6, line 14, after "review" strike the period and insert "after notice and hearing as provided in Minnesota Statutes, Section 15.0412, Subdivision 4."

Page 6, line 20, after "cause." insert "Except as may be necessary in connection with any public hearing, the agency shall keep the samples and information confidential if the person submitting them certifies that disclosure of said samples and information would affect the competitive position of the person."

Page 7, line 22, after "contract" strike "affected by this section may" and insert "in effect on final enactment of this act may, if the parties to the contract mutually agree,"

Page 7, line 24, after "section." insert "The exemption shall terminate upon expiration of the contract. If a party to such a contract, after a good faith attempt to renegotiate the contract, is unable to do so and the contract will continue in effect on and after March 1, 1974, the commissioner of taxation, after notice from the party in such form as the commissioner may prescribe and setting forth these facts, shall issue to the party a certificate that solid waste materials disposed of pursuant to the contract are exempt from the user fee imposed by this section. The operator of a solid waste disposal facility may require such a party to display his certificate of exemption at the operator's request."

Page 8, line 19, strike "July 1, 1974" and insert in lieu thereof "March 1, 1974"

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

House Conferees: (Signed) Willard Munger, Henry Savelkoul, and Walter Hanson

Senate Conferees: (Signed) James Lord, John Keefe, and Winston W. Borden

Mr. Lord moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1821 be now adopted and that the bill be repassed as amended by the Conference Committee. Which motion prevailed. So the recommendation and Conference Committee Report were adopted.

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.

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

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

And the roll being called, there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	North	Purfeerst
Arnold	Fitzsimons	Kleinbaum	Novak	Renneke
Bernhagen	Frederick	Kowalczyk	Ogdahl	Schaaf
Blatz	Gearty	Larson	Olhoff	Solon
Borden	Hansen, Baldy	Laufenburger	Olson, A. G.	Stassen
Brown	Hansen, Mel	Lewis	Olson, H. D.	Stokowski
Chenoweth	Hanson, R.	Lord	Olson, J. L.	Tennessee
Chmielewski	Hughes	McCutcheon	Patton	Thorup
Conzemius	Humphrey	Milton	Perpich, A. J.	Ueland
Davies	Keefe, J.	Moe	Perpich, G.	Wegener
Doty	Keefe, S.	Nelson	Pillsbury	Willett

Messrs. Berg, Jensen and Schrom voted in the negative.

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 624, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 624: A bill for an act relating to the free flow of information, the protection of sources of information of the news media, and prohibiting disclosure of sources of information.

House File No. 624 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 624

A bill for an act relating to the free flow of information, the protection of sources of information of the news media, and prohibiting disclosure of sources of information.

May 18, 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. 624, 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. [CITATION.] Sections 1 to 4 may be cited as the Minnesota free flow of information act.

Sec. 2. [PUBLIC POLICY.] In order to protect the public interest and the free flow of information, the news media should have the benefit of a substantial privilege not to reveal sources of information or to disclose unpublished information. To this end, the freedom of press requires protection of the confidential relationship between the news gatherer and the source of information. The purpose of this act is to insure and perpetuate, consistent with the public interest, the confidential relationship between the news media and its sources.

Sec. 3. [DISCLOSURE PROHIBITED.] No person who is or has been directly engaged in the gathering, procuring, compiling, editing, or publishing of information for the purpose of transmission, dissemination or publication to the public shall be required by any court, grand jury, agency, department or branch of the state, or any of its political subdivisions or other public body, or by either house of the legislature or any committee, officer, member, or employee thereof, to disclose in any proceeding the person or means from or through which information was obtained, or to disclose any unpublished information procured by him in the course of his work or any of his notes, memoranda, recording tapes, film or other reportorial data which would tend to identify the person or means through which the information was obtained.

Sec. 4. [EXCEPTION AND PROCEDURE.] Subdivision 1. A person seeking disclosure may apply to the district court of the county where the person employed by or associated with a news media resides, has his principal place of business or where the proceeding in which the information sought is pending.

Subd. 2. The application shall be granted only if the court determines after hearing the parties that the person making application, by clear and convincing evidence, has met all three of the following conditions:

(1) that there is probable cause to believe that the source has information clearly relevant to a specific violation of the law other than a misdemeanor,

(2) that the information cannot be obtained by any alternative means or remedy less destructive of first amendment rights, and

(3) that there is a compelling and overriding interest requiring the disclosure of the information where the disclosure is necessary to prevent injustice.

Subd. 3. The district court shall consider the nature of the proceedings, the merits of the claims and defenses, the adequacies of alternative remedies, the relevancy of the information sought, and

the possibility of establishing by other means that which the source is expected or may tend to prove. The court shall make its appropriate order after making findings of fact, which order may be appealed directly to the supreme court according to the appropriate rule of appellate procedure. The order is stayed and nondisclosure shall remain in full force and effect during the pendency of the appeal.

Sec. 5. [DEFAMATION.] Subdivision 1. The prohibition of disclosure provided in section 3 shall not apply in any defamation action where the person seeking disclosure can demonstrate that the identity of the source will lead to relevant evidence on the issue of actual malice.

Subd. 2. Notwithstanding the provisions of subdivision 1 of this section, the identity of the source of information shall not be ordered disclosed unless the following conditions are met:

(a) that there is probable cause to believe that the source has information clearly relevant to the issue of defamation;

(b) that the information cannot be obtained by any alternative means or remedy less destructive of First Amendment rights.

Subd. 3. The court shall make its order on the issue of disclosure after making findings of fact, which order may be appealed directly to the supreme court according to the rules of appellate procedure. During the appeal the order is stayed and nondisclosure shall remain in full force and effect."

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

House Conferees: (Signed) Russell P. Stanton, Salisbury Adams, and Ray W. Faricy

Senate Conferees: (Signed) Hubert H. Humphrey III, Robert J. Brown, and Robert J. Tennesen

Mr. Humphrey moved that the foregoing recommendations and Conference Committee Report on H. F. No. 624 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. 624: A bill for an act relating to the free flow of information, the protection of sources of information of the news media, and prohibiting disclosure of sources of information.

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

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

And the roll being called, there were yeas 52 and nays 6, as follows:



Those who voted in the affirmative were:

Anderson	Davies	Kleinbaum	Ogdahl	Solon
Arnold	Doty	Kowalczyk	Olhoft	Spear
Ashbach	Dunn	Larson	Olson, A. G.	Stassen
Bang	Fitzsimons	Laufenburger	Olson, H. D.	Stokowski
Bernhagen	Gearty	Lewis	Olson, J. L.	Tennessen
Blatz	Hansen, Mel	McCutcheon	Patton	Ueland
Borden	Hanson, R.	Milton	Perpich, A. J.	Wegener
Brown	Hughes	Moe	Perpich, G.	Willet
Chenoweth	Humphrey	Nelson	Purfeerst	
Chmielewski	Josefson	North	Renneke	
Conzemius	Keefe, S.	Novak	Schaaf	

Those who voted in the negative were:

Frederick	Jensen	Keefe, J.	Pillsbury	Schrom
Hansen, Baldy				

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 2417

A bill for an act relating to the organization and operation of state government; appropriating money therefor and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases including conservation, parks, recreational lands and trails, wildlife and spawnings areas, and historic sites; fixing and limiting the amount of fees to be collected in certain cases; making funds available for seaway trade promotion; providing penalties for misusing appropriated funds; amending Minnesota Statutes 1971, Sections 3.102, 15.50; repealing Laws 1965, Chapter 810, Section 23, Subdivision 3 as amended by Laws 1967, Chapter 867, Section 9.

May 18, 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. 2417, report that we have agreed upon the items in dispute and recommend as follows:

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

"Section 1. EXPENSES OF STATE GOVERNMENT APPROPRIATIONS. Except as herein otherwise specifically provided, the sums hereinafter set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1973", "1974", and "1975", wherever used in this act, shall mean that the appropriation or appropriations listed thereunder shall be available for the year ending June 30, 1973, June 30, 1974, and June 30, 1975, respectively.

## APPROPRIATIONS

Available for the Year

Ending June 30,

1973                  1974                  1975

\$                  \$                  \$

## Sec. 2. THE LEGISLATURE

## Subdivision 1. For the Senate

Salaries, supplies, and expense	3,000,000	3,500,000
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## Subd. 2. For the House of Representatives

Salaries, supplies, and expense	4,400,000	5,900,000
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The above appropriations include funds for the standing committees of the senate and house of representatives.

The above appropriations include funds for printing and binding. The state senate and house of representatives, may, as needed, utilize the services of the state printer.

In the above appropriations are included amounts for legislators' per diem living expenses (as distinguished from compensation) in the amount paid to members in the 68th session and in such additional amount as may be determined by the 69th session.

Subd. 3. Legislative Service Commission . . . . .	177,360	
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Subd. 4. State Claims Commission . . . . .	20,000	
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Subd. 5. Legislative Building Commission . . . . .	2,000	
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Subd. 6. Indian Affairs Commission . . . . .	62,500	62,500
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This appropriation includes funds for payment of the expenses of the delegate to the Indian council meeting.

Any unexpended balance remaining in the first year shall

	1973	1974	1975
	\$	\$	\$
not cancel but shall be available for the second year of the biennium.			
Subd. 7. Legislative Retirement Study Commission . . . . .		130,000	
Subd. 8. Mississippi River Parkway Commission . . . . .		5,000	5,000
These amounts are appropriated from the trunk highway fund.			
Subd. 9. General Contingent Account . . . . .		1,175,000	875,000
Should the appropriations for either year be insufficient, then the appropriation for the other year shall be available therefor.			
Subd. 10. Game and Fish Contingent Account . . . . .		100,000	
This appropriation is from the game and fish fund for the purpose of supplementing any requirements of the department of natural resources for activities which are financed from the game and fish fund.			
Subd. 11. Motor Vehicle Contingent Account . . . . .		150,000	
This appropriation is from the highway user tax distribution fund for the purpose of supplementing any requirements of the department of public safety, motor vehicle services section, for salaries, supplies, and expense.			
Subd. 12. Criminal Justice Contingent Account . . . . .		1,600,000	
The legislature shall designate an appropriate committee to study the application of these funds and to recommend to the legislature appropriate future action.			
This appropriation is available			

	1973	1974	1975
	\$	\$	\$

to provide additional matching funds for the various state agencies and local governments for programs qualifying under the safe streets and omnibus crime control act of 1968, as amended.

The above funds shall not be available until the criminal justice state plan has been reviewed by the senate committee on finance and the house committee on appropriations. At least 30 days before action by the legislative advisory committee, the commission shall submit the individual project requests to the respective committees for review.

Subd. 13. Postage Contingent Account .....	250,000
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To be used by the commissioner of administration in supplementing the appropriations made for supplies and expense to the various state departments and agencies for any postage rate increases during the biennium ending June 30, 1975, where sufficient appropriations have not been made available therefor.

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

Subd. 14. Traffic Safety Contingent Account .....	50,000
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This appropriation is from the trunk highway fund for the purpose of supplementing any requirements of the department of public safety for traffic safety programs.

The appropriations in subdivi-

	1973	1974	1975
	\$	\$	\$

sions 9 through 14 shall be expended with the approval of the governor after consultation with the legislative advisory committee.

Any unexpended balances remaining in subdivisions 10 through 14 the first year shall not cancel but shall be available for the second year of the biennium.

### Sec. 3. GOVERNOR

Subdivision 1. Salaries, supplies, and expense .....		489,500	492,500
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If the commissioner of public safety assigns a highway patrol officer as a personal aide to the governor below the rank of sergeant, such officer shall receive the rank and pay of a sergeant while on such assignment.

Subd. 2. Personal expenses connected with office .....		15,000	15,000
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Subd. 3. Governor's portrait..			2,000
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Subd. 4. Upper Great Lakes Regional Commission — state share .....		71,000	71,000
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This appropriation shall cancel if the federal support for the regional commission is withdrawn.

Subd. 5. Great Lakes Basin Commission — state share ...		26,000	18,000
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Subd. 6. Upper Mississippi River Basin Commission — state share .....		30,000	30,000
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Subd. 7. Missouri River Basin Commission — state share ..	3,950	8,200	8,200
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### Sec. 4. STATE PLANNING AGENCY

Subdivision 1. Salaries, supplies, and expense .....		634,022	633,281
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The amount that may be ex-

	1973	1974	1975
	\$	\$	\$
<p> <p>pended from state funds for each subprogram or activity is as follows:</p> <p>State Policy Development Subprogram</p> <p>Issue Analysis</p> <p>\$42,847 \$42,847</p> <p>State, Local,</p> <p>Regional 22,359 22,359</p> <p>Program Review and Coordi- nation Subprogram</p> <p>Federal Aid</p> <p>Review 21,228 21,228</p> <p>State Program</p> <p>Review 13,572 13,572</p> <p>Planning Technical Assistance Subprogram</p> <p>Planning</p> <p>Information 16,312 16,312</p> <p>Planning, Organization and Manpower</p> <p>Develop- ment 13,572 13,572</p> <p>Functional Area Planning Sub- program</p> <p>Comprehensive Health Planning 78,909 78,909</p> <p>Developmental</p> <p>Dis- abilities 17,531 17,531</p> <p>Environmental</p> <p>Planning 47,192 47,192</p> <p>Transportation</p> <p>Planning 44,065 44,065</p> <p>Human Resources</p> <p>Planning 21,184 21,184</p> <p>Developmental Dis- abilities</p> <p>Grants -0- -0-</p> <p>Technical Assistance Subpro- gram</p> <p>Planning Grant</p> <p>Adminis- tration 33,930 33,930</p> <p>Planning and Management</p> <p>Technical Assis- tance 34,800 34,800</p> </p>			

	1973	1974	1975
	\$	\$	\$
Local/Regional Training			
Assistance 57,192	57,192		
Administration Activity Sub-			
program			
Administration			
166,329	165,588		

The state planning director may transfer unexpended balances among the above activities. Such transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The state auditor shall establish a single control account for the items listed in this section. The state planning agency shall maintain individual control accounts for the items listed in this section.

When instructed by the state planning agency to perform planning work, state agencies will be expected to use existing staff.

Subd. 2. Grants for Regional Development Commissions ..

400,000 400,000

Notwithstanding the provisions of Minnesota Statutes 462.396, the state planning officer may make available financial state assistance to regional development commissions for the fiscal years 1974 and 1975.

Not more than \$400,000 the first year shall be expended for state support of regional development commissions. The state planning agency shall distribute such funds on a proportional basis so that no regional development commission receives more funds in one year than the amount would be if all regional development commissions were organized.

	1973	1974	1975
	\$	\$	\$
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.			
<b>Sec. 5. GOVERNOR'S COMMISSION ON CRIME PREVENTION AND CONTROL</b>			
Salaries, supplies, and expense		50,000	50,000
Approved Complement — 35			
<b>Sec. 6. GOVERNOR'S COMMISSION ON EMPLOYMENT OF HANDICAPPED PERSONS</b>			
		51,513	51,863
<b>Sec. 7. LIEUTENANT GOVERNOR</b>			
Subdivision 1. Salary and expenses		145,100	145,100
Subd. 2. Personal expenses connected with office		2,000	2,000
<b>Sec. 8. STATE AUDITOR</b>			
Subdivision 1. Salaries		505,795	505,795
Approved Complement — 49			
Subd. 2. Supplies and expenses		120,400	122,100
Provided that the auditor's biennial report shall be printed in summary form notwithstanding any law to the contrary.			
Subd. 3. Statewide accounting system		1,016,046	824,206
Subd. 4. Contributory share of public employees retirement association for legislative members	204.62		
<b>Sec. 9. STATE TREASURER</b>			
Subdivision 1. Salaries		223,370	223,370
Approved Complement—23			
Subd. 2. Supplies and expense		85,100	81,575
<b>Sec. 10. PUBLIC EXAMINER</b>			
Subdivision 1. Salaries		463,754	463,754



	1973	1974	1975
	\$	\$	\$
Approved Complement—38			
Subd. 2. Supplies and expense		70,360	74,305
Subd. 3. Public examiner's revolving fund .....	1,866.78	50,000	

This deficiency appropriation is to restore to the public examiner's revolving fund the amount not recoverable from an audit made of the Montevideo housing and redevelopment authority.

The appropriation for fiscal year 1974 is provided to finance a study of local government accounting systems, practices, and reporting.

The appropriations in this section provide complement and related expenses to perform for the legislature a post audit function upon request from the legislature.

#### Sec. 11. DEPARTMENT OF TAXATION

Subdivision 1. Salaries .....	8,841,000	8,841,000
Approved Complement—920		
Subd. 2. Supplies and expense	3,519,000	3,523,600
Subd. 3. Tax assessors or deputies training .....	60,000	60,000

The above appropriation includes expenses for collection of rural cooperative electric taxes. Taxes retained by department are to be deposited in the general fund.

The appropriations made by this section include sufficient moneys to carry out the ore estimate and classification functions previously performed by the university of Minnesota.

#### Sec. 12. TAX COURT

Subdivision 1. Salaries .....	43,361	43,361
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	1973	1974	1975
	\$	\$	\$
Subd. 2. Supplies and expense.		8,777	8,483
Sec. 13. ATTORNEY GENERAL			
Subdivision 1. Salaries . . . . .		788,747	811,947
Approved Complement—45			
Subd. 2. Supplies and expense.		167,745	139,820
Subd. 3. Special contingent appropriation . . . . .		50,000	
<p>This appropriation shall not be available for paying the costs of special legal, accounting, and investigative personnel retained in cases arising under Minnesota Statutes 1971, Section 501.12 hereafter filed unless the attorney general shall decide in such a case that all the beneficiaries are not adequately represented, or that there is a likelihood that the purpose of the trust may be frustrated without his intervention and that the state has a substantial interest in carrying out the purpose of the trust.</p>			
Subd. 4. Antitrust appropriation . . . . .		200,000	

This appropriation is for costs and expenses incurred by the attorney general in enforcing and making claims under state and federal antitrust laws.

The attorney general shall report on an annual basis the purpose for which the moneys appropriated by this subdivision are utilized. Such reports shall be made to the committee on finance of the senate and the committee on appropriations of the house of representatives, with the first report due August 15, 1974.

Any unexpended balance re-

	1973	1974	1975
	\$	\$	\$
maining in the first year shall not cancel but shall be available for the second year of the biennium.			
Subd. 5. Minnesota Peace Officers Training Board			
(a) Salaries .....		34,400	34,500
Approved Complement—3			
(b) Supplies and expense ....		23,715	23,067
(c) Reimbursements to local government .....		300,000	300,000

The appropriations made in subdivision 5 (c) shall only be expended for the payment of obligations incurred during the 1973-75 biennium.

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

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

Any unexpended balance in the milk and dairy investigation account on June 30, 1973, shall not cancel but shall be available for the biennium beginning July 1, 1973.

#### Sec. 14. DISTRICT COURT

To be disbursed by the state auditor

Subdivision 1. Salaries, supplies, and expense .....	54,221	2,100,000	2,100,000
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Should the appropriation for either year be insufficient, then the appropriation for the other year shall be available therefor.

#### Sec. 15. RETIRED SUPREME AND DISTRICT

	1973	1974	1975
	\$	\$	\$
<b>COURT JUDGES AND COMMISSIONERS</b>			
To be disbursed by the state auditor			
Salaries .....	71,436	379,000	379,000
Should the appropriation for either year be insufficient, then the appropriation for the other year shall be available therefor. This appropriation shall be used for the payment of salaries, retirement benefits, and survivorship benefits to retired supreme and district court judges, commissioners and widows of supreme and district court judges.			
<b>Sec. 16. SUPREME COURT</b>			
Subdivision 1. Salaries .....		842,214	873,550
Subd. 2. Supplies and expense .		233,434	226,737
Subd. 3. Commission on judicial standards .....		10,000	
Any unexpended balances remaining in the first year shall not cancel but shall be available for the second year of the biennium.			
<b>Sec. 17. JUDICIAL COUNCIL</b> .....		4,950	
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.			
<b>Sec. 18. PUBLIC DEFENDER</b>			
Subdivision 1. Salaries, supplies, and expense .....		230,379	233,323
Provided however that no portion of the funds appropriated shall be used for the defense of misdemeanors unless the city or county public defender, if any, shall refuse or be unable			

	1973	1974	1975
	\$	\$	\$

to defend and then only by order of the court.

Subd. 2. To provide civil legal services and to develop and explain grievance procedures to the prison inmate. ....

100,000

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

This appropriation shall be reduced by an amount equal to the receipt of any federal grant in excess of \$60,000 for the biennium.

#### Sec. 19. REVISOR OF STATUTES

Subdivision 1. Salaries .....

217,992      217,992

Subd. 2. Supplies and expense.

50,366      50,331

Subd. 3. Bill Drafting Salaries and Expenses .....

600,000

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

Subd. 4. Printing Regular Session Laws .....

75,000

These laws may be published and printed in the same manner as prescribed by Minnesota Statutes 648.41, Subdivision 2.

#### Sec. 20. DEPARTMENT OF ADMINISTRATION

There is appropriated to the commissioner of administration the following amounts for the purposes so stipulated in this section and as indicated in the workpapers of the committee on finance of the senate and the committee on appropriations of the house of representatives.

	1973	1974	1975
	\$	\$	\$
Subdivision 1. General Operations and Management . . . . .		7,876,625	7,819,450

Of the amounts herein provided, \$11,424 each year is appropriated from the game and fish fund and \$576 each year is appropriated from the state airports fund for payroll preparation and employee statistics.

The department of administration shall be solely responsible for architectural services for the state college system except for dormitory food service, student union and campus master planning.

The amounts that may be expended from these funds for each program are as follows:

Budget Services		
	\$ 294,390	\$ 320,880
Management Services		
	687,185	614,840
General Services		
	6,526,270	6,518,530
General Support		
	368,780	365,200

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

The state auditor shall establish a single control account for the items listed in this subdivision. The department of administration shall maintain individual control accounts for the items listed in this subdivision.

The commissioner of administration shall submit to the senate finance committee and the

1973

1974

1975

\$

\$

\$

house appropriations committee, not later than November 1, 1974, a detailed report of each management study made, recommendations made as a result of each study and changes instituted because of each study.

Any moneys appropriated for the salaries of state employees whose duties it is to perform cleaning services in and for state buildings shall be used by the commissioner of administration to contract and pay for such services if he determines that the contract method is more economical than having such services performed by state employees.

The commissioner of administration shall review and analyze fees collected by state departments and agencies. The commissioner shall prepare a report on those fees in which the cost of the collections of the fee appears excessive in relation to the amount of the fee collected. The report shall be submitted on or before November 15, 1974, to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Notwithstanding any law to the contrary, the department of administration shall appraise and establish rental rates for all living accommodations provided by the state for its employees.

The commissioner of administration shall deposit in the state treasury and credit to the general fund all money collected from private tenants as rent from space in the Capitol Square Building.

	1973	1974	1975
	\$	\$	\$

The commissioner of administration may lease portions of state owned buildings in the capitol complex, the capitol square building, and at 1246 University Avenue, St. Paul, Minnesota, to state departments and agencies and charge rent therefor on the basis of space occupied, and, notwithstanding the provisions of any law to the contrary, all moneys collected as rents shall be deposited in the state treasury and credited to the general fund.

The position of administrator of the employees merit award system may be in the classified or unclassified service.

In the case of payrolls which are financed in whole or in part with federal funds, that portion of the cost of payroll preparation which is chargeable to federal funds shall be reimbursed to the department of administration from such federal funds, and such amounts as are necessary are hereby appropriated from such funds for that purpose. The cost of preparing payrolls for state departments, agencies, and institutions whose salaries are provided by open, standing, continuing, or revolving appropriations or so called dedicated receipt accounts shall be reimbursed to the department of administration from such appropriations or dedicated receipt accounts and such amounts as are necessary are hereby appropriated from such appropriations and accounts for that purpose.

In the case of state departments, agencies, and institu-



	1973	1974	1975
	\$	\$	\$

tions which are financed in whole or in part with federal funds, that portion of the cost of collecting social security contributions which is chargeable to federal funds shall be reimbursed from federal funds, and such amounts as are necessary are appropriated from such funds for that purpose.

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

Notwithstanding the provisions of any law to the contrary, the commissioner of administration may sell the state-owned property comprising the Owatonna state school in the manner which will realize the greatest return to the state. Such a sale, however, shall be made only after advertising the sale of the property and inviting sealed bids which shall be opened at the time specified and read aloud. The sale shall be made to the best bidder. The advertisement of such sale shall be made in local and national publications including but not limited to such publications as the Wall Street Journal and the New York Times. The

	1973	1974	1975
	\$	\$	\$
state reserves the right to reject any and all bids.			
Subd. 2. Ancillary Services Program .....		108,440	131,090
Subd. 3. University/State Information System .....		350,000	
Sec. 21. BOARD OF INVESTMENT			
Subdivision 1. Salaries, supplies, and expense .....		367,304	365,559
Approved Complement — 17			
Notwithstanding any other law to the contrary, the board of investment may lease or purchase a duplicating machine.			
Sec. 22. SECRETARY OF STATE			
Subdivision 1. Salaries .....		187,672	187,672
Approved Complement — 20			
Subd. 2. Supplies and expense		57,129	50,313
Subd. 3. Printing Legislative Manual .....			90,922
Notwithstanding any other law to the contrary, the appropriation in this subdivision shall be available until the legislative manual is printed and distributed.			
Subd. 4. Publishing Constitutional Amendments .....			18,180
Subd. 5. Election Expense and Nomination Fees .....		36,005	27,180
Sec. 23. DEPARTMENT OF CIVIL SERVICE			
Subdivision 1. Salaries .....		664,818	664,818
Approved Complement—			
1974-71			
1975-64			
The director is requested to report to the committee on fi-			

	1973	1974	1975
	\$	\$	\$
nance of the Senate and the committee on appropriations of the House the progress made in pilot job clarification projects for the purpose of determining whether the program should be financed in fiscal year 1975.			
Subd. 2. Supplies and expense		166,706	139,839
Subd. 3. Management and Personnel Training Program			
Salaries, supplies, and expense		253,984	248,316
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.			
<b>Sec. 24. MUNICIPAL COMMISSION</b>			
Salaries and supplies . . . . .		78,616	78,626
Approved Complement — 3			
<b>Sec. 25. MILITARY AFFAIRS</b>			
Subdivision 1. Salaries . . . . .		1,316,520	1,319,830
Approved Complement —			
1974 - 177			
1975 - 178			
Plus such additional personnel as may be financed entirely from federal funds for the period federal funds are available.			
Subd. 2. Supplies and expense		811,895	844,285
Notwithstanding any other provision of this act or any other law, the portion of appropriations made in this section which relate to armory maintenance and repairs shall be available for allotment, encumbrance and expenditure upon passage of this act, for the purpose of financing federal reimbursement contracts.			
<b>Sec. 26. DEPARTMENT OF COMMERCE</b>			

	1973	1974	1975
	\$	\$	\$
Subdivision 1. Salaries .....		2,295,940	2,299,320
Approved Complement — 202			
Subd. 2. Supplies and expense .....		415,440	409,075

The appropriations in this section include moneys for those activities previously financed from the real estate revolving account, the transfer of the regulation of collection agencies as imposed upon the department by this act, and the duties required of the agency relating to franchise regulation if an act conferring these duties is enacted by the 68th session of the legislature.

#### Sec. 27. PUBLIC SERVICE

##### Subdivision 1. Administration

(a) Salaries .....	1,333,696	1,333,696
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##### Approved Complement—122

(b) Supplies and expense ...	331,765	267,565
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##### Subd. 2. Grain Inspection

(a) Salaries .....	2,184,088	2,184,088
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(b) Supplies and expense ...	175,000	175,000
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(c) Overtime .....	300,000	300,000
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The department of public service is directed to adjust its schedule of fees before the end of each fiscal year to provide that the initial charge made for services to be rendered during the next fiscal year shall be sufficient to provide an income during the latter fiscal year equal to the amount of the expenditures for that year for salaries, overtime, expenses, which shall include without limitation an amount for state retirement and social security contributions. If the income from the fees provided for herein during any fiscal year

1973

1974

1975

\$

\$

\$

shall be more than 103 percent of such expenditures for that year, the department in adjusting its schedule of fees for use in the next fiscal year shall fix the fees to produce income in the amount of such expenditure less the amount of such excess over 103 percent of the expenditures first referred to herein. If the income from the fees provided for herein during any fiscal year shall be less than the expenditures for that year, the department in adjusting its schedule of fees for use in the next fiscal year shall fix the fees to produce income in the amount of such expenditure for the latter year plus the amount of the difference between the expenditure for the year first referred to herein and the total income from such fees during that year, and plus 3 percent of the total expenditure for both the latter and the first year referred to herein.

Such schedule of fees shall provide that any elevator, mill, or other department business requesting the weighing or inspection service, shall pay a minimum charge per hour for each employee requested or assigned. Any fees earned by such employee shall be credited against the charge made therefor. Such minimum charge shall be assessed only after taking into consideration all fees earned and all hours charged. Excess fees earned over hours charged shall be carried forward from month to month during any one fiscal year. When deemed necessary by the department, a charge for actual overtime costs may be made.

	1973	1974	1975
	\$	\$	\$
Sec. 28. LABOR AND INDUSTRY			
Subdivision 1. Salaries . . . . .		1,967,781	2,019,992
Approved Complement—211			
Subd. 2. Supplies and expense .		384,198	402,609
Sec. 29. LIQUOR CONTROL			
Subdivision 1. Salaries . . . . .		315,872	315,872
Approved Complement—28			
Subd. 2. Supplies and expense .		62,823	59,543
Sec. 30. BUREAU OF MEDIATION SERVICES			
Subdivision 1. Salaries . . . . .		383,898	383,898
Approved Complement—25			
Subd. 2. Supplies and expense .		91,407	86,732
Sec. 31. DEPARTMENT OF ECONOMIC DEVELOPMENT			
Subdivision 1. Salaries, supplies, and expense . . . . .		950,000	952,000
Approved Complement—39			
Not more than one research project may be undertaken. The commissioner shall report to the next legislative session specific requests for research projects for the next biennium.			
Subd. 2. Advertising and publications . . . . .		300,000	300,000
Not more than \$15,000 each year may be expended for promotional expense.			
Subd. 3. Regional matching . .		190,000	190,000
Subd. 4. Port Authority of Duluth—final state appropriation . . . . .		80,000	80,000
These amounts are appropriated to the port authority of Duluth, organized under Minnesota Statutes 1971, Section 458.09 to 458.19, and shall be			

	1973	1974	1975
	\$	\$	\$

used for the promotion of seaway trade after consultation with the department of economic development.

The port authority of Duluth shall file a report of activities financed by this appropriation with the legislature on or before November 1, 1974.

## Sec. 32. DEPARTMENT OF AERONAUTICS

Subdivision 1. Salaries . . . . .	410,000	412,000
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Approved Complement — 33

Subd. 2. Supplies and expense . . . . .	88,260	92,300
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Subd. 3. Aeronautics proceedings . . . . .	7,500	7,500
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This amount is available for the employment of consultants, expert witness fees, preparation of exhibits and other costs pertaining to aeronautics proceedings.

Subd. 4. Aeronautics safety and education . . . . .	20,000	20,000
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Subd. 5. Airport construction and improvements

(a) Key system airports . . . . .	2,850,000
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(b) Secondary system airports . . . . .	1,142,500
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(c) State landing strips . . . . .	1,299,430
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The appropriations made in this subdivision shall be expended only for grant-in-aid programs for airports which are not state owned.

These appropriations are to be expended in accordance with Minnesota Statutes 1971, Section 360.305, Subdivision 4 (1), (2), (4), and (5), as amended.

The commissioner of aeronautics may transfer unexpended

	1973	1974	1975
	\$	\$	\$
balances between the above items with the approval of the governor after consultation with the legislative advisory committee.			
Subd. 6. Navigational Aids . .		800,000	
Subd. 7. Striping airport runways . . . . .		48,150	
Reimbursements from municipalities for striping runways shall be deposited in the state airport fund.			
Subd. 8. Construction and operation of state-owned airports		1,310,302	

At state-owned airports at Thief River Falls and Orr, the commissioner of aeronautics is directed to complete construction as proposed; including land acquisition, buildings, security fencing, paving, lighting and electronic aeronautical guidance systems. The commissioner is further directed to take whatever steps are necessary to return these airports to their respective communities, counties or regions at no cost to the state and report his progress to the finance committee of the Senate and the appropriations committee of the House of Representatives by January 15, 1974. It is the legislative intent that the airports be returned to the respective communities, counties or regions at no cost to the state.

Notwithstanding the provisions of Minnesota Statutes 1971, Section 360.021, Subdivision 1 or any other law to the contrary, the commissioner of aeronautics shall acquire no additional airports, nor shall he establish any additional state-owned airports during the biennium ending June 30, 1975.



\$	\$	\$
1973	1974	1975

No moneys shall be expended by the commissioner of aeronautics under the appropriations made by subdivisions 5, 6, and 7, or any other law, for land acquisition, or for the construction, improvement, maintenance of airports, or for air navigation facilities for an airport, unless the governmental unit involved has or is establishing a zoning authority for that airport, and such authority has made a good faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with Minnesota Statutes 360.061 to 360.074.

The commissioner of aeronautics is directed to make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.

Any unexpended balance remaining in subdivisions 5 through 8 the first year shall not cancel but shall be available for the second year of the biennium.

The amounts appropriated by this section are from the state airport fund.

### Sec. 33. DEPARTMENT OF AGRICULTURE

There is appropriated to the commissioner of agriculture the following amounts for the purposes so stipulated in this section and as indicated in the workpapers of the committee on finance of the Senate and the committee on appropriations of the House of Representatives. ....

2,363,115	2,371,248
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	1973	1974	1975
	\$	\$	\$
The amounts that may be expended from the above appropriations for each program are as follows:			
Marketing Services and Marketing Development	317,974	319,339	
Food and Livestock Regulation and Development	735,582	737,350	
Development and Protection of Agricultural Resources	752,509	753,709	
General Support	557,050	560,850	

The commissioner of agriculture with the approval of the commissioner of administration, may transfer unexpended balances among the above programs. Such transfers shall be reported forthwith to the committee on finance of the Senate and the committee on appropriations of the House of Representatives.

The state auditor shall establish a single control account for the items listed in this section. The department of agriculture shall maintain individual control accounts for the items listed in this section.

The standing appropriation made by Laws 1963, Chapter 832, Section 4, in the sum of \$75,000 per biennium for the administration and enforcement of Minnesota Statutes 1971, Chapter 33, is rescinded and shall no longer be of any force and effect.

	1973	1974	1975
	\$	\$	\$

The commissioner of administration shall require that the service fees charged for fruit and vegetable inspection and certification will be reviewed and, if necessary, adjusted each six months to the end that such fees shall insofar as it is practicable cover the cost of the services rendered. All moneys collected by authority of Minnesota Statutes 1971, Section 21.53, and all balances now on hand received from such source are appropriated for the purpose of carrying out the provisions of Minnesota Statutes 1971, Section 21.47 to 21.58. All moneys collected by authority of Minnesota Statutes 1971, Section 27.07, for services rendered pursuant to written contracts are appropriated for the purpose of carrying out the provisions of Minnesota Statutes 1971, Chapter 27, and the moneys so collected and appropriated shall be in addition to and not in substitution for the sums appropriated in this section. All funds, sums of money or other resources paid or furnished to the department of agriculture, dairy and food, by the federal government shall be credited to and become a part of the various appropriations provided for in this section, and all such funds, sums of money or other resources so credited to the various appropriations shall be in addition to and not in substitution for any sum appropriated or otherwise made available by this section.

Provided that the fees for services performed for poultry breeding and inspection shall be fixed by the commissioner of administration at the begin-

	1973	1974	1975
	\$	\$	\$

ning of each fiscal year and reviewed and adjusted, if necessary, at the end of each six month period in order that the fees prescribed shall insofar as practicable cover the cost of all services rendered.

The department of agriculture shall submit a semi-annual report on the collection of all license and inspection fees to the committee on finance of the Senate and the committee on appropriations of the House of Representatives. The first report shall be submitted on or before February 15, 1974.

Any butter purchased may be sold if marketable under the laws of this state.

Notwithstanding any law to the contrary, the person hired to promote market development shall be in the unclassified service and shall work only at promoting market development.

The commissioner of agriculture shall submit financial reports of the actual and anticipated expenditures of his department to the committee on finance of the Senate and the committee on appropriations of the House of Representatives. Such reports shall be structured on an activity basis and shall include all moneys under the control of the commissioner and such additional information as may be requested by the committees to which the reports are made. The first report shall be submitted not later than February 15, 1974, and thereafter such reports shall be made on a quarterly basis.

#### Sec. 34. DEPARTMENT OF PUBLIC SAFETY

	1973	1974	1975
	\$	\$	\$
There is appropriated to the commissioner of public safety the following amounts for the following purposes, said amounts to be under the control of and to be expended by direction of the commissioner of public safety.			
Subdivision 1. Salaries . . . . .		15,283,864	15,301,959
Approved Complement—			
1974—1,388			
1975—1,389			

Of the amounts provided in subdivision 1, \$11,605,614 for the first year and \$11,611,909 for the second year is appropriated from the trunk highway fund for traffic safety programs, and \$1,456,227 each year is appropriated from the highway user tax distribution fund for administration of motor vehicle laws.

Of the amount provided in subdivision 1, \$2,222,023 for the first year and \$2,233,823 for the second year is appropriated from the general fund.

The above approved complement includes a total of 123 for the bureau of criminal apprehension and a total of 504 for all unclassified patrol officers and supervisors of the highway patrol. These respective complements shall not be exceeded during the biennium. Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of administration, between the various units and divisions within this subdivision, providing that the above complement restrictions are not exceeded in the indicated units. If the per-

	1973	1974	1975
	\$	\$	\$
sonnel in the above restricted complements are transferred to other units or divisions of the department, the above complements shall be reduced accordingly.			
No new highway patrol supervisory positions shall be established, with the exception of special duty assigned ranks for the length of assignment only.			
The legislature recommends that the commissioner of public safety merge the fire marshal division with the bureau of criminal apprehension if able to reduce administrative costs and to improve the investigational capability in the arson area.			
Subd. 2. Weight Scale and Motor Vehicle Inspection . . . . .			
The personnel involved in the support of the weight scale and spot motor vehicle inspection programs shall be provided by the department of highways. This appropriation is from the trunk highway fund.		380,000	380,000
Subd. 3. Supplies and expense .		8,541,100	8,704,600
Of the amounts provided in subdivision 3, \$5,914,600 for the first year and \$5,814,550 for the second year are appropriated from the trunk highway fund for traffic safety programs.			
Of the amounts provided in subdivision 3, \$1,563,554 for the first year and \$1,479,124 for the second year are appropriated from the highway user tax distribution fund for administration of motor vehicle laws.			
Of the amount provided in subdivision 3, \$1,062,946 for the first year and \$1,410,926 for			

	1973	1974	1975
	\$	\$	\$
the second year is appropriated from the general fund.			
The state auditor is directed to transfer on a quarterly basis the appropriation made from the trunk highway fund in subdivisions 1, 2, and 3.			
Subd. 4. Sheriffs Teletype Operations .....		325,266	325,266
Approved Complement—14			
Subd. 5. Police Schools			
(a) Supplies and expense ....		120,847	123,868
Of the amounts provided in subdivision 4, \$12,000 for the first year and \$12,000 for the second year are appropriated from the trunk highway fund for highway safety activities.			
Subd. 6. License plates			
(a) Salaries .....		162,412	162,412
Approved Complement—12			
(b) Supplies and expense ....		1,362,175	1,332,175
The amounts provided in subdivision 6, items (a) and (b) are appropriated from the highway user tax distribution fund.			
Subd. 7. Fire Services—Advisory Council .....		7,500	7,500
Subd. 8. State Aids for Air Warning .....		30,000	30,000
The department of public safety is authorized to make grants-in-aid to local political subdivisions, to provide for up to 25 percent of the cost of air warning systems.			

## Sec. 35. DEPARTMENT OF NATURAL RESOURCES

There is appropriated to the commissioner of natural resources the following amounts

	1973	1974	1975
	\$	\$	\$
for the purposes so stipulated in this section and as indicated in the workpapers of the committee on finance of the senate and the committee on appropriations of the house of representatives. ....		21,939,570	21,981,431

#### Approved Complement—1,200

The amount that may be expended from these funds for each program is as follows:

#### Protection and Development of Land, Water and Wildlife Resources

\$11,312,289	\$11,408,190
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#### Public Use of Recreational Resources

4,172,125	4,165,580
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#### Economic Distribution and Utilization of Public and Private Resources

1,966,515	1,943,255
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#### General Support and Management Services

4,488,641	4,464,406
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The commissioner of natural resources may transfer unexpended balances among the above programs. Such transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The state auditor shall establish a single control account for the items listed in this section. The department of natural resources shall maintain individual control accounts for the items listed in this section.

Of the amounts herein provided, \$11,543,492 for the first year and \$11,495,157 for the second year are appropriated from the general fund; \$9,846,078 for the first year and \$9,936,274 for the second year are



	1973	1974	1975
	\$	\$	\$

appropriated from the game and fish fund; and \$550,000 each year is appropriated from the wildlife acquisition account.

In addition to the amounts herein appropriated, all moneys credited to the game and fish fund under Minnesota Statutes 1971, Section 296.421, Subdivision 4, are appropriated to the commissioner of natural resources for the acquisition, improvement, development and maintenance of sites for public access to public waters and for lake improvement.

The appropriations in this section include sufficient moneys for payments in lieu of taxes to local units of government on wetlands for wildlife habitat.

The department may publish not more than six issues of the conservation volunteer during each fiscal year.

The commissioner of natural resources shall submit financial reports of the actual and anticipated expenditures of his department to the committee on finance of the senate and the committee on appropriations of the house of representatives. Such reports shall be structured on an activity basis and shall include all moneys under the control of the commissioner and such additional information as may be requested by the committees to which the reports are made. The first report shall be submitted not later than February 15, 1974, and thereafter such reports shall be made on a quarterly basis.

#### Sec. 36. MINNESOTA WATER RESOURCES BOARD

Salaries, supplies, and expense

55,274

54,726

	1973	1974	1975
	\$	\$	\$

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

#### Sec. 37. POLLUTION CONTROL AGENCY

Subdivision 1. Salaries, supplies, and expense .....		1,684,730	1,820,722
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##### Approved Complement—153

The agency is hereby authorized up to 20 additional positions upon the approval by the commissioner of administration of the agency's work program, priorities, and proposed job assignments. Such financing as may be required shall be from the general contingent account and shall be authorized prior to the employment of any of these additional employees.

Subd. 2. Additional special studies .....	140,000
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The agency is authorized and directed to negotiate with the federal government, or any agency, bureau, or department thereof, for the purpose of securing or obtaining any grants of assistance in the completion of these studies.

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

Health will continue to render such staff services as agency may require from time to time through health's division of environmental health, and health is to be reimbursed from this appropriation for the cost thereof.

On or before June 30, 1973, agency through its executive

	1973	1974	1975
	\$	\$	\$

director will make and submit to the governor for approval an interdepartmental agreement, but if agency and health do not so agree at the time required, the matters to be covered by the agreement will be determined by executive order. The matters so to be covered by agreement or order are: (1) adequate exchange between agency and health of information in the health aspects of the work of each; (2) staff services and facilities required by agency to be furnished by health; (3) basis of reimbursement to health for services and facilities to agency. This agreement may be modified from time to time by agency and health with approval of the governor, and by executive order if the arrangement is effected by order, and the agreement or order, as the case may be, will be followed by the authorities involved in disbursing this appropriation.

The amounts provided in subdivisions 1 and 2 are sufficient to fulfill all duties imposed upon the agency by the 1973 legislature.

Prior to the holding of any public hearings, the purpose for which being the establishment of odor control regulations which would apply to agriculture, the agency shall notify the appropriate committees of the legislature.

Subd. 3. Automobile recycling .	800,000	800,000
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#### Sec. 38. LIVESTOCK SANITARY BOARD

Subdivision 1. Salaries . . . . .	516,756	541,317
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Approved Complement—48

	1973	1974	1975
	\$	\$	\$
Subd. 2. Supplies and expense.		198,438	233,605
Subd. 3. Indemnities . . . . .		100,000	
No payment for less than \$1 for indemnities may be made.			
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.			
Subd. 4. Field Laboratories . . .		67,000	67,000
For the operation of field laboratories for the testing of poultry, including turkeys, for pullorum and other diseases.			
Subd. 5. Contingent Account . .		150,000	
The funds appropriated in subdivision 5 shall be transferred to the various accounts of the livestock sanitary board at the request of the executive secretary of the board. Upon receipt of the request, the commissioner of administration shall certify to the state auditor the amounts to be transferred and the accounts into which the funds shall be transferred. Funds so transferred are hereby appropriated.			
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.			
Sec. 39. HUMAN RIGHTS			
Salaries, supplies, and expense		399,800	381,830
Approved Complement—27			
Sec. 40. WAR VETERANS AFFAIRS			
Subdivision 1. Salaries . . . . .		371,931	371,931
Approved Complement—41			
Subd. 2. Supplies and expense.		67,072	68,783
Subd. 3. Veterans relief fund . .		910,000	960,000

	1973	1974	1975
	\$	\$	\$
The Minnesota public relief advisory committee is hereby continued for the purposes of this subdivision.			
None of the funds appropriated in this subdivision shall be transferred for the use of veterans' rest camps.			
Subd. 4. War veterans and war orphans education aid . . . . .		40,000	45,000
To be expended pursuant to Minnesota Statutes 1971, Section 197.75.			
Subd. 5. Headstones, markers, and sockets for soldiers and sailors graves . . . . .		10,000	
Any unexpended balances remaining in subdivisions 3 through 5 the first year shall not cancel but shall be available for the second year of the biennium.			
Sec. 41. STATE LAW LIBRARY			
Subdivision 1. Salaries . . . . .		88,624	88,624
Approved Complement—8			
Subd. 2. Supplies and expense .		57,945	60,558
Subd. 3. Books and binding . .		120,000	
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.			
Sec. 42. STATE ZOOLOGICAL BOARD			
Subdivision 1. Salaries, supplies, and expense . . . . .		168,179	324,006
Sec. 43. NATURAL RESOURCES ACCELERATION			
Subdivision 1. Minnesota Resources Commission together with any sums received as grants-in-aid from federal			

	1973	1974	1975
	\$	\$	\$
sources and any sums granted by private sources to carry out the purposes of the commission. Such moneys shall be available to the commission until expended. ....		150,000	

The commission during the 1973-75 biennium shall review the work programs and progress reports required under subdivision 14 of this section and report their findings and recommendations to the committee on finance for the Senate and the committee on appropriations for the House of Representatives. The commission may prepare in cooperation with the committee on taxes a report to the 69th session of the legislature regarding payment in lieu of taxes on state and federally owned lands. The commission may also prepare a report to the 69th session of the legislature pertaining to the recodification and simplification of the laws and statutes pertaining to the Minnesota outdoor recreation and resource commission and the Minnesota resources commission.

#### Subd. 2. Department of Administration

a. Acquisition of state recreation lands and trails .....	2,000,000
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To be expended in accordance with the purposes and criteria of the Minnesota outdoor recreation act of 1973 if approved by the legislature and/or according to the priorities established in project 80. These funds shall only be expended for lands within the authorized or designated boundaries of state parks, state recreation areas, state monuments, state waysides, state trails, state wild,

	1973	1974	1975
	\$	\$	\$
scenic and recreational rivers, state scientific and natural areas, and the Sand Dunes state forest.			
b. Acquisition of land—memorial hardwood forest . . . .		350,000	
c. Acquisition of scenic easements—Lower St. Croix recreational riverway . . . . .		275,000	
d. Acquisition of spawning areas . . . . .		50,000	
e. Acquisition of key deer yards . . . . .		30,000	
f. Topographic mapping—final appropriation . . . . .		1,060,000	
g. Grants-in-aid to local units of government . . . . .		2,750,000	
<p>This appropriation is to pay up to 50 percent of the total cost or 50 percent of the local share if federal matching funds are used, of long term lease, acquisition and development for recreational projects for the purposes described in Laws 1965, Chapter 810, Section 23 as amended by Laws 1969, Chapter 1139, subdivision 7, g.</p> <p>Notwithstanding any other law to the contrary these grants are not contingent upon the matching of federal grants.</p> <p>The state office of local and urban affairs will administer the natural resources and land and water grants-in-aid to local units of government.</p> <p>This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory committee.</p>			
h. Grants-in-aid for regional recreational and natural areas . . . . .		6,000,000	

	1973	1974	1975
	\$	\$	\$
<p>The state office of local and urban affairs will administer the natural resources and land and water grants-in-aid programs to local units of government and public educational institutions.</p> <p>\$2,000,000 of this appropriation shall be reserved for projects outside of the jurisdiction of the metropolitan council.</p> <p>This appropriation is available to pay up to 100 percent of the local share for development, acquisition and lease of land for recreation areas, natural areas and open space serving a regional need to counties, local units of government, special units of government and public educational institutions authorized to acquire, maintain and operate recreational and natural areas; provided that the state share shall not exceed 75 percent of the total acquisition for any project.</p> <p>Priorities for use of funds will be given to projects eligible for federal funding and which are consistent with priorities established by regional recreation and open space plans.</p>			
i. Iron range interpretive center .....		500,000	
<p>This money is available when there is evidence that other financing shall be available to complete the project.</p>			
j. Minneapolis public library— Environmental information center .....		100,000	
<p>Subject to the conditions of Laws 1971, Chapter 864, Section 3.</p>			
k. Rainy River junior college— Voyageurs national park seminar .....		5,000	



	1973	1974	1975
	\$	\$	\$
Subd. 3. Department of Economic Development			
Innovative program funding . .		50,200	
Subd. 4. Department of Education			
a. FFA stocking of upland game birds . . . . .		60,000	
b. Minnesota Environmental Education Council . . . . .		100,000	
Subd. 5. Governor			
For the Minnesota bicentennial committee . . . . .		200,000	
Subd. 6. Department of Health			
a. Abandoned well location and sealing . . . . .		10,600	
b. Ground water quality program . . . . .		86,240	
Subd. 7. Minnesota Historical Society			
a. Fort Snelling restoration . .		1,071,500	
b. Historic sites program . . . .		345,000	
Site engineering \$ 35,000			
Historic site interpretation 100,000			
Historic archaeology 60,000			
Regional research libraries 50,000			
Curriculum materials on Minnesota history 25,000			
Traveling historical exhibits 50,000			
Map restoration 25,000			
c. Grand Mound interpretive center . . . . .		150,000	

The Minnesota historical society is hereby authorized to establish and collect such fees as it may deem reasonable for admission to the state-owned sites under its control. All such fees that are collected from the

	1973	1974	1975
	\$	\$	\$

operation of these state-owned sites shall be deposited in and for the benefit of the general fund.

The Minnesota historical society is exempted from the competitive bidding procedures of Minnesota Statutes 1971, Chapter 16.07, in its completion of these projects.

The appropriations made in subdivision 7 of this section shall be subject to the allotment and encumbrance provisions of Minnesota Statutes 1971, Chapter 16.

#### Subd. 8. Department of Natural Resources

a. State land recreation development .....	3,400,000
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To be expended in accordance with the provisions of the Minnesota outdoor recreation act of 1973 if approved by the legislature and/or in accordance with the recommendations of project 80. These funds shall only be expended for development within the authorized or designated boundaries of state parks, state recreation areas, state monuments, state waysides, state trails, state wild, scenic and recreational rivers and state scientific and natural areas.

Of the above amount, \$1,900,000 is appropriated from the state parks development account.

The commissioner of natural resources will review the proposed expenditures from this appropriation against priorities established by project 80 in consultation with the legislative building commission or its successor.

	1973	1974	1975
	\$	\$	\$
b. Interpretive services program .....		134,800	
c. Spawning land development .....		50,000	
d. Operation pheasant .....		200,000	
e. Stream improvement .....		50,000	
f. Development of artificial spawning reefs for walleyes...		40,000	
g. Watershed studies and reports .....		150,000	
h. Ground water surveys, sand plains areas .....		50,000	
Of the amount appropriated not less than \$40,000 shall be for grants-in-aid.			
i. Environmental review ....		37,500	
j. Remote Sensing Program..		25,000	
k. Lower St. Croix river resource management plan .....		40,000	
l. Melrose dam repair project.		100,000	
This appropriation is available to pay up to 50 percent of the total cost of repair or reconstruction.			
m. Clearwater County—First and second lake recreation project .....		10,000	
n. Planning, protection and development of scenic rivers and trails .....		100,000	
o. Forest roads .....		100,000	
Subd. 9. State Planning Agency			
a. State land use planning....		380,000	
The study is to be done in cooperation with the affected state agencies and coordinated with local units of government and regional development commissions.			

	1973	1974	1975
	\$	\$	\$
b. Voyageurs park peripheral plan .....		75,000	
c. Voyageurs area soils survey.		40,000	
d. Land use control and protection—St. Louis and Koochiching counties .....		60,000	
e. Soils, surficial and subsurface data collection and mapping. .		100,000	
The university of Minnesota, the Minnesota geologic survey, the department of natural resources and the state planning agency are required to develop a coordinated system of priorities and assignment of agency responsibilities before these funds are obligated.			
f. Copper nickel study .....		100,000	
The department of natural resources, the university of Minnesota, and the state planning agency will report to the legislature on the economic needs and problems related to the development of a copper nickel industry in Minnesota and environmental impact of the various development proposals.			
Subd. 10. State College Board Southwest college regional environmental program .....		50,000	
Subd. 11. Regents of the University of Minnesota			
a. Prehistoric archaeology....		45,600	
b. Limnological research—final appropriation .....		35,000	
c. Energy extraction from solid wastes .....		90,000	
Subd. 12. Professional Services			
a. Department of natural resources .....		534,500	
b. State planning agency.....		80,000	

	1973	1974	1975
	\$	\$	\$
c. Department of administration—land acquisition.....		315,000	

Subd. 13. It shall be a condition of acceptance of the appropriations made by this section and specified by this subdivision that the agency or entity receiving the appropriation shall submit work programs and semi-annual progress reports in such form as may be determined by the Minnesota resources commission for the following projects: for the projects authorized in subd. 2b, subd. 2c, subd. 2h, subd. 3, subd. 4, subd. 6b, subd. 7b, provided that no reports shall be required for site engineering or map restoration, subd. 8b, subd. 8d, subd. 8h, subd. 8j, subd. 8k, subd. 8n, subd. 9, subd. 10, subd. 11b, and subd. 11c.

Any unexpended balance remaining in the first year from appropriations made in this section shall not cancel but shall be available for the second year of the biennium.

#### Subd. 14. Natural Resource Federal Reimbursement Account

Reimbursements and matching funds received from the federal government for expenditures of appropriations made for the purposes described in Minnesota Statutes 1971, Chapter 86, shall in the first instance be credited to a federal receipt account by the state agency receiving such reimbursements and matching funds.

Any state department or agency, including the Minnesota historical society and the university of Minnesota, who receive reimbursements for ex-

	1973	1974	1975
	\$	\$	\$

penditures made under appropriations in this section; from Laws 1971, Section 48; from Laws 1969, Chapter 879, Section 4, Subdivisions 2, 3, 4, and 5; or from Laws 1969, Chapter 1139, Section 48, shall transfer such reimbursements to the natural resources reimbursement account. Funds so transferred are appropriated for the purpose of that account. This provision shall not apply to federal aid reimbursements received under Minnesota Statutes 6.40.

Any and all federal reimbursements earned under expenditures made from appropriations for natural resources acceleration for the period from July 1, 1963 through June 30, 1969, shall be deposited to the general fund, provided that the state appropriation was used initially to finance the federal share of project costs.

There is established a maximum balance of \$1,000,000 to be retained for expenditure from this account. At any time that the undisbursed balance of the account exceeds the established maximum by an amount equal to or greater than \$100,000, the state auditor is directed to cancel the full amount of the excess to the general fund.

This appropriation is available for the purposes of land acquisition as described in subdivision 2 of this section, state land recreation development as described in subdivision 8 of this section, and acquisition and development of historic sites by the state of Minnesota, the Minnesota historical society, or the university of Minnesota, when such acquisition

	1973	1974	1975
	\$	\$	\$

or development is deemed to be of an emergency or critical nature.

All requests for allocation from the account must be accompanied by a certification signed jointly by the state planning officer and the bureau of planning of the department of natural resources, showing a review of the application against the state recreation plan or project 80. Copies of such certification must be submitted to the appropriate legislative committees and commissions.

The appropriations made under the above paragraphs shall be expended with the approval of the governor after consultation with the legislative advisory committee.

Sec. 44. WORKMEN'S COMPENSATION ..... 229,794.92

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

Administration	\$ 26,377.48
Agriculture	4,514.02
Auditor	260.50
Civil Service	196.32
Commerce	186.67
Economic Development	2,285.61
Governor's Committee on the Employment of Handicapped Persons	15.90
Judicial	6,255.55

	1973	1974	1975
	\$	\$	\$
Labor and Industry	5,647.87		
Legislature	250.81		
Military Affairs	7,034.40		
Natural Resources	150,233.61		
Public Defender	5,399.60		
Public Examiner	935.53		
Public Safety	15,436.11		
Public Service	4,764.94		

Of the amount appropriated \$30,965.85 shall be paid from the game and fish fund.

#### Sec. 45. UNEMPLOYMENT COMPENSATION . . . . . 476,555.09

In reimbursement of unemployment compensation benefits paid for former employees of the following:

Agriculture	\$ 17,543.74
Commerce	8,814.44
Economic Development	2,994.09
Indian Affairs	1,664.00
Natural Resources	441,496.64
Public Service	4,042.18

Of the amount appropriated \$120,743.70 shall be paid from the game and fish fund.

Sec. 46. UNOBLIGATED BALANCES. The unobligated balance on hand as of June 30, 1973, June 30, 1974, and June 30, 1975, in the several appropriations and accounts for each of the state departments or divisions for which an appropriation is made herein out of the general fund are hereby cancelled into said general fund as of June 30, 1973, June 30, 1974, and June 30, 1975, and the unobligated balances on hand as of June 30, 1973, June 30, 1974, and June 30, 1975, appropriated out of any other funds, shall be cancelled into the fund from which they are appropriated as of June 30, 1973, June 30, 1974, and June 30, 1975. The provisions of this section shall not apply where otherwise indicated in this act or to aid, contributions, or reimbursements received from the federal government by the state; and all such federal aid,



contributions, or reimbursements are hereby reappropriated for the purpose of supplementing the appropriations herein provided.

**Sec. 47. MISAPPROPRIATION OF FUNDS.** It shall be illegal for any state officer or head of any state department or any employee thereof to use moneys appropriated by this act, or fees collected, for any other purpose than the purpose for which such moneys have been appropriated and any such act by any such person shall be cause for immediate removal from the office or position he holds with the government of the state, provided, however, that funds may be transferred to the credit of the state employees retirement fund and used for the purposes thereof as provided by law.

**Sec. 48. TRANSFER OF FUNDS, STATE AUDITOR.** The state auditor is hereby authorized and directed to transfer to the general fund in the state treasury, all moneys credited to any fund established in connection with the payment of certificates of indebtedness when the purposes for which the act authorizing such certificates have been accomplished.

**Subdivision 1.** There is hereby transferred to the general fund, from the highway user tax distribution fund, the sum of \$1,289,916.86 to reimburse the general fund for the cost of collecting the tax on gasoline and gasoline substitutes and the cost of bond premiums during the 1971-73 biennium.

There is hereby transferred to the general fund, from the highway user tax distribution fund, the sum of \$4,989.77 to correct an underestimate in the cost of collecting the tax on gasoline and gasoline substitutes during the 1969-71 biennium.

There is hereby transferred to the general fund, from the highway user tax distribution fund, the sum of \$46,246.71 to reimburse the general fund for functions performed by the office of the state treasurer in mailing gas tax refunds during the 1971-73 bienium.

There is hereby transferred from the general to the highway user tax distribution fund, the sum of \$882.74 to correct an overestimate in the cost of mailing gas tax refunds during the 1969-71 biennium.

There is hereby transferred to the general fund, from the computer services revolving fund, the sum of \$710,000.00 to reimburse the general fund for the costs of remodeling.

There is hereby transferred to the general fund the following sums to reimburse the general fund for amounts transferred out of the general contingent account for the following purposes:

- (a) From the state airports fund for the department of aeronautics, supplies and expense, for the year ending June 30, 1973 \$ 3,600.00
- (b) From the state airports fund for the department of aeronautics, striping airport runways, for the year ending June 30, 1973 10,000.00

- (c) From the state airports fund for the department of aeronautics, salaries, for the year ending June 30, 1973 8,750.00

Sec. 49. Any moneys made available to any state department or agency by this act of appropriation, transfer or otherwise for the payment of salaries is a source of revenue to such department or agency under the provisions of Minnesota Statutes 1971, Sections 355.50 and 352.04, Subdivision 5.

Sec. 50. Notwithstanding the provisions of any other law, state departments and agencies may, with the approval of the commissioner of administration, eliminate authorized positions and use the moneys for purchase of interdepartmental tabulating services from the department of administration, information systems division, or for the leasing or purchase of equipment if such is found to be more economical than filling of authorized positions. Such moneys are hereby authorized to be transferred to the supplies and expense account of the department. Such moneys transferred are hereby appropriated for this purpose.

The commissioner of administration, in reviewing the proposals, shall also review the documentation presented indicating the analysis of the cost benefit and reduction of personnel or other savings or benefit that will occur with the computerization or further computerization of the systems involved in the proposal. Upon implementation of the proposal, the complement shall be reduced and the indicated savings reserved and cancelled.

Sec. 51. The commissioner of administration shall endeavor to make maximum utilization of available space in state institutions by not renewing the leases of departments renting space from non-public property owners near state institutions which have available space. He shall encourage departments to lease such space from the institution at a rate to be determined by the commissioner of administration. Any remodeling required shall be performed by the maintenance forces of the institution providing the space if at all possible. Receipts from such rentals or leases are hereby reappropriated to the department providing the space. The commissioner shall report to the 69th legislature concerning these instructions.

Sec. 52. (15.16 subd. 5) No control of state-owned lands shall be transferred between state departments without first consulting the legislative building commission, or other appropriate legislative committee or committees and obtaining a recommendation thereon. The recommendation shall be advisory only. Failure to obtain a prompt recommendation shall be deemed a negative recommendation.

Sec. 53. Notwithstanding any provisions of Minnesota Statutes 1971, Section 16.17, or Extra Session Laws 1971, Chapter 3, Section 53, or any other law to the contrary, the unencumbered balance remaining on June 30, 1973, of the \$3,480,000 appropriated by Extra Session Laws 1971, Chapter 3, Section 48, subdivision 6 (a) (1), shall not lapse but shall remain available for expenditure for the projects specified below:

- (a) Gooseberry Falls State Park, sewage disposal
- (b) Helmer Myre, visitor center and water chlorination system
- (c) Interstate Park, sewer system
- (d) Itasca State Park, Douglas Lodge sewer system rehabilitation
- (e) Jay Cooke State Park, sewer system and water system
- (f) Lake Carlos State Park, sewer system
- (g) William O'Brien State Park, sewer lagoon

Sec. 54. Subdivision 1. The powers, duties, and responsibilities of the department of labor and industry under Minnesota Statutes, Section 332.31 to 332.45 relating to collection agencies are hereby transferred to and imposed upon the section of consumer services in the department of commerce.

Subd. 2. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall make such changes in terminology as may be required to record the powers, duties, and responsibilities which are transferred by this section.

Sec. 55. Minnesota Statutes 1971, Section 3.102, is amended to read:

3.102. (INTERIM LIVING EXPENSES.) Each member of the legislature shall be reimbursed for his expenses when he is required to attend meetings of standing committees, commissions, or is engaged in other legislative activity when the legislature is not in session. The amount of such reimbursement shall not exceed \$25 \$33 per day as a per diem expense allowance for all expenses incurred except travel. He shall also be reimbursed for his travel expenses in the same amount as state employees are reimbursed for such travel.

Reimbursements to members of the legislature for out-of-state meetings or other legislative activity shall be in the same amounts as state employees are reimbursed for such out-of-state expenses.

Expenses for members of the legislature are payable in the manner and in the amount designated by the Senate committee on rules and administration as to members of the Senate and by the committee on rules and legislative administration as to members of the House of Representatives.

The expense allowances provided for herein to the persons designated are in lieu of any other expenses authorized by law or resolution for the same purposes.

Sec. 56. Coded in part. (15.50) Subdivision 1. The capitol area architectural and planning commission is hereby authorized and directed to conduct a study, prepare a written report, and make recommendations to the legislature, not later than January 1, 1974, on the location of the offices and functions of state government within the capitol area as defined by Minnesota Statutes, Section 15.50, including, but not limited to, the following questions:

- (a) Which offices and functions must be located within the capitol area to ensure the orderly functioning of state government;

(b) Which offices and functions may be located outside of the capitol area without impairing the orderly functioning of state government;

In conducting its study and making its reports and recommendations, the commission shall also consider the effect of the location of the offices and functions of state government on

(1) The accessibility of the offices and functions of state government to members of the public; and

(2) The convenience of the employees of state government.

The commission may hire such additional employees and consultants as may be necessary to complete the study and prepare the report and recommendations.

Subd. 2. Notwithstanding the provisions of Minnesota Statutes 1971, Section 15.50, Subdivision 3, the full cost of the study and report required by this section shall be the responsibility of the state.

Subd. 3. There is hereby appropriated \$100,000 from the general fund for the purposes of this section for the biennium ending June 30, 1975.

Sec. 57. Laws 1965, Chapter 810, Section 23, Subdivision 3, as amended by Laws 1967, Chapter 867, Section 9, is repealed.

Sec. 58. Subdivision 1. There is appropriated to the commissioner of administration from the appropriate funds in the state treasury such sums as may be necessary to pay increases in compensation of officers, department heads and other individuals in the judicial and executive branches of the state government, all in the unclassified service, if such salary increases are otherwise authorized by law during the 1973 session of the legislature.

Subd. 2. There is appropriated to the commissioner of administration from the appropriate funds in the state treasury such sums as may be necessary to pay increases in compensation of officers, department heads and other individuals in the judicial and executive branches of the state government, all in the unclassified service, if such salary increases are authorized under the provisions of Minnesota Statutes, Sections 15A.021 and 15A.12.

Subd. 3. There is appropriated to the commissioner of administration from the appropriate funds in the state treasury such sums as may be necessary to pay increases in compensation of officers and employees of the executive branch of state government all in the classified service, members of the state highway patrol, and non-academic employees of the university of Minnesota who are paid from state funds, if such salary increases are authorized by law during the 1973 session of the legislature.

Subd. 4. There is appropriated to the commissioner of administration from the appropriate funds in the state treasury such sums as may be necessary to pay shift differential and severance pay to employees of the state classified service, members of the highway

patrol and unclassified employees of the junior college system, if such payments are authorized by law during the 1973 session of the legislature.

Subd. 5. The commissioner shall certify the necessary amounts to the state auditor, who shall transfer such amounts to the appropriate accounts. Sums so certified and transferred are hereby appropriated. The appropriations made by this section are for the biennium beginning July 1, 1973.

Subd. 6. Any sums certified and transferred to the university of Minnesota under the provisions of subdivision 3 of this section or Minnesota Statutes, Sections 43.50, 352.04, Subdivision 5, and 355.50 shall only be used for the purpose certified. Any sum transferred that exceeds the increased cost above the amount appropriated for that purpose shall be returned and deposited in the state treasury.

Sec 59. Minnesota Statutes 1971, Section 326.52, is amended to read:

326.52 [DEPOSIT OF FEES.] All fees received under sections 326.46 to 326.52 shall be ~~paid deposited~~ by the department of labor and industry ~~to the state treasurer, and an amount of money equal to the amount so paid over by the department to the treasurer is hereby appropriated, out of any funds to the credit of the general fund in the state treasury not otherwise appropriated, to the department for the purpose of carrying out the provisions of sections 326.46 to 326.52.~~ The salaries and per diem of the inspectors and examiners hereinbefore provided, their expenses, and all incidental expenses of the department in carrying out the provisions of sections 326.46 to 326.52 shall be paid ~~on order of the department from such appropriation, but no expense or claim shall be incurred or paid in excess of the amount received from the fees herein provided from the appropriations made to the department of labor and industry.~~

Sec. 60. (15.161). The head of a state department or agency shall consult with the chairman of the house appropriations committee and the chairman of the senate finance committee before accepting any federal land or buildings thereon or any interest therein which is declared surplus by federal authorities and obtaining a recommendation thereon which shall be advisory only. Failure to obtain a recommendation thereon promptly shall be deemed a negative recommendation.

Sec. 61. Subdivision 1. Notwithstanding any provision of law to the contrary, no contract shall be awarded for the removal of rough fish except in accordance with requirements of law regarding the awarding of a contract after competitive bidding. A contractor of rough fish pursuant to this subdivision may sell or otherwise dispose of the rough fish which he acquires from the state.

Subd. 2. Minnesota Statutes 1971, Section 97.486 is repealed.

Sec. 62. The sum of \$40,000 is appropriated for the biennium ending June 30, 1975, to the department of military affairs for the

St. Cloud national guard armory to be expended for blacktopping the parking lot, installing curbs, gutters, and catch basins, and providing security lighting.

Sec. 63. APPLICATIONS FOR NON-STATE FUNDS. Subdivision 1. Every department or agency of the executive branch of state government shall, prior to the submission of any application for non-state funds, submit the original of the application to the commissioner of administration. The commissioner shall promptly return the application indicating his approval or disapproval. No application for funds shall be submitted without the prior approval of the commissioner of administration. The commissioner of administration may promulgate rules, regulations, and directives to implement the provisions of this section.

Subd. 2. The provisions of this section shall not apply to the Minnesota historical society.

Subd. 3. Minnesota Statutes 1971, Section 16.165 is repealed.

Sec. 64. Subdivision 1. (16.141) (Subd. 3a) Notwithstanding any other law to the contrary, the commissioner of administration after consulting the committee on appropriations of the house of representatives and the committee on finance of the senate may waive the requirements for submitting a budget by object of expenditure for agencies and departments which are, at his direction, requesting programmatic appropriations.

Sub. 2. Subdivision 1 takes the place of Minnesota Statutes 1971, Section 16.141, Subdivision 3, which subdivision is repealed.

Sec. 65. DEPOSIT OF TAX RECEIPTS. Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Sections 290.361, 291.33, 297.13, 298.17, 298.281, 298.282, 298.32, 298.39, 298.396, 298.51, 298.64, 298.65, 340.60 and similar laws to the contrary relating to the depositing, disposition, or apportionment of tax receipts, the state auditor may provide for a single depository account for each tax or kind of taxes providing adequate information is available to determine the source and disposition or apportionment of the tax to meet statutory requirements. The auditor shall request such transfers and certifications as are necessary to meet such statutory requirements. The state auditor may issue directives to implement the provisions of this section.

Sec. 66. Any moneys heretofore or hereafter received from federal general revenue sharing funds and any interest earned on such moneys shall be transferred to the general fund in order to comply with United States Department of Treasury regulations that such federal general revenue sharing funds be appropriated and expended in the same manner as the state's own revenues. Upon transfer such federal general revenue sharing funds shall be appropriated and expended in the same manner as all other moneys in the general fund. Provided, however, that such federal general revenue sharing funds shall not be appropriated or considered to be appropriated to any local unit of government, including school districts, the university of Minnesota, or for any purpose that is contrary to the provisions of Public Law 92-512 or

the regulations of the United States Department of the Treasury. The state auditor shall make such transfers, and the sums so transferred are then a part of the general fund and available for appropriation and expenditure.

Sec. 67. The balance remaining from the amount appropriated for lake and channel improvement by Laws of 1971, Extra Session, Chapter 3, Section 36, Subdivision 2, item (d), shall not cancel on June 30, 1973, but shall be available until expended.

Sec. 68. Minnesota Statutes 1971, Section 8.02, is amended to read:

8.02 [DEPUTIES, ASSISTANTS.] The attorney general may appoint, and at his pleasure remove, two deputy attorneys general and ~~six~~ *nine* assistant attorneys general, who shall render such aid as he may require of them in the discharge of his official duty. He shall keep a record of his official correspondence and of all matters placed in his hands by the governor, auditor, secretary of state, or treasurer, or any officer or board in charge of any of the business of the state upon which any official action is necessary; he shall also keep a record of all legal proceedings instituted by him or in which he appears, and of the several steps taken therein. All official opinions shall be in writing and copies thereof made and filed in his office. The deputy attorneys general and each of such assistants shall, to the extent authorized in writing by the attorney general, have authority to appear before grand juries or in any court of this state, as the attorney general himself might do.

The attorney general shall have power to employ such assistance, whether lay, legal, or expert, as he may deem necessary for the protection of the interests of the state through the proper conduct of its legal business.

Sec. 69. Minnesota Statutes 1971, Section 3.921, is amended to read:

3.921 [STANDING COMMITTEES AS INTERIM STUDY COMMITTEES.] Subdivision 1. Each standing committee or subcommittee existing in the senate and house of representatives is continued during the intervals between sessions of the legislature to make studies and investigations within the general jurisdiction of each such committee, *as directed by the committee on rules and administration of the senate and the committee on rules and legislative administration of the house of representatives*, or as otherwise prescribed by resolution; ~~existing at the time the legislature last adjourned in regular session; duly adopted or by law.~~

Subd. 2. Vacancies in any such committee or subcommittee during such intervals shall be filled by the last elected speaker of the house of representatives as to house committees and by the last elected senate committee on committees as to senate committees.

Subd. 3. Any standing committee of the senate that requires an appropriation of funds to defray expenses of its operations during the interim shall prepare a budget, which budget shall be submitted to the senate committee on rules and legislative expense

*administration* for its approval. No funds shall be expended by such standing committee without prior approval of the senate committee on rules and ~~legislative expense.~~ *administration*. Any standing committee of the house of representatives that requires an appropriation of funds to defray expenses of its operations during the interim shall prepare a budget, which budget shall be submitted to the rules committee of the house of representatives for its approval. No funds shall be expended by such standing committee without prior approval of the rules committee of the house of representatives.

Subd. 4. The expenses of any such committee shall be paid upon the certification to the state auditor of the amount thereof. Payment of such expenses is hereby directed from any direct appropriation therefor to the legislature or either branch thereof.

Sec. 70. Minnesota Statutes, Section 16.02, Subdivision 5, shall not apply to the construction of the Minnesota Zoological Gardens except with respect to the letting of competitive bids.

Sec. 71. Subdivision 1. The appropriation made in Laws 1973, Chapter 143, Section 1, Subdivision 12, in the sum of \$1,385.03 is cancelled.

Subd. 2. There is hereby appropriated to the state auditor for the biennium ending June 30, 1973, \$1,385.03 for payment to Webb Publishing Company for printing of Minnesota Liability Study Commission report.

Sec. 72. No part time special attorney assigned to any professional or occupational licensing board of state government, after having received \$10,000 for his official duties in any fiscal year, regardless of the fund from which he is paid, shall be paid an hourly amount exceeding the equivalent amount paid full time special assistant attorneys general, plus reasonable office expenses, as approved by the attorney general.

Sec. 73. Subdivision 1. Minnesota Statutes 1971, Section 268.15, Subdivision 3, is amended to read:

Subd. 3. [INTEREST AND PENALTIES.] There is hereby created in the state treasury a special fund, to be known as the manpower services contingent fund, which shall not lapse nor revert to any other fund. Such fund shall consist of all moneys appropriated therefor by the legislature. All moneys in the form of interest and penalties collected pursuant to section 268.16 and all moneys received in the form of voluntary contributions to this fund. All moneys in such fund shall be supplemental to all federal moneys that would be available to the commissioner but for the existence of this fund. Such fund shall be available to the commissioner for such expenditures as he may deem necessary in connection with the administration of sections 268.03 to 268.24. Whenever the commissioner expends moneys from said contingent fund for the proper and efficient administration of the Minnesota manpower services law for which funds have not yet been made available by the federal government, such moneys so withdrawn from the contingent fund shall be replaced as hereinafter provided.



Upon the deposit in the manpower services administration fund of moneys which are received in reimbursement of payments made as above provided from said contingent fund, the commissioner shall certify to the state treasurer the amount of such reimbursement and thereupon the state treasurer shall transfer such amount from the manpower services administration fund to said contingent fund. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for the other special funds in the state treasury except that moneys in this fund shall not be commingled with other state funds, but shall be maintained in a separate account on the books of a depository bank. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the manpower services contingent fund provided for herein shall be paid into the general fund.

Subd. 2. Minnesota Statutes 1971, Section 268.16, Subdivision 1, is amended to read:

268.16 [COLLECTION OF CONTRIBUTIONS.] Subdivision 1. [INTEREST ON PAST DUE CONTRIBUTIONS.] If contributions are not paid on the date on which they are due and payable, as prescribed by the commissioner, the whole or part thereafter remaining unpaid shall bear interest at the rate of one percent per month from and after such date until the first day of the calendar month during which payment is made to the department of manpower services; provided, however, that during the first month of delinquency interest shall be computed on the basis of one-thirtieth of one percent per month for each and every day of such delinquency. After any contribution has become delinquent for a period of 12 months thereafter interest thereon shall be computed at the rate of six percent per annum. Contributions, if mailed, shall be deemed to have been paid on the date of mailing as indicated by the postmark on the cover thereof; provided, however, that after January 1, 1949, contributions received by mail postmarked on a day following the date on which the law requires such contributions to be paid shall be deemed to have been paid on the due date if there is substantial evidence by affidavit or otherwise reasonably tending to prove that said report or contribution was actually deposited in the United States mails properly addressed to the department with postage prepaid thereon on or before the due date. Interest collected pursuant to this subdivision shall be paid into the contingent fund.

Subd. 3. Minnesota Statutes 1971, Section 268.16, Subdivision 2, is amended to read:

Subd. 2. [REPORTS; DELINQUENCIES; PENALTIES.] (1) Any employer who knowingly fails to make and submit to the department of manpower services any report of wages paid by or due from him for insured work in the manner and at the time such report is required by regulations prescribed by the commissioner shall pay to the department of manpower services for the contingent fund an amount equal to one percent of contributions accrued during the period for which such report is required, for each month

from and after such date until such report is properly made and submitted to the department of manpower services. In no case shall the amount of the penalty imposed hereby be less than \$5 except that in cases where the contribution is less than \$10 and the commissioner finds that the employer does not habitually fail to report on time the penalty shall be \$1. Any employing unit which fails to make and submit to the commissioner any report, other than one of wages paid or payable for insured work, as and when required by the regulations of the commissioner, shall be subject to a penalty in the sum of \$10 payable to the department of manpower services for the contingent fund. All such penalties shall be in addition to interest and any other penalties provided for by sections 268.03 to 268.24 and shall be collected by civil action as hereinafter provided.

(2) If any employing unit required by sections 268.03 to 268.24 to make and submit contribution reports shall fail to do so within the time prescribed by these sections or by regulations under the authority thereof, or shall make, wilfully or otherwise, an incorrect, false or fraudulent contribution report, he shall, on the written demand of the commissioner, make such contribution report, or corrected report, within ten days after the mailing of such written demand and at the same time pay the whole contribution, or additional contribution, due on the basis thereof. If such employer shall fail within that time to make such report, or corrected report, the commissioner shall make for him a report, or corrected report, from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a contribution on the basis thereof, which contribution, plus penalties and interest which thereafter accrued (less any payments theretofore made) shall be paid within ten days after the commissioner has mailed to such employer a written notice of the amount thereof and demand for its payment. Any such contribution report or assessment made by the commissioner on account of the failure of the employer to make a report or corrected report shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Whenever such delinquent employer shall file a report or corrected report, the commissioner may, if he finds it substantially correct, substitute it for the commissioner's report. If an employer has failed to submit any report of wages paid, or has filed an incorrect report, and the commissioner finds that such noncompliance with the terms of sections 268.03 to 268.24 was not wilful and that such employer was free from fraudulent intent, the commissioner shall limit the charge against such employer to the period of the year in which such condition has been found to exist and for the preceding calendar year.

Sec. 74. (6.221) Notwithstanding the provisions of any other law to the contrary, neither the judicial nor legislative branches of state government are required to participate in the statewide accounting system or in a computerized payroll system.

Sec. 75. Notwithstanding any other law to the contrary, if a law is passed in the 68th session of the legislature creating a TV cable

commission and appropriating money for such commission, the appropriation shall be available until June 30, 1975.

Sec. 76. Subdivision 1. The term "president pro-tempore" as used in the law creating the legislative audit commission means the "president of the Senate".

Subdivision 2. The revisor of statutes shall make the appropriate change in terminology in the next edition of Minnesota Statutes or any supplement thereof.

Sec. 77. Minnesota Statutes 1971, Section 16.17, is amended to read:

16.17. [APPROPRIATIONS TO REVERT TO STATE TREASURY.] Except as specifically provided for in appropriation acts, every appropriation or part thereof of any kind hereafter made subject to the provisions of this section remaining unexpended and unencumbered at the close of any fiscal year shall lapse and be returned to the ~~general fund~~ *fund from which such appropriation was made*; provided, that an appropriation for construction or other permanent improvement shall not lapse until the purposes for which the appropriation was made shall have been accomplished or abandoned unless such appropriation has stood during the entire fiscal biennium without any expenditure therefrom or encumbrances thereon.

Except as otherwise expressly provided by law, the provisions of this section shall apply to every appropriation of a stated sum for a specified purpose or purposes heretofore or hereafter made from the general fund, but shall not, unless expressly so provided by law, apply to any fund or balance of a fund derived wholly or partly from special taxes, fees, earnings, fines, federal grants, or other sources which are by law appropriated for special purposes by standing, continuing, or revolving appropriations.

Sec. 78. [TRAVEL EXPENSES, BOARDS AND COMMISSIONS.] Notwithstanding the provisions of any other law, the members and staff of all state boards, councils, and commissions in the executive branch, established by state law or otherwise, shall only be reimbursed for travel expenses both in-state and out-of-state in accordance with the rules and regulations promulgated by the commissioner of administration governing the travel of state officers and employees.

Sec. 79. Minnesota Statutes 1971, Section 15A.21 is repealed.

Sec. 80. The mills referred to in a law enacted in the 1973 session and identified as H.F. No. 715, authorizing the metropolitan transit commission to levy taxes, are mills prior to the adoption of Minnesota Statutes, Section 273.1102.

Sec. 81. [COUNTY OF WRIGHT; ABATEMENT OF CERTAIN REAL ESTATE TAXES.] The county auditor of the county of Wright is hereby directed to remove from that county's tax rolls and to forthwith abate all real estate taxes currently levied and assessed against Lots 1, 2, 3, 4, 5, 6 and 7, Guilfoyle's Addition to the Village of Delano, County of Wright, State of Minnesota.

Sec. 82. The commissioner of taxation is authorized to pay from the department appropriations, the per diem and expenses of the public member of the levy limitations review board in the event that such board is established by act of the 1973 session of the legislature.

Sec. 83. [STATE; CONVEYANCE OF CERTAIN REAL PROPERTY.] Subdivision 1. The commissioner of taxation shall convey and quit claim to Clarence R. Berthiaume, in such form as may be prescribed by the attorney general and for the consideration of \$40, the lands described in subdivision 2, such conveyance to be made without recourse.

Subd. 2. The lands to be conveyed pursuant to subdivision 1, being situated in the state of Minnesota, county of Hennepin, are further described as follows: the westerly four (4) feet of Lot 5, Block 2, in the village of Loretto.

Subd. 3. The provisions of this section shall take effect on the day following final enactment.

Sec. 84. There is hereby appropriated to the commissioner of natural resources the sum of \$1,658,000 from the game and fish fund for the remodeling and reconstruction of the French River and Lanesboro hatchery facilities. The department is authorized and directed to negotiate with the federal government, or any agency, bureau, or department thereof, for the purpose of securing or obtaining any grants of assistance in the completion of those projects. The department is authorized to implement a commissioner's order for a two dollar additional fee or license surcharge to take lake trout, brook trout, salmon, and other trout from the public waters of the state. This appropriation shall be available until expended or the projects are completed or abandoned. Any and all revenues which may be raised by the license surcharge herein authorized, shall be deposited to the game and fish fund.

Sec. 85. Notwithstanding the provisions of any other law to the contrary, all personnel employed by the adjutant general and assigned to an armory shall be in the unclassified service."

Further amend by striking the title in its entirety and substituting in lieu thereof the following:

"A bill for an act relating to the organization and operation of state government; appropriating money therefor and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; making funds available for seaway trade promotion; providing penalties for misusing appropriated moneys; amending Minnesota Statutes 1971, Sections 3.102; 3.921; 6.221; 8.02; 15.16; 15.50; 16.17; 268.15, Subdivision 3; 268.16, Subdivision 1; 268.16, Subdivision 2; 326.52; repealing Minnesota Statutes 1971, Sections 15A.21; 16.141, Subdivision 3; 16.165; 97.486; and Laws 1965, Chapter 810, Section 23, Subdivision 3, as amended."

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

Senate Conferees: (Signed) John C. Chenoweth, Gerald L. Willet, Edward G. Novak, J. A. Josefson and Richard W. Fitzsimons.

House Conferees: (Signed) Neil S. Haugerud, Willis Eken, Gordon O. Voss, Richard A. Andersen and Dale E. Erdahl.

Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on S. F. No. 2417 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.

S. F. No. 2417: A bill for an act relating to the organization and operation of state government; appropriating money therefor and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases including conservation, parks, recreational lands and trails, wildlife and spawnings areas, and historic sites; fixing and limiting the amount of fees to be collected in certain cases; making funds available for seaway trade promotion; providing penalties for misusing appropriated funds; amending Minnesota Statutes 1971, Sections 3.102, 15.50; repealing Laws 1965, Chapter 810, Section 23, Subdivision 3 as amended by Laws 1967, Chapter 867, Section 9.

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

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

And the roll being called, there were yeas 54 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Josefson	North	Renneke
Arnold	Doty	Kirchner	Novak	Sillers
Ashbach	Dunn	Knutson	Olson, A. G.	Solon
Bang	Fitzsimons	Kowalczyk	Olson, H. D.	Spear
Berg	Frederick	Larson	Olson, J. L.	Stokowski
Bernhagen	Gearty	Laufenburger	O'Neill	Tennessee
Blatz	Hansen, Baldy	Lewis	Patton	Thorup
Borden	Hansen, Mel	McCutcheon	Perpich, A. J.	Ueland
Chenoweth	Hanson, R.	Milton	Perpich, G.	Wegener
Chmielewski	Hughes	Moe	Pillsbury	Willet
Coleman	Humphrey	Nelson	Purfeerst	

Messrs. Brown; Jensen; Keefe, J. and Stassen voted in the negative.

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 9, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 9: A bill for an act relating to labor; creating a division of labor standards; providing for minimum wage and overtime standards; providing penalties for violations; repealing Minnesota Statutes 1971, Sections 175.38; 175.39; and 177.01 to 177.20.

House File No. 9 is herewith transmitted to the Senate.

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

Transmitted May 19, 1973

### CALL OF THE SENATE

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

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

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

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 9

A bill for an act relating to labor; creating a division of labor standards; providing for minimum wage and overtime standards; providing penalties for violations; repealing Minnesota Statutes 1971, Sections 175.38; 175.39; and 177.01 to 177.20.

May 18, 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. 9, report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 9 be amended as follows:

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

"Section 1. [CITATION.] This act may be cited as the Minnesota fair labor standards act.

Sec. 2. [STATEMENT OF POLICY.] It is declared to be the policy of the Minnesota fair labor standards act (1) to establish minimum wage and overtime compensation standards for workers at levels consistent with their health, efficiency, and general well-

being; (2) to safeguard existing minimum wage and overtime compensation standards which are adequate to maintain the health, efficiency, and general well-being of workers against the unfair competition of wage and hour standards which do not provide such adequate standards of living; and (3) to sustain purchasing power and increase employment opportunities.

Sec. 3. [DEFINITIONS.] Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following terms, for the purposes of this act, shall have the meanings given to them in this section.

Subd. 2. "Department" means the Minnesota department of labor and industry.

Subd. 3. "Commissioner" means the commissioner of labor and industry of Minnesota or his authorized designee.

Subd. 4. "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or check on banks convertible into cash on demand at full face value, subject to such allowances as may be permitted by regulations of the department under section 8.

Subd. 5. "Employ" means to suffer or permit to work.

Subd. 6. "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

Subd. 7. "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause, equivalent of a full time worker means 40 weeks of employment in a calendar year;

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm;

(3) any individual employed as a counselor to work with programs and campers in an organized resident or day camp;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a non-profit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of Minnesota Statutes, Section 353.01, Subdivision 2, Paragraph (2), Clauses (a), (b), (d), and (h);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a part-time basis in a carnival, circus or fair;

(12) any individual under the age of 18 employed part-time by a municipality as part of a recreational program.

Subd. 8. "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Subd. 9. "Gratuities" means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.

Sec. 4. [PAYMENT OF MINIMUM WAGES.] Except as may otherwise be provided in this act, or by regulation issued pursuant thereto, every employer shall pay to each of his employees wages at a rate of not less than \$1.80 an hour.

Sec. 5. [OVERTIME.] Subdivision 1. No employer shall employ any of his employees for a workweek longer than 48 hours, unless such employee receives compensation for his employment in excess of 48 hours in a workweek at a rate of not less than one and one-half times the regular rate at which he is employed; provided, however, that an employer if it is the State of Minnesota or a political subdivision may grant time off at the rate of one and one half hours for each hour worked in excess of 48 hours in any week in lieu of monetary compensation; and, provided, however, that no employer shall be deemed to have violated the overtime pay provisions of this section by employing any employees for a work week in excess of that specified in this section without paying the compensation for overtime employment prescribed herein if such employee is so employed under an agreement meeting the requirement of section 7 (b) (2) of the Fair Labor Standards Act of 1938, as amended.

Subd. 2. No employer engaged in the operation of a health care facility shall be deemed to have violated subdivision 1 if pursuant to an agreement or understanding arrived at between the employer and employee before performance of the work, a work period of 14 consecutive days is accepted in lieu of the work week of 7 consecutive days for the purpose of overtime compensation and if for his



employment in excess of 8 hours in any work day and in excess of 80 hours in such 14 day period the employee receives compensation at a rate not less than one and one half times the regular rate at which he is employed.

Subd. 3. The provisions of subdivision 1 shall not apply with respect to any salesman, parts man, or mechanic primarily engaged in selling or servicing automobiles, trailers, trucks, or farm implements and paid on a commission or incentive basis, if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers.

Sec. 6. [DIVISION OF LABOR STANDARDS IS CREATED.] Subdivision 1. A division of labor standards is hereby created in the department of labor and industry under the supervision and control of the commissioner of labor and industry.

Subd. 2. [POWERS AND DUTIES.] The powers, duties, and functions vested in, or imposed upon, the division of women and children of the department of labor and industry by Minnesota Statutes, Chapter 177, and other applicable laws relating to wages, hours, and working conditions, are transferred, vested in, and imposed upon the division of labor standards. In addition, the division of labor standards shall administer the provisions of this act and chapter 184.

Subd. 3. [EMPLOYEES; TRANSFER FROM DIVISION OF WOMEN AND CHILDREN.] All persons employed by the department of labor and industry in the division of women and children shall be transferred to the division of labor standards without loss to the person of any rights acquired by reason of his employment at the time of transfer.

Sec. 7. [POWERS AND DUTIES OF THE COMMISSIONER.] Subdivision 1. The commissioner or his authorized representative may enter during reasonable office hours or upon request and inspect the place of business or employment of any employer of employees in any occupation in the state, for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any such employees; transcribe any or all of such books, registers, payrolls, and other records as he or his authorized representative may deem necessary or appropriate; and question such employees for the purpose of ascertaining whether the provisions of this act and the regulations issued pursuant thereto have been and are being complied with.

Subd. 2. The commissioner or his authorized representative may require from any employer of employees in any occupation in the state full and correct statements in writing, including sworn statements, with respect to wages, hours, name, addresses, and such other information pertaining to his employees and their employment as the commissioner or his authorized representative may deem necessary or appropriate.

Subd. 3. The commissioner or his authorized representative may issue any order requiring an employer to comply with the provisions of this act or with any regulation promulgated under the provisions of section 8. Any order shall be served by the department upon the employer or his authorized representative in person or by certified mail at the employer's place of business. If an employer wishes to contest the order for any reason, he shall file written notice of his objection to the order with the commissioner within 10 days after service of said order upon said employer. Thereafter, a public hearing shall be held in accordance with the provisions of Minnesota Statutes, Sections 15.0418 to 15.0426, and such regulations consistent therewith as the commissioner may make.

Subd. 4. The commissioner may investigate, mediate, and settle wage claims by an employee against an employer if the failure to pay any such wage may violate Minnesota laws or any order or regulation of the department thereunder.

Subd. 5. The commissioner may commence a civil action in any court of competent jurisdiction for the benefit of any employee for appropriate relief with respect to any wage claim which the commissioner deems to be valid, upon a written request being filed with the commissioner by such employee, provided: (1) the failure to pay such wage would constitute a violation of Minnesota laws or any order or regulation of the department thereunder, and (2) the wage claim does not exceed \$300. The employer shall pay all costs and disbursements as may be allowed by the court, and shall further pay an assessment of ten percent of the amount of any awarded wage claim to the treasurer of the state of Minnesota. In any action herein no security for payment of costs shall be required. Nothing herein shall be construed to prevent an employee from prosecuting his own claim for wages.

Subd. 6. Upon the written request of the commissioner, the attorney general of the state of Minnesota shall commence a civil action for appropriate relief against the employer as provided in subdivision 5.

Sec. 8. [POWER TO MAKE REGULATIONS.] Subdivision 1. The commissioner shall make and revise such regulations, including definitions of terms, as he shall deem appropriate to carry out the purposes of this act, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage and overtime rates established by sections 4 and 5.

Subd. 2. The commissioner shall appoint an advisory committee composed of an equal number of not more than three representatives each of employers and employees and of not more than three disinterested persons representing the public, which he shall consult concerning the making and revising of administrative regulations.

Subd. 3. The commissioner may establish regulations which define and govern this act with respect to, salesmen who conduct no more than 20 percent of their sales on the premises of the employer; allowances as part of the wage rates for board, lodging and other facilities or services furnished by the employer and used

by the employees. Regulations issued by the department pursuant to this section shall include, but are not limited to, bonuses; part-time rates for employees working 24 hours or less per week; special pay for special or extra work; procedures in contested cases; other facilities or services furnished by employers and used by employees; and other special items usual in a particular employer-employee relationship.

Subd. 4. An employee who receives \$20 or more per month in gratuities is a tipped employee. His employer is entitled to a credit in an amount up to 25 percent of the minimum wage which a tipped employee receives. Said credit against the wages due for gratuities received by a tipped employee may not be taken unless a signed statement from each tipped employee states that he did receive during the pay period an amount equal to or greater than the credit applied against the wages due by his employer. Such statements shall be maintained by the employer as a part of his business records.

Subd. 5. In order to prevent curtailment of opportunities for employment, avoid undue hardship, and safeguard the minimum wage rates under sections 4 and 5, the department shall also issue regulations providing for the employment of handicapped workers at wages lower than the wage rates applicable under sections 4 and 5, under permits and for such periods of time as specified therein; and providing for the employment of learners and apprentices at wages lower than the wage rates applicable under sections 4 and 5, under permits and subject to such limitations on number, proportion, length of learning period, occupations, and other conditions as the department may prescribe. The regulations issued by the department shall provide that where a handicapped person is now performing or is being considered for employment where he will perform work which is equal to work performed by a non-handicapped person, such handicapped person shall be paid the same wage as a non-handicapped person with similar experience and skill.

Subd. 6. Regulations shall be adopted by the department only after a public hearing held upon due publication of notice, at which any interested person may be heard and of which a record shall be made. Regulations shall be published by the department and shall take effect upon publication and filing with the secretary of state and the department of administration. Such regulations shall have the force and effect of law upon filing as provided herein.

Sec. 9. [JUDICIAL REVIEW.] Subdivision 1. Any person who may be aggrieved by any administrative regulation issued pursuant to section 8 may obtain a review thereof in the district court for Ramsey county, by filing in such court a written petition for declaratory judgment praying that the regulation be modified or set aside. A copy of such petition shall be served upon the department. The department's findings of fact, if any, shall be conclusive upon the court if supported by substantial evidence. The court shall determine whether the regulation is in accordance with law.

If the court determines that such regulation is not in accordance with law, it shall remand the case to the department with direc-

tions to modify or revoke such regulation. If application is made to the court by any aggrieved party for leave to adduce additional evidence, such party shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence before the department. If the court finds that such evidence is material and that reasonable grounds exist for the failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the department with directions that such additional evidence be taken by the department. The department may modify its findings and conclusions, in whole or in part, by reason of such additional evidence.

Subd. 2. Hearings in the district court on all appeals taken under subdivision 1 shall be privileged and take precedence over all matters, except matters of the same character. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review on appeal to the supreme court.

Subd. 3. The commencement of proceedings under subdivision 1 shall not, unless specifically ordered by the court, operate as a stay of an administrative regulation issued pursuant to section 8. The court shall not grant any stay of an administrative regulation unless the person complaining of such regulation shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the regulation, in the event such regulation is affirmed, of the amount by which the compensation such employees are entitled to receive under the regulation exceeds the compensation they actually receive while such stay is in effect.

Sec. 10. [KEEPING RECORDS.] Every employer subject to any provision of this act or of any regulation issued pursuant thereto shall make and keep, for a period of not less than three years in or about the premises wherein any employee is employed, a record of the name, address and occupation of each of his employees, the rate of pay, and the amount paid each pay period to each such employee, the hours worked each day and each work-week by such employee, and such other information as the department shall prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this act or of the regulations issued pursuant thereto.

Sec. 11. [POSTING OF LAW AND REGULATIONS.] Every employer subject to any provision of this act shall keep a summary thereof, approved by the department, and copies of any applicable regulations issued pursuant thereto, or a summary of such regulations, posted in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed. The department shall furnish copies of such summaries and regulations to employers without charge.

Sec. 12. [PENALTIES.] Subdivision 1. Any employer who hinders or delays the department or its authorized representative in the performance of its duties under this act or refuses to admit the commissioner or his authorized representative to any place of

employment as required by section 7, subdivision 1; or fails to make, keep, and preserve records as required by section 10; or falsifies any such record; or refuses to make any such record accessible, or to furnish a sworn statement of such record or any other information as required by section 7; or fails to post a summary of this act or a copy of any applicable regulation as required by section 11; or pays or agrees to pay wages at a rate less than the rate applicable under or pursuant to this act; or otherwise violates any provision of this act or of any regulation issued pursuant thereto; is guilty of a misdemeanor.

Subd. 2. Any employer who discharges or in any other manner discriminates against any employee because such employee has complained to his employer, to the department, or to an authorized representative of the department that he has not been paid wages in accordance with this act or regulations issued pursuant thereto or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act, or because such employee has testified or is about to testify in any such proceeding shall, upon conviction therefor, be fined not less than \$500 nor more than \$1000.

Sec. 13. [EMPLOYEES' REMEDIES.] Any employer who pays any employee less than the wages and overtime compensation to which such employee is entitled under this act and regulations issued pursuant thereto shall be liable to such employee for the full amount of such wages and overtime compensation, less any amount actually paid to such employee by the employer, for an additional equal amount as liquidated damages, and for costs and such reasonable attorney's fees as may be allowed by the court. Any agreement between such employee and the employer to work for less than the applicable wage rate shall be no defense to such action. Such action may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves.

Sec. 14. [RELATION TO OTHER LAWS.] Any standards relating to minimum wages, maximum hours, overtime compensation, or other working conditions in effect under any other law of this state on the effective date of this act which are more favorable to employees than those applicable hereunder shall not be deemed to be amended, rescinded, or otherwise affected by this act but shall continue in full force and effect until they are specifically superseded by standards more favorable to such employees by operation of or in accordance with this act or regulations issued pursuant thereto.

Sec. 15. [RIGHT OF COLLECTIVE BARGAINING.] Nothing in this act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work more favorable to the employees than those required by this act and regulations issued pursuant thereto.

Sec. 16. Minnesota Statutes 1971, Sections 175.38, 175.39, 177.01, 177.02, 177.03, 177.04, 177.05, 177.06, 177.07, 177.075,

177.08, 177.09, 177.10, 177.11, 177.12, 177.121, 177.122, 177.13, 177.14, 177.15, 177.16, 177.17, 177.19, and 177.20, are repealed.

Sec. 17. [EFFECTIVE DATE.] This act shall become effective January 1, 1974."

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

House Conferees: (Signed) Ray W. Faricy, Robert J. Ferderer and Jack H. La Voy.

Senate Conferees: (Signed) John Milton, Al Kowalczyk and Howard D. Olson.

### RECESS

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

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

Mr. Milton moved that the foregoing recommendations and Conference Committee Report on H. F. No. 9 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. 9: A bill for an act relating to labor; creating a division of labor standards; providing for minimum wage and overtime standards; providing penalties for violations; repealing Minnesota Statutes 1971, Sections 175.38; 175.39; and 177.01 to 177.20.

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

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

And the roll being called, there were yeas 30 and nays 27, as follows:

Those who voted in the affirmative were:

Arnold	Doty	Kowalczyk	Nelson	Schaaf
Borden	Gearty	Laufenburger	North	Solon
Chenoweth	Hughes	Lewis	Novak	Spear
Chmielewski	Humphrey	Lord	Olson, A.G.	Stokowski
Coleman	Keefe, S.	McCutcheon	Olson, H. D.	Tennessen
Davies	Kirchner	Moe	Purfeerst	Thorup

Those who voted in the negative were:

Bang	Fitzsimons	Keefe, J.	Olson, J. L.	Ueland
Berg	Frederick	Kleinbaum	O'Neill	Wegener
Bernhagen	Hansen, Baldy	Knutson	Patton	Willet
Blatz	Hanson, R.	Krieger	Pillsbury	
Conzemius	Jensen	Larson	Renneke	
Dunn	Josefson	Milton	Schrom	

So the bill failed to pass.

Mr. Milton moved that the vote whereby H. F. No. 9 failed to pass on May 19, 1973 be now reconsidered. Which motion prevailed. So the vote was reconsidered.

Mr. Milton moved that the vote whereby the Conference Committee Report on H. F. No. 9 was adopted be now reconsidered.

The question being taken on adoption of the motion,

And the roll being called, there were yeas 48 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kleinbaum	Novak	Solon
Arnold	Dunn	Kowalczyk	Olhaft	Spear
Bernhagen	Fitzsimons	Laufenburger	Olson, A. G.	Stassen
Borden	Gearty	Lewis	Olson, H. D.	Stokowski
Brown	Hansen, Mel	Lord	O'Neill	Tennessee
Chenoweth	Hanson, R.	McCutcheon	Perpich, A. J.	Thorup
Chmielewski	Hughes	Milton	Perpich, G.	Wegener
Coleman	Humphrey	Moe	Purfeerst	Willet
Conzernius	Keefe, S.	Nelson	Schaaf	
Davies	Kirchner	North	Sillers	

Those who voted in the negative were:

Berg	Jensen	Krieger	Pillbury	Ueland
Frederick	Josefson	Larson	Renneke	
Hansen, Baldy	Knutson	Patton		

Which motion prevailed. So the vote was reconsidered.

Mr. Milton moved that H. F. No. 9 be returned to Conference Committee for further consideration. Which motion prevailed.

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 2437, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2437: A bill for an act relating to the organization and operations of state government; imposing regulations for junior college operations; appropriating moneys with certain conditions for education and related purposes, including the university of Minnesota and its hospitals, state colleges, aids to libraries, junior colleges, higher education coordinating commission, and moneys for medical education; providing aid to school districts including those affected by gross earnings taxation and authorizing the power of eminent domain with certain of the funds provided hereby; transferring moneys between accounts and funds in the state treasury; controlling certain treasury receipts; and imposing conditions relative to the expenditure of public moneys.

House File No. 2437 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 19, 1973

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2437

A bill for an act relating to the organization and operations of state government; imposing regulations for junior college operations; appropriating moneys with certain conditions for education and related purposes, including the university of Minnesota and its hospitals, state colleges, aids to libraries, junior colleges, higher education coordinating commission, and moneys for medical education; providing aid to school districts including those affected by gross earnings taxation and authorizing the power of eminent domain with certain of the funds provided hereby; transferring moneys between accounts and funds in the state treasury; controlling certain treasury receipts; and imposing conditions relative to the expenditure of public moneys.

May 19, 1973

Honorable Martin Sabo, Speaker of the House of Representatives

Honorable Alec 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. 2437, 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. EDUCATIONAL PURPOSES, APPROPRIATIONS. Except as herein otherwise provided, the sums hereinafter set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury or any other fund herein designated for the purposes specified in the following sections of this act, to be available for the fiscal year indicated for each purpose. The figures "1973", "1974", and "1975" wherever used in this act, shall mean that the appropriation or appropriations listed thereunder shall be available for the year ending June 30, 1973, 1974, and 1975 respectively.

APPROPRIATIONS			
Available for the Year			
Ending June 30,			
	1973	1974	1975
	\$	\$	\$
<b>Sec. 2. DEPARTMENT OF EDUCATION</b>			
Subdivision 1. General Academic and Related Services . .		1,863,810	1,751,440
(1) Salaries, supplies, and expenses	\$1,197,476	\$1,199,020	
(2) Claims, grants, and shared revenue	\$ 666,334	\$ 552,420	



	1973	1974	1975
	\$	\$	\$
<p>The appropriation in (1) includes \$100,000 each year for the right to read program. Of the amount provided by this subdivision, \$14,100 each year is appropriated from the trunk highway fund.</p> <p>Any unexpended balance remaining in (2) in the first year shall not cancel but shall be available for the second year of the biennium.</p> <p>Provided that notwithstanding the provisions of Minnesota Statutes 1971, Section 121.26 and 125.08 to the contrary, the fee for registering with the teachers employment bureau shall not be less than \$10. and the fee for a certificate to teach or for a renewal or extension of certificate to teach shall not be less than \$10.</p>			
Subd. 2. Vocational Technical Instruction and Related Services .....		455,342	455,853
(1) Salaries, supplies, and expenses			
\$ 455,342   \$ 455,853			
Subd. 3. Special and Compensatory Instruction and Related Services .....		509,624	512,434
(1) Salaries, supplies, and expenses			
\$ 279,624   \$ 282,434			
(2) Claims, grants, and shared revenue			
(a) Indian scholarships			
\$ 230,000   \$ 230,000			
<p>Any unexpended balance remaining in (a) in the first year shall not cancel but shall be available for the second year of the biennium.</p>			
Subd. 4. Education Planning Innovative Developmental Evaluative Services .....		796,800	796,800

	1973	1974	1975
	\$	\$	\$
(1) Salaries, supplies, and expenses			
\$ 221,800   \$ 221,800			
(2) Claims, grants, and shared revenue			
\$ 575,000   \$ 575,000			
Subd. 5. Auxiliary Services and General Support . . . . .		3,024,973	4,259,125
(1) Salaries, supplies, and expenses			
\$1,708,579   \$3,139,731			

Of the amounts in (1), \$1,932,476 shall not be available in fiscal year 1974-75 until the senate committee on finance and the house committee on appropriations has reviewed the progress of the Minnesota education computer consortium. Recommendations will be made to the legislative advisory committee before March 1, 1974, for the release of the appropriation for the first six months of fiscal year 1974-75 and before September 1, 1974, for the release of the balance of the appropriation for fiscal year 1974-75.

The department shall establish reasonable charges to MECC users for on-line computer time actually used. Such receipts shall be deposited in a non-dedicated receipt account of the general fund.

The above appropriation includes in the first year of the biennium, \$45,000 for the summarization and dissemination of school statistical information. Any unexpended balance in the \$45,000 appropriation shall not cancel but shall be available for the second year of the biennium.

(2) Claims, grants, and shared revenue

	1973	1974	1975
	\$	\$	\$
(a) School lunch			
	\$1,316,394	\$1,119,394	

Any unexpended balance remaining in (a) in the first year shall not cancel but shall be available for the second year of the biennium.

Item (2) includes a contingent fund of \$300,000 for state matching of federal funds to be expended in the first year upon showing that local resources qualifying under federal match formula have been fully utilized.

Of the amount provided in (2) of this subdivision, so much thereof as is necessary shall be used for the type "A" lunch program to be distributed under standards established by the state board of education.

Subd. 6. Community Library Services .....

1,806,026 1,838,026

(1) Salaries, supplies and expenses

\$ 234,436 \$ 266,436

(2) Claims, grants, and shared revenue

\$1,571,590 \$1,571,590

Any unexpended balance remaining in (2) in the first year shall not cancel but shall be available for the second year of the biennium.

These funds may be granted for the improvement of library services at welfare and corrections institution libraries and for library services to the blind and physically handicapped. These funds shall not exceed in either year the amount provided for fiscal year 1972.

(3) A public library is a public library serving 20,000 or more persons or serving less than

	1973	1974	1975
	\$	\$	\$

20,000 persons with the approval of the commissioner of education and receiving annually from public funds financial support of at least one mill on the assessed valuation of the taxable property in the area served by the library.

To qualify for the state library grant herein authorized, local levies for libraries shall not be less than the library levies in effect January 1, 1973. All of the above funds are limited to operating purposes only.

Applications for financial assistance shall contain such information as the department requires including descriptions of areas served by the applicant and the number and distribution of persons residing therein; the local plan of the applicant for promoting library service in the areas it serves and an estimate of the financial assistance to put such a plan in effect, and a statement of the ability of local government within the area served by the applicant to finance operations out of public funds raised by local taxes. Financial assistance shall be granted to an eligible applicant proposing an economical and practical plan for the promotion of library service in the area in such amount and subject to such conditions as the department determines after considering the information contained in the application for assistance and the total amount of state and federal funds available for the promotion of library service in the state.

Provided that no state funds shall be used for construction of library facilities.

	1973	1974	1975
	\$	\$	\$
Subd. 7. Vocational Rehabilitation .....		1,947,902	1,952,725
(1) Salaries, supplies and expenses and Counseling and Care of Persons			
\$1,458,565	\$1,490,275		
(2) Claims, grants, and shared revenues			
\$ 119,337	\$ 72,450		
(3) Rehabilitation facilities			
\$ 370,000	\$ 390,000		

Any unexpended balance remaining in (3) in the first year shall not cancel but shall be available for the second year of the biennium.

None of the amounts appropriated in Subdivisions 1, 3, 4, 5, 6, and 7 listed as claims, grants and shared revenues on the official worksheets of the conferees of the Senate and House of Representatives, a true copy of which is on file in the office of the commissioner of administration, shall be transferred to any other expenditure category other than that for which it was appropriated.

The number of state funded positions shall not exceed the number shown on official worksheets.

### Sec. 3. STATE COLLEGE BOARD

Subdivision 1. Maintenance and Equipment .....	41,439,465	43,058,111
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The amounts appropriated in subdivisions 1 and 2 include a sum in each year for recruitment of unclassified staff. Candidates for positions in the state college board central office or in a state college who have been invited by the state college board for interview,

	1973	1974	1975
	\$	\$	\$
may be reimbursed for travel and subsistence expenses in the same manner and amounts as state employees. This reimbursement may be made from college imprest cash funds.			
In developing new programs with the funds provided herein the state colleges shall, wherever appropriate and educationally sound, attempt to employ excess faculty resulting from declining or shifting enrollments.			
Subd. 2. Metropolitan State College .....		850,000	900,000
The above amount shall be used by the state college board for operating an educational program for a state college center as organized in the seven county metropolitan area. The center may operate in facilities acquired through the commissioner of administration by gift or lease. The faculty and staff of the state college system shall provide assistance in developing curricular and educational programs for the college. The state college board shall also request the assistance of the university of Minnesota, the junior colleges, the area vocational-technical schools, and the private colleges in planning such programs. The college shall serve the needs of the graduates of the state junior colleges and the area vocational-technical schools, and include curricula for retraining adults to meet the technological demands of the changing economy.			
Subd. 3. State College Board Contingent .....		750,000	
Any unexpended balance remaining in the first year shall			

	1973	1974	1975
	\$	\$	\$

not cancel but shall be available for the second year of the biennium.

In event the enrollment of full time equivalent students enrolled exceeds the budget estimates of 32,000 full time equivalents the first year and 31,000 full time equivalents the second year of the biennium for the total state college system, it is the intent of the legislature to provide additional teaching positions at a ratio of one position for each 19 full time equivalent undergraduate students, and one position for each 13 graduate students in excess of the biennial budget enrollment estimates for each year of the biennium.

In order to provide for an orderly realignment of faculty staffing resulting from reduced or shifting enrollments, not more than \$600,000 of this appropriation may be expended to pay the salaries of faculty members employed on terminal year contracts where such terminal appointments are required by current state college board rules. The state college board shall conduct a comprehensive program review at southwest Minnesota state college to determine the basic staffing requirements necessary to offer a sound educational program. Pursuant to this review the board may recommend to the legislative advisory committee a minimum staffing for that institution. Before any of the above appropriation is expended, the state college board shall demonstrate to the legislative advisory committee that all reasonable measures were taken to adjust staffing patterns in such a manner as to

	1973	1974	1975
	\$	\$	\$

minimize the need for such contracts.

The above appropriation is to be expended with the approval of the governor after consultation with the legislative advisory committee as provided by Minnesota Statutes 1971, Section 3.30.

Subd. 4. Student Loans—State Matching .....	274,472	274,472
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The above appropriation shall be used as state's matching share for any federal student aid or loan program.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium. No portion of the appropriation shall be used to defray obligations incurred prior to July 1, 1973.

Subd. 5. General Research . . .	25,000	25,000
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None of this appropriation shall be allotted or encumbered until a research project has been approved by the state college board. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

All receipts of every kind, including but not limited to students' tuition and fees, federal receipts, aids, contributions, and reimbursements in all state colleges are reappropriated to the state college board, but subject to budgetary control by the commissioner of administration, except the following receipts not subject to budgetary control by the commissioner of administration:



	1973	1974	1975
	\$	\$	\$

(a) those attributed to dormitory functions handled under Minnesota Statutes 1971, Sections 136.31 to 136.38, and

(b) those attributable to college activity funds (including, for example, receipts from vending machines in buildings other than dormitories and student unions), and

(c) those attributable to grants for special projects, institutes, and similar activities subject to Minnesota Statutes 1971, Sections 136.143 and 136.144.

A report shall be submitted to the 69th session of the legislature as to the use of all such excepted funds.

The state college board is hereby authorized to transfer funds within the various college operating accounts of the maintenance and equipment appropriation account after the close of a fiscal year; provided such transfers are in accordance with the laws of 1949, Chapter 230, Section 1, Subdivision 8.

Grants awarded to the state college system by any state agency shall be transferred to the account(s) of the state college board. Such transfers shall be by journal voucher or a request for transfer of funds as deemed most appropriate by the state auditor.

During the 1973-75 biennium, the state college board shall identify non-academic unclassified positions in the state college system for transfer to the classified state service. Persons in employee status in such positions at the time of transfer may be transferred with their consent into the classified service of the state without com-

	1973	1974	1975
	\$	\$	\$

petitive examination, and shall be placed in the proper classifications by the director of civil service, provided, however, that the salary of any present incumbent shall not be reduced because the range maximum is lower than his or her present salary. Personnel occupying positions transferred may continue in the retirement programs in which they currently participate. Employees who have been employed by the colleges more than one year shall be granted permanent status; those employees with less than one year of service will be placed on probationary status. The above provisions shall be effective notwithstanding any other provisions of law to the contrary.

Notwithstanding any other law to the contrary, reimbursements are appropriated for use during the fiscal year in which they are received.

Notwithstanding the provisions of any law to the contrary, Minnesota Metropolitan State College is authorized to deposit tuition receipts received during the final quarter of each fiscal year in a suspense account. The balance in such an account shall not cancel on June 30 but shall be available in the next fiscal year.

The state college board may allocate, not to exceed \$3,000 annually, to each college president and the office of the chancellor for miscellaneous expenses in connection with the state college system. The provisions of Minnesota Statutes 1971, Chapter 16, shall not apply to such expenditures but the state college board shall

	1973	1974	1975
	\$	\$	\$

prescribe the manner, amount, and purpose of such expenditures and report thereon to the 1975 legislature.

Notwithstanding the provisions of Minnesota Statutes 1971, Section 136.06, or any other law to the contrary, expenses incurred in travel outside of the state of Minnesota shall be paid upon prior authorization of the chief executive officer or president of the state college board. No other approval shall be required.

The state college board is authorized to utilize up to \$200,000 of the maintenance and equipment appropriation each year for regional and community service projects provided that the agency or local unit of government receiving such services shall reimburse the college system for not less than one-third their cost. Receipts so derived shall be treated as tuition for enrollment and budgetary purposes.

Notwithstanding any provision in Minnesota Statutes 1971, Chapter 16, which may indicate the contrary, when the state college board so requests, technical educational equipment may be procured for the state colleges either by brand designation or in accordance with standards and specifications which the board may promulgate.

In addition to the fees prescribed by Minnesota Statutes 1971, Section 136.11, the state college board may prescribe fees to be charged students for college activities, functions and purposes.

Notwithstanding any other provision of law to the contrary,

	1973	1974	1975
	\$	\$	\$

the state college board may make refunds to students for tuition, activity fees, union fees and any other fees from imprest cash funds. The imprest cash fund shall be reimbursed periodically by checks or warrants drawn on the funds and accounts to which the refund should ultimately be charged. The state college board shall obtain the approval of the public examiner for the procedures used in carrying out the provisions of this paragraph.

The state college board may waive tuition on institutes, courses or projects when the sponsor pays all costs.

Notwithstanding the provisions of any law to the contrary, the state college board is authorized to provide for the orderly replacement of aircraft. An equipment suspense account shall be established by the state auditor within the general fund. All receipts which are attributable to the operation or use of such aircraft are hereby reappropriated to the state college board. These receipts, or such portion thereof as may be designated by the board, shall be credited to the equipment suspense account. Any balance in this account shall not cancel at the end of a fiscal year but shall remain available for transfer at the request of the board to its maintenance and equipment account.

The state colleges are authorized to charge a placement service registration fee of \$10 to each student or graduate upon registration with the college placement service.

The state college board is authorized to contract for hos-

	1973	1974	1975
	\$	\$	\$

pital benefits coverage and medical benefits coverage for students in the same manner as authorized by Minnesota Statutes 1971, Section 43.45.

The provisions of Minnesota Statutes 1971, Section 136.13, non-withstanding, the state college board may hold its annual meeting on any day in the month of May.

**Sec. 4. STATE UNIVERSITY,  
UNIVERSITY FARM SCHOOL,  
EXPERIMENT SCHOOL AND  
STATIONS, AND BRANCHES**

Subdivision 1. Maintenance and Operations .....

88,275,234 91,681,244

The board of regents of the university may use any money not specifically appropriated for other purposes for acquiring land by purchase or condemnation. In case it is desired to use the fund for the acquisition of land, the power of eminent domain may be exercised in accordance with Minnesota Statutes 1971, Chapter 117.

Provided that these appropriations for maintenance and operations are made from revenues accruing to the university from:

- (1) the investments of the permanent university fund; and
- (2) the occupation tax on iron ore.

If such revenues are insufficient, the remainder of such appropriations are advanced and appropriated from any moneys in the state treasury credited to the general fund. The income derived from the investment of the permanent university fund is hereby appropriated to the board of regents pursuant to Minnesota Statutes 1971, 137.-022.

	1973	1974	1975
	\$	\$	\$

For the purposes of these appropriations it is estimated that the income to be derived from the investment of the permanent university fund will not exceed \$2,160,000 for the first year and \$2,160,000 for the second year. If at the end of any fiscal year there are unexpended revenues accruing to the university from the occupation tax on iron ore, the general fund shall be reimbursed therefrom to the extent that payments have been made from the general fund during such fiscal year pursuant to these appropriations. The board of regents shall certify to the state auditor at the end of each quarter the amounts of earnings derived from the investment of the permanent university fund and if the income derived from the investment of the permanent university fund during any fiscal year exceeds the amounts herein stated, the amounts payable from the general fund shall be reduced accordingly.

For budgetary purposes it is estimated that the foregoing appropriation from the general fund will not exceed the sum of \$84,740,234 the first year and \$88,146,244 the second year.

Subd. 2. Equipment and Library Supplement .....

	425,000	575,000
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Of the above appropriation, \$150,000 in the second year shall be spent for the purpose of upgrading equipment of the industrial education program following legislative review and approval.

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

	1973	1974	1975
	\$	\$	\$
Subd. 3. Summer School Tuition and Continuing Education Supplement . . . . .		700,000	700,000

Provided that the board of regents shall expend the funds to equalize tuition rates among undergraduate students for regular session, summer session and extension programs in order to facilitate to the maximum the use of campus units, buildings and staff. The university shall submit a progress report by November 15, 1974 to the chairmen of the house appropriations committee and the senate finance committee.

The appropriations made in subdivisions 2 and 3 are supplemental to the appropriation made in subdivision 1 but shall not become a part of the expenditure base.

On October 1, 1974 and 1975 the president of the university of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of administration the following information:

(1) the total amount of receipts during the fiscal year 1974 from all sources in excess of \$45,500,000 and during the fiscal year 1975 from all sources in excess of \$47,200,000.

(2) the sources of said receipts; and

(3) the purposes for which any excess receipts were expended and accounts to which transferred.

Subd. 4. For the Support of the University of Minnesota Technical College—Crookston . . . .	1,083,205	1,186,343
Subd. 5. Waseca Technical College . . . . .	812,054	888,478

	1973	1974	1975
	\$	\$	\$

The Technical Colleges at Crookston and Waseca shall continue their programs without new construction until such time as the legislature has reviewed their programs and determined the need for additional facilities.

Subd. 6. Student Loans—State Matching .....

395,000

The above appropriation shall be used as state's matching share for any federal student aid or loan program. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

**Sec. 5. FOR CARE OF INDIGENT COUNTY PATIENTS TO BE RENDERED BY THE UNIVERSITY OF MINNESOTA HOSPITALS, INCLUDING THE HEART HOSPITAL**

Subdivision 1. For State's Share of Expenses of County Indigent Patients .....

1,680,000      1,680,000

In lieu of the formula for reimbursing a county as provided in Minnesota Statutes 1971, Section 158.04, a county under this appropriation will be reimbursed for 70% of the expenses charged against a patient at the university hospital up to \$5,000. A charge against a patient in excess of \$5,000 will be paid by the state. Except as otherwise herein set forth, the other provisions of the cited statute shall continue in force and effect.

Subdivision 1 shall include and cover the amounts which may become due to the university of Minnesota from the state during the fiscal years covered by said subdivisions.



	1973	1974	1975
	\$	\$	\$
There is further appropriated to the university of Minnesota the following sums, or so much thereof as may be necessary, for the purpose of reimbursing the said university for the sum due from counties during said fiscal years under the provisions of said acts, payments to be made quarterly out of said appropriation, as shown by certificates filed with the state auditor pursuant to the provisions of Minnesota Statutes 1971, Chapter 158. ....		720,000	720,000
The state auditor is authorized and directed to pay the university out of sums collected from counties under the provisions of said chapter 158, during the fiscal years ending June 30, 1974, and June 30, 1975, respectively, an amount sufficient to reimburse said university in full for the amount due it from counties during said fiscal years, as shown by certificates filed with the state auditor, and a sum sufficient to make such payments is hereby appropriated.			
Sec. 6. EDUCATIONAL OFFSET .....		250,000	250,000
Sec. 7. PSYCHOPATHIC DEPARTMENT — UNIVERSITY OF MINNESOTA HOSPITALS.		1,524,013	1,547,171
Sec. 8. CHILD PSYCHIATRIC DEPARTMENT — UNIVERSITY OF MINNESOTA ..		567,971	578,820
Sec. 9. REHABILITATION CENTER — UNIVERSITY OF MINNESOTA HOSPITALS ...		1,501,727	1,525,609

Fees for service furnished to counties and individuals under this item shall be sought to augment the sum hereby appropriated, which said fees are

	1973	1974	1975
	\$	\$	\$
hereby reappropriated to said university hospital.			
Sec. 10. DEPARTMENT OF COMMUNITY SERVICE—UNIVERSITY OF MINNESOTA HOSPITALS .....		69,184	73,043
Sec. 11. FOR VARIOUS EXPERIMENTS AND INVESTIGATIONS TO BE CARRIED ON UNDER THE DIRECT SUPERVISION OF THE UNIVERSITY OF MINNESOTA			
Subdivision 1. Agricultural Extension Service .....		3,629,961	3,721,084
This subdivision includes the items of agricultural extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted to personnel provided for by this subdivision by the university shall not result in a reduction of the county portion of the salary payments.			
This appropriation includes funds for each year for the potato and sugar beet extension program in the Red River Valley, contingent on an equal amount being provided by the state of North Dakota.			
The appropriation includes funds for irrigation and marketing development project.			
Subd. 2. Agriculture			
(a) General Agricultural Research .....		2,800,000	2,850,000
(Includes Agricultural Research—Rosemount)			
The above appropriation includes funds for research on aquatic plants including wild rice.			
(b) Soybean Research .....		169,519	176,761

(c) Potato Processing Research Laboratory .....	34,772	35,860
(d) Forest Research Center—Cloquet .....	68,335	70,540

## Subd. 3. Veterinary Medicine

(a) Veterinary Diagnostic Laboratory .....	262,016	268,664
(b) Veterinary Medicine Teaching Hospital .....	50,000	50,000

Subd. 4. Geological Research..	119,363	124,647
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Subd. 5. Lake Superior Basin Studies .....	50,000	50,000
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Not more than \$25,000 of the above appropriation may be expended prior to receipt of matching funds.

In conducting the study, the university is directed to cooperate and coordinate its program with similar work in studies being conducted by other Minnesota state agencies or those of other states.

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

The University shall submit a progress report to the 1975 legislature.

Subd. 6. General Research. . .	1,867,570	1,642,199
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This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, institute of child development, special education training and research, training for careers in fire prevention and protection, center for urban and regional affairs, criminal justice studies, museum of natural history, project Newgate, and juvenile justice seminar.

Subd. 7. Industrial Relations Education Program .....	165,800	195,800
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	1973	1974	1975
	\$	\$	\$
The above appropriation includes funds for short courses, programs, and seminars for labor and management.			
Subd. 8. Municipal Reference Bureau .....		54,927	
Subd. 9. Medical Research . . .		842,487	867,918
The above amount includes funds for psychiatric research, control of hypercholesterolemia, medical and cancer research and multiple sclerosis and other neurological problems.			
(a) Basic Sciences Program for Medical Training—Duluth Branch .....		832,481	1,017,375
(b) Dental Hygiene Program—Duluth Branch .....		127,743	138,364
(c) Duluth Graduate School of Social Work .....		328,327	379,470
(d) Undergraduate Instruction of Medical Students at (1) Hennepin County General Hospital, (2) St. Paul-Ramsey Hospital, and (3) Private Hospitals	1,296,000		1,392,000
(e) Graduate Residency Program			
(1) University of Minnesota	1,275,000		1,500,000
(2) Hennepin County General Hospital .....	532,000		532,000
(3) St. Paul-Ramsey Hospital .....	418,000		456,000

All hospitals receiving any portion of the above appropriation shall furnish the house appropriations and senate finance committees with a full report no later than November 15, 1974, of all actual and reasonable costs resulting from graduate family practice residency education, and all fees and income to the hospital generated by the graduate residents in family practice and the pur-

	1973	1974	1975
	\$	\$	\$
poses for which such funds were expended.			
<p>In the event that the number of graduate residents enrolled in the above program falls below the number projected on the official committee allocations worksheets, the university of Minnesota hospital and its affiliated hospitals shall cancel \$15,000, and Hennepin and Ramsey Hospitals each shall cancel \$19,000 for each student to the general fund.</p> <p>Expenditures from this appropriation may be made only for activities directly related to the training of doctors in family practice at the above named and affiliated hospitals.</p>			
(f) Medical Services and Instruction . . . . .		1,422,350	1,558,792
<p>The above amount includes funds for the rural health physicians' associate program, family practice and community health, drug abuse information and education, allied health—nurse—clinician generalist program, and patient transportation.</p>			
(g) Law School Supplement . .		170,000	350,000
<p>The above appropriation is for additional law students over planned first year enrollments for the 1973-74 school year, and additional law students over planned first year enrollments for the 1974-75 school year.</p>			
(h) Hormel Institute—Austin		100,000	100,000
<p>To support the operation of the institute and to promote research by such institute.</p> <p>From the appropriation made to the university of Minnesota by this act and from other</p>			

	1973	1974	1975
	\$	\$	\$

sources all non-academic employees shall be paid a salary comparable to the salaries paid to state employees in the classified state civil service.

The appropriations made to the university of Minnesota by this act include funds for the employers share of social security, state retirement, and health insurance and such funds shall be expended only for these purposes. Any funds provided for these purposes by this act that are in excess of the employers share shall be returned to the state treasury.

None of the appropriations made in this act, with the exceptions of the appropriations for the university of Minnesota hospitals or made in this or other acts toward buildings, shall be made to the university by the auditor until the university first certifies to the auditor that its aggregate balances in the temporary investment pool, cash, or separate investments, resulting from all state maintenance and special appropriations do not exceed \$7 million plus one-third of all tuition and fee payments from the previous fiscal year. Upon such certification, one-twelfth of the annual appropriation to the university shall be paid at the beginning of each month. Additional payments shall be made by the state auditor whenever the state appropriations and tuition aggregate balances in the temporary investment pool, cash, or separate investments, are reduced below the indicated levels.

No payment of appropriations toward buildings shall be made by the auditor until all bal-

	1973	1974	1975
	\$	\$	\$

ances separately invested, including cash, and those in the temporary investment pool attributable to all state building funds shall be reduced below \$5 million. Payment shall then be made upon certification of the amounts needed for construction payments, but so as not to increase the building balances in cash, separately invested, or in the temporary investment pool, to a total above \$5 million.

Appropriations not paid to the university in any fiscal year shall carry over to the following fiscal year.

Moneys not paid to the university by reason of the foregoing requirements shall be invested by the state in those securities authorized by Minnesota Statutes 1971, Section 11.10 until paid to the university. Income from investments shall be credited to the general fund in the state treasury.

In preparing legislative budget request for the 1975-1977 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.

#### Sec. 12. MAYO MEDICAL SCHOOL .....

608,000	928,000
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The state of Minnesota shall pay a capitation of \$8,000 for each student who is a resident of Minnesota for a maximum of 40 such students in each class.

#### Sec. 13. MINNESOTA BOARD OF NURSING

Subdivision 1. For Nursing Scholarships .....

125,000	125,000
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	1973	1974	1975
	\$	\$	\$
<b>Sec. 14. MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION</b>			
Subdivision 1. Salaries and Expenses .....		475,085	481,871
This appropriation includes funds for the administration of the state scholarship, state grant-in-aid, student loan, and inter-institutional educational television programs and program review, and private college contracts.			
Subd. 2. State Scholarship Program .....		3,175,000	3,875,000
Subd. 3. State Grant-in-aid Program .....		3,125,000	3,875,000
Subd. 4. Inter-institutional Educational Television .....		210,000	165,000

The commission, in cooperation with the state junior college system, the state college system, the university of Minnesota, and the Minnesota private colleges, shall be responsible for coordination and management of the inter-institutional television program.

The staff of the higher education coordinating commission is directed to study the need for and the use of instructional television in Minnesota institutions of post-secondary education in cooperation with the senate finance committee and the house appropriations committee. The study shall include reconsideration of the assessments and recommendations of the interinstitutional feasibility study as presented to the 1965 legislature, evaluation of progress in meeting objectives presented in the feasibility study report, determination of the usefulness of the interinsti-



	1973	1974	1975
	\$	\$	\$
tutional television program, and formulation of state policies on instructional television for the future. A staff report on the study shall be presented to the finance and appropriations committees by October 1, 1974. Recommendations of the commission on instructional television shall be included in the commission's biennial report to the 1975 legislature.			
Of the amount appropriated in this subdivision, \$45,000 is for the study.			
Subd. 5. Minitex Library Program . . . . .		248,600	248,600
The commission, in cooperation with the state junior college system, the state college system, the university of Minnesota, and the Minnesota private colleges, shall be responsible for coordination and management of the minitex library program.			
Subd. 6. Private College Contracts . . . . .		1,476,200	1,476,200
Subd. 7. Regional Coordination and Service . . . . .		175,000	
The Higher Education Coordinating Commission is directed to develop and administer three experimental regional post-secondary education projects aimed at improving the efficiency and effectiveness of post-secondary education in meeting regional needs through increased interinstitutional cooperation and coordination of programs and planning within a region. In developing the three experimental projects, the Commission shall attempt to (1) improve the accessibility of all levels of post-secondary education to residents of the regions,			

	1973	1974	1975
	\$	\$	\$

(2) eliminate any unwarranted duplication of effort in the regions, (3) facilitate effective use of post-secondary education facilities and services for meeting regional needs, (4) provide for more effective liaison between regional planning and coordination of post-secondary education with regional planning and coordination of other public services, and (5) test means for accomplishing greater interinstitutional cooperative efforts for meeting local and regional needs of Minnesota residents. The Commission shall report on the results of the experimental regional projects in its next biennial report to the Governor and the Legislature. All post-secondary institutions and systems are requested to cooperate with and to assist the Commission in developing these projects.

Subd. 8. Student Loans . . . . .	1,000,000
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The commission is authorized and directed to supervise a student loan program in accordance with Minnesota Statutes, Section 136A.14 to 136A.17.

The Higher Education Coordinating Commission is hereby directed to take the necessary steps to encourage and expand the sharing of facilities and course offerings, through cross-registration or other appropriate means, between all public and private institutions of higher learning in Minnesota. A report showing the achievements and progress as well as recommendations for improvements and progress in this area shall be submitted to the 1975 Legislature no later than January 1, 1975.

	1973	1974	1975
	\$	\$	\$

For the purpose of improved communications between all segments of public and private post-secondary education, the advisory council of the Higher Education Coordinating Commission shall be requested to sit with the Higher Education Coordinating Commission in the deliberations and discussions of the commission. Members of the advisory council shall, however, not vote on any matter before the commission.

Subd. 9. Upon request of the state finance officer and for the purpose of improving coordination of the state's effort in higher education, the Higher Education Coordinating Commission may (1) develop and implement an ongoing budgeting process and standardized reporting format which is compatible among the University of Minnesota, the state colleges, the state junior colleges, and public vocational technical schools, and which includes the relating of dollars expended to program output anticipated; (2) review budget requests, including requests for construction or acquisition of facilities, of the University of Minnesota, the state colleges, the state junior colleges, and public vocational technical schools, for the purpose of relating present resources and higher educational programs to the state's present and long-range needs; and conduct a continuous analysis of the financing of post-secondary institutions and systems, including assessments as to the extent to which such expenditures and accomplishments are consistent with legislative intent; (3) obtain from private post-secondary institutions re-

	1973	1974	1975
	\$	\$	\$

ceiving state funds a report on their use of those funds as specified above for public institutions. All institutions of higher education, public and private, and all state departments and agencies are requested to cooperate with and instructed to supply such written information as may be requested by the Higher Education Coordinating Commission in order to enable it to carry out and perform its duties. The commission shall include its budgetary recommendations for the University of Minnesota, the state colleges, the state junior colleges, public vocational technical schools, and private post-secondary institutions in reports to the governor and the legislature no later than November 15, 1974. There is hereby appropriated \$120,000 for this purpose.

Any unexpended balance remaining the first year in subdivisions 1, 2, 3, 4, 5, 6, 7, 8, and 9 shall not cancel but shall be available for the second year of the biennium.

#### Sec. 15. STATE JUNIOR COLLEGE BOARD

Subdivision 1. Maintenance and Equipment .....

17,700,554 18,836,682

The appropriation in this account provides salary increase funds sufficient to meet the obligations of the Minnesota junior college board as stated in their contract negotiated with the junior college faculty association which is hereby approved for the 1973-1975 biennium only.

The above appropriation is for maintenance and equipment of the state junior college board

	1973	1974	1975
	\$	\$	\$

and the state junior colleges. The state junior colleges are encouraged to use off-campus courses to extend the benefits of this appropriation to as many Minnesota residents as possible.

The above appropriation includes \$30,000 for development of community education programs at three out-state junior colleges.

The amounts appropriated in subdivision 1 include a sum in each year for recruitment of faculty. Candidates for twelve month administrative positions and for academic positions who have been invited by the state junior college board for interview may be reimbursed for travel and subsistence expenses in the same manner and in the same amounts as state officers and employees.

Subd. 2. Occupational Program Development .....

400,000

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

All receipts of every kind, nature and description, including student tuition and fees, all federal receipts, aids, contributions and reimbursements in all the state junior colleges are hereby reappropriated to the state junior college board, but are subject to budgetary control to be exercised by the commissioner of administration.

The state junior college board is authorized to establish activity funds, except for dormitory purposes, and imprest

\$	\$	\$
1973	1974	1975

cash funds, to waive tuition charges and to act as agent and accept the benefits of public law 88-452, known as the economic opportunity act of 1964, as amended, public law 85-864, known as the national defense education act of 1958, as amended, to the same extent and subject to the same conditions as such authority is vested in the state college board. Minnesota Statutes 1971, Sections 136.56, 136.045, 136.142, 136.143, 136.144, 136.171, 136.22, 169.966, 352.01, Subdivision 2a(6), also apply to the state junior college board and the state junior colleges in the same manner as to the state college board and the state colleges.

All receipts attributable to the college activity funds and deposited in the state treasury are hereby reappropriated to the state junior college board and are not subject to budgetary control as exercised by the commissioner of administration.

Notwithstanding any other law to the contrary, reimbursements are appropriated for use during the fiscal year in which they are received.

Subd. 3. Student Loan Program — State Matching

75,000	85,000
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The above appropriation shall be used as state's matching share for any federal student aid or loan programs.

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

Subd. 4. State Junior College

	1973	1974	1975
	\$	\$	\$
Board Contingent . . . . .		800,000	

Of the above appropriation, not more than \$600,000 may be used to provide for meeting of contractual obligations between the junior college board and faculty resulting from reduced or shifting enrollments, a shift to more costly programs requiring lower faculty-student ratios, and to maintain sound program offerings at the smaller institutions. Before any of the above appropriation is expended, the junior college board shall demonstrate to the legislative advisory committee that all reasonable measures have been taken to adjust staffing patterns to the degree possible within existing appropriation. A full report shall be submitted to the House appropriations and Senate finance committees on January 1, 1974 on the use made of this appropriation to that date.

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

This appropriation shall be expended with the approval of the Governor after consultation with the Legislative Advisory Committee, as provided by Minnesota Statutes 1971, Section 3.30.

#### Sec. 16. EMPLOYEES COMPENSATION

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

	1973	1974	1975
	\$	\$	\$
State College Board . . . . .	53,951.30		
Sec. 17. UNEMPLOYMENT COMPENSATION . . . . .	41,139.72		

In reimbursement of unemployment compensation benefits paid for former employees of the state college board.

Sec. 18. UNOBLIGATED BALANCES ON HAND, CANCELLED INTO GENERAL FUND. Except the revolving fund for the on-the-job training program, the unobligated balances on hand as of June 30, 1973, June 30, 1974, June 30, 1975, in the several appropriations and accounts for which an appropriation is made herein, unless otherwise excepted in this act, are hereby cancelled into the general fund for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, and the unobligated balances on hand as of June 30, 1973, June 30, 1974, and June 30, 1975 appropriated out of any other funds, shall be cancelled into the fund from which they are appropriated as of June 30, 1973, June 30, 1974, and June 30, 1975.

Sec. 19. INCOME, FEES, RECEIPTS, DEPOSITED IN GENERAL FUND. Except as herein otherwise specifically provided, except the income to the University of Minnesota, and except all federal aid, contributions, or reimbursements received for any account of any division, institution or department for which an appropriation is made in this act, all income, including fees or receipts of any nature whatsoever, shall be deposited in and for the benefit of the general fund.

Sec. 20. APPROVED COMPLEMENT. Whenever an appropriation to any department or agency for salaries discloses an approved complement, that department or agency is limited in the employment of the number of full time equivalent persons including part time and seasonal employees indicated by such approved complement.

Except as otherwise provided in this act, additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the Governor, but the Governor shall not approve such additional personnel until he has consulted with the Legislative Advisory Committee created by Laws 1943, Chapter 594, and such committee has made its recommendation upon the matter. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation. The provisions hereof shall extend to any other agency to which the present authority of the Legislative Advisory Committee may be transferred, but shall be deemed to be repealed in case such authority shall be abolished.

Sec. 21. Any moneys made available to any state department or agency by this act by appropriation, transfer or otherwise for the payment of salaries is a source of revenue to such department or agency under the provisions of Minnesota Statutes 1971, Section 355.50 and 352.04, Subdivision 5.



Sec. 22. In order to enable the state to match the cost of any program under Title I of the Higher Education Act of 1965, any receipts accruing to any state department or agency by reason of service performed for the university of Minnesota in connection with such program shall be deposited in the state treasury. Such receipts are hereby reappropriated to the department or agency making the deposit, to be used as part of the state's 25 percent share of the cost of such programs. The balance of the state's share of the cost of such programs is payable by the participating departments or agencies from any moneys appropriated for salaries, supplies and expenses.

Sec. 23. Notwithstanding the provisions of any law to the contrary, the administrative expenses of the supplemental retirement plan established pursuant to Minnesota Statutes 1971, Sections 136.80 to 136.87 shall be paid from the portion of the cash realized on the redemption of shares pursuant to Minnesota Statutes 1971, Section 136.82, Subdivision 1, clause (5) which becomes the property of the supplemental retirement account of the teachers retirement fund. The balance of said cash after payment of said expenses shall be prorated as thereafter provided in Minnesota Statutes 1971, Section 136.82, Subdivision 1, clause (5). The amount of \$12,500 is hereby annually appropriated to the teachers retirement association from the cash balance described herein for said purposes."

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

House Conferees: (Signed) Howard E. Smith, Ray W. Faricy, Peter X. Fugina, Stanley A. Enebo, Rodney N. Searle.

Senate Conferees: (Signed) Jack T. Davies, Norbert Arnold, Jerome M. Hughes, Robert O. Ashbach, John L. Olson.

Mr. Davies moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2437 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. 2437: A bill for an act relating to the organization and operations of state government; imposing regulations for junior college operations; appropriating moneys with certain conditions for education and related purposes, including the university of Minnesota and its hospitals, state colleges, aids to libraries, junior colleges, higher education coordinating commission, and moneys for medical education; providing aid to school districts including those affected by gross earnings taxation and authorizing the power of eminent domain with certain of the funds provided hereby; transferring moneys between accounts and funds in the state treasury; controlling certain treasury receipts; and imposing conditions relative to the expenditure of public moneys.

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

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

And the roll being called, there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Brown voted in the negative.

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

## SECOND READING OF HOUSE BILLS

H. F. No. 2444 was read the second time.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 2444, on the General Orders Calendar, be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 2444: A bill for an act relating to transportation; providing principal arterial highway funds for the appropriation of money to counties and municipalities of the state for the purposes of constructing and reconstructing the state's principal arterial highways, authorizing the issuance of state bonds for the purposes thereof and appropriating money in connection therewith; establishing the Minnesota state transportation fund for the appropriation of money to subdivisions of the state for public lands, buildings, and capital improvements needed for public transportation, authorizing the issuance of state bonds for the purposes of the transportation fund and appropriating money in connection therewith; amending Minnesota Statutes 1971, Sections 473A.065; and 473A.111, Subdivision 1.

### SUSPENSION OF RULES

Mr. Olson, A. G. 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. 2444 and that the rules of the Senate be so far suspended as to give H. F. No. 2444, now on General Orders, its third reading and placed on final passage.

### CALL OF THE SENATE

Mr. Olson, A. G. imposed a call of the Senate on H. F. No. 2444. The following Senators answered to their names:

Anderson	Davies	Keefe, S.	Nelson	Purfeerst
Ashbach	Doty	Kirchner	North	Renneke
Bang	Dunn	Kleinbaum	Novak	Sillers
Berg	Frederick	Kowalczyk	Ogdahl	Spear
Bernhagen	Gearty	Krieger	Olhoff	Stassen
Blatz	Hansen, Baldy	Larson	Olson, A. G.	Stokowski
Borden	Hansen, Mel	Laufenburger	O'Neill	Tennessen
Brown	Hughes	Lewis	Patton	Thorup
Chenoweth	Humphrey	Lord	Perpich, A. J.	Ueland
Coleman	Jensen	McCutcheon	Perpich, G.	Wegener
Conzemius	Josefson	Moe	Pillsbury	Willet

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

The question being taken on the adoption of the motion of Mr. Olson, A. G.,

Mr. Olson, A. G. moved that those not voting be excused from voting.

And the roll being called, there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Brown and Keefe, J. voted in the negative.

Which motion prevailed. So the rules were suspended.

Mr. Olson, A. G. moved to amend H. F. No. 2444, the printed bill, as amended under Rule 49 and adopted by the Senate May 18, 1973, as follows:

Of the language stricken by the Rule 49 amendment, reinstate the following:

Page 2, line 30, after the period, insert "*Grants appropriated pursuant to this section shall not exceed \$20,000,000 in any one fiscal year of the state of Minnesota.*"

Page 2, line 33, before the period, insert "*, and these regulations, standards, and priorities are to be developed in consultation with the regional development commissions and the metropolitan council established under the provisions of Minnesota Statutes, Sections 462.381 to 462.396 and Chapter 473B.*"

Page 5, line 25, after the period, insert "*Grants appropriated pursuant to this section shall not exceed \$14,000,000 in any one fiscal year of the state of Minnesota.*"

Which motion prevailed. So the amendment was adopted.

Mr. Tennesen moved to amend H. F. No. 2444, the printed bill, as follows:

Page 2, line 23, strike "\$120,000,000" and insert "\$70,000,000"

Page 8, after line 26, insert:

"Sec. 7. [TRUNK HIGHWAY BONDS; ISSUANCE AND SALE.] *The state auditor is authorized and directed, upon request of the commissioner of highways, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 617.52 and of the Minnesota Constitution, Article IX, Section 6, and Article XVI, Section 12, at such times and in such amounts as may be requested by the commissioner of highways. Bonds issued pursuant to this section are authorized in an aggregate principal amount of \$50,000,000, provided that the total aggregate principal amount of the Minnesota trunk highway bonds issued under the authority of this section or under the authority of any other law, shall not at any time exceed \$150,000,000. The proceeds of such bonds shall be appropriated to the trunk highway fund and shall be used for the purposes specified in the Minnesota Constitution, Article XVI, Section 2.*

Sec. 8. Minnesota Statutes 1971, Section 296.02, Subdivision 1, is amended to read:

296.02 [GASOLINE, EXCISE TAX.] Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is hereby imposed an excise tax of ~~seven~~ eight cents per gallon on all gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax shall be payable at the times, in the manner, and by persons specified in this chapter."

Page 9, strike lines 21 and 22

Re number the remaining sections accordingly

Underline all the new language

Further amend the title as follows:

In the last line of the title after "Sections" insert "296.02, Subdivision 1;"

Mr. Chmielewski moved to amend the Tennesen amendment to H. F. No. 2444, the printed bill, as follows:

Page 1, of the Tennesen amendment, strike section 8 and insert:

"Sec. 8. *A separate account is hereby created in the trunk highway fund. Money in this account may be used solely for the construction, reconstruction, and improvement of trunk highways that are not included in the backbone system as designated in the highway department publication "A (backbone) concept for development of trunk highways dated July 1972." there shall be transferred to the separate account from the highway user tax distribution fund an amount equal to fifteen million dollars plus 62 percent of the proceeds collected from a one-cent tax per gallon on gasoline and special fuel used in producing and generating power for propelling motor vehicles used on the public highways of this state. Thereafter each year there shall be transferred to the separate account from the highway user tax dis-*

*tribution fund 62 percent of the proceeds collected from a one-cent tax per gallon on gasoline and special fuel used in producing and generating power for propelling motor vehicles used on the public highways of this state. The transfers shall be made quarterly on the 15th day after the last day of each quarter. The first transfer shall be made on October 15, 1973 for the quarter ending September 30, 1973."*

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

The question recurred on the adoption of the Tennesen amendment,

And the roll being called, there were yeas 40 and nays 15, as follows:

Those who voted in the affirmative were:

Ashbach	Hansen, Mel	Kowalczyk	Ogdahl	Schaaf
Bang	Hughes	Laufenburger	Olhoff	Solon
Blatz	Humphrey	Lewis	Olson, A. G.	Spear
Borden	Keefe, J.	Lord	O'Neill	Stassen
Chenoweth	Keefe, S.	McCutcheon	Perpich, A. J.	Stokowski
Coleman	Kirchner	Milton	Perpich, G.	Tennesen
Davies	Kleinbaum	Moe	Pillsbury	Thorup
Gearty	Knutson	North	Purfeerst	Wegener

Those who voted in the negative were:

Anderson	Bernhagen	Frederick	Krieger	Renneke
Arnold	Chmielewski	Hanson, R.	Larson	Ueland
Berg	Fitzsimons	Josefson	Patton	Willet

Which motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H. F. No. 2444, the printed bill, as follows:

Page 2, line 11, strike "principal"

Page 2, line 16, strike "principal"

Page 2, line 19, strike "PRINCIPAL"

Page 2, line 21, strike "principal"

Page 3, line 18, strike "PRINCIPAL"

Page 3, line 19, strike "principal"

Page 3, line 21, strike "principal"

Page 3, line 31, strike "principal"

Page 4, line 12, strike "principal"

Page 4, line 17, strike "principal"

Page 4, line 18, strike "principal"

Page 4, line 22, strike "principal"

Page 4, line 26, strike "principal"

Page 5, line 1, strike "principal"

Page 5, line 8, after "state" strike "principal"

Amend the title as follows:

Line 1, strike "principal"

Line 3, strike "principal"

The question being taken on the adoption of the amendment,

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

Those who voted in the affirmative were:

Anderson	Fitzsimons	Josefson	Laufenburger	Ueland
Arnold	Frederick	Kirchner	Patton	Willet
Berg	Hansen, Mel	Knutson	Pillsbury	
Bernhagen	Hanson, R.	Kowalczyk	Renneke	
Chmielewski	Jensen	Larson	Sillers	

Those who voted in the negative were:

Ashbach	Davies	Krieger	Ogdahl	Schaaf
Bang	Gearty	Lewis	Olhoft	Solon
Blatz	Hughes	Lord	Olson, A. G.	Spear
Borden	Humphrey	McCutcheon	O'Neill	Stassen
Chenoweth	Keefe, J.	Milton	Perpich, A. J.	Stokowski
Coleman	Keefe, S.	Moe	Perpich, G.	Tennessen
Conzemius	Kleinbaum	North	Purfeerst	Wegener

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

Mr. Milton moved to amend H. F. No. 2444, the printed bill, as amended under Rule 49 and adopted May 18, 1973, as follows:

Pages 8 & 9, restore sections 7 & 8 which were stricken by the Rule 49 amendment

Mr. Chenoweth moved a substitute amendment to the Milton amendment on H. F. No. 2444, the printed bill, as follows:

Page 8, after line 26, insert a new section to read:

"Sec. 7. Minnesota Statutes 1971, Section 473A.111, Subdivision 1, is amended to read:

473A.111 [TRANSIT TAX LEVIES.] Subdivision 1. [AMOUNT.] For the purposes of chapter 473A, and the metropolitan transit system on or after August 1 of 1971 the metropolitan transit commission may levy upon all taxable property within the metropolitan transit taxing district, defined herein, a transit tax shall not in any year exceed the sum of the following:

(a) An amount equal to ~~2.0~~ 1.4 mills times the assessed value of all such property some or all of the proceeds of which may be used to provide for the full and timely payment of its certificates of indebtedness and other obligations of the commission to which collections of the wheelage tax and replacement property tax under Minnesota Statutes 1969, Section 473A.14, have been pledged, plus any amount for compliance with any final judgment of a court of competent jurisdiction requiring payment of any amount of the wheelage tax levied by the commission for 1971 and prior years; plus

(b) such additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations to which property taxes under this section have been pledged, provided that the amount of

principal and interest to come due on such obligations shall not exceed \$3,000,000 in any year."

Underline all new language in the bill

Renumber remaining sections in sequence

Amend the title as follows:

Page 1, line 8, after "with" insert "; amending Minnesota Statutes 1971, Section 473A.111, Subdivision 1"

Which motion prevailed. So the substitute motion was adopted.

The question recurred on the adoption of the Chenoweth amendment.

Which motion prevailed. So the amendment was adopted.

Mr. Anderson moved to amend H. F. No. 2444, the printed bill, as follows:

Page 9, strike lines 21 and 22 and insert in lieu thereof:

"Sec. 9. [SEVERABILITY.] *The invalidity of any provision of any one of sections 2, 3, 4, 5, or 6 of this act shall invalidate the remainder of those sections.*"

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

H. F. No. 2444 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 45 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kleinbaum	North	Purfeerst
Arnold	Gearty	Knutson	Novak	Schaaf
Ashbach	Hansen, Mel	Kowalczyk	Ogdahl	Sillers
Borden	Hanson, R.	Laufenburger	Olhoft	Spear
Chenoweth	Hughes	Lewis	Olson, A. G.	Stassen
Chmielewski	Humphrey	Lord	Olson, H. D.	Stokowski
Coleman	Keefe, J.	McCutcheon	O'Neill	Tennessee
Conzemius	Keefe, S.	Milton	Perpich, A. J.	Thorup
Davies	Kirchner	Moe	Perpich, G.	Wegener

Those who voted in the negative were:

Bang	Brown	Hansen, Baldy	Larson	Renneke
Berg	Doty	Jensen	Nelson	Solon
Bernhagen	Fitzsimons	Josefson	Patton	Ueland
Blatz	Frederick	Krieger	Pillsbury	Willet

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.

**MESSAGE FROM THE HOUSE—CONTINUED**

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. 2121, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2121: A bill for an act relating to taxation; providing for imposition of certain excise and ad valorem taxes; distribution of revenue derived; appropriating money; amending Minnesota Statutes 1971, Chapters 272, by adding a section; 273; 275; and 290, by adding sections; and Sections 93.52, Subdivision 2; 93.55; 93.58; 124.03, Subdivision 3; 124.212, Subdivision 3; 272.04, Subdivision 1; 273.13, Subdivisions 6 and 7, and by adding a subdivision; 273.17, Subdivision 1; 273.41; 275.50, Subdivisions 2, 4 and 5; 275.51, Subdivisions 1, 2, 3 and 4, and by adding a subdivision; 275.52, Subdivisions 2 and 3; 275.53, Subdivisions 1 and 3; 275.55; 287.12; 290.06, Subdivision 1; 290.0601, Subdivisions 6 and 9; 290.0604; 290.061; 290.081; 290.17; 290.19, Subdivision 1, and by adding a subdivision; 290.361, Subdivision 2; 290.982; 290.983, Subdivision 1; 290.99; 291.33, Subdivision 2; 297A.25, Subdivision 1; 297.13, Subdivision 1; 340.60, Subdivision 1; 414.01, by adding a subdivision; 477A.01, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16 and 17; repealing Minnesota Statutes 1971, Sections 93.53; 93.54; 93.56; 93.57; 124.28; 124.281; 124.29; 276.15; 276.16; 276.17; 276.18; 290.0607; 290.0617; 290.361, Subdivision 4; 295.38; 297.13, Subdivisions 2, 3, 4, 5, 6, 7 and 8; 297.15; 297.16; 297A.252; 340.60, Subdivisions 2, 3, 4, 5, 6 and 7; 368.39; 368.40; 368.41; 368.42; 373.20; 373.21; 373.22; 373.23; 373.24; and 477A.01, Subdivisions 12 and 15.

House File No. 2121 is herewith transmitted to the Senate.

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

Transmitted May 19, 1973

**CONFERENCE COMMITTEE REPORT—H. F. NO. 2121**

A bill for an act relating to taxation; providing for imposition of certain excise and ad valorem taxes; distribution of revenue derived; appropriating money; amending Minnesota Statutes 1971, Chapters 272, by adding a section; 273; 275; and 290, by adding sections; and Sections 93.52, Subdivision 2; 93.55; 93.58; 124.03, Subdivision 3; 124.212, Subdivision 3; 272.04, Subdivision 1; 273.13, Subdivisions 6 and 7, and by adding a subdivision; 273.17, Subdivision 1; 273.41; 275.50, Subdivisions 2, 4 and 5; 275.51, Subdivisions 1, 2, 3 and 4, and by adding a subdivision; 275.52, Subdivisions 2 and 3; 275.53, Subdivisions 1 and 3; 275.55; 287.12; 290.06, Subdivision 1; 290.0601, Subdivisions 6 and 9; 290.0604; 290.061; 290.081; 290.17; 290.19, Subdivision 1, and by adding a subdivision; 290.361, Subdivision 2; 290.982; 290.983, Subdivision 1; 290.99; 291.33, Subdivision 2; 297A.25, Subdivision 1; 297.13,



Subdivision 1; 340.60, Subdivision 1; 414.01, by adding a subdivision; 477A.01, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16 and 17; repealing Minnesota Statutes 1971, Sections 93.53; 93.54; 93.56; 93.57; 124.28; 124.281; 124.29; 276.15; 276.16; 276.17; 276.18; 290.0607; 290.0617; 290.361, Subdivision 4; 295.38; 297.13, Subdivisions 2, 3, 4, 5, 6, 7 and 8; 297.15; 297.16; 297A.252; 340.60, Subdivisions 2, 3, 4, 5, 6 and 7; 368.39; 368.40; 368.41; 368.42; 373.20; 373.21; 373.22; 373.23; 373.24; and 477A.01, Subdivisions 12 and 15.

May 18, 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. 2121, report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 2121 be amended as follows:

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

#### "ARTICLE I

Section 1. Minnesota Statutes 1971, Section 124.03, Subdivision 3, is amended to read:

Subd. 3. (a) The county auditor shall compute the tax levy that would be produced by applying a rate of 25 mills to the valuation determined on the January 2, 1971 assessment and 8.3 mills on the January 2, 1972 assessment and subsequent assessments on all the agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, within the several school districts for which the tax levy is required to be certified to him. The amounts so computed by the county auditor shall be submitted to the commissioner of taxation by November 15 of each year for verification.

(b) If the commissioner of taxation agrees with the computation, he shall deliver to the state auditor his certificate to that effect. In the event that the commissioner deems the computation to be erroneous, he may make the necessary corrections and deliver to the state auditor his certificate reflecting the amounts he deems to be correct. The county auditor or any school district aggrieved thereby may appeal the commissioner's revised certification to the Minnesota tax court in accordance with chapter 271.

(c) On or before May 31, 1972, the state auditor shall issue his warrant upon the state treasurer in favor of the school district in an amount equal to one half the amount certified by the commissioner shown to be due to the district. On or before October 31, 1972, the state auditor shall issue his warrant upon the state treasurer in favor of the school district distributing the remainder of the amount certified by the commissioner shown to be due to the school district for the year 1972. The state auditor in the same manner shall make distribution ~~in subsequent years~~ *for the year 1973* in the same manner with

respect to amounts shown to be due in accordance with the commissioner's certification. *For the year 1974 and subsequent years, the state auditor shall issue his warrant in an amount equal to one-half the amount certified on or before July 15, but no earlier than July 1. The remainder shall be distributed as provided herein.*

(d) In the event that a final judicial determination is not in agreement with the amount certified by the commissioner, the state auditor shall either increase or decrease the amount of the following payment required to be made to the school district in accordance with such judicial determination.

(e) There is hereby appropriated to the school districts entitled to such payments from the general fund, an amount sufficient to make the payments.

(f) The county auditor shall reduce the dollars levied for school maintenance by each district by the amount determined in (a) and (b). The amounts paid to the county treasurer pursuant to (c) shall be transmitted by the county treasurer to the school district at the same time the real estate settlement is made.

*Sec. 2. The provisions of this article shall be effective the day following its final passage.*

## ARTICLE II

Section 1. Minnesota Statutes 1971, Section 273.134, is amended to read:

273.134 [TACONITE AND IRON ORE AREAS; TAX RELIEF AREA; DEFINITIONS.] For purposes of this section and section 273.135, "municipality" means a city, village or town, and the applicable assessment date is the date as of which property is listed and assessed for the tax in question.

For the purposes of section 273.135 "tax relief area" means the geographic area contained, within the boundaries of a school district which contains a municipality which meets the following qualifications:

(1) it is a municipality in which the assessed valuation of unmined iron ore on May 1, 1941, was not less than 40 percent of the assessed valuation of all real property and in which, as of the applicable assessment date, the assessed valuation of unmined iron ore is not more than 55 60 percent of the assessed valuation of all real property; or

(2) it is a municipality in which, as of the applicable assessment date, there is a taconite concentrating plant or where taconite is mined or quarried or where there is located an electric generating plant which qualifies as a taconite facility.

*Sec. 2. Section 1 shall be effective with respect to taxes levied in 1972 and thereafter and payable in 1973 and thereafter.*

*Sec. 3. In the case of taxes payable in 1973, the county auditor shall allow the same credits to any additional area or areas designated as a "tax relief area" in accordance with section 1, as has been allowed to other tax relief areas, and shall issue revised statements or refunds as may be necessary.*

Sec. 4. *Notwithstanding the provisions of Minnesota Statutes, Section 273.136, Subdivision 2, the county auditor having jurisdiction over any tax relief area shall, on or before June 15, 1973, revise his certification to the state auditor so as to include in his certification any additional municipal aids or reductions of taxes allowed in 1973 as a result of sections 1 and 2. The amount of such additional certification, to the extent that it exceeds amounts remaining in the taconite property tax relief account, shall be paid from the state general fund, and an equivalent amount shall be transferred in 1974 from the taconite property tax relief account to the state general fund prior to the determination of the amount available for distribution.*

### ARTICLE III

Section 1. Minnesota Statutes 1971, Section 273.41, is amended to read:

273.41 [AMOUNT OF TAX; DISTRIBUTION.] There is hereby imposed upon each such cooperative association on December 31 of each year a tax of \$10 for each 100 members, or fraction thereof, of such association. The tax, when paid, shall be in lieu of all personal property taxes, state, county, or local, upon distribution lines and the attachments and appurtenances thereto of such associations located in rural areas. The tax shall be payable on or before March 1 of the next succeeding year, to the commissioner of taxation. If the tax, or any portion thereof, is not paid within the time herein specified for the payment thereof, there shall be added thereto a specific penalty equal to five percent of the amount so remaining unpaid. Such penalty shall be collected as part of said tax, and the amount of said tax not timely paid, together with said penalty, shall bear interest at the rate of four percent per annum from the time such tax should have been paid until paid. The commissioner shall retain five percent of the proceeds of such tax, penalty and interest for expenses of administration and shall distribute the balance thereof, on or before July 1 of each year to the treasurers of the respective counties of the state in proportion to the number of members of such associations in the several counties as of December 31 of the preceding year, as determined by reports of such associations made and verified in such manner and on such forms as may be prescribed by the commissioner of taxation. The moneys so distributed to the respective counties shall be credited by the treasurers thereof to the general revenue fund of the county deposit the amount so received in the general fund of the state treasury.

There is hereby appropriated to the counties entitled to such payment, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make such payment as is authorized herein.

Sec. 2. *The provisions of this article shall be effective for all payments required to be made after December 31, 1973.*

### ARTICLE IV

Section 1. Minnesota Statutes 1971, Section 275.50, Subdivision 2, is amended to read:

Subd. 2. "Governmental subdivision" means any county, city, village, borough, or town having the powers of a village pursuant to ~~section sections~~ 368.01 or 368.61, or by special law, ~~or any board or commission thereof authorized by law or charter to levy property taxes.~~ The term does not include school districts, ~~towns without village powers, or special taxing districts determined by the department of taxation.~~

Sec. 2. Minnesota Statutes 1971, Section 275.50, Subdivision 4, is amended to read:

Subd. 4. "Special assessments" means assessments made against real property for purposes of financing, wholly or in part, only those types of improvements enumerated in ~~section sections~~ 429.-021, subdivision 1 and 429.101, ~~whether imposed pursuant to such sections or pursuant to home rule charter provisions.~~ General tax levies spread upon real estate not specifically benefitted by the improvements, and on the benefitted real estate as part of the taxable valuation of the governmental subdivision, are not considered special assessments.

Sec. 3. Minnesota Statutes 1971, Section 275.50, Subdivision 5, is amended to read:

Subd. 5. "Special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any action other than an action on an ~~explicit~~ express contract or default on an express contract, or to pay the costs of settlements out of court against the governmental subdivision in any action other than an action on an express contract when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971 ;

(b) pay the costs of complying with any written lawful order issued by the state of Minnesota, or the United States, or any agency or subdivision thereof, ~~or any law enacted by the 1971 legislature which specifically requires an activity which results in increased expenditures of expanded county court systems not in full operation during the entire year 1971 which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivision thereof which is enforceable in a court of competent jurisdiction.~~ The commissioner of taxation shall in consultation with other state departments and agencies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision ;

(c) pay the costs of complying with any law enacted by the 1971 legislature or a prior or subsequent year's legislature which specifically

*and directly requires a new or altered activity after levy year 1970, taxes payable in 1971, but only to the extent of the increased cost for such activity after levy year 1970, taxes payable in 1971;*

*(d) pay the costs of an expanded county court system to the extent of the increase in costs over the amount levied in support of a county court or a probate court in levy year 1970, taxes payable in 1971;*

~~(e)~~ *(e) pay amounts required by any public pension plan to the extent that operation of the laws enacted before July 1, 1971, of the state of Minnesota or the United States governing such fund directly causes the level of governmental financial support to exceed the level of such support prior to July 1, 1971, provided that such increases are not the result of amendment by any means to the benefit plan after July 1, 1971 which required the approval of the governing body of the governmental subdivision ;*

~~(d)~~ *(f) pay amounts required by to be levied in support of a volunteer firemen's relief association if resulting from the operation of section sections 69.772 and 69.773 ;*

~~(e)~~ *(g) pay the costs to a governmental subdivision for their share of any program otherwise authorized by law , including the administrative costs of social services and of county welfare systems, for which matching funds have been appropriated by the state of Minnesota or the United States, but only to the extent that the costs to the governmental subdivision for the program exceed those expended in calendar year 1970 , subject to rules promulgated by the commissioner of taxation pursuant to the administrative procedures act ;*

~~(f)~~ *(h) pay expenses reasonably and necessarily incurred in preventing, preparing for or repairing the effects of natural disaster . "Natural disaster" as used herein means the occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from natural causes, including and limited to fire, flood, earthquake, wind storm, wave action, oil spill, or other water contamination requiring action to avert danger or damage, volcanic activity, drought or air contamination. The civil defense division of the state department of public safety shall formulate standards by which an occurrence of any of the aforementioned natural phenomena would be deemed a natural disaster by reason of the level of damage, injury or loss of life or property that has occurred or would occur if preventative action was not taken;*

~~(g)~~ *(i) pay the costs not reimbursed by the state or federal government , of payments made to or on behalf of recipients of aid under sections 245.21 to 245.43 (Aid to the Disabled), sections 256.11 to 256.43 (Old Age Assistance), sections 256.49 to 256.71 (Aid to the Blind), sections 256.72 to 256.87 (Aid to Families with dependent Children), chapter 256B (Medical Assistance), and chapters 261, 262 and 263 (Poor Relief);*

~~(h)~~ *(j) pay the costs of principal and interest on bonded indebtedness , or, effective for taxes levied in 1973 and years thereafter, to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the*

year for which the levy limit is calculated on municipal liquor store bonds;

(k) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency;

(l) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(m) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(n) pay the amounts required to compensate for a decrease in revenues from public service enterprises, municipal liquor stores, licenses, permits, fines and forfeits and no other, to the extent that the aggregate of revenues from these sources in the calendar year preceding the year of levy are less than the aggregate of revenues from these sources in calendar year 1971. "Revenues" from a public service enterprise or a municipal liquor store shall mean the net income or loss of such public service enterprise or municipal liquor store, determined by subtracting total expenses from total revenues, and before any contribution to or from the governmental subdivision. "Fines" for a municipal court means the net amount remaining after subtracting total municipal court expenses from total collections of municipal court fines. A governmental subdivision shall qualify for this special levy only if the decrease in aggregate revenues as computed herein and divided by the population of the governmental subdivision in the preceding levy year is equal to or greater than two percent of the per capita levy limitation for the preceding levy year;

(o) pay the amounts required to compensate for a decrease in mobile homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 273.13, subdivision 3, as amended, is less than the distribution of the mobile homes tax to the governmental subdivision pursuant to section 273.13, subdivision 3, in calendar year 1971;

(p) pay the amounts required to compensate for a decrease in gross earnings tax aids pursuant to sections 276.15 to 276.18, or 368.39 to 368.42, or 373.20 to 373.24, to the extent that the distribution of these aids to the governmental subdivision in the calendar year immediately preceding the current levy year is less than the distribution of these aids to the governmental subdivision in calendar year 1971;

(q) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(r) pay amounts required to correct for an error of omission in the

levy certified to the appropriate county auditor or auditors by the governing body of a city, village, borough or town with village powers in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(s) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal commission in levy year 1971 or a subsequent levy year, but only to the extent and for the levy years as provided by the commission in its order pursuant to section 414.01, subdivision 15;

(t) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the extension of such services are not paid for through bonded indebtedness or special assessments, and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) The increased expenditures necessary in preparation for the delivering of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) The amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiplying this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate parcels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and nonresidential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and nonresidential commercial development.

Sec. 4. Minnesota Statutes 1971, Section 275.51, Subdivision 1, is amended to read:

275.51 [LEVY LIMITS.] Subdivision 1. Notwithstanding any provisions of law or municipal charter to the contrary which authorize *ad valorem* levies in excess of the limitations established by sections 275.50 to 275.56, but subject to section 275.56, the provisions of this section shall apply to the levies by governmental subdivisions in the

years 1971, 1972 and subsequent years for all purposes other than those for which special levies and special assessments are made.

Sec. 5. Minnesota Statutes 1971, Section 275.51, Subdivision 2, is amended to read:

Subd. 2. The property tax levy limitation for governmental subdivisions in 1971 is calculated as follows. There shall be calculated the aggregate of receipts by each governmental subdivision from:

(a) the total amount of property taxes levied before any reduction prescribed by sections 273.13 and 273.135 in respect to homestead property, by or for each governmental subdivision in 1970, or in the most recent preceding year when such taxes were levied for a period of 12 months if the governmental subdivision levied such taxes for a shorter period in 1970, for all purposes, except for special assessments and special levies;

(b) exempt property tax reimbursement payments, if any, estimated by the department of taxation to be due and payable for the year 1971 from the state pursuant to section 273.69, *minus the allocation of these payments on a percentage distribution basis to the welfare aids and bonded indebtedness special levies in taxes payable year 1971* ;

(c) per capita aid payments estimated by the department of taxation to be due and payable for the year 1971 from the state pursuant to sections 297A.51 to 297A.60, *minus the allocation of these payments on a percentage distribution basis to the welfare aids special levy in taxes payable year 1971* .

The aggregate of the foregoing receipts shall be divided by the 1970 population of the governmental subdivision established pursuant to section 275.53. The resulting quotient (~~aggregate 1971 receipts per capita~~) *is the per capita limitation and may be adjusted (1970 payable 1971 levy limit base per capita) shall be increased pursuant to section 275.52, subdivision 2, to derive the 1971 payable 1972 levy limit base per capita* . The ~~adjusted quotient 1971 payable 1972 levy limit base per capita~~ shall then be multiplied by the 1971 population of the governmental subdivision established pursuant to section 275.53. From the resulting figure *(1971 payable 1972 levy limit base)* shall be deducted the amount (estimated by the department of taxation) of state formula aids to be paid pursuant to ~~Extra Session Laws 1971, Chapter 31, Article 21 section 477A.01, as amended~~ and the taconite production tax municipal and county aids to be paid pursuant to ~~Extra Session Laws 1971, Chapter 31, Article 30 section 298.282, as amended~~ , to the governmental subdivision during the calendar year 1972. The resulting figure is the amount of property taxes which the governmental subdivision may levy in 1971 for all purposes other than those for which special levies and special assessments are made.

Sec. 6. Minnesota Statutes 1971, Section 275.51, Subdivision 3, is amended to read:

Subd. 3. The property tax levy limitation for governmental subdivisions in 1972 and subsequent *levy* years is calculated as



follows. There shall be calculated the aggregate of receipts by each governmental subdivision from:

(a) the total amount of property taxes levied pursuant to subdivision 1 in 1971 and succeeding years respectively;

(b) state formula and taconite production tax, municipal and county aid payments estimated by the department of taxation to be due and payable for the year 1972 and succeeding years, respectively, from the state pursuant to Extra Session Laws 1971, Chapter 31, Articles 21 and 30.

The aggregate of the foregoing receipts shall be divided by the 1971 or subsequent year's population of the governmental subdivision established as above for the preceding year. The resulting quotient (aggregate receipts per capita) is the per capita limitation and may be adjusted pursuant to section 275.52. The governmental subdivision's levy limit base per capita for the immediately preceding levy year shall be increased pursuant to section 275.52, subdivision 2. The adjusted quotient shall then be multiplied by the 1972 or subsequent resulting current levy year's levy limit base per capita shall then be multiplied by the current levy year's population of the governmental subdivision established pursuant to section 275.53. From the resulting figure (current levy year's levy limit base) shall be deducted the amount of state formula aids estimated by the department of taxation to be paid pursuant to Extra Session Laws 1971, Chapter 31, Article 21 section 477A.01, as amended, and the taconite production tax, municipal and county aids paid pursuant to Extra Session Laws 1971, Chapter 31, Article 30 section 298.282, as amended, to the governmental subdivision during the calendar year 1973, or subsequent year, as the case may be tax collection year to which the current levy year's levy limit base applies. The resulting figure is the amount of property taxes which the governmental subdivision may levy in 1972 and the current levy year for all purposes other than those for which special levies and special assessments are made.

For the purpose of determining the amount of property taxes that a governmental subdivision may levy, in 1973 and thereafter, taxes payable in 1974 and thereafter, for all purposes except special levies and special assessments, the following amounts (increased by 12.36 percent and divided by the 1973 population of the governmental subdivision established pursuant to section 275.53) shall be added to the governmental subdivision's 1972 payable 1973 levy limit base per capita and adjusted pursuant to section 275.52, subdivision 2:

(1) The amount of a county auditor's error of omission in the ad valorem taxes extended in levy year 1970, taxes payable in 1971, but only to the extent that when included in the governmental subdivision's levy in 1970, taxes payable in 1971, such amount is not in excess of any applicable statutory, special law or charter limitation imposed on the governmental subdivision in levy year 1970.

(2) The amount of an error of omission in the levy certified to

*the appropriate county auditor or auditors by the governing body of a city, village, borough or town with village powers in levy year 1970, taxes payable in 1971, but only to the extent that when included in the governmental subdivision's levy in 1970, taxes payable in 1971, such amount is not in excess of any applicable statutory, special law or charter limitation imposed on the governmental subdivision in levy year 1970.*

*The foregoing addition shall not be construed to alter in any way the amount of state formula aids estimated by the department of taxation to be paid a governmental subdivision pursuant to section 477A.01 in calendar years 1972 and 1973.*

*For levy year 1973 and thereafter, taxes payable in 1974 and thereafter, the current levy year's levy limit base for the governmental subdivision shall be increased by:*

*(a) the amount of aids (estimated by the department of taxation) that the governmental subdivision was entitled to receive from the state, pursuant to sections 297.13 and 340.60, 70 percent of the amount of county government was entitled to receive pursuant to section 287.12 and 100 percent of the amount a city, village or town government was entitled to receive pursuant to section 287.12, in calendar year 1973, before any adjustments for payments made in preceding calendar years;*

*(b) the amount of aids (estimated by the department of taxation) that the governmental subdivision was entitled to receive from the state, pursuant to section 290.361, on November 30, 1972 and May 31, 1973, before any adjustments for prior payments.*

*The foregoing addition shall be made after the per capita adjustment pursuant to section 275.52, subdivision 2, and after the multiplication of the current levy year's levy limit base per capita by the current levy year's population of the governmental subdivision, but before the deduction of the aids estimated by the department of taxation to be paid to the governmental subdivision pursuant to sections 477A.01 and 298.282, as amended, during the tax collection year to which the current levy year's levy limit base applies.*

*Sec. 7. Minnesota Statutes 1971, Section 275.51, is amended by adding a subdivision to read:*

*Subd. 3a. Notwithstanding the provisions of subdivision 3, but subject to any other law or charter limitation, each governmental subdivision is entitled, in levy year 1973 and subsequent levy years, to a minimum property tax levy limitation of six percent of its state aids estimated by the department of taxation to be paid, pursuant to sections 477A.01 and 298.282, as amended, to the governmental subdivision during the tax collection year to which the property tax levy limitation applies.*

*A governmental subdivision which would maximize its property tax levy limitation under this subdivision shall qualify for this subdivision and subdivision 3 shall not apply to such governmental subdivision. In any levy year (qualifying levy year) that a govern-*

*mental subdivision qualifies for this subdivision, its property tax levy limitation shall be determined as follows.*

*The state aids estimated by the department of taxation to be paid, pursuant to sections 477A.01 and 298.282, as amended, to the governmental subdivision in the taxes payable year to which such qualifying levy year applies shall be divided by the population of the governmental subdivision in such qualifying levy year as determined pursuant to section 275.53.*

*The resulting quotient shall be increased pursuant to section 275.52, subdivision 2, to derive the levy limit base per capita for the governmental subdivision for the qualifying levy year. The levy limit base per capita for the qualifying levy year shall be multiplied by the population of the governmental subdivision in the qualifying levy year as determined pursuant to section 275.53. From the resulting figure (levy limit base for the qualifying levy year) shall be deducted the amount (estimated by the department of taxation) of state formula aids to be paid pursuant to section 477A.01, as amended, and the taconite production tax municipal aids to be paid pursuant to section 298.282, as amended, to the governmental subdivision during the tax collection year to which the qualifying levy year applies. The resulting figure is the amount of property taxes which the governmental subdivision may levy in the qualifying levy year for all purposes other than those for which special levies and special assessments are made.*

*In any levy year that a governmental subdivision would maximize its property tax levy limitation under subdivision 3 instead of this subdivision, the levy limit base per capita for the last qualifying levy year constituting the preceding year's levy limit base per capita for the provisions of subdivision 3, the governmental subdivision shall no longer qualify for this subdivision and shall presume to have its property tax levy limitation calculated pursuant to subdivision 3.*

Sec. 8. Minnesota Statutes 1971, Section 275.51, Subdivision 4, is amended to read:

Subd. 4. If in 1971 the levy made by any governmental subdivision exceeds the limitation provided in this section, *except when such excess levy is due to the rounding of the mill rates of the governmental subdivision in accordance with section 275.28, subsequent distributions of formula aids pursuant to Extra Session Laws 1971, Chapter 31 sections 298.282 and 477A.01, as amended*, shall be reduced 10 cents for each full dollar that the levy exceeds the limitation imposed by this section. If in any year subsequent to 1971 the levy made by a governmental subdivision exceeds the limitation provided in sections 275.50 to 275.56, *except when such excess levy is due to the rounding of the mill rates of the governmental subdivision in accordance with section 275.28, subsequent distributions required to be made by the state auditor from any formula aids pursuant to Extra Session Laws 1971, Chapter 31 sections 298.282 and 477A.01, as amended*, shall be reduced 10 cents for each full dollar the levy exceeds the limitation up

to five percent, and 33 cents for each full dollar the levy exceeds the limitation by more than five percent; provided that a governmental subdivision may determine to levy in excess of the limitation provided in sections 275.50 to 275.56 by not to exceed five percent by passing a resolution setting forth the amount by which the levy limit is proposed to be exceeded. Thereafter the resolution shall be published for two successive weeks in the official newspaper of the governmental subdivision or if there be no official newspaper, in a newspaper of general circulation therein, together with a notice fixing a date for a public hearing on the proposed increase which hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the governing body may determine to take no further action, or in the alternative, adopt a resolution authorizing the levy as originally proposed, or adopt a resolution approving a levy in such lesser amount as it so determines. The resolution authorizing a levy in excess of the limitation imposed by sections 275.50 to 275.56 shall be published in the official newspaper of the governmental subdivision or if there be no official newspaper, in a newspaper of general circulation therein. If within 30 days thereafter, a petition signed by voters equal in number to five percent of the votes cast in the governmental subdivision in the last general election or 2,000 voters, whichever is less, requesting a referendum on the proposed resolution is filed with the clerk or recorder of the governmental subdivision if the governmental subdivision is a city, village, borough, or town, or with the county auditor if the governmental subdivision is a county, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of taxation is directed to prepare a suggested form of question to be presented at any such referendum. A levy approved at any such referendum held at a special or general election held prior to October 1 in any levy year increases the allowable levy in that same levy year and provides a permanent adjustment to the levy limit base per capita of the governmental subdivision for future levy years, and there shall be no reduction in distributions of formula aids to the governmental subdivision as a result of such levy. If no referendum is requested, the excess levy authorized by the resolution, if the resolution is adopted prior to October 1 in any year, may be levied in that same levy year and subsequent distributions required to be made by the state auditor from any formula aids pursuant to Extra Session Laws 1971, Chapter 31, shall be reduced 15 cents for each full dollar the levy exceeds the limitation. A levy made in 1971 prior to the effective date of Extra Session Laws 1971, Chapter 31 shall be reviewed and may be modified by the appropriate authority of the governmental subdivision for the purpose of reducing such levy to conform to the limitations imposed by this section. Any reduction in such levy made prior to December 15, 1971, shall be given the same effect as though such reduction had been made prior to the expiration of the time allowed by law for making the levy. The provisions of this subdivision shall apply to the levy of a metropolitan county before the reduction required pursuant to section 163.051, subdivision 5.

Sec. 9. Minnesota Statutes 1971, Section 275.52, Subdivision 2, is amended to read:

Subd. 2. The ~~per capita limitation levy limit base~~ *per capita*, as adjusted for previous increases pursuant to this section, may be increased each year by the governing body of the governmental subdivision affected thereby in the amount not to exceed six percent of the previous year's ~~per capita limitation levy limit base~~ *per capita*.

Sec. 10. Minnesota Statutes 1971, Section 275.52, Subdivision 3, is amended to read:

Subd. 3. If the population of any governmental subdivision decreases from one year to the next, the *current levy year's* population shall, for purposes of sections 275.50 to 275.56, be increased by an amount equal to one half of the decrease in population from the prior *levy* year, such increase to be effective for the said one levy year only. ~~This subdivision shall not apply to decreases in population resulting from a change or change in the boundaries of a governmental subdivision.~~

Sec. 11. Minnesota Statutes 1971, Section 275.53, Subdivision 1, is amended to read:

275.53. [GOVERNING CENSUS.] Subdivision 1. For the purpose of determining the amount of tax that a governmental subdivision may levy in accordance with a per capita limitation established by this chapter, the population of the governmental subdivision shall be that established by the last state or federal census, or by a special census taken within the entire governmental subdivision pursuant to sections 275.50 to 275.56 or to any other law, by a census taken pursuant to subdivision 2, or by a population estimate made ~~by the state health department, by the metropolitan council by a regional development commission~~, by an order of the Minnesota municipal commission pursuant to section 414.01, subdivision 14, or by an estimate made pursuant to subdivision 3, whichever is the most recent *as to the stated date of count or estimate*.

Sec. 12. Minnesota Statutes 1971, Section 275.53, Subdivision 3, is amended to read:

Subd. 3. (a) In lieu of passing a resolution pursuant to subdivision 2, the governing body of a ~~municipality or town~~ *governmental subdivision* may pass by June 1 of any year a resolution containing an estimate of the current population of the subdivision. The resolution shall describe with specificity the criteria upon which the estimate is based, and shall state that the estimate is made for purposes of increasing that subdivision's tax levy pursuant to sections 275.50 to 275.56.

(b) The resolution shall then be submitted to the ~~vital statistics section of the state department of health~~ *state planning agency*. The ~~section~~ *agency* shall determine, and so inform the subdivision in writing within 30 days of receipt of the resolution, whether the criteria described therein do or do not provide a reasonable

basis for the population estimate. No determination by the ~~section~~ *agency* made pursuant to this subdivision shall constitute, nor shall it be represented as constituting, a determination of actual population.

(c) If the ~~section~~ *agency* determines that the criteria do not provide a reasonable basis for the population estimate, the resolution shall be of no effect. If the ~~section~~ *agency* determines that the criteria do provide a reasonable basis for the population estimate, the resolution shall be published at least once in a legal newspaper of general circulation in said subdivision. Said estimate may be used for computing the amount of ad valorem taxes the subdivision may levy, unless within 30 days following the publication of the resolution, 10 percent or more of the registered voters of the subdivision, or if the subdivision does not require voter registration, then 10 percent or more of its voters, who voted at the subdivision's last election, sign a petition demanding a special census, and submit the petition to the governing body of the subdivision.

(d) Attached to the petition shall be an affidavit executed by the circulator or circulators thereof, stating that he or they personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his or their presence and that he or they believe them to be genuine signatures of the persons whose names they purport to be. Each signature need not be notarized.

(e) Upon the receipt of a petition conforming to this subdivision, the governing body shall pass a resolution requesting the secretary of state to take a special census of the governmental subdivision. The census shall be taken and financed pursuant to the provisions of subdivision 2. Any population estimate made by the governing body of any governmental subdivision shall be superseded by any subsequent state or federal census taken pursuant to sections 275.50 to 275.56 or any other law, or by a population estimate made by the ~~state health department, the metropolitan council or a regional development commission~~. The governing body of a governmental subdivision may not avail itself of the provisions of this subdivision during any year for which any state or federal census has been taken or for which the ~~state health department, the metropolitan council or a regional development commission~~ has made a population estimate of the subdivision.

~~(f) In the event of any variance in population certified, the governmental subdivision by resolution shall choose from among the population estimates the figure which shall be governing for purposes of sections 275.50 to 275.56.~~

Sec. 13. Minnesota Statutes 1971, Section 275.55, is amended to read:

275.55 [STATE REVIEW AND REGULATION OF LEVIES.] The ~~state auditor and the~~ commissioner of taxation, or ~~their~~ *his* designees, shall establish procedures by which levies of all governmental units shall be periodically reviewed. The commissioner shall

be empowered to order withholding of state aids where such penalties are authorized by law, ~~to order the reduction of current or future levies where levy limitations have been exceeded,~~ to issue, in accordance with chapter 15, rulings interpreting sections 275.50 to 275.56, and to take such other administrative actions as he deems necessary in order to carry out the provisions of sections 275.50 to 275.56. *If the commissioner of taxation takes administrative action or any other action authorized by this section to enforce the provisions of sections 275.50 to 275.56, he shall give written notice of such action to the governmental subdivision affected. Such notice shall specify the actual or impending violations by the governmental subdivision of sections 275.50 to 275.56 or the rules and regulations of the department of taxation pertaining thereto, describe the corrective action required, including, in the case of an excess levy, reduction of the governmental subdivision's levy in the next succeeding levy year in an amount equal to the amount of the excess levy, set a reasonable period of time within which the governmental subdivision shall correct the specified actual or impending violations and caution the governmental subdivision that if the specified correction is not made within the time allowed, the state aids to the governmental subdivision pursuant to sections 477A.01 and 298.282, as amended, will be reduced as provided in section 275.51, subdivision 4. The time period first allowed for correction may be extended by the commissioner if he finds a reasonable basis for delay. County auditors, in addition to duties otherwise provided by law, shall cooperate with the commissioner and auditor in establishing such procedures and enforcing the provisions of sections 275.50 to 275.56.*

Sec. 14. Minnesota Statutes 1971, Chapter 275, is amended by adding a section to read:

[275.551] [LEVY LIMITATIONS REVIEW BOARD.] *A levy limitations review board is hereby created to resolve questions concerning administrative interpretation of sections 275.50 to 275.56 that require review and to hear appeals by governing bodies of governmental subdivisions who disagree with the administrative rulings issued by the commissioner of taxation pursuant to section 275.55.*

*The members of the review board shall be the commissioner of taxation, the chairman of the municipal commission and one public member appointed by the governor, by and with the approval of the senate, for a four year term which shall begin February 15 and continue until his successor is duly appointed and qualifies. The first public member, however, shall be appointed for a term ending February 15, 1975. A vacancy in the office of the public member of the board shall be filled by the governor, with the advice and consent of the senate, for the unexpired term. The governor may remove the public member at any time for good cause shown, after notice and hearing.*

*The public member shall be a citizen of the state who is knowledgeable in finance and local government. The public member shall not, at the time he is a member of the board, hold any other public office, or be employed by or represent a governmental subdivision,*

*or have any personal financial interest in any contract with a governmental subdivision, or serve in any capacity where a conflict of interest could arise. The public member shall receive as compensation for his services the amount of \$35 for each day or fraction thereof spent in attending meetings of the board or in performing other duties required by law, and shall be reimbursed for actual and necessary expenses incurred in the performance of his duties.*

Sec. 15. Minnesota Statutes 1971, Chapter 275, is amended by adding a section to read:

[275.552] [CONTESTED CASES; HEARING, NOTICE, EVIDENCE, DECISIONS, ORDERS.] *The governing body of a governmental subdivision to whom a notice pursuant to section 275.55 is given may by a majority vote of the whole governing body decide to dispute the commissioner's administrative action. Notice of such decision must be given the commissioner within 30 days of the issuance of the commissioner's notice, or else the commissioner's decision is final and not subject to the review of the levy limitations review board. Upon receipt of a notice from a governmental subdivision within the time allowed, disputing the commissioner's administrative action, the commissioner shall conduct further investigation of the disputed issues of fact as he deems necessary. If the commissioner continues to adhere to his previous notice, the governing body of the governmental subdivision shall be entitled to a hearing before the levy limitations review board. The board shall set a time and place for the hearing and notice shall be given by mail to the governing body of the governmental subdivision. The board shall adopt rules governing the proceedings for hearings which shall afford all interested parties the opportunity to present evidence and arguments with respect to the contested issues of fact. The decision of the board shall be in writing, and shall state in detail the basis and reason for each conclusion upon each contested issue of fact. A copy of the decision and order together with the detailed reasons shall be delivered or mailed to the governmental subdivision or its attorney of record. The decision of the levy limitations review board under this section may be reviewed on certiorari by the district court of the county wherein the governmental subdivision, or any part thereof, is located.*

Sec. 16. Minnesota Statutes 1971, Chapter 275, is amended by adding a section to read:

[275.58] [ELECTIONS TO INCREASE LEVY.] *Subdivision 1. Notwithstanding the provisions of sections 275.50 to 275.56, but subject to other law or charter provisions establishing per capita, mill or other limitations on the amount of taxes that may be levied, the levy of a governmental subdivision, as defined by section 275.50, subdivision 1, may be increased above the limitation imposed by sections 275.50 to 275.56 in any per capita or dollar amount which is approved by the majority of voters of the governmental subdivision voting on the question at a general or special election. When the governing body of the governmental subdivision resolves to increase the levy of the governmental subdivision pursuant to this section, it shall provide for submission of the proposition of an increase in the levy limit base per capita or the*



proposition of an additional levy, as the case may be, at a general or special election. Notice of such election shall be given in the manner required by law. If the proposition is for an adjustment to the governmental subdivision's levy limit base per capita, increasing the levy limit base per capita over the per capita amount established pursuant to section 275.51, subdivision 3, such notice shall state the purpose of such per capita adjustment and the per capita amount of such adjustment. If the proposition is for an additional levy, such notice shall state the purpose and maximum yearly amount of such additional levy.

Subd. 2. A levy limit base per capita adjustment approved pursuant to subdivision 1 at a general or special election held prior to October 1 in any levy year increases the levy limit base per capita in that same levy year by the approved per capita amount and provides a permanent adjustment to the levy limit base per capita of the governmental subdivision for future levy years. A levy limit base per capita adjustment approved pursuant to subdivision 1 at a general or special election held after September 30 in any levy year shall not increase the levy limit base per capita in that same levy year but shall provide a permanent adjustment to the levy limit base per capita of the governmental subdivision for future levy years.

Subd. 3. An additional levy approved pursuant to subdivision 1 at a general or special election held prior to October 1 in any levy year may be levied in that same levy year and in any levy years thereafter. An additional levy approved pursuant to subdivision 1 at a general or special election held after September 30 in any levy year shall not be levied in that same levy year, but may be levied in the subsequent levy year and in levy years thereafter.

Subd. 4. An additional levy approved by the majority of the voters of the governmental subdivision pursuant to subdivision 1 is over and above the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 and shall not be subject to the penalty provisions of section 275.51, subdivision 4. A levy limit base per capita adjustment approved by the majority of the voters of the governmental subdivision pursuant to subdivision 1 is a permanent adjustment to the levy limit base per capita established pursuant to section 275.51, subdivision 3, and shall not be subject to the penalty provisions of section 275.51, subdivision 4.

Subd. 5. Notwithstanding any statute, special law, ordinance or charter provision to the contrary, it shall require approval of a majority of those voting on the question to pass a referendum pursuant to subdivision 1.

Subd. 6. Notwithstanding any statute, special law, ordinance or charter provision to the contrary, the governing body of a governmental subdivision may call and hold special elections pursuant to this section.

Sec. 17. Minnesota Statutes 1971, Chapter 275, is amended by adding a section to read:

[275.59] [GOVERNMENTAL SUBDIVISIONS UNDER 500 POPULATION; EXEMPTION FROM LEVY LIMITS.] *Commencing with levy year 1973 and thereafter, taxes payable in 1974 and thereafter, the provisions of sections 275.50 to 275.56 shall not apply to any city, village, borough or town with village powers whose population according to the latest state or federal census is under 500.*

Sec. 18. Minnesota Statutes 1971, Section 414.01, is amended by adding a subdivision to read:

*Subd. 15. When a commission order enlarges an existing municipality or creates a new municipality, the commission shall indicate in its order the estimated increased costs to such municipality as the result of such annexation or consolidation, and the time period that such municipality would be allowed a special levy for these increased costs pursuant to section 275.50, subdivision 5, clause (s). This subdivision shall apply to annexations or consolidations of municipalities in levy year 1971 or a subsequent levy year.*

## ARTICLE V

Section 1. Minnesota Statutes 1971, Section 287.12, is amended to read:

287.12 [TAXES, HOW APPORTIONED.] All taxes paid to the county treasurers under the provisions of sections 287.01 to 287.12 shall be apportioned, ~~one-sixth~~ 95 percent to the general fund of the state, ~~one-sixth~~ and five percent to the county revenue fund ; and the balance to be divided equally between the school district and the city, village, or town in which the real estate described in the mortgage is situated. Where the amount determined to be apportionable in any instance to any given school district, city, village or town is less than \$1, such amount shall be retained in the county revenue fund .

Sec. 2. *The provisions of this article shall be effective for all payments required to be made after December 31, 1973.*

## ARTICLE VI

Section 1. Minnesota Statutes 1971, Section 290.081, is amended to read:

### 290.081 [INCOME OF NONRESIDENTS, RECIPROCITY.]

(a) The compensation received for the performance of personal or professional services within this state by an individual who resides and has his place of abode and place to which he customarily returns at least once a month in another state, shall be excluded from gross income to the extent such compensation is subject to an income tax imposed by the state of his residence; provided that such state allows a similar exclusion of compensation received by residents of Minnesota for services performed therein, or

(b) Whenever a nonresident taxpayer has become liable for

income taxes to the state where he resides upon his net income for the taxable year derived from the performance of personal or professional services within this state and subject to taxation under chapter 290, there shall be allowed as a credit against the amount of income tax payable by him under this chapter, such proportion of the tax so paid by him to the state where he resides as his gross income subject to taxation under this chapter bears to his entire gross income upon which the tax so paid to such other state was imposed; provided, that such credit shall be allowed only if the laws of such state grant a substantially similar credit to residents of this state subject to income tax under such laws, or

(c) If any taxpayer who is a resident of this state, or a domestic corporation or corporation commercially domiciled therein, has become liable for taxes on or measured by net income to another state upon income derived from the performance of personal or professional services within such other state and subject to taxation under this chapter he or it shall be entitled to a credit against the amount of taxes payable under this chapter, of such proportion thereof, as such gross income subject to taxation in such state bears to his entire gross income subject to taxation under this chapter; provided (1) that such credit shall in no event exceed the amount of tax so paid to such other state on the gross income earned within such other state and subject to taxation under this chapter, and (2) that such credit shall not be allowed if such other state allows residents of this state a credit against the taxes imposed by such state for taxes payable under this chapter substantially similar to the credit provided for by paragraph (b) of this section, and (3) the allowance of such credit shall not operate to reduce the taxes payable under this chapter to an amount less than would have been payable if the gross income earned in such other state had been excluded in computing net income under this chapter.

(d) The commissioner shall by regulation determine with respect to gross income earned in any other state the applicable clause of this section. *When it is deemed to be in the best interests of the people of this state, the commissioner may determine that the provisions of clause (a) shall not apply.*

(e) "Tax So Paid" as used in this section means taxes on or measured by net income payable to another state on income earned within the taxable year for which the credit is claimed, provided that such tax is actually paid in that taxable year, or subsequent taxable years.

(f) *For the purposes of clause (a), whenever the Wisconsin tax on Minnesota residents which would have been paid Wisconsin without clause (a) exceeds the Minnesota tax on Wisconsin residents which would have been paid Minnesota without clause (a), or vice versa, then the state with the net revenue loss resulting from clause (a) shall receive from the other state the amount of such loss. This provision shall be effective for all years beginning after December 31, 1972. The data used for computing the loss to either state shall be determined on or before September 30 of the year following the close of the previous calendar year.*

*If an agreement cannot be reached as to the amount of the loss, the commissioner of taxation and the taxing official of the state of Wisconsin shall each appoint a member of a board of arbitration and these members shall appoint the third member of the board. The board shall select one of its members as chairman. Such board may administer oaths, take testimony, subpoena witnesses, and require their attendance, require the production of books, papers and documents, and hold hearings at such places as are deemed necessary. The board shall then make a determination as to the amount to be paid the other state which determination shall be final and conclusive.*

## ARTICLE VII

Section 1. Minnesota Statutes 1971, Section 290.17, is amended to read:

290.17 [GROSS INCOME, ALLOCATION TO STATE.] Items of gross income shall be assigned to this state or other states or countries in accordance with the following principles:

(1) The entire income of all resident or domestic taxpayers from compensation for labor or personal services, or from a business consisting principally of the performance of personal or professional services, shall be assigned to this state, and the income of non-resident taxpayers from such sources shall be assigned to this state if, and to the extent that, the labor or services are performed within it; all other income from such sources shall be treated as income from sources without this state;

(2) Income from the operation of a farm shall be assigned to this state if the farm is located within this state and to other states only if the farm is not located in this state. Income and gains received from tangible property not employed in the business of the recipient of such income or gains, and from tangible property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, shall be assigned to this state if such property has a situs within it, and to other states only if it has no situs in this state. Income or gains from intangible personal property not employed in the business of the recipient of such income or gains, and from intangible personal property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, wherever held, whether in trust, or otherwise, shall be assigned to this state if the recipient thereof is domiciled within this state; income or gains from intangible personal property wherever held, whether in trust or otherwise shall be assigned to this state if the recipient of such income or gains is domiciled within this state, or if the grantor of any trust is domiciled within this state and such income or gains would be taxable to such grantor under sections 290.28 or 290.29;

(3) Income derived from carrying on a trade or business, including in the case of a business owned by natural persons the income imputable to the owner for his services and the use of his

property therein, shall be assigned to this state if the trade or business is conducted wholly within this state, and to other states if conducted wholly without this state. This provision shall not apply to business income subject to the provisions of clause (1);

(4) When a trade or business is carried on partly within and partly without this state, the entire income derived from such trade or business, including income from intangible property employed in such business and including, in the case of a business owned by natural persons, the income imputable to the owner for his services and the use of his property therein, shall be governed, except as otherwise provided in sections 290.35 and 290.36, by the provisions of section 290.19, notwithstanding any provisions of this section to the contrary. This shall not apply to business income subject to the provisions of clause (1). *For the purposes of this clause, a trade or business located in Minnesota is carried on partly within and partly without this state if tangible personal property is sold by such trade or business and delivered or shipped to a purchaser located outside the state of Minnesota.*

In determining whether or not intangible property is employed in a unitary business carried on partly within and partly without this state so that income derived therefrom is subject to apportionment under section 290.19 the following rules and guidelines shall apply.

(a) Intangible property is employed in a business if the business entity owning intangible property holds it as a means of furthering the business operation of which a part is located within the territorial confines of this state.

(b) Where a business operation conducted in Minnesota, is owned by a business entity which carries on business activity outside of the state different in kind from that conducted within this state, and such other business is conducted entirely outside the state, it will be presumed that the two business operations are unitary in nature, interrelated, connected and interdependent unless it can be shown to the contrary.

(5) All other items of gross income shall be assigned to the taxpayer's domicile.

Sec. 2. Minnesota Statutes 1971, Section 290.19, Subdivision 1, is amended to read:

290.19 [NET INCOME; ALLOCATION TO STATE, METHODS.] Subdivision 1. [COMPUTATION, BUSINESS CONDUCTED PARTLY WITHIN STATE; APPORTIONMENT.] The taxable net income from a trade or business carried on partly within and partly without this state shall be computed by deducting from the gross income of such business, wherever derived, deductions of the kind permitted by section 290.09, so far as connected with or allocable against the production or receipt of such income. The remaining net income shall be apportioned to Minnesota as follows:

(1) If the business consists of the mining, producing, smelting,

refining, or any combination of these activities of copper and nickel ores, or of the manufacture of personal property and the sale of said property within and without the state, the remainder shall be apportioned to Minnesota on the basis of the percentage obtained by taking the arithmetical average of the following three percentages:

(a) The percentage which the sales made within this state ~~and through, from or by offices, agencies, branches or stores with-~~ in this state is of the total sales wherever made;

(b) The percentage which the total tangible property, real, personal, and mixed, owned or rented, and used by the taxpayer in this state during the tax period in connection with such trade or business is of the total tangible property, real, personal, or mixed, wherever located, owned or rented and, used by the taxpayer in connection with such trade or business during the tax period; and,

(c) The percentage which the taxpayer's total pay-rolls paid or incurred in this state or paid in respect to labor performed in this state in connection with such trade or business is of the taxpayer's total pay-rolls paid or incurred in connection with such entire trade or business;

(d) The percentage of such remainder to be assigned to this state shall not be in excess of the sum of the following percentages: 70 percent of the percentage determined under clause (1) (a), 15 percent of the percentage determined under clause (1) (b), and 15 percent of the percentage determined under clause (1) (c);

(2) (a) In all other cases the remainder shall be apportioned to Minnesota on the basis of the percentage obtained by taking the arithmetical average of the following three percentages:

(1) The percentage which the sales, gross earnings, or receipts from business operations, in whole or in part, within this state bear to the total sales, gross earnings, or receipts from business operations wherever conducted;

(2) The percentage which the total tangible property, real, personal, and mixed, owned or rented, and used by the taxpayer in this state during the tax period in connection with such trade or business is of the total tangible property, real, personal, or mixed, wherever located, owned, or rented, and used by the taxpayer in connection with such trade or business during the tax period; and

(3) The percentage which the taxpayer's total pay-rolls paid or incurred in this state or paid in respect to labor performed in this state in connection with such trade or business is of the taxpayer's total pay-rolls paid or incurred in connection with such entire trade or business;

(4) The percentage of such remainder to be assigned to this

state shall not be in excess of the sum of the following percentages: 70 percent of the percentage determined under clause (2) (a) (1), 15 percent of the percentage determined under clause (2) (a) (2), and 15 percent of the percentage determined under clause (2) (a) (3);

(b) If the methods prescribed under clause (2) (a) will not properly reflect taxable net income assignable to the state, there may be used, if practicable and if such use will properly and fairly reflect such income, the percentage which the sales, gross earnings, or receipts from business operations, in whole or in part, within this state bear to the total sales, gross earnings, or receipts from business operations wherever conducted; or the separate or segregated accounting method;

(3) The sales, pay-rolls, earnings, and receipts referred to in this section shall be those for the taxable year in respect of which the tax is being computed. The property referred to in this section shall be the average of the property owned or used by the taxpayer during the taxable year in respect of which the tax is being computed ;

(4) For the purposes of this section, in determining the amount of sales made within Minnesota, there shall be excluded therefrom sales negotiated or effected in behalf of the taxpayer by agents or agencies chiefly situated at, connected with, or sent out from premises for the transaction of business owned or rented by the taxpayer or by his agents or agencies outside the state and sales otherwise determined by the commissioner to be attributable to the business conducted on such premises. If the commissioner finds that the taxpayer maintains an office, warehouse or other places of business outside the state for the purpose of reducing its tax under this section it shall in determining the amount of taxable net income include therein the proceeds of sales attributed by the taxpayer to the business conducted at such place outside the state .

Sec. 3. Minnesota Statutes 1971, Section 290.19, is amended by adding a subdivision to read:

*Subd. 1a. [DETERMINATION OF SALES MADE WITHIN THIS STATE.] For purposes of this section the following rules shall apply in determining whether or not sales are made within this state.*

*Sales of tangible personal property are made within this state if the property is delivered or shipped to a purchaser within this state, and the taxpayer is taxable in this state, regardless of the f.o.b. point or other conditions of the sale.*

*Sales made by or through a corporation which is qualified as a domestic international sales corporation under section 992 of the Internal Revenue Code of 1954, as amended through December 31, 1972, shall not be considered to have been made within this state.*

Sec. 4. This article is effective for taxable years beginning after December 31, 1973.

## ARTICLE VIII

Section 1. Minnesota Statutes 1971, Section 290.361, Subdivision 4, is amended to read:

Subd. 4. [DISPOSITION OF TAX.] (a) The revenues derived from the excise tax on banks shall be paid into the state treasury and credited to the general fund, from which shall be paid all refunds of taxes erroneously collected from banks as certified by the commissioner. ~~Forty-five percent of the balance of such tax so collected shall be transmitted, on the last days of May and November of each year, to the respective counties in which are located the banks paying the tax. The county auditor shall apportion and distribute 45 percent of the respective amounts paid by each bank in his county, less 45 percent of the refunds paid to that bank, in the same manner and on the same basis as he distributes taxes on personal property in the taxing district in which that bank is located, provided that the governing body of any political subdivision receiving such apportionment may place all such amounts to the credit of its general fund.~~

There is hereby appropriated to the persons or banks entitled to such refunds, from the general fund, an amount sufficient to make the refunds.

(b) For purposes of the apportionment and distribution required to be made to the county auditor under clause (a) of this subdivision, the tax so collected shall be deemed to have been paid to the commissioner on the last date prescribed by law for the filing of the excise tax return, or date when such excise tax was received by the commissioner, whichever date occurs later.

(c) There is hereby annually appropriated from the general fund to the taxing districts entitled to such payments as are authorized under this section, sufficient moneys to make such payments.

Sec. 2. *After November 30, 1973 no adjustments shall be made to the November 30, 1973 distributions or prior distributions required to be made to the several county auditors pursuant to Minnesota Statutes, Section 290.361, Subdivision 4. Any amounts appropriated for this purpose shall lapse after November 30, 1973 and shall revert to the general fund.*

Sec. 3. *The provisions of this article shall be effective for all payments required to be made after November 30, 1973.*

## ARTICLE IX

Section 1. Minnesota Statutes 1971, Section 290.982, is amended to read:

290.982 [CLAIMANT.] Claimant means a person who has filed a claim under sections 290.981 to 290.992, who was domiciled in this state during the entire calendar year preceding the year in which he files claim for relief, who resided in a rented or leased private commercial unit on which ad valorem taxes are accrued operated for profit, or in a rented or leased unit owned temporarily



due to foreclosure by the federal housing administration, for not less than the last six months of the calendar year covered by the claim. When a unit is occupied by two or more individuals and more than one such individual is able to qualify as a claimant, such individuals may determine between them as to who the claimant shall be, and all amounts paid for the unit during the selected claimant's occupancy shall be considered as paid by him. If they are unable to agree, the matter shall be referred to the commissioner of taxation and his decision shall be final.

Sec. 2. Minnesota Statutes 1971, Section 290.983, Subdivision 1, is amended to read:

290.983 [AMOUNT OF CREDIT; OFFSET AGAINST TAX.] Subdivision 1. The credit allowed by section 290.981 shall be  $7\frac{1}{2}$  10 percent of the total amount paid by the claimant during the taxable year as rent for the occupancy of real property used as the place of residence of his household. The credit shall not exceed \$90 \$120 in any taxable year. For purposes of sections 290.981 to 290.992 "rent" does not include payments attributable to heat, light, or other utilities.

Sec. 3. Minnesota Statutes 1971, Section 290.99, is amended to read:

290.99 [NO RELIEF ALLOWED IN CERTAIN CASES.] No claim for relief under sections 290.981 to 290.992 shall be allowed to any person who is a recipient of public funds for the payment of rent during the period for which the claim is filed. ~~No claim for relief under sections 290.981 to 290.992 shall be allowed to any person residing in a rental unit the rental of which is subject to regulations of a governmental agency, federal, state or local.~~

Sec. 4. *The provisions of this article shall be effective for all years beginning after December 31, 1972.*

## ARTICLE X

Section 1. Minnesota Statutes 1971, Section 297.13, Subdivision 1, is amended to read:

297.13 [REVENUE, DISPOSAL.] Subdivision 1. [CIGARETTE TAX APPORTIONMENT FUND.] Notwithstanding any other provisions of law, for all periods beginning after the date of final enactment of this act, the provisions of this section shall be applicable. Five and one-half percent of the revenues received from taxes, penalties and interest under sections 297.01 to 297.13 shall be deposited by the commissioner of taxation in the general fund and credited to a special account to be known as the "natural resources account," which is hereby created. Expenditures shall be made from said account only as may be authorized by law to carry out the provisions of this act and in conformance with the provisions of chapter 16. Five and one-half percent shall be deposited in the general fund and credited to the "natural resources acceleration" account for the purposes provided in Laws 1969, Chapter 879, Section 4. ~~Until January 1, 1972, an additional 5.5 percent of the revenues received from taxes,~~

penalties and interest under sections 297.01 to 297.13 shall be deposited by the commissioner of taxation in the general fund and said amount shall be considered for the purposes of section 297A.61 as if the tax were imposed by sections 297A.01 to 297A.44. The balance of the revenues derived from taxes, penalties, and interest under sections 297.01 to 297.13 and from license fees and miscellaneous sources of revenue shall be deposited by the commissioner in the general fund and credited 11.0 percent to a special account to be known as the "cigarette tax apportionment account," which account is hereby created, but in no event shall the amount credited to the account be less than that credited to such account in the fiscal year beginning July 1, 1968 and ending June 30, 1969, and the balance to the general fund. The revenues in the apportionment account shall be apportioned as provided in subdivision 2 to the several counties, cities, villages and boroughs in this state, and the term "village" as used herein shall include those towns which have village powers as defined in section 360.01. In computing the population of counties, cities, villages and boroughs the state auditor shall add increases in population disclosed by reason of any special census conducted under subdivision 7 to the population or the political subdivision conducting the census and to the population of the county in which the political subdivision is located. Each county, city, village, and borough shall receive from the apportionment account an amount bearing the same relation to the total amount to be apportioned as its population bears to the total population of all the counties, cities, villages and boroughs in this state, except, that for the purposes of sections 297.01 to 297.13, the population of a county shall be that part of its population exclusive of the population of the several cities, villages and boroughs within the county.

*Sec. 2. Minnesota Statutes 1971, Sections 297.13, Subdivisions 2, 3, 4, 5, 6, 7 and 8; 297.15, and 297.16 are repealed.*

*Sec. 3. After August 15, 1973 no adjustments shall be made to the August 15, 1973 payments or prior payments made to the treasurers of the several counties, cities, villages and boroughs pursuant to Minnesota Statutes, Section 297.13, Subdivision 2. Any amounts appropriated for this purpose shall lapse after August 15, 1973 and shall revert to the general fund.*

*Sec. 4. The provisions of this article shall be effective for all payments required to be made after December 31, 1973.*

## ARTICLE XI

Section 1. Minnesota Statutes 1971, Section 340.60, Subdivision 1, is amended to read:

340.60 [LIQUOR RECEIPTS.] Subdivision 1. [PAID INTO STATE TREASURY.] Except as provided in the following subdivisions, All taxes, penalties, license fees, and receipts of every kind, character, and description provided for and payable to the state under the terms and provisions of the intoxicating liquor act and sections 340.44 to 340.56, including all moneys collected

by the liquor control commissioner under rules and regulations established by him such as certificate labels, truck labels, case labels, and any other form that he may establish, shall be paid into the state treasury the same as other departmental receipts, and are to be credited to the revenue general fund of the state.

Sec. 2. *Minnesota Statutes 1971, Section 340.60, Subdivisions 2, 3, 4, 5, 6 and 7 are repealed.*

Sec. 3. *After August 15, 1973 no adjustments shall be made to the August 15, 1973 payments or prior payments made to the treasurers of the several counties, cities, villages and boroughs pursuant to Minnesota Statutes, Section 340.60, Subdivision 3. Any amounts appropriated for this purpose shall lapse after August 15, 1973 and shall revert to the general fund.*

Sec. 4. *The provisions of this article shall be effective for all payments required to be made after August 15, 1973.*

## ARTICLE XII

Section 1. *The significant increase in ad valorem taxes in recent years is a major concern of the legislature in view of the impact of such increases upon all economic groups within the state, but with particular emphasis upon certain home owners, renters and farmers. The legislature attributes this steadily increasing property tax burden to the rising costs of local government, increased school and welfare expenditures, and a continuing and strong inflationary effect on real property values.*

*In Extra Session Laws 1971, Chapter 31, Article XIII, the legislature created a tax study commission to examine Minnesota's total tax structure as its equity and distribution methods relate to the general economic needs and development of the state, the special needs of employment and job opportunity and the revenue needs and sources of revenue available to the state and to its political subdivisions.*

*The tax study commission is herewith directed to focus particular attention on the process of assessing and classifying real and personal property for ad valorem tax purposes, in order that the legislature may be able to achieve a reasonable balance between the total revenue requirements of the state and its political subdivision and that portion of such revenues that should be raised by property taxes.*

*No appropriation is made for the purposes of this article, as funds are being made available to the tax study commission in other sections of the law.*

## ARTICLE XIII

Section 1. *Minnesota Statutes 1971, Section 297A.14, is amended to read:*

297A.14 [USING, STORING OR CONSUMING TANGIBLE PERSONAL PROPERTY; ADMISSIONS; UTILITIES.] *For the privilege of using, storing or consuming in Minnesota tangible*

personal property, tickets or admissions to places of amusement and athletic events, electricity, gas, and local exchange telephone service purchased for use, storage or consumption in this state, there is hereby imposed on every person in this state a use tax at the rate of four percent of the sales price of sales at retail of any of the aforementioned items made to such person after October 31, 1971, unless the tax imposed by section 297A.02 was paid on said sales price.

Motor vehicles subject to tax under this section shall be taxed at the fair market value at the time of transport into Minnesota if such motor vehicles were acquired more than three months prior to its transport into this state.

*Notwithstanding any other provisions of section 297A.01 to 297A.44 to the contrary, the cost of paper and ink products exceeding \$100,000 in any calendar year, used or consumed in producing a publication as defined in section 297A.25, subdivision 1, clause (i) is subject to the tax imposed by this section.*

Sec. 2. Minnesota Statutes 1971, Section 297A.25, Subdivision 1, is amended to read:

297A.25 [EXEMPTIONS.] Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property, the ultimate destination of which is outside the state of Minnesota and which is not thereafter returned to a point within Minnesota except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been

imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, *including returnable containers used in packaging food and beverage products*, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, *research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and road building*. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, *are not included within this exemption. The terms of the preceding sentence shall include the basic machine itself and all of its component parts, such as belts, pulleys, shafts, moving parts and operating structures as well as any accessory tools or equipment such as litho plates and other short lived items which are separate detachable units used in producing a direct effect upon the*

*product, and shall further include equipment or devices used to control, regulate or operate the machine.* Furniture and fixtures used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except ~~paper or ink products as provided in section 297A.14~~) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, *and any such publication.* For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airflight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office

telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of cigarettes.

(s) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(t) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(u) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, sub-contractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of taxation filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

*(v) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to Minnesota Statutes, Section 141.25.*

*(w) The gross receipts from the sale of and the storage of*

*material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.*

Sec. 3. *Minnesota Statutes 1971, Section 297A.252, is repealed.*

Sec. 4. *The provisions of this article shall be effective after December 31, 1973.*

## ARTICLE XIV

Section 1. *Minnesota Statutes 1971, Section 273.13, Subdivision 6, is amended to read:*

Subd. 6. [CLASS 3B.] Agricultural land, except as provided by class 1 hereof, and which is used for the purposes of a homestead, shall constitute class 3b and shall be valued and assessed at 20 percent of the market value thereof. The property tax to be paid on class 3b property as otherwise determined by law not exceeding 80 acres, regardless of whether or not the market value is in excess of \$12,000, for all purposes except the payment of principal and interest on *non-school district* bonded indebtedness, shall be reduced by ~~35~~ 45 percent of the tax; provided that the amount of said reduction shall not exceed ~~\$250~~ \$325. Valuation subject to relief shall be limited to ~~80~~ 120 acres of land, most contiguous surrounding, or bordering the house occupied by the owner as his dwelling place, and, such other structures as may be included thereon utilized by the owner in an agricultural pursuit. If the market value is in excess of the sum of \$12,000, the amount in excess of that sum shall be valued and assessed as provided for by class 3. The first \$12,000 market value of each tract of real estate which is rural in character and devoted or adaptable to rural but not necessarily agricultural use, used for the purpose of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law.

Agricultural land as used herein, and in section 124.03, shall mean contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land and land included in federal farm programs.

Real estate of less than ten acres used principally for raising poultry, livestock, fruit, vegetables or other agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

Sec. 2. *Minnesota Statutes 1971, Section 273.13, Subdivision 7, is amended to read:*

Subd. 7. [CLASS 3C, 3CC.] All other real estate and class 2a property, except as provided by classes 1 and 3cc, which is used for the purposes of a homestead, shall constitute class 3c, and shall



be valued and assessed at 25 percent of the market value thereof. The property tax to be paid on class 3c property as otherwise determined by law, regardless of whether or not the market value is in excess of \$12,000, for all purposes except the payment of principal or interest on *non-school district* bonded indebtedness, shall be reduced by 35 45 percent of the amount of such tax; provided that the amount of said reduction shall not exceed \$250 \$325 . If the market value is in excess of the sum of \$12,000, the amount in excess of that sum shall be valued and assessed at 40 percent of market value. The first \$12,000 market value of each tract of such real estate used for the purposes of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law. All real estate which is used for the purposes of a homestead by any blind person, as defined by section 256.12 , *if such blind person is the owner thereof or if such blind person and his or her spouse are the sole owners thereof* ; or by any person (hereinafter referred to as veteran) who served in the active military or naval service of the United States and who is entitled to compensation under the laws and regulations of the United States for permanent and total service-connected disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude motion without the aid of braces, crutches, canes, or a wheel chair, and who with assistance by the administration of veterans affairs has acquired a special housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, shall constitute class 3cc and shall be valued and assessed at five percent of the market value thereof. The property tax to be paid on class 3cc property as otherwise determined by law, regardless of whether or not the market value is in excess of \$12,000, for all purposes except the payment of principal or interest on *non-school district* bonded indebtedness, shall be reduced by 35 45 percent of the amount of such tax; provided that the amount of said reduction shall not exceed \$250 \$325 . If the market value is in excess of the sum of \$24,000, the amount in excess of that sum shall be valued and assessed at 33 1/3 percent in the case of agricultural land used for a homestead and 40 percent in the case of all other real estate used for a homestead.

Sec. 3. *This article is effective for taxes assessed in 1973 and payable in 1974 and thereafter.*

## ARTICLE XV

Section 1. Minnesota Statutes 1971, Chapter 273, is amended by adding a section to read:

[273.011] [DEFINITIONS.] *Subdivision 1. [WORDS, TERMS, PHRASES.] Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of sections 1 to 3 shall have the meanings given to them.*

*Subd. 2. [QUALIFIED HOME OWNER.] The term "qualified home owner" means:*

*(a) (i) A person 65 years of age or older; or*

*(ii) The surviving spouse of a decedent, if such decedent was 65 years of age or older at his death, and such spouse has not remarried; and*

*(b) Who owns property as his homestead, and title to the property so used is held:*

*(i) In his name as owner of the fee; or*

*(ii) Only in his name and that of his spouse as joint tenants or tenants in common; or*

*(iii) Only in his name, or his name and that of his spouse as owner of an estate for life or an estate for years.*

*Subd. 3. [QUALIFIED PROPERTY.] The term "qualified property" means property which meets all of the following conditions:*

*(i) Is a single family dwelling, or is part of a multifamily dwelling, or is a portion of a multipurpose structure, or is a mobile home as defined in section 168.011 which is used for the purposes described in section 273.13, subdivision 7, together with one acre of land most contiguous to the structure or mobile home, provided title to such land is held by the person who owns the title to the property described herein; and*

*(ii) Is the homestead of a "qualified home owner."*

*Subd. 4. [BASE TAX.] The term "base tax" means the ad valorem tax legally due with respect to "qualified property" in the year preceding the year in which the "qualified home owner" thereof attains such status prior to June 1, unless such "qualified home owner" qualified for such status at an earlier date by reason of subdivision 2, clause (a) (ii) of this section; provided that where such status is attained on or after June 1, except as provided in the preceding sentence, the "base tax," notwithstanding the provisions of subdivision 5, shall be the "ad valorem tax" legally due in such year.*

*Subd. 5. [CURRENT TAX.] The term "current tax" means the ad valorem tax legally due and payable on "qualified property" in the year following the year of assessment.*

*Subd. 6. [AD VALOREM TAX.] The term "ad valorem tax" means the tax on "qualified property" exclusive of all special taxes payable thereon.*

*Subd. 7. The masculine gender shall include the feminine and the single shall include the plural.*

*Subd. 8. Where "qualified property" is part of a multidwelling*

*or multipurpose structure, the valuation of the "qualified property" area shall be determined by apportionment.*

Sec. 2. Minnesota Statutes, Chapter 273, is amended by adding a section to read:

[273.012] [QUALIFIED PROPERTY TAX CREDIT.] *Subdivision 1. When used in this section, words and phrases defined in section 1 shall have the meanings given to them unless the language or context clearly indicates that a different meaning is intended.*

*Subd. 2. Where the "current tax" on "qualified property" is in excess of the "base tax" on such property, there shall be allowed to the "qualified home owner" thereof a credit an equal amount to the excess of current tax over base tax as hereinafter provided under Minnesota Statutes, Chapter 290. In the event that a "qualified home owner" entitled to the credit provided herein dies prior to the receipt thereof, his surviving spouse shall be entitled to such credit. If there be no spouse surviving him, the right to such credit shall lapse.*

Sec. 3. Minnesota Statutes, Chapter 290, is amended by adding a section to read:

[290.066] [SPECIAL PROPERTY TAX CREDIT.] *Subdivision 1. A person entitled to an amount equal to the qualified property tax credit allowed by section 2 shall file a claim with the department of taxation on or before June 30. The department of taxation shall make available suitable forms with instructions for the claimant, including a form which may be included with or as a part of the individual income tax blank. The claim shall be in such form as the commissioner may prescribe.*

*Subd. 2. Such claim shall be subject to the provisions of Sections 290.0604, 290.0605, 290.061, 290.0611, 290.0612, 290.0614, and 290.0615, where applicable.*

*Subd. 3. In the event that a "qualified home owner," in addition to the credit provided in this section, is entitled to a credit under section 290.0618, he shall not include the amount of taxes refunded under this section in the amount of property tax on which the credit allowed by section 290.0618 is calculated.*

*Subd. 4. There is hereby appropriated from the general fund the necessary amounts to pay the claims allowed by this section.*

Sec. 4. This article is effective for all "base taxes" due and payable after December 31, 1972, and is effective for all "current taxes" due and payable after December 31, 1973.

## ARTICLE XVI

Section 1. Minnesota Statutes 1971, Chapter 290, is amended by adding a section to read:

[290.0618] [LIMITS.] *The amount of any claim pursuant to sections 290.0601 to 290.0618 shall be determined in accordance with the following schedule:*

**Property Tax****Total Household income****At Least:**

0    1,500    2,000    2,500    3,000

**But Less Than:**

1,499    1,999    2,499    2,999    3,499

**At  
Least**      **But  
Less Than**

**Your Senior Citizens Tax Credit Is:**

0	25	\$ 22	\$ 21	\$ 19	\$ 16	\$ 12
25	50	45	42	38	32	25
50	75	68	64	56	49	38
75	100	90	85	75	65	50
100	125	112	106	94	81	62
125	150	135	128	112	98	75
150	175	158	149	131	114	88
175	200	180	170	150	130	100
200	225	202	191	169	146	112
225	250	225	212	188	162	125
250	275	248	234	206	179	138
275	300	270	255	225	195	150
300	325	292	276	244	211	162
325	350	315	298	262	228	175
350	375	338	319	281	244	188
375	400	360	340	300	260	200
400	425	382	361	319	276	212
425	450	405	382	338	292	225
450	475	428	404	356	309	238
475	500	450	425	375	325	250
500	525	472	446	394	341	262
525	550	495	468	412	358	275
550	575	518	489	431	374	288
575	600	540	510	450	390	300
600	625	562	531	469	406	312
625	650	585	552	488	422	325
650	675	608	574	506	439	338
675	700	630	595	525	455	350
700	725	652	616	544	471	362
725	750	675	638	562	488	375
750	775	698	659	581	504	388
775	800	720	680	600	520	400

**Property Tax****Total Household Income****At Least**

3,500    4,000    4,500    5,000    5,500

**But Less Than:**

3,999    4,499    4,999    5,499    5,999

**At  
Least**      **But  
Less Than**

**Your Senior Citizens Tax Credit Is:**

0	25	\$ 9	\$ 5	\$ 4	\$ 2	\$ 1
25	50	18	10	8	5	2

50	75	26	15	11	8	4
75	100	35	20	15	10	5
100	125	44	25	19	12	6
125	150	52	30	22	15	8
150	175	61	35	26	18	9
175	200	70	40	30	20	10
200	225	79	45	34	22	11
225	250	88	50	38	25	12
250	275	96	55	41	28	14
275	300	105	60	45	30	15
300	325	114	65	49	32	16
325	350	122	70	52	35	18
350	375	131	75	56	38	19
375	400	140	80	60	40	20
400	425	149	85	64	42	21
425	450	158	90	68	45	22
450	475	166	95	71	48	24
475	500	175	100	75	50	25
500	525	184	105	79	52	26
525	550	192	110	82	55	28
550	575	201	115	86	58	29
575	600	210	120	90	60	30
600	625	219	125	94	62	31
625	650	228	130	98	65	32
650	675	236	123	101	68	34
675	700	245	140	105	70	35
700	725	254	145	109	72	36
725	750	262	150	112	75	38
750	775	271	155	116	78	39
775	800	280	160	120	80	40

*In no event shall the claim allowed pursuant to the above schedule exceed the amount of property tax accrued.*

Sec. 2. Minnesota Statutes 1971, Section 290.0604, is amended to read:

**290.0604 [FILING TIME LIMIT, LATE FILING.]** ~~No claim in respect of property taxes accrued in 1969 or in respect of 1969 rent constituting property taxes accrued shall be paid or allowed unless such claim is actually filed with and in the possession of the department of taxation on or before June 30, 1970. Thereafter, subject to the same conditions and limitations, claims must be filed on or before June 30 of each succeeding year for which the property taxes accrued or rent constituting property taxes have accrued. Any claim for property taxes accrued shall be filed with the department of taxation on or before June 30 of the year in which such property taxes are due and payable. Any claim for rent constituting property taxes accrued shall be filed on or before June 30 of the year following the year in which such rent was paid. The commissioner may extend the time for filing these claims, as provided in section 290.0615.~~

*A claim filed after the original or extended due dates shall be allowed, however the amount of credit shall be reduced by five*

*percent of the amount otherwise allowable, plus an additional five percent for each month of delinquency, not exceeding a total reduction of 25 percent. In any event no claim shall be allowed if the claim is not filed on or before two years after the original or extended due date for the filing of the claim.*

*Sec. 3. This article is effective for all claims filed on or after January 1, 1974 based on property taxes due and payable in 1974 and thereafter for each succeeding year, and for rent constituting property taxes accrued for 1973 and thereafter for each succeeding year.*

*Sec. 4. Minnesota Statutes 1971, Sections 290.0607 and 290.0617 are repealed.*

## ARTICLE XVII

Section 1. Minnesota Statutes 1971, Section 477A.01, Subdivision 1, is amended to read:

477A.01 [LOCAL GOVERNMENT AID.] Subdivision 1. Except in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, the state shall distribute ~~\$25~~ \$35 for each person residing in the territory comprising each county for the calendar year ~~1972~~ 1974 and ~~\$27~~ \$36 for the calendar year ~~1973~~ 1975 to the several taxing authorities, except school districts, with authority to impose taxes on property located in the county's territory.

Sec. 2. Minnesota Statutes 1971, Section 477A.01, Subdivision 2, is amended to read:

Subd. 2. The county government shall receive 85 percent of the same percentage of the distributions pursuant to subdivision 1, that it was entitled to receive in 1971 of the total distributions to the several taxing authorities in the county's territory pursuant to Minnesota Statutes 1969, sections 273.69 and 297A.51 to 297A.60, except that distributions to school districts under those laws shall be disregarded in making the calculation.

Sec. 3. Minnesota Statutes 1971, Section 477A.01, Subdivision 3, is amended to read:

Subd. 3. Each taxing authority in each county, other than the county, the school districts and the cities, villages and towns, shall receive in ~~1972~~ 1974 and ~~1973~~ 1975 a distribution equal to the distribution it was entitled to receive in 1971 pursuant to Minnesota Statutes 1969, Section 273.69.

Sec. 4. Minnesota Statutes 1971, Section 477A.01, Subdivision 4, is amended to read:

Subd. 4. The balance of the distributions in 1974 pursuant to subdivision 1, shall be divided among the several cities, villages and towns in the county's territory in the proportion that the dollar amount of the levy limitation and special levies of each city, village and town for taxes payable in ~~1971~~ 1973 bears to the total

dollar amount of the levies levy limitations and special levies of all the cities, villages and towns for taxes payable in 1973.

*The balance of the distribution in 1975 pursuant to subdivision 1, shall be divided among the several cities, villages and towns in the county's territory in the proportion that the dollar amount of the levy limitation and special levies of each city, village and town for taxes payable in 1974 bears to the total dollar amount of the levy limitations and special levies of all cities, villages and towns for taxes payable in 1974.*

*For the purposes of this subdivision, the levy limitation of a city village or town with village powers for taxes payable in 1973 or 1974 shall be the limitation established for such governmental unit pursuant to Minnesota Statutes, Sections 275.50 to 275.56, as determined by the department of taxation. For the purposes of this subdivision, the special levies of a city, village or town with village powers for taxes payable in 1973 or 1974 shall be the amounts of the governmental unit's tax levy payable in 1973 or 1974 which the department of taxation determines to be qualified special levies pursuant to Minnesota Statutes, Section 275.50, Subdivision 5, before the reduction pursuant to Minnesota Statutes 1971, Section 477A.02, Clause (c). Furthermore, cities, villages and towns with village powers under 500 population, according to the latest state or federal census, and towns without village powers, shall receive distributions in 1974 and 1975, pursuant to this subdivision, based on their levies payable in 1973 and 1974, respectively.*

Sec. 5. Minnesota Statutes 1971, Section 477A.01, Subdivision 5, is amended to read:

*Subd. 5. If the total amount distributed to the several taxing authorities within a county pursuant to subdivision 1 is less than the total amount the several taxing authorities within the county, except school districts, were entitled to receive in 1971 pursuant to Minnesota Statutes 1969, Sections 273.69 and 297A.51 to 297A.60, the state shall supply and distribute the difference from the general fund which shall be distributed as part of the distribution pursuant to subdivision 1.*

*(a) The department of taxation shall calculate the aggregate of the following aids (before adjustments for prior year aid payments) for each city, village, town, and county government within each county subject to the provisions of subdivision 1 or within the territory specified in subdivision 7:*

*(1) 1973 local government aids pursuant to Minnesota Statutes 1971, Section 477A.01;*

*(2) 1973 cigarette tax distribution aids pursuant to Minnesota Statutes 1971, Section 297.13;*

*(3) 1973 liquor tax distribution aids pursuant to Minnesota Statutes 1971, Section 340.60;*

*(4) The November 30, 1972 and May 31, 1973 distributions of*

*bank excise tax aids pursuant to Minnesota Statutes 1971, Section 290.361;*

*(5) Fifty percent of the 1973 inheritance tax distribution to counties pursuant to Minnesota Statutes 1971, Section 291.33;*

*(6) Seventy percent of the amount county governments were entitled to receive and 100 percent of the amount city, village, and town governments were entitled to receive in 1973 pursuant to Minnesota Statutes 1971, Section 287.12;*

*(7) 1973 gross earnings aid to cities, villages, towns and counties pursuant to Minnesota Statutes 1971, Sections 276.15 to 276.18; 368.39 to 368.42; and 373.20 to 373.24.*

*(b) If the total amount distributed to the several taxing authorities within a county pursuant to subdivision 1 or to the territory specified in subdivision 7 is less than the aggregate of aids to the several taxing authorities within such county or territory, except school districts, as calculated by the department of taxation pursuant to clause (a), the state shall supply and distribute the difference from the general fund which shall be distributed as part of the distribution to the several taxing authorities within the territory specified in subdivision 7.*

*Sec. 6. Minnesota Statutes 1971, Section 477A.01, Subdivision 6, is amended to read:*

*Subd. 6. If the amount distributed to a city, village or town pursuant to subdivision 4, is less than it was entitled to receive in 1971 pursuant to Minnesota Statutes 1969, Sections 273.69 and 207A.51 to 207A.60, the amount distributed to it shall be raised to the amount distributed in 1971 and the distributions to each of the other cities, villages and towns and the county, shall be proportionately reduced as necessary to supply the difference. (a) The department of taxation shall calculate the aggregate of the following aids (before adjustments for prior year aid payments) for each city, village, town and county government within each county subject to the provisions of subdivision 1:*

*(1) 1973 local government aids pursuant to Minnesota Statutes 1971, Section 477A.01;*

*(2) 1973 cigarette tax distribution aids pursuant to Minnesota Statutes 1971, Section 297.13;*

*(3) 1973 liquor tax distribution aids pursuant to Minnesota Statutes 1971, Section 340.60;*

*(4) The November 30, 1972 and May 31, 1973 distribution of bank excise tax aids pursuant to Minnesota Statutes 1971, Section 290.361;*

*(5) 1973 gross earnings aids to cities, villages, towns and counties pursuant to Minnesota Statutes 1971, Sections 276.15 to 276.18; 368.39 to 368.42; 373.20 to 373.24;*

*(6) Fifty percent of the 1973 inheritance tax distribution to counties pursuant to Minnesota Statutes 1971, Section 291.33;*



(7) *Seventy percent of the amount county governments were entitled to receive and 100 percent of the amount city, village, and town governments were entitled to receive in 1973 pursuant to Minnesota Statutes 1971, Section 287.12.*

*(b) If the amount distributed to a city, village, borough, town or county government pursuant to subdivision 2 or subdivision 4 is less than the aggregate of aids for such county government, city, village, borough, or town as calculated by the department of taxation pursuant to clause (a), the amount distributed to it shall be raised to the amount for such county, city, village, borough or township as calculated by the department of taxation pursuant to clause (a), and the distributions to each of the other cities, villages, boroughs and towns and the county government shall be proportionately reduced as necessary to supply the difference.*

Sec. 7. Minnesota Statutes 1971, Section 477A.01, Subdivision 7, is amended to read:

Subd. 7. In the territory comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, the state shall distribute \$27 \$36 for each person residing in the territory for the calendar year ~~1972~~ 1974 and \$29 \$37 for the calendar year ~~1973~~ 1975 to the several taxing authorities, except school districts, with authority to impose taxes on property located in the territory.

Sec. 8. Minnesota Statutes 1971, Section 477A.01, Subdivision 8, is amended to read:

Subd. 8. The seven county governments shall receive in total, in ~~1972~~ 1974, ~~10.5~~ 16 percent of \$26 \$36 times the population of the seven counties, and, in ~~1973~~ 1975, ~~17.5~~ 16 percent of \$20 \$37 times the population of the seven counties. That distribution in 1974 shall be divided among the seven county governments in the proportion that the levy of each payable in ~~1971~~ 1973 bears to the total levy of the seven. That distribution in 1975 shall be divided among the seven county governments in the proportion that the levy of each payable in 1974 bears to the total levy of the seven. For the purposes of this subdivision the levy of a county payable in 1973 and 1974 shall exclude that portion of the levy which was subject to the penalty provisions of Minnesota Statutes, Section 275.51, Subdivision 4, as amended, and shall be before the reduction pursuant to Minnesota Statutes 1971, Section 477A.02, Clause (c). If any county government would receive less pursuant to this subdivision than it was entitled to receive in 1971 pursuant to Minnesota Statutes 1969, Sections 273.69 and 297A.51 to 297A.60 it shall receive an amount equal to the amount to which it was entitled in 1971 and the distribution to other counties shall be proportionately reduced.

Sec. 9. Minnesota Statutes 1971, Section 477A.01, Subdivision 9, is amended to read:

Subd. 9. Each taxing authority in the counties named in subdivision 7, other than the counties, the school districts and the cities,

villages, boroughs and towns, shall receive in 1972 1974 and 1973 1975, a distribution equal to the distribution to which it was entitled in 1971 pursuant to Minnesota Statutes 1969, Section 273.69.

Sec. 10. Minnesota Statutes 1971, Section 477A.01, Subdivision 10, is amended to read:

Subd. 10. In 1972 1974 \$26 \$36 shall be multiplied times the population of the seven counties named in subdivision 7. The distributions pursuant to subdivisions 8 and 9 shall be subtracted from the product of that calculation.

Sec. 11. Minnesota Statutes 1971, Section 477A.01, Subdivision 11, is amended to read:

Subd. 11. ~~The city of Minneapolis and the city of St. Paul shall receive a distribution of the balance remaining after the calculation provided by subdivision 10 shall be divided among the cities, villages, boroughs and towns in the proportion that the dollar amount of the levy limitation and special levies of each for taxes payable in 1971 1973 bears to the dollar amount of the levies levy limitations and special levies of all cities, villages, boroughs and towns in the seven named counties. For the purposes of this subdivision limitation of a city, village, borough or town with village powers for taxes payable in 1973 shall be the limitation established for such governmental unit pursuant to Minnesota Statutes, Sections 275.50 to 275.56, as determined by the department of taxation. For the purposes of this subdivision, the special levies of a city, village, borough or town with village powers for taxes payable in 1973 shall be the amounts of the governmental unit's tax levy payable in 1973 which the department of taxation determines to be qualified special levies pursuant to Minnesota Statutes, Section 275.50, Subdivision 5, before the reduction pursuant to Minnesota Statutes 1971, Section 477A.02, Clause (c). Furthermore, cities, villages, boroughs and towns with village powers under 500 population, according to the latest state or federal census, and towns without village powers, shall receive distributions in 1974, pursuant to this subdivision, based on their levies payable in 1973.~~

Sec. 12. Minnesota Statutes 1971, Section 477A.01, Subdivision 13, is amended to read:

Subd. 13. In 1973 1975 \$20 \$37 shall be multiplied times the population of the seven counties named in subdivision 7. The distributions pursuant to subdivisions 8 and 9 shall be subtracted from the product of that calculation.

Sec. 13. Minnesota Statutes 1971, Section 477A.01, Subdivision 14, is amended to read:

Subd. 14. ~~The city of Minneapolis and the city of St. Paul shall receive a distribution of the balance remaining after the calculation provided by subdivision 13 shall be divided among the cities, villages, boroughs and towns in the proportion that the dollar amount of the levy limitation and special levies of each for taxes payable in 1971 1974 bears to the dollar amount of the levies levy~~

*limitations and special levies of all cities, villages, boroughs and towns in the seven named counties. For purposes of this subdivision the levy limitation of a city, village, borough or town with village powers for taxes payable in 1974 shall be the limitation established for such governmental unit pursuant to Minnesota Statutes, Sections 275.50 to 275.56, as determined by the department of taxation. For the purposes of this subdivision, the special levies of a city, village, borough or town with village powers for taxes payable in 1974 shall be the amounts of the governmental unit's tax levy payable in 1974 which the department of taxation determines to be qualified special levies pursuant to Minnesota Statutes, Section 275.50, Subdivision 5, before the reduction pursuant to Minnesota Statutes 1971, Section 477A.02, Clause (c). Furthermore, cities, villages, boroughs, and towns with village powers under 500 population, according to the latest state or federal census, and towns without village powers, shall receive distributions in 1975, pursuant to this subdivision, based on their levies payable in 1974.*

Sec. 14. Minnesota Statutes 1971, Section 477A.01, Subdivision 16, is amended to read:

Subd. 16. *If the amount distributed to a city, village, borough or town in 1972 or 1973 in the seven named counties pursuant to this section, is less than it was entitled to receive in 1971 pursuant to Minnesota Statutes 1969, Sections 273.60 and 297A.51 to 297A.60, the amount shall be raised to the amount distributed in 1971 and the distributions to each of the other cities, villages, boroughs and towns shall be proportionately reduced as necessary to supply the difference.*

*(a) The department of taxation shall calculate the aggregate of the following aids (before adjustments for prior year aid payments) for each city, village, borough, town, and county government within the territory specified in subdivision 7:*

*(1) 1973 local government aids pursuant to Minnesota Statutes 1971, Section 477A.01;*

*(2) 1973 cigarette tax distribution aids pursuant to Minnesota Statutes 1971, Section 297.13;*

*(3) 1973 liquor tax distribution aids pursuant to Minnesota Statutes 1971, Section 340.60;*

*(4) The November 30, 1972 and May 31, 1973 distribution of bank excise tax aids pursuant to Minnesota Statutes 1971, Section 290.361;*

*(5) Fifty percent of the 1973 inheritance tax distribution to counties pursuant to Minnesota Statutes 1971, Section 291.33;*

*(6) Seventy percent of the amount county governments were entitled to receive and 100 percent of the amount city, village, borough and town governments were entitled to receive in 1973 pursuant to Minnesota Statutes 1971, Section 287.12;*

*(7) 1973 gross earnings aids to cities, villages, towns and coun-*

*ties pursuant to Minnesota Statutes 1971, Sections 276.15 to 276.18; 368.39 to 368.42; 373.20 to 373.24.*

*(b) If the amount distributed to a city, village, borough, town, or county in 1974 or 1975 in the seven named counties pursuant to this section is less than the aggregate of aids for such county, city, village, borough, or town as calculated by the department of taxation pursuant to clause (a), the amount distributed to it shall be raised to the amount for such county, city, village, borough or town as calculated by the department of taxation pursuant to clause (a), and the distributions to each of the other counties, cities, villages, boroughs and towns shall be proportionately reduced as necessary to supply the difference.*

Sec. 15. Minnesota Statutes 1971, Section 477A.01, Subdivision 17, is amended to read:

Subd. 17. The commissioner of taxation shall make all necessary calculations based on the 1970 federal census and make payments directly to the affected taxing authorities in four equal parts on March 15, July 15, September 15, and November 15 in ~~1972~~ 1974 and ~~1973~~ 1975.

Sec. 16. *An amount sufficient to make payments provided by this article is appropriated for 1974 and 1975 to the commissioner of taxation from the general fund for distributions provided by this article. Notwithstanding Minnesota Statutes, Section 16.17, or any other law to the contrary, the appropriations made by this section shall not lapse but shall continue until January 1, 1976.*

Sec. 17. Minnesota Statutes 1971, Section 477A.01, Subdivisions 12 and 15, are repealed, for payments required to be made to political subdivisions after December 31, 1973.

## ARTICLE XVIII

Section 1. Minnesota Statutes 1971, Section 290.0601, Subdivision 6, is amended to read:

Subd. 6. [CLAIMANT.] Claimant means a person who has filed a claim under sections 290.0601 to ~~290.0617~~ 290.0618, has attained either the age of 65 or was a recipient of "supplementary security income for the aged, blind, and disabled" provided under the social security amendments of 1972 (P.L. 92-603) during the calendar year for which the claim is filed, and was domiciled in this state during the entire calendar year for which the claim for relief under sections 290.0601 to ~~290.0617~~ 290.0618 was filed. In the case of claim for rent constituting property taxes accrued the claimant shall have rented property during any part of the calendar year for which he files claim for relief under sections 290.0601 to ~~290.0617~~ 290.0618. When two individuals are able to meet the qualifications for a claimant and are husband and wife, they may determine between them as to which of the two the claimant shall be. If they are unable to agree the matter shall be referred to the commissioner of taxation and his decision shall be final. When a homestead is occupied by two or more individuals and more than one such individual is able to qualify as a claimant, and some or all such

qualified individuals are not related as determined under subdivision 3, each such individual may be a claimant, provided he meets the requirements therefor. Each such claimant shall use only the rent constituting property taxes or property taxes accrued paid by him.

Sec. 2. Minnesota Statutes 1971, Section 290.0601, Subdivision 9, is amended to read:

Subd. 9. [PROPERTY TAXES ACCRUED.] Property taxes accrued means the net property tax after deducting the credit allowed by Minnesota Statutes 1967, Section 273.13, Subdivisions 6 and 7, (exclusive of special assessments, delinquent interest and charges for service) levied on a claimant's homestead in 1967 or any calendar year thereafter pursuant to Minnesota Statutes 1965, Chapters 272 and 273. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on such homestead as reflects the ownership percentage of the claimant and his household. For purposes of this paragraph property taxes are "levied" when the tax roll is delivered to the local treasurer for collection. The local treasurer will include with the tax bill a statement that if the owner of the property is 65 years of age or over, or was a recipient of "supplementary security income for the aged, blind, and disabled" under the social security amendments of 1972 (P.L. 92-603), he may be eligible for the credit allowed by sections 290.0601 to ~~290.0617~~ 290.0618. When a claimant and his household own their homestead part of the preceding calendar year and rent the same or a different homestead for part of the same year "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as such by claimant and his household at the time of the levy, multiplied by the percentage of 12 months that such property was owned and occupied by such household as its homestead during the preceding year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall relate only to that property occupied by the household as a homestead on the levy date. Whenever a homestead is an integral part of a farm, the claimant may use the total property taxes accrued for the larger unit, but not exceeding 80 acres of land, as described in section 273.13, subdivision 6, except as the limitations of section 290.0608 apply. For the purpose of sections 290.0601 to ~~290.0617~~ 290.0618, the "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

Sec. 3. Minnesota Statutes 1971, Section 290.061, is amended to read:

290.061 [PROOF OF CLAIM.] Every claimant under sections 290.0601 to ~~290.0617~~ 290.0618 shall supply to the department of taxation, in support of his claim, reasonable proof of age, proof of "supplementary security income for the aged, blind, and disabled" received, rent paid, name and address of owner or managing agent of property rented, property taxes accrued, changes of homestead,

household membership, household income, size and nature of property claimed as the homestead and a statement that the property taxes accrued, used for purposes of sections 290.0601 to 290.0617 290.0618 have been or will be paid by him and that there are no delinquent property taxes on the homestead.

*Sec. 4. This article is effective January 1, 1974, and shall apply to property taxes and rent constituting property taxes accrued in 1973 and subsequent years.*

## ARTICLE XIX

*Section 1. Subdivision 1. As used in this article the term "person" shall include any individual, firm, trust, estate, partnership, association, joint stock company, or corporation, or any representative appointed by order of any court.*

*Subd. 2. As used in this article the term "commissioner" shall mean the commissioner of taxation of the state of Minnesota.*

*Sec. 2. There is hereby imposed an excise tax of five percent of the gross proceeds or gross receipts from the sale or rental of outdoor advertising space situated within this state.*

*Sec. 3. The tax herein imposed shall be in addition to all other taxes provided for by law, but shall be in lieu of personal property or real estate tax on signboards owned by such companies.*

*Sec. 4. Every person selling or renting outdoor advertising space situated within this state shall report its gross proceeds or gross receipts from such source to the commissioner on such form as the commissioner may prescribe, on or before April 15 of the year following the year in which the gross proceeds or gross receipts were realized.*

*Sec. 5. At the time of filing such report and on or before April 15 of the year following the year in which the gross proceeds or gross receipts are realized, the person filing such report shall pay to the commissioner a tax equal to five percent of such gross proceeds or gross receipts.*

*Sec. 6. As soon as practicable after receiving such report, the commissioner shall examine the same to determine its correctness or validity. If the commissioner shall determine that the tax as paid by such person is less than that properly due and owing he shall immediately notify such person of the amount of tax he has found due and owing. The tax as found due and owing shall be paid by the person so notified within 30 days of the date of the mailing of the notice by the commissioner. If the commissioner shall find that the tax as paid by such person is in excess of that properly due and owing, such excess shall be a credit against any future liability incurred under this article.*

*Sec. 7. If any person required to file a report under this article and pay a tax under this article shall fail to do so within the time prescribed, the commissioner shall notify such person of such failure and such person shall, within 30 days of the mailing of the notice by the commissioner, file such report and pay such tax. If*

such person, after such notification, shall fail to make such report and pay such tax the commissioner shall, from such information as he may possess, make a report for such person and assess a tax on the basis of such report. The tax as assessed by the commissioner under this section shall be paid within 30 days after mailing of a notice of the amount due by the commissioner to such person.

Sec. 8. Subdivision 1. Any person who fails to file a report required by this article and pay the tax imposed by this article at the time prescribed, shall be subject to a specific penalty of ten percent of the tax found to be due.

Subd. 2. Any person who fails to pay the tax imposed by this article on or before April 15 of the year following the year in which the gross proceeds or gross receipts are realized shall be subject to a penalty of one percent per month until such tax is paid.

Subd. 3. Any person who willfully fails to file a report required by this article shall be guilty of a gross misdemeanor.

Sec. 9. The commissioner shall administer and enforce the assessment and collection of this tax. He may from time to time publish and distribute rules and regulations in enforcing its provisions. The commissioner shall have authority and power to prescribe for all persons liable for tax under this article a uniform method of accounting their gross receipts and gross proceeds subject to tax herein. Every person liable for tax imposed by this article shall keep such records, render such statements, make such returns, and comply with such regulations, as the commissioner may from time to time prescribe. Any such report or statement shall include therein the information required by such regulations and by the forms prescribed by the commissioner. For the purpose of determining compliance with the provisions of this article, the commissioner shall have power to examine, or cause to be examined, any books, papers, records, or memoranda relevant to making such determination, whether such books, papers, records, or memoranda are the property of or in the possession of such person or any other person or corporation. The commissioner shall further have power to require the attendance of any persons having knowledge or information in the premises, to compel the production of books, papers, records, or memoranda by persons so required to attend, to take testimony on matters material to such determination, and to administer oaths or affirmations.

Sec. 10. Any tax or any penalty imposed by this article may be collected by an ordinary action at law which shall be brought in the name of the state. Any report made by the commissioner pursuant to this article, or any modification of tax made by the commissioner pursuant to this article, shall, in all courts of this state for all purposes be prima facie evidence of the correctness and validity of the gross receipts or gross proceeds reflected therein and of such tax and penalties and the liability of the person notified therefor.

Sec. 11. The proceeds of the tax imposed by this article shall be deposited in the general fund of this state.

Sec. 12. *This article shall apply to all gross receipts or gross proceeds realized after December 31, 1973.*

## ARTICLE XX

Section 1. Minnesota Statutes 1971, Section 291.33, Subdivision 2, is amended to read:

Subd. 2. ~~Twenty~~ Ten percent of the amount as determined under the provisions of subdivision 1 shall be paid to each of such counties.

Said payments shall be transmitted to the county auditor of each county, to be placed to the credit of the county revenue fund. It shall be the duty of the state treasurer to pay warrants therefor out of any funds in the state treasury not otherwise appropriated. The moneys necessary to pay such warrants are hereby appropriated out of any moneys in the state treasury not otherwise appropriated.

Sec. 2. *After November 1, 1973, no adjustments shall be made to the distributions resulting from the commissioner's November 1, 1973 determination or to the distributions required to have been made in prior years pursuant to Minnesota Statutes, Section 291.33. Any amounts appropriated for this purpose shall lapse after November 1, 1973 and shall revert to the general fund.*

Sec. 3. *The provisions of this article shall be effective for all payments required to be made in 1973 and years thereafter.*

## ARTICLE XXI

Section 1. Minnesota Statutes 1971, Chapter 272, is amended by adding a section to read:

[272.039] [LEGISLATIVE FINDINGS AND CONCLUSIONS RELATED TO THE TAXATION OF MINERALS OWNED SEPARATELY FROM THE SURFACE.] *The legislature finds, for the reasons stated below, that a class of real property has been created which, although not exempt from taxation, is not assessed for tax purposes and does not, therefore, contribute anything toward the cost of supporting the governments which protect and preserve the continued existence of the property. These reasons are as follows: (1) In the case of Washburn v. Gregory, 1914, 125 Minn. 491, 147 N.W. 706, the Minnesota Supreme Court determined that where mineral interests are owned separately from the surface interests in real estate, the mineral interest is a separate interest in land, separately taxable, and does not forfeit if the overlying surface interest forfeits for nonpayment of taxes due on the surface interest; (2) Since this 1914 decision, mineral interests owned separately from the surface have been valued and assessed for tax purposes, as a practical matter, only if the value of the minerals has been determined through drilling and drill core analysis; and (3) The absence of any taxation of mineral interests owned separately from the surface, except where drilling analysis is available, has encouraged the separation of ownership of surface*



and mineral estates and resulted in the creation of hundreds of thousands of acres of untaxed mineral estate lands which thus are immune from tax forfeiture. The legislature also finds that the province of Ontario in Canada, which has land ownership patterns and mineral characteristics similar to that of Minnesota, has imposed a tax of \$.50 an acre on minerals owned separately from the surface since 1968, and \$.10 an acre before that. The legislature further finds that the identification of separately owned mineral interests by taxing authorities requires title searches which are extremely burdensome and, where no public tract index is available, prohibitively expensive. This result is caused in part by the decision in *Wichelman v. Messner*, 1957, 250 Minn. 88, 83 N.W. (2d) 800, where the so called "40 year law" was held inapplicable to mineral interests owned separately from surface interests. On the basis of the above findings, and for the purpose of requiring mineral interests owned separately from surface interests to contribute to the cost of government at a time when other interests in real property are heavily burdened with real property taxes, the legislature concludes that the taxation of severed mineral interests as provided in section 3 of this article is necessary and in the public interest, and provides fair taxation of a class of real property which has escaped taxation for many years. The legislature further concludes that such a tax is not prohibited by Minnesota Constitution, Article 18. The legislature concludes finally that the amendments and repeals made by this act to Minnesota Statutes, Sections 93.52 to 93.58, are necessary to provide adequate identification of mineral interests owned separately from the surface and to prevent the continued escape from taxation of obscure and fractionalized severed mineral interests.

Sec. 2. Minnesota Statutes 1971, Section 272.04, Subdivision 1, is amended to read:

272.04 [MINERAL, GAS, COAL, AND OIL OWNED APART FROM LAND; SPACE ABOVE AND BELOW SURFACE.] Subdivision 1. When any mineral, gas, coal, oil, or other similar interests in real estate are owned separately and apart from and independently of the rights and interests owned in the surface of such real estate, such mineral, gas, coal, oil, or other similar interests may be assessed and taxed separately from such surface rights and interests in such real estate, including but not limited to the taxation provided in section 3 of this act, and may be sold for taxes in the same manner and with the same effect as other interests in real estate are sold for taxes.

Sec. 3. Minnesota Statutes 1971, Section 273.13, is amended by adding a subdivision to read:

Subd. 2a. [CLASS 1b.] "Mineral interest", for the purpose of this subdivision, means an interest in any minerals, including but not limited to gas, coal, oil, or other similar interest in real estate, which is owned separately and apart from the fee title to the surface of such real property. Mineral interests which are filed for record in the offices of either the register of deeds or registrar of titles pursuant to Minnesota Statutes, Sections 93.52 to 93.58, constitute class 1b, and shall be taxed as provided in this subdivi-

sion unless specifically excluded by this subdivision. A tax of \$.50 per acre or portion of an acre of mineral interest is hereby imposed and is due and payable annually. If an interest filed pursuant to sections 93.52 to 93.58 is a fractional undivided interest in an area, the tax due on the interest per acre or portion of an acre is equal to the product obtained by multiplying the fractional interest times \$.50, computed to the nearest cent. However, the minimum annual tax on any mineral interest is \$2. No such tax on mineral interests is due and payable on the following: (a) Mineral interests valued and taxed under other laws relating to the taxation of minerals, gas, coal, oil, or other similar interests; (b) Mineral interests which are exempt from taxation pursuant to constitutional or related statutory provisions. Tax money received under this subdivision shall be apportioned to the taxing districts included in the area taxed in the same proportion as the surface interest mill rate of a taxing district bears to the total mill rate applicable to surface interests in the area taxed. The tax imposed by this subdivision is not included within any limitations as to rate or amount of taxes which may be imposed in an area to which the tax imposed by this subdivision applies. The tax imposed by this subdivision shall not cause the amount of other taxes levied or to be levied in the area, which are subject to any such limitation, to be reduced in any amount whatsoever. The tax imposed by this section is effective for taxing years beginning January 1, 1975. Twenty percent of the revenues received from the tax imposed by this section shall be distributed under the provisions of section 4.

Sec. 4. Subdivision 1. For purposes of this section the following terms shall have the meanings ascribed to them herein.

Subd. 2. "Indian" means a person of one-quarter or more Indian blood.

Subd. 3. "Census" means the most recent census taken by the Minnesota department of manpower services.

Subd. 4. "Reservation residents" means Indians living on reservations at the time of the census.

Subd. 5. "Nonreservation residents" means Indians living off reservations in Minnesota at the time of the census, and who are enrolled members of a Minnesota-based tribe or band.

Subd. 6. "Person" means an individual Indian, or a partnership comprising Indians only, or a corporation whose stock is owned wholly by Indians.

Subd. 7. "Tribal council" means the reservation business committee or equivalent duly constituted tribal authority.

Subd. 8. The remaining 20 percent of the tax revenue received by the county auditor under section 3 shall be remitted by the county auditor to the state treasurer and shall be deposited in the general fund in special accounts identified as "reservation residents loan accounts" and a "nonreservation residents loan account." The amount to be credited to each reservation residents loan account shall be that percentage of the amount received from all the counties pursuant to subdivision 8 as the number of Indians

living on such reservation bears to all the Indians in Minnesota, according to the census. The amount remaining shall be credited to the nonreservation residents loan account. The amounts credited to each of these special accounts shall be used solely for making loans to Indians, in the manner provided by subdivisions 9 and 10.

Subd. 9. A reservation resident, desiring to make a loan for the purpose of starting a business enterprise or expanding a going business, shall make application to the state department of economic development. The department shall prescribe the necessary forms, and advise the prospective borrower as to the condition under which his application may be expected to receive favorable consideration. Thereafter the application shall be forwarded to the tribal council, which is empowered either to approve or reject the application. If the application is approved, the tribal council shall forward the application, together with all relevant documents pertinent thereto, to the state auditor, who shall draw his warrant in favor of the tribal council with appropriate notations identifying the borrower. The tribal council shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by the state department of economic development. The tribal council shall maintain records of transactions for each borrower in a manner consistent with good accounting practice. Simple interest at two percent of the amount of the debt owed shall be charged. When any portion of a debt is repaid, the tribal council shall remit the amount so received plus interest paid thereon to the state treasurer. The amount so received shall be credited to such reservation residents loan account. The tribal council shall secure a bond from a surety company, in favor of the state treasurer, in an amount equal to the maximum amount to the credit of such reservation residents loan account during the fiscal year. Ten percent of the total amount made available to any tribal council during the fiscal year shall be paid to such council prior to December 31 for the purpose of financing administrative costs.

Subd. 10. A nonreservation resident desiring to make a loan for the purpose of starting a business enterprise or expanding a going business shall make application to the state department of economic development, on forms prescribed by the department. The department is empowered to either accept or reject the application, based upon guidelines and conditions essentially similar to those used for the purpose of recommending approval or rejection of reservation residents by the tribal council under subdivision 9 of this section. If the application is approved by the state department of economic development, the department shall forward the application, together with all the relevant documents pertinent thereto, to the state auditor, who shall draw his warrant in favor of the commissioner of economic development, with appropriate notations identifying the borrower. The department of economic development shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by the department. The department of economic development shall main-

*tain records of transactions for each borrower in a manner consistent with good accounting practice. Simple interest at two percent shall be charged. When any portion of a debt is repaid, the department of economic development shall remit the amount so received plus interest paid thereon to the state treasurer. The amount so received shall be credited to the nonreservation residents loan account.*

*Subd. 11. Loans made under subdivisions 9 and 10 shall be limited to a period of 20 years, if made for the purpose of financing nonreal estate purchases. Loans made for the purpose of financing real estate purchases, where such real property is to be used for nonresidential purposes only, shall be limited to a period of 40 years, and shall be a lien on the real property so acquired.*

*Subd. 12. Any person misrepresenting facts regarding the Indian ancestry of a prospective borrower for the purpose of securing a loan under subdivisions 9 and 10, whether such borrower be an individual, partnership or corporation, shall be guilty of a gross misdemeanor.*

*Subd. 13. The county auditor shall remit the tax revenue received yearly to the state treasurer as required by subdivision 8 no later than December 15.*

*Subd. 14. There is appropriated annually an amount equal to the tax revenue allotted under subdivisions 9 and 10.*

*Sec. 5. Minnesota Statutes 1971, Section 93.52, Subdivision 2, is amended to read:*

*Subd. 2. Except as provided in subdivision 3, from and after January 1, 1970, every owner of a fee simple interest in minerals, hereafter referred to as a mineral interest, in lands in this state, which interest is owned separately from the fee title to the surface of the property upon or beneath which the mineral interest exists, shall file for record in the register of deeds office or, if registered properly, in the registrar of titles office in the county where the mineral interest is located a verified statement citing sections 93.52 to 93.58 and setting forth his address, his interest in the minerals, and either both (1) the legal description of the property upon or beneath which the interest exists, or and (2) the book and page number or the document number, in the records of the register of deeds or registrar of titles, of the instrument by which the mineral interest is created or acquired. Every five years thereafter the owner, or his successor in interest, shall renew the filing of a verified statement which shall contain the information as above required. No statement may be filed for record which contains mineral interests from more than one government section unless the instrument by which the mineral interest is created or acquired includes mineral interests from more than one government section. The register of deeds and registrar of titles shall file with the county auditor a copy of each document so recorded within 60 days after recording in the office of register of deeds or registrar of titles.*

Sec. 6. Minnesota Statutes 1971, Section 93.55, is amended to read:

93.55 [FAILURE TO FILE OR RE-FILE.] If the owner of a mineral interest fails to file the verified statement required by section 93.52, before January 1, 1975, as to any interests owned on or before ~~September 30, 1974~~ December 31, 1973, or within 90 days one year after acquiring such interests as to interests acquired after ~~September 30, 1974~~ December 31, 1973, and not previously filed under section 93.52, or if the owner fails to re-file such verified statement within five years after the last filing, the mineral may be leased by the commissioner of natural resources as agent for the owner, his successor, and assigns, in the manner provided hereafter interest shall forfeit to the state. The owner's failure to file the verified statement is deemed consent by the owner to such leasing. Thereafter the mineral interest may be leased in the same manner as provided in Minnesota Statutes, Section 93.335, for the lease of minerals and mineral rights becoming the absolute property of the state under the tax laws, except that no permit or lease issued pursuant to this section shall afford the permittee or lessee any of the rights of condemnation provided in section 93.05, as to overlying surface interests. After the mineral interest has forfeited to the state pursuant to this section, a person claiming an ownership interest before the forfeiture may recover the fair market value of the interest, only in the following manner. An action must be commenced within six years after the forfeiture under this section to determine the ownership and the fair market value of the mineral interests in the property both at the time of forfeiture and at the time of bringing the action. The action shall be brought in the manner provided in Minnesota Statutes, Chapter 559, for an action to determine adverse claims, to the extent applicable. The person bringing the action shall serve notice of the action on the commissioner of natural resources in the same manner as is provided for service of notice of the action on a defendant. The commissioner may appear and contest the allegations of ownership and value in the same manner as a defendant in such actions. Persons determined by the court to be owners of the interests at the time of forfeiture to the state under this section may present to the state auditor a verified claim for refund of the fair market value of the interest. A copy of the court's decree shall be attached to the claim. Thereupon the state auditor shall refund to the claimant the fair market value at the time of forfeiture or at the time of bringing the action, whichever is lesser, less any taxes, penalties, costs, and interest which could have been collected during the period following the forfeiture under this section, had the interest in minerals been valued and assessed for tax purposes at the time of forfeiture under this section. There is appropriated from the general fund to the persons entitled to a refund an amount sufficient to pay the refund. The forfeiture provisions of this section do not apply to mineral interests valued and taxed under other laws relating to the taxation of minerals, gas, coal, oil, or other similar interests, so long as a tax is imposed and no forfeiture under the tax laws is complete. However, if the mineral interest is valued under other tax laws, but no tax is imposed, the mineral

*interest forfeits under this section if not filed as required by this section.*

Sec. 7. Minnesota Statutes 1971, Section 93.58, is amended to read:

93.58 [PUBLICATION OF ACT.] Sections 93.52 to 93.58 , as amended or repealed by this act, together with the other sections of this 1973 act, shall be published once during the first week of each month in a legal newspaper in each county in the months of October, November, and December of the year ~~1969~~ 1973 by the commissioner of natural resources at county expense. Sections 93.52 to 93.58 also shall be published by the commissioner of natural resources at least once in ~~1969~~ 1973 in two publications related to mining activities which have nationwide circulation. Failure to publish as herein provided shall not affect the validity of sections 93.52 to 93.58 or the other sections of this act .

Sec. 8. [SEVERABILITY.] *If any provision of sections 1 through 7 of this article or the application thereof to any person, agency, department or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of sections 1 through 7 are severable.*

Sec. 9. [REPEALER.] *Minnesota Statutes 1971, Sections 93.53, 93.54, 93.56, and 93.57 are repealed.*

Sec. 10. [EFFECTIVE DATE.] *Except for section 7, which is effective upon final enactment, this article is effective as of January 1, 1974. As soon as possible after final enactment but before the effective date of this article the register of deeds and registrar of titles in each county shall file with the county auditor a copy of each document recorded pursuant to Minnesota Statutes, Sections 93.52 to 93.58, before the effective date of this article.*

## ARTICLE XXII

Section 1. [GENERAL ASSISTANCE ACT; DECLARATION OF POLICY; CITATION.] *Subdivision 1. The objectives of sections 1 to 30 are to provide a sound administrative structure for public assistance programs; to maximize the use of federal funds for public assistance purposes; to provide property tax relief; and to provide an integrated public assistance program for all persons in the state without adequate income or resources to maintain a subsistence reasonably compatible with decency and health.*

*It is hereby declared to be the policy of this state that persons unable to provide for themselves and not otherwise provided for by law, who meet the eligibility requirements of this article and do not refuse suitable employment, shall be entitled to receive such grants of general assistance and such services as may be necessary to maintain a subsistence reasonably compatible with decency and health. The furnishing of such assistance and services is a matter of public concern and a necessity in promoting the public health and welfare.*

*A principal objective in providing general assistance and services shall be to aid those persons who can be helped to become self-supporting or to attain self-care. To achieve this aim, the commissioner shall establish minimum standards of assistance for general assistance. The standard for cash payments to recipients shall be, as to shelter, 100 percent, and as to other budgetary items, 50 percent, of those established for the federally aided assistance programs; provided, however, that no general assistance payment shall exceed an amount, which when computed for the time period for which it is made, exceeds the equivalent on a weekly basis of 40 times the hourly federal minimum wage prevailing when the payment is made; and provided further that persons receiving general relief on the effective date of this article shall continue to be eligible therefor. In order to maximize the use of federal funds, the commissioner shall promulgate regulations, to the extent permitted by federal law for eligibility for the emergency assistance program, under the terms of this article for general assistance. The commissioner shall provide by regulation for the eligibility for general assistance of persons with seasonal income, and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient. The strengthening and preservation of the family unit shall be a principal consideration in the administration of this article and all general assistance policies shall be formulated and administered so as to further this objective.*

*Subd. 2. Sections 1 to 30 may be cited as the general assistance article.*

*Sec. 2. [DEFINITIONS.] Subdivision 1. The terms defined in this section shall have the meanings given them unless otherwise provided or indicated by the context.*

*Subd. 2. "Commissioner" means the commissioner of public welfare or his designee.*

*Subd. 3. "Department" means the department of public welfare.*

*Subd. 4. "General assistance" means cash payments to persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state or the United States. It shall include cash payments for goods, shelter, fuel, food, clothing, light, necessary household supplies, and personal need items. General assistance shall not include payments for foster care, child welfare services, medical, dental, hospitalization, nursing care, drugs, or medical supplies. It is the intent of this article that these items be provided by local agencies in accordance with programs in effect at the time of the passage of this article. Vendor payments may be made only as provided for in sections 9 and 11.*

*Subd. 5. "Family" means two or more individuals who are related by blood, marriage or adoption, who are living in a place or residence maintained by one or more of them as his or their own home, and at least one of whom is a child who is not married to another of such individuals and is in the care of or dependent upon another of such individuals.*

*Subd. 6. "Child" means an individual who is under the age of 18.*

*Subd. 7. "Childless couple" means two individuals who are related by marriage and who are living in a place of residence maintained by them as their own home.*

*Subd. 8. "Income" means earned and unearned income reduced by amounts paid or withheld for federal and state personal income taxes and federal social security taxes.*

*Subd. 9. "Earned income" means remuneration for services performed as an employee, and net earnings from self-employment.*

*Subd. 10. "Unearned income" means all other income including any payments received as an annuity, retirement or disability benefit, including veteran's or workmen's compensation; old age, survivors and disability insurance; railroad retirement benefits; unemployment benefits; and benefits under any federally aided categorical assistance program, supplementary security income, or family assistance program; rents, dividends, interest and royalties; and support and alimony payments except that such payments may not be considered as available to meet the needs of any person other than the person for whose benefit they are received, unless that person is under a legal duty to support another family member.*

*Subd. 11. "State aid" means state aid to local agencies for general assistance expenditures as provided for in this article.*

*Subd. 12. "Local agency" means the county welfare boards in the several counties of the state except that it may also include any multicounty welfare boards or departments where those have been established in accordance with law.*

**Sec. 3. [RESPONSIBILITY TO PROVIDE GENERAL ASSISTANCE.]** *Subdivision 1. Every local agency shall provide general assistance to persons residing within its jurisdiction who meet the need requirements of this article. General assistance shall be administered according to law and rules and regulations promulgated by the commissioner pursuant to the provisions of this article.*

*Subd. 2. State aid shall be paid to local agencies for 50 percent of all general assistance grants up to the standards of section 1, subdivision 1, according to procedures established by the commissioner. Any local agency may, from its own resources, make payments of general assistance at a standard higher than that established by the commissioner, without reference to the standards of section 1, subdivision 1.*

**Sec. 4. [DUTIES OF THE COMMISSIONER.]** *In addition to any other duties imposed by law, the commissioner shall:*

*(1) Supervise the administration of general assistance by local agencies as provided in this article;*

*(2) Promulgate uniform rules and regulations consistent with law for carrying out and enforcing the provisions of this article to the end that general assistance may be administered as uniformly as possible throughout the state; rules and regulations shall be*



*furnished immediately to all local agencies and other interested persons; in promulgating rules and regulations, the provisions of Minnesota Statutes, Chapter 15, shall apply;*

*(3) Allocate moneys appropriated for general assistance to local agencies as provided in this article;*

*(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance;*

*(5) Cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under this article;*

*(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services;*

*(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance, the amounts expended under the supervision of each local agency, and the activities of each local agency and publish such reports for the information of the public;*

*(8) Report at least annually to the governor and legislature the cost of living in the various counties and metropolitan areas as related to the standards of assistance and the amounts expended for assistance, and make this information available to the public.*

**Sec. 5. [ELIGIBILITY FOR GENERAL ASSISTANCE.]** *Subdivision 1. Each person or family whose income and resources are less than the standard of assistance established by the commissioner shall be eligible for and entitled to general assistance; provided that no individual shall be eligible for general assistance if he is eligible for any of the following federally aided assistance programs: emergency assistance, aid to families with dependent children, supplemental security income for the aged, blind, or disabled; or any successor to the above.*

*Subd. 2. [USE OF FEDERAL FUNDS.] Notwithstanding any law to the contrary, if any person otherwise eligible for general assistance would, but for state statutory restriction or limitation, be eligible for a federally aided assistance program providing benefits equal to or greater than those of general assistance, he shall be eligible for that federally aided program and ineligible for general assistance; provided, however, that (a) nothing in this section shall be construed to extend eligibility for federally aided programs to persons not otherwise eligible for general assistance; (b) this section shall not be effective to the extent that federal law or regulation require new eligibility for federal programs to persons not otherwise eligible for general assistance; and (c) nothing in this section shall deny general assistance to a person otherwise eligible who is determined ineligible for a substitute federally aided program.*

**Sec. 6. [AMOUNT OF ASSISTANCE.]** *Subdivision 1. General assistance shall be granted in such an amount that when added to*

*the nonexempt income actually available to the individual or family, the total amount equals the applicable standard of assistance established by the commissioner for general assistance.*

*Subd. 2. Notwithstanding the provisions of subdivision 1 of this section, a grant of general assistance may be made to an eligible individual or family for one or more items encompassed within the definition of general assistance where the applicant or recipient requests temporary assistance not exceeding 30 days and an emergency situation appears to exist if the individual is ineligible for the federally aided program of emergency assistance.*

**Sec. 7. [TIME OF PAYMENT OF ASSISTANCE.]** *An applicant for general assistance shall be deemed presumptively eligible if his sworn application on its face demonstrates that he is within the eligibility criteria established by this article and any applicable rules and regulations of the commissioner. General assistance shall be immediately granted to such presumptively eligible applicant without the necessity of first securing action by the board of the local agency.*

*If upon verification and due investigation it appears that the applicant swore falsely and such false information materially affected his eligibility for general assistance or the amount of his general assistance grant, the local agency shall refer the matter to the county attorney. The county attorney may commence a criminal prosecution or a civil action for the recovery of any general assistance wrongfully received, or both.*

**Sec. 8. [EXCLUSION FROM RESOURCES.]** *Subdivision 1. In determining eligibility of a family or individual there shall be excluded the following resources:*

*(1) Property which does not exceed that permitted under the federally aided assistance program known as aid to families with dependent children; provided, however, that the commissioner may provide by rule and regulation more restrictive eligibility standards and levels of payment for general assistance if it is determined that funds available are not adequate to meet projected need; and*

*(2) Other property, including real or personal property used as a home, which has been determined, in accordance with and subject to limitations contained in rules and regulations promulgated by the commissioner, to be essential to the family or individual as a means of self-support or self-care or which is producing income that is being used for the support of the individual or family. The commissioner shall further provide by rule and regulation for those situations in which property may be retained by the family or individual where there is a reasonable probability that in the foreseeable future the property will be used for the self-support of the individual or family.*

*Subd. 2. Notwithstanding any other provision of this article, the commissioner shall provide by rule and regulation for the exclusion of property from the determination of eligibility for general assistance when it appears likely that the need for general assistance*

*will not exceed 30 days and an undue hardship would be imposed on an individual or family by the forced disposal of such property.*

**Sec. 9. [FORM OF PAYMENT; VENDOR PAYMENTS.]** *Subdivision 1. All grants of general assistance shall be paid in cash and with such frequency as the commissioner shall determine. The commissioner may provide by rule and regulation for the making of general assistance payments in different time periods for various reasonable classifications of recipients.*

*Subd. 2. Notwithstanding the provisions of subdivision 1, the commissioner shall provide by rule and regulation for situations in which vendor payments may be made by local agencies because of the inability of the recipient to manage his general assistance grant for his own or family's benefit.*

**Sec. 10. [HEARINGS PRIOR TO REDUCTION; TERMINATION; SUSPENSION OF GENERAL ASSISTANCE GRANTS.]** *No grant of general assistance except one made pursuant to section 6, subdivision 2 or section 8, subdivision 2, shall be reduced, terminated or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to any action by the local agency.*

*Nothing herein shall deprive a recipient of his right to full administrative and judicial review of an order or determination of a local agency as provided for in section 12 subsequent to any action taken by a local agency after a prior hearing.*

**Sec. 11. [WORK INCENTIVE AND REGISTRATION.]** *Subdivision 1. Every person who is a recipient of general assistance and not employed shall be required, unless exempt by subdivision 6, to register with the state employment service of the department of manpower services and the local agency and accept any suitable employment that is offered him.*

*Subd. 2. The local agency shall provide a general assistance work program for persons who qualify for assistance but who are unable to gain employment through the state employment service of the department of manpower services. Local agencies shall adopt a list of work priorities to be met through the employment of eligible recipients when such recipients are unable to gain employment through the state employment service or through their own initiative. The local agency may assign the recipient such work as he is able to perform but which is not that ordinarily performed and which would supplement but not replace projects which are ordinarily performed by regular employees of the county.*

*Subd. 3. General assistance work program recipients shall be paid at the same wage rates as county employees doing similar work, and the number of hours of work assigned to a recipient shall be determined by the needs of himself and his family including expenses incidental to his employment.*

*Subd. 4. A local agency may contract with the federal government, or with any department, agency, subdivision or instrumentality of the state, for the services of general assistance work program recipients on such terms and conditions as may be agreed upon, with or without consideration paid to the local agency.*

*Subd. 5. General assistance work program recipients are employees of the local agencies within the meaning of workmen's compensation laws, but not retirement or civil service laws.*

*Subd. 6. No person shall be required to register with the commissioner or state employment service if he is:*

*(1) A person with illness, incapacity, or advanced age;*

*(2) A child attending a school or college full time;*

*(3) A person whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household;*

*(4) A person who has been referred to or applied for a work training, work experience, vocational rehabilitation or other such similar program; provided that the period of time such person is exempted from the registration requirements of subdivision 1, while awaiting acceptance into such program, does not exceed 30 days; or*

*(5) An adult member of a household with children in which another adult is employed full time or has registered with the state employment service or been accepted in a work training program.*

*Subd. 7. Any person who objects to being required to register with the commissioner or state employment service, shall be entitled to a prior hearing in accord with the provisions of section 10 on the issue of whether such person comes within the exemptions contained in subdivision 6, clause (1), (2), (3), or (4).*

*Subd. 8. (1) Any person who refuses to accept suitable employment when offered him shall lose his eligibility for general assistance and, if a member of a family receiving general assistance, that portion of the grant attributable to said person shall not be paid.*

*The commissioner may further provide by rule and regulation that vendor payments may be made with respect to any family in which a person who is obligated to accept suitable employment has refused to do so.*

*(2) The provisions of section 10 providing for notice and opportunity to be heard prior to a decision to reduce, suspend or terminate benefits shall be applicable to determinations made under clause (1) of this subdivision.*

*Subd. 9. The commissioner shall establish procedures to insure that any recipient of general assistance desiring to improve his ability to support himself and his family shall be promptly referred to the department of manpower services or any other agency, public or private, operating a work training, work experience, vocational rehabilitation or other similar program.*

Sec. 12. [ADMINISTRATIVE AND JUDICIAL REVIEW.]  
*Subdivision 1. Any applicant or recipient aggrieved by any order or determination of a local agency may appeal from such order or determination to the commissioner of public welfare. The aggrieved applicant or recipient shall file with the local agency a notice of appeal within 30 days of the receipt by him of the order or determination of the local agency, provided that the order of determination is in writing and contains a statement advising the applicant or recipient of his right to appeal and the procedures for perfecting same.*

*If the order or determination of the local agency is not in writing or does not contain the appeal procedure statement referred to above, the 30-day period shall not be tolled until the applicant or recipient is properly notified in accordance with the provisions of this subdivision.*

*Notwithstanding the absence of proper notice or order or determination, the applicant or recipient may appeal to the commissioner by filing with the local agency any writing which states with reasonable clarity his dissatisfaction with or desire to obtain review of the determination or order of the local agency.*

*Subd. 2. Upon receipt the local agency shall immediately forward the notice of appeal to the commissioner. Within 30 days of the receipt of the notice of appeal, the commissioner shall provide the applicant or recipient with the opportunity for a hearing before the commissioner or his legal representative. The local agency shall be a party to the proceeding before the commissioner.*

*Subd. 3. The commissioner may, upon his own motion, review any decision made by a local agency and may make such additional investigation as he deems necessary.*

*Subd. 4. Within 30 days from the date of the hearing before the commissioner or his legal representative, a decision in writing making findings of fact and conclusions of law shall be rendered.*

*Subd. 5. Any applicant or recipient aggrieved by the determination by the commissioner may, within 30 days after notice of such decision is mailed, appeal from the decision or determination of the commissioner to the district court of the county in which the application was filed by serving a written notice of such appeal upon the commissioner and all other parties to the administrative hearing and by filing the original of such notice together with proof of service with the clerk of the district court of the county. No filing fee or other fees normally exacted by the clerk of district court upon the filing of a case shall be required.*

*A summary of the issues involved, a copy of all supporting papers, a transcript of any testimony, and a copy of the decision of the commissioner shall be filed with the court. The court shall summarily, upon ten days' written notice, try and determine the appeal upon the record of the commissioner as certified by the commissioner and in the determination thereof shall be governed by the standard of review applicable to contested proceedings*

*under Minnesota Statutes, Chapter 15. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing or appeal in a district court unless such new or additional evidence in the sound discretion of the court is necessary to a more equitable disposition of the appeal. If the court shall find that the order of the commissioner is not sustained by substantial evidence or is not in accord with applicable legal principles, the court shall make an order declaring the order of the commissioner null and void, giving the reasons therefor, and shall order the commissioner to take further action in the matter not inconsistent with the determination of the court. During the pendency of any appeal, if the commissioner has awarded general assistance, it shall be paid pending the determination of the appeal.*

*Subd. 6. Any party aggrieved by the determination of the district court may appeal to the supreme court in like manner as appeals are taken in civil actions, except that no filing fee shall be required by the clerk of the district court or supreme court.*

*The determination of the district court shall remain in effect during the pendency of any appeal to the supreme court.*

**Sec. 13. [MANDAMUS TO COMPEL PAYMENT OF GENERAL ASSISTANCE.]** *Subdivision 1. Notwithstanding the provisions of section 12 providing for administrative and judicial review of local agency determinations, a person denied general assistance by the local agency may apply to the district court of the county in which his application was filed and the district court shall order the payment of general assistance if the person establishes:*

*(1) The substantial likelihood that he is eligible for and entitled to general assistance, and*

*(2) The person or family will suffer irreparable injury if general assistance is not granted without delay.*

*Subd. 2. The denial by a district court of a writ of mandamus shall not affect the right or scope of administrative or judicial review as set forth in section 16 of this article.*

**Sec. 14. [VIOLATIONS.]** *Whoever obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, or by impersonation, or other fraudulent device:*

*(1) Assistance to which he is not entitled; or*

*(2) Assistance greater than that to which he is reasonably entitled; shall be considered to have violated Minnesota Statutes, Section 256.98, and shall be subject to the criminal and civil penalties provided therein.*

**Sec. 15. [RELATIVE'S RESPONSIBILITY.]** *The financial responsibility of a relative for an applicant or recipient of general assistance shall not extend beyond the relationship of a spouse, or a parent of an applicant or recipient who is a child.*

**Sec. 16. [GENERAL ASSISTANCE TO BE ALLOWED AS CLAIM IN PROBATE COURT.]** *On the death of any person who received any general assistance under this article, or on the death of the survivor of a married couple, either or both of whom received general assistance, the total amount paid as general assistance to either or both, without interest, shall be allowed as a claim against the estate of such person or persons by the court having jurisdiction to probate the estate.*

**Sec. 17. [DATA PROCESSING PROCEDURES.]** *The local agency shall, to the extent permitted by federal law or regulation, in addition to any other necessary records and procedures, provide for the inclusion of all general assistance records in any data processing system established for the medical assistance program, in accordance with procedures established by the commissioner.*

**Sec. 18. [RESIDENCE; COUNTY OF FINANCIAL RESPONSIBILITY.]** *Subdivision 1. In determining the county of financial responsibility, in all matters concerning legal settlement of the poor, the definitions and rules of this section shall apply.*

*Subd. 2. "County of financial responsibility" means (a) the county in which an individual resides; or (b) if an individual is a patient in a hospital, nursing home, or boarding care home, as defined in Minnesota Statutes, Section 144.50, at the time of making application, and immediately prior thereto resided in another county, then that other county; or (c) the above provisions notwithstanding, if an individual is a recipient of medical assistance, the county from which he is receiving medical assistance.*

*Subd. 3. [PROCEDURE WHEN COUNTY OF FINANCIAL RESPONSIBILITY IS IN QUESTION.] If upon the investigation the local agency decides that the application was not filed in the county of financial responsibility as defined by this section, but that the applicant is otherwise eligible for assistance, it shall, while providing assistance to the applicant, transmit a copy of the application, together with the record of any investigation made by it and a copy of its decision, to the state agency, and to the agency of the county which it has decided is the county of financial responsibility. The state agency shall thereupon promptly decide any question of financial responsibility and make an order referring the application to the local agency of the proper county for further action, including reimbursement by such county of any assistance which another county has provided to the applicant in accordance with this subdivision. The state agency may make such investigation as it deems proper before making its decision. It shall prescribe rules and regulations for carrying into effect this subdivision. The order of the state agency shall be binding upon the local agency involved and the applicant or recipient, shall be complied with by that agency unless reversed on appeal as provided in this article, and shall be so complied with pending any such appeal.*

**Sec. 19. [ABOLITION OF TOWNSHIP SYSTEM OF POOR RELIEF.]** *Subdivision 1. The town system for caring for the poor in each of the counties in which it is in effect is hereby abolished. The county welfare board of each county shall administer general assistance under the provisions of this article.*

*Subd. 2. All county welfare boards affected by this article are hereby authorized to take over for the county as of the effective date of this section, the ownership of all case records relating to the administration of poor relief.*

**Sec. 20. [TRANSFER OF TOWN EMPLOYEES.]** *Subdivision 1. The term "merit system" as used herein shall mean the rules for a merit system of personnel administration for employees of county welfare boards adopted by the commissioner of public welfare in accordance with the provisions of Minnesota Statutes, Section 393.07, including the merit system established for Hennepin county pursuant to Laws 1965, Chapter 855, as amended, the federal social security article as amended, and merit system standards and regulations issued by the federal social security board and the United States children's bureau.*

*Subd. 2. All employees of any municipality or town who are engaged full time in poor relief work therein on the effective date of this section shall be retained as employees of the county and placed under the jurisdiction of its welfare board.*

*All transferred employees shall be blanketed into the merit system with comparable status, classification, longevity, and seniority, and subject to the administrative requirements of the county welfare board. Employees with permanent status under any civil service provision on the effective date of this article shall be granted permanent status under the merit system at comparable classifications and in accordance with work assignments made under the authority of the county welfare board as provided by the merit system rules.*

*The determination of proper job allocation shall be the responsibility of the personnel officer or director as provided under merit system rules applicable to the county involved with the right of appeal of allocation to the merit system council or personnel board by any employee affected by this transfer.*

*All transferred employees shall receive salaries for the classification to which they are allocated in accordance with the schedule in effect for county welfare board employees and at a salary step which they normally would have received had they been employed by the county welfare board for the same period of service they had previously served under the civil service provisions of any municipality or town; provided, however, that no salary shall be reduced as a result of the transfer.*

*All accumulated sick leave of transferred employees in the amount of 60 days or less shall be transferred to the records of the county welfare board and such accumulated sick leave shall be the legal liability of the county welfare board. All accumulated sick leave in excess of 60 days shall be paid in cash to transferred employees by the municipality or town by which they were employed prior to their transfer, at the time of transfer. In lieu of the cash payment, the municipality or town shall, at the option of the employee concerned, allow a leave of absence with pay, prior to transfer, for all or part of the accumulated sick leave.*



*Subd. 3. Employees of municipalities and towns engaged in the work of administering poor relief who are not covered by civil service provisions shall be blanketed into the merit system subject to a qualifying examination. Employees with one year or more service shall be subject to a qualifying examination and those with less than one year's service shall be subject to an open competitive examination.*

*Subd. 4. All vacation leave of employees referred to in subdivision 2 of this section, accumulated prior to their transfer to county employment shall be paid in cash to them by the municipality or town by which they were employed prior to their transfer, and at the time of their transfer. In lieu of the cash payment, the municipality or town shall, at the option of the employee concerned, allow a leave of absence with pay, prior to such transfer, for all or part of the accumulated vacation time.*

**Sec. 21. [CONTINUATION OF RETIREMENT SYSTEM FOR FORMER MINNEAPOLIS EMPLOYEES.]** *Subdivision 1. Each employee of the city of Minneapolis who is transferred to and employed by the county under the provisions of section 20 and who is a contributing member of a retirement system organized under the provisions of Minnesota Statutes, Chapter 422, shall continue to be a member of that system and entitled to all of the benefits conferred thereby and subject to all the restrictions of chapter 422, unless he applies to cancel his membership within six months after the effective date of this article.*

*Subd. 2. The cost to the public of that portion of the retirement allowances or other benefits accrued while any such employee was in the service of the city of Minneapolis shall remain an obligation of the city and a tax shall be levied and collected by it to discharge its obligation as provided by Minnesota Statutes, Chapter 422.*

*Subd. 3. The cost to the public of the retirement allowances or other benefits accruing to employees so transferred to and employed by the county shall be the obligation of and paid by the county at such time as the retirement board shall fix and determine in accordance with chapter 422. The county shall pay to the municipal retirement fund an amount certified to the county auditor of the county by the retirement board as the cost of the retirement allowances and other benefits accruing and owing to such county employees. The cost to the public of the retirement allowances as herein provided shall be paid from the county revenue fund by the county auditor upon receipt of certification from the retirement board as herein provided, and the county board is authorized to levy and collect such taxes as may be necessary to pay such costs.*

**Sec. 22.** *Minnesota Statutes 1971, Section 245.77, is amended to read:*

**245.77 [LEGAL SETTLEMENT OF PERSONS RECEIVING ASSISTANCE; ACCEPTANCE OF FEDERAL FUNDS.]** *In the event federal funds become available to the state for purposes of reimbursing the several local agencies of the state for*

costs incurred in providing financial relief to poor persons under the liability imposed by section 261.03, or for reimbursing the state and counties for categorical aid assistance furnished to persons who are eligible for such assistance only because of the United States Supreme Court decision invalidating state residence requirements the commissioner of public welfare is hereby designated the state agent for receipt of such funds. Upon receipt of any federal funds the commissioner shall in a uniform and equitable manner use such funds to reimburse counties, ~~towns, cities and villages~~ for expenditures made in providing financial relief to poor persons. The commissioner is further authorized to promulgate rules and regulations, consistent with the rules and regulations promulgated by the Secretary of Health, Education and Welfare, governing the reimbursement provided for by this provision.

Sec. 23. Minnesota Statutes 1971, Section 261.04, Subdivision 1, is amended to read:

261.04 [LIABILITY OF ESTATE.] Subdivision 1. [SUPPORT, MAINTENANCE, CARE, OR BURIAL.] When any person is furnished or provided with support, maintenance, care, including care at the University of Minnesota hospitals, or burial as a poor person by ~~any county, city, town, village, or borough~~ the ~~municipality~~ county so furnishing such aid shall have a claim therefor against the person or his estate for the reasonable value thereof, which claim may be presented and prosecuted by such ~~municipality~~ county at its option upon discovery of any property belonging to the poor person or to his estate.

Sec. 24. Minnesota Statutes 1971, Section 261.063, is amended to read:

261.063 [TAX LEVY FOR SOCIAL SECURITY MEASURES; DUTIES OF COUNTY BOARD.] The board of county commissioners of each county shall annually levy taxes and fix a rate sufficient to produce the full amount required for *general assistance*, old age assistance, aid to dependent children, and any other social security measures wherein there is now or may hereafter be county participation, sufficient to produce the full amount necessary for each such item, including administrative expenses, for the ensuing year, within the time fixed by law in addition to all other tax levies and tax rates, however fixed or determined, and any commissioner who shall fail to comply herewith shall be guilty of a gross misdemeanor and shall be immediately removed from office by the governor.

Sec. 25. Minnesota Statutes 1971, Section 275.09, Subdivision 3, is amended to read:

Subd. 3. [TOWN PURPOSES.] There shall be levied annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists for town purposes, such amount as is voted at any legal town meeting, the rate of which tax shall not exceed, exclusive of such sums as are voted at the annual town meeting for road and bridge purposes ~~and for the support of the poor~~, ten mills in any town having a

population of more than 7,000, excluding the population of any cities or villages therein, five mills in any town having a taxable valuation of \$100,000 or more, and the amount of which shall not exceed \$350 in any town having a taxable valuation of less than \$100,000, and the rate of which shall not exceed one percent in any town. The rate of tax for road and bridge purposes in any town shall not exceed the rate provided by section 164.04, and the tax for poor purposes shall not exceed five mills. In any town in which the amount levied within the above limitations is not sufficient to enable the town to carry on its necessary governmental functions, the electors, during the business hours, after disposing of the annual report, may make an additional levy of not to exceed five mills to enable the town to carry on such necessary governmental functions.

Sec. 26. Minnesota Statutes 1971, Section 376.424, is amended to read:

376.424 [CHARGES; PAYMENT.] The county sanatorium commission shall fix the amount to be charged for the care, treatment and maintenance of any such nontuberculous patient, which charge shall equal all costs of such hospitalization of such patient. Any person who is afflicted with a malady, deformity or ailment, other than tuberculosis, which can probably be remedied by hospital care, service and treatment, and who is unable to pay the charges, may be admitted to the sanatorium for care, treatment and maintenance upon application of the county ; ~~town;~~ ~~village;~~ ~~borough;~~ or city responsible for the care of any such person under the provisions of the statutes governing the relief of the poor, and such charges shall be paid by the county ; ~~town;~~ ~~village;~~ ~~borough;~~ or city making such application.

Sec. 27. Minnesota Statutes 1971, Section 393.01, Subdivision 3, is amended to read:

Subd. 3. [COUNTY BOARD TO BE WELFARE BOARD IN CERTAIN COUNTIES.] ~~In any county containing a city of the first class operating under a home rule charter, wherein there is established in such city a board of public welfare for administration of poor relief in such city only. In the county of Hennepin the board of county commissioners shall be the county welfare board. In such counties~~ *county* the members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties under the provisions of this chapter. In such *counties* *county* the county auditor shall be ex officio secretary of the board, but shall have no voice in its proceedings. In such *counties* the system of caring for the poor in effect at the time of the passage of this chapter shall be continued, subject to all provisions of law relating thereto, except that, if such county is operating under the township system of caring for the poor, such towns, villages, and cities of the second, third and fourth classes therein may, by resolution of its governing body, agree with the county welfare board that the latter shall supervise and administer the poor relief fund in such town, village, or city, or contract with any one or more of the public subdivisions of the county for the purpose of jointly supervising and administering the poor relief funds in

such towns, villages or cities. In any such county the powers and duties of such board of public welfare shall not be affected by the provisions of this chapter. Such board of public welfare, in administering poor relief funds granted by any state agency authorized so to do by law, shall comply with all standards of administration and procedure prescribed by such agency.

Sec. 28. Minnesota Statutes 1971, Section 393.07, Subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION OF PUBLIC WELFARE.] The county welfare board, except as provided in section 393.01, subdivision 3, and subject to the supervision of the commissioner of public welfare, shall administer all forms of public welfare, both for children and adults, responsibility for which now or hereafter may be imposed on the commissioner of public welfare by law, including *general assistance*, aid to dependent children, old age assistance, aid to the blind, child welfare services, mental health services, and other public assistance or public welfare services. The duties of the county welfare board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the commissioner of public welfare to achieve the purposes intended by law and in order to comply with the requirements of the federal social security act in respect to public assistance and child welfare services, so that the state may qualify for grants-in-aid available under that act. The county welfare board shall supervise wards of the commissioner and, when so designated, act as agent of the commissioner of public welfare in the placement of his wards in adoptive homes or in other foster care facilities.

Sec. 29. Minnesota Statutes 1971, Section 393.08, Subdivision 1, is amended to read:

393.08 [ESTIMATES FURNISHED TO COUNTY BOARD.] Subdivision 1. On or before the first day of July each year the county welfare board, except any such board referred to in section 393.01, subdivisions ~~subdivision 3 and 4~~, shall submit to the county board of commissioners an estimate of the amount needed by it to perform its duties, including expenses of administration, and the county board of commissioners shall consider the estimates so submitted and, if approved, shall levy a tax as provided by law for the purposes. In the event the estimate is not approved, the county board of commissioners shall confer with the county welfare board and adjust a budget in accordance with the facts and levy a tax for the amount required.

In counties referred to in section 393.01, Subdivision 3, the estimate required shall not include ~~poor relief in such counties or~~ institutional requirements in any city of the first class located therein. The tax levy by the county board of commissioners in such counties shall be such as is required for *public assistance* and categories of aid under the federal social security act, and shall be separate and distinct from other levies made by it. The governing body of any such city of the first class may annually levy a tax for ~~poor relief~~ *institutional requirements* as authorized

by such home rule charter, on the real and personal property within the corporate limits of such city. Such tax levy and the proceeds thereof shall be subject to the same control and supervision as is imposed on any existing public welfare tax levy.

On the 25th day of July of each year the county welfare board referred to in section 393.01, subdivision 4, shall present its estimate of the amount needed by it to perform its duties, including expense of administration, to the board of county commissioners of any such county and the council of the city of the first class located in such county. Said board and said council may appoint a welfare budget advisory committee to study said budget provided that said welfare budget advisory committee must report its recommendation to said board and said council not later than September 1 of each year. The board of county commissioners of such county and the city council of such city shall jointly adopt a budget for such county welfare board and such action of such board of county commissioners and such city council in so adopting such budget shall be taken not later than September 20th of each year. The cost of all such relief, including the maintenance of any almshouse, sanatorium, or hospital maintained by such county and city shall be paid  $72\frac{1}{2}$  percent by such county and  $27\frac{1}{2}$  percent by such city.

In counties referred to in section 393.01, subdivision 7, the estimate required to fund the public welfare programs of the single welfare department, including expense of administration, shall be submitted to the boards of county commissioners who are parties to the agreement. Each board of county commissioners shall consider the estimate so submitted and shall confer with the board of county commissioners from the other counties who are a party to the agreement in determining the amount of funds to be assessed against each county for purposes of funding the welfare program.

Sec. 30. *To the extent of appropriations available therefor, the department of public welfare shall reimburse counties up to 50 percent of all salary expenses, approved by the commissioner, incurred and paid by the counties, for which no payment or reimbursement is made by the United States or any subdivision thereof, in administering, and salary administrative costs in providing services in connection with, all public assistance programs. No aid under this section shall be paid for salary costs of (a) single-county welfare directors; or (b) fiscal support personnel to the extent involved in the processing of public assistance claims and payments, or their supporting clerical staff; or (c) persons who are not regularly assigned employees of local agencies. Claims for reimbursement for expenditures made by the county shall be presented to the department by the respective counties at least four times per year in such manner as the commissioner shall prescribe. For the purposes of this section, the term "salary" shall include regular compensation not in excess of that paid similarly situated state employees, the employer's cost of health benefits and contributions to the appropriate retirement system,*

*but shall not include travel or other reimbursable expenses. The commissioner shall, pursuant to the administrative procedures act, prior to making any payments, promulgate rules to implement this section.*

Sec. 31. There is appropriated to the department of public welfare from the general fund the sum of \$12,000,000 for the biennium ending June 30, 1975, to enable the department to pay claims made pursuant to section 30. If this appropriation is insufficient to pay all approved claims pursuant to section 30, the commissioner shall make a pro rata reduction in payments.

Sec. 32. There is hereby appropriated to the commissioner of public welfare, for the biennium ending June 30, 1975, the sum of \$10,700,000 for the purpose of state aid for general assistance.

Sec. 33. *Minnesota Statutes 1971, Sections 245.46, 261.01, 261.02, 261.03, 261.05, 261.06, 261.061, 261.064, 261.065, 261.066, 261.067, 261.07, 261.08, 261.10, 261.11, 261.123, 261.124, 261.125, 261.126, 261.14, 261.141, 261.142, 261.143, and 261.26 and 393.08, Subdivision 2, are repealed.*

Sec. 34. This article is effective January 1, 1974.

### ARTICLE XXIII

Section 1. Minnesota Statutes 1971, Section 290.06, Subdivision 1, is amended to read:

290.06 [RATES OF TAX; CREDITS AGAINST TAX.] Subdivision 1. [COMPUTATION, CORPORATIONS.] The privilege and income taxes imposed by this chapter upon corporations shall be computed by applying to their taxable net income in excess of the applicable credits allowed under section 290.21 the rate of 12 percent. The amount of tax payable by a corporation required to file a return shall not be less than ~~\$10~~ \$100.

Sec. 2. *The provisions of this article shall be effective for taxable years beginning after December 31, 1972.*

### ARTICLE XXIV

Section 1. Minnesota Statutes 1971, Section 273.11, is amended to read:

273.11 [VALUATION OF PROPERTY.] Subdivision 1. *Except as provided in subdivision 2 herein*, all property shall be valued at its market value. In estimating and determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or at a forced sale, or in the

aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract or lot of real property, the value of the land, exclusive of structures and improvements, shall be determined, and also the value of all structures and improvements thereon, and the aggregate value of the property, including all structures and improvements, excluding the value of crops growing upon cultivated land. In valuing real property upon which there is a mine or quarry, it shall be valued at such price as such property, including the mine or quarry, would sell for a fair, voluntary sale, for cash. In valuing real property which is vacant, the fact that such property is platted shall not be taken into account. An individual lot of such platted property shall not be assessed in excess of the assessment of the land as if it were unplatted until the lot is improved with a permanent improvement all or a portion of which is located upon the lot, or for a period of three years after final approval of said plat whichever is shorter. When a lot is sold or construction begun, the assessed value of that lot or any single contiguous lot fronting on the same street shall be eligible for reassessment. All property, or the use thereof, which is taxable under sections 272.01, subdivision 2, or 273.19, shall be valued at the market value of such property and not at the value of a leasehold estate in such property, or at some lesser value than its market value.

*Subd. 2. In the case of property described in section 273.13, subdivisions 6, 7, 7B, 10, 12, 17, 17b, and 19, plus all agricultural property and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes where such property is held by the same owner, by the surviving spouse of a deceased owner, or by a surviving joint tenant, for a period of two years prior to any assessment date, the assessor after determining the value of any such property shall compare the value with that determined in the preceding assessment. If the increase exceeds five percent of the preceding valuation, the amount of the increase entered in the current assessment shall not exceed five percent; the excess (not exceeding five percent of the latest assessors market valuation) may be entered in the following years assessment, notwithstanding the provisions of section 273.17.*

*Sec. 2. In the event that, for the assessment year 1973, the assessor has increased the value of such property by an amount in excess of the five percent limitation provided for in section 1 of this article, he shall mail revised statement notices advising the property owner of the reduction required by this article. The revised notice shall state that the reduction is made pursuant to a statute enacted by the 1973 legislature.*

*Sec. 3. The provisions of this article shall not be applicable to property that may have become subject to taxation since the last assessment.*

*Sec. 4. The provisions of this article shall apply to the 1973 assessment and subsequent assessments.*

## ARTICLE XXV

Section 1. Minnesota Statutes 1971, Section 272.02, is amended to read:

272.02 [EXEMPT PROPERTY.] Subdivision 1. Except as provided in other subdivisions of this section, all property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity;
- (7) All public property exclusively used for any public purpose;
- (8) All natural cheese held in storage for aging by the original Minnesota manufacturer;
- (9) (a) Class 2 property of every household of the value of \$100, maintained in the principal place of residence of the owner thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the tax commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.
- (b) During the period of his active service and for six months after his discharge therefrom, no member of the armed forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the \$100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2 property of all the members assessed. The Class 2 property of each household claimed to be exempt shall be limited to property in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.



Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county, city, or village of the state, or any town, or any common or independent school district of the state, or any governmental board of the state, or any county, city, or village thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to, all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured articles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, *and the property described in section 272.03, subdivision 1 (c)*, except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of taxation. Any such equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be

exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

Subd. 2. After December 31, 1971, property owned, leased or used by any public elementary or secondary school district for a home, residence or lodging house for any teacher, instructor, or administrator shall not be included in the exemption provided in subdivision 1.

Subd. 3. After December 31, 1970, property owned or leased by, or loaned to, a hospital and used principally by such hospital as a recreational or rest area for employees, administrators, or medical personnel shall not be included in the exemption provided in subdivision 1.

Sec. 2. Minnesota Statutes 1971, Section 272.03, Subdivision 1, is amended to read:

272.03. [DEFINITIONS.] Subdivision 1. (a) [REAL PROPERTY.] For the purposes of taxation, "real property" includes the land itself and all buildings, structures, and improvements or other fixtures on it, and all rights and privileges belonging or appertaining to it, and all mines, minerals, quarries, fossils, and trees on or under it.

(b) A building or structure shall include the building or structure itself, together with all improvements or fixtures annexed to the building or structure, which are integrated with and of permanent benefit to the building or structure, regardless of the present use of the building, and which cannot be removed without substantial damage to itself or to the building or structure.

(c) *The term real property shall not include tools, implements, machinery, and equipment attached to or installed in real property for use in the business or production activity conducted thereon, regardless of size, weight or method of attachment.*

Sec. 3. Minnesota Statutes 1971, Section 273.13, Subdivision 4, is amended to read:

Subd. 4. [CLASS 3.] Tools, implements and machinery of an electric generating, transmission or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products, which are fixtures, all agricultural land, except as provided by classes 1, 3b, 3e and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, all buildings and structures assessed as personal property and situated upon land of the state of Minnesota or the United States government which is rural in character and devoted or adaptable to rural but not necessarily agricultural use shall constitute class 3 and shall be valued and assessed at 33⅓ percent of the market value thereof.

Sec. 4. *This article shall be effective for taxes assessed in 1973 and payable in 1974.*

Sec. 5. [ATTACHED MACHINERY AID.] *Subdivision 1. Except as provided in subdivision 4, each county government, city, village, borough, township and school district which levied ad valorem taxes payable in 1973 shall receive reimbursement in 1974 and subsequent years for real property exempted from property taxation by section 1 of this article.*

*Subd. 2. Each county government, city, village, borough and township shall receive reimbursement in 1974 and subsequent years in an amount equal to the product of its total mill rate in levy year 1972, taxes payable in 1973, times the total 1972 assessed value of real property exempted from taxation by section 1 of this article which was located within the territory of such governmental unit. For the purpose of this subdivision, the "total mill rate" of a county government, city, village, borough or township includes mill rates for taxes levied by such governmental unit which were not levied on the entire taxable value of such governmental unit.*

*Subd. 3. Each school district shall receive reimbursement in 1974 and subsequent years in an amount equal to the product of its 1972 assessed value of real property exempted from taxation by section 1 of this article times the sum of its mill rates for the following levies:*

*(1) A levy for capital outlay, pursuant to Minnesota Statutes, Section 124.04;*

*(2) A levy to pay the principal and interest on bonded indebtedness, including the levy to pay the principal and interest on bonds issued pursuant to Minnesota Statutes, Section 275.125, Subdivision 3 (6) (c);*

*(3) A levy to pay the principal and interest on debt service loans, pursuant to Minnesota Statutes, Section 124.42;*

*(4) A levy to pay the principal and interest on capital loans, pursuant to Minnesota Statutes, Section 124.43;*

*(5) A levy to pay amounts required in support of a teacher retirement fund, pursuant to Minnesota Statutes, Section 422.13;*

*(6) A levy for additional maintenance cost in excess of 30 mills times the adjusted assessed valuation of the school district, pursuant to Minnesota Statutes, Section 275.125, Subdivision 3 (4).*

*For the purpose of this subdivision, a school district mill rate for any of the forementioned levies which was not applied to the total taxable value of such school district shall be added to the forementioned sum of mill rates as if it had been applied to the entire taxable value of the school district.*

*Subd. 4. The provisions of this section do not apply to special taxing districts (determined by the department of taxation) or to county governments, cities, villages, boroughs, townships or school districts with less than \$1,000 assessed value, according to the 1972 assessment, of real estate exempted by section 1 of this article.*

*Subd. 5. The commissioner of taxation shall calculate the aids pursuant to subdivisions 2 and 3, basing all necessary calculations on the abstracts of assessment of real property for assessment year 1972 (transmitted to the commissioner of taxation pursuant to Minnesota Statutes, Section 270.11) as equalized by the state board of equalization pursuant to Minnesota Statutes, Sections 270.11 and 270.12, and the 1973 abstracts of tax lists transmitted by the county auditors pursuant to Minnesota Statutes, Section 275.29. He shall make payments directly to the affected taxing authorities in two equal parts on July 15 and November 15 of each year, commencing in 1974.*

*Subd. 6. If a county government, city, village, borough or township is subject to the provisions of Minnesota Statutes, Sections 275.50 to 275.56, the amount of aid calculated for such taxing district pursuant to subdivision 2 for 1974 or a subsequent year shall be deducted from the taxing district's current levy year's levy limit base (determined pursuant to Minnesota Statutes, Section 275.51, Subdivision 3) in determining the taxing district's levy limitation for taxes payable in 1974 or such subsequent year as the case may be. The amount of aid calculated for a school district pursuant to subdivision 3 for 1974 or a subsequent year shall be deducted from the school district's maintenance levy limitation (established pursuant to Minnesota Statutes, Section 275.125, Subdivision 2), in determining the amount of taxes the school district may levy for general and special purposes for taxes payable in 1974 or such subsequent year as the case may be.*

*Sec. 6. There is hereby appropriated to the commissioner of taxation from the general fund an amount sufficient to make the payments provided by section 5 of this article.*

## ARTICLE XXVI

Section 1. Minnesota Statutes 1971, Section 290.361, Subdivision 2, is amended to read:

**Subd. 2. [COMPUTATION OF TAXABLE NET INCOME.]** The taxable net income shall be computed in the manner provided by this chapter except that in the case of national and state banks: (a) the rate shall be 13.64 percent until July 1, 1973 January 1, 1974 and 12 percent thereafter; (b) the basic date for the purpose of computing gain or loss and depreciation shall be January 1, 1940, instead of January 1, 1933; (c) property consisting of investments in bonds, stocks, notes, debentures, mortgages, certificates, or any evidence of indebtedness, and any property acquired in liquidation thereof when such property is held for investment or for sale, shall not be deemed to be capital assets; and (d) in computing net income there shall be allowable as a deduction from gross income, in addition to deductions otherwise provided for in this act, any dividend (not including any distribution in liquidation) paid, within the taxable year, to the United States or to any instrumentality thereof exempt from federal income taxes, on the preferred stock of the bank owned by the United States or such instrumentality.

Sec. 2. *The provisions of this article shall be effective on July 1, 1973.*

## ARTICLE XXVII

Section 1. Minnesota Statutes 1971, Chapter 290, is amended by adding a section to read:

[290.0301] [EMPLOYERS PAYROLL TAX.] *Subdivision 1. For purposes of this section, the provisions of Minnesota Statutes, Chapter 268, are incorporated by reference herein, insofar as such provisions are applicable to the excise tax imposed by this section.*

*Subd. 2. Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases, for purposes of sections 4 and 5 of this article, shall have the meanings given to them.*

*Subd. 3. [EMPLOYER.] The term "employer" means any employer except a person which is exempt under section 290.05, subdivision 1, (h), (i), (l) and (m) or those employers which are subject to the provisions of sections 294.21 to 294.28 or chapter 295, other than sections 295.32 to 295.43.*

*Subd. 4. [TAXABLE COMPENSATION.] "Taxable compensation means the total compensation paid by an employer, as defined in subdivision 3, to employees after June 30, 1973, excluding therefrom the first \$100,000 of compensation paid during an employer's fiscal or calendar taxable year. There shall be deducted in determining taxable compensation for any taxable year the sum of \$100,000 except that where the taxable year is a period of less than 12 months and in the case of taxable years ending on or before May 31, 1974 the deduction shall be proportionately reduced.*

*Subd. 5. [TAXABLE NET INCOME.] "Taxable net income" means the taxable net income as defined by sections 290.18 and 290.19 for the taxable year, without any allowances for (1) federal, state or foreign nation income taxes accrued or paid, (2) deductions for long term capital gains, (3) net operating loss deductions, and (4) non-business deductions.*

*Subd. 6. [IMPOSITION OF TAX.] (a) Except as provided in (b) an excise tax of two mills per dollar on the taxable compensation paid by an employer is hereby imposed on such employer.*

*(b) In the event that an employer other than an employer exempt under the provisions of section 290.05, has taxable net income for the taxable year of \$0 or less, the excise tax imposed by (a) shall be one mill instead of two mills. It is specifically provided that where an employer taxable under this article but not taxable under section 290.05 shall be required to pay two mills on each dollar of taxable income.*

Sec. 2. Minnesota Statutes 1971, Chapter 290, is amended by adding a section to read:

[290.0201] [PAYMENT OF TAX.] *Subdivision 1. The tax im-*

*posed by section 1 shall be remitted to the commissioner of taxation, (together with all returns and reports required hereunder) by any employer who has paid or is expected to pay taxable compensation, at the time and in the manner provided for payments of withholding tax by employers to the commissioner under section 290.92, subdivision 6.*

*Subd. 2. The provisions of section 290.92 and all rules and regulations promulgated by the commissioner in respect thereto shall be applicable to the tax imposed by this article where applicable.*

**Sec. 3.** Minnesota Statutes 1971, Chapter 290, is amended by adding a section to read:

**[290.0202] [REFUND AND APPROPRIATION.]** *Any overpayment of the tax required to be paid by section 1 by reason of reduction in the mill rate or for any other reason, shall be refunded by the commissioner. There is appropriated to the commissioner the amount necessary to make such refundment.*

## ARTICLE XXVIII

**Section 1.** *Minnesota Statutes 1971, Sections 276.15; 276.16; 276.17; 276.18; 295.38; 368.39; 368.40; 368.41; 368.42; 373.20; 373.21; 373.22; 373.23; and 373.24 are repealed for all payments required to be made thereunder subsequent to December 31, 1973."*

**Further, strike the title and insert in lieu thereof:**

**"A bill for an act relating to government; raising revenue; providing for the administration of public welfare and other public activities; appropriating money; providing penalties; amending Minnesota Statutes 1971, Chapters 272; 273; 275; and 290; by adding sections; Sections 93.52, Subdivision 2; 93.55; 93.58; 124.03, Subdivision 3; 245.77; 261.04, Subdivision 1; 261.063; 272.02, Subdivision 1; 272.03, Subdivision 1; 272.04, Subdivision 1; 273.11; 273.13, Subdivisions 4, 6, and 7, and by adding a subdivision; 273.134; 273.41; 275.09, Subdivision 3; 275.50, Subdivisions 2, 4, and 5; 275.51, Subdivisions 1, 2, 3, 4, and by adding a subdivision; 275.52, Subdivisions 2 and 3; 275.53, Subdivisions 1 and 3; 275.55; 287.12; 290.06, Subdivision 1; 290.0601, Subdivisions 6 and 9; 290.0604; 290.061; 290.081; 290.17; 290.19, Subdivision 1, and by adding a subdivision; 290.361, Subdivisions 2 and 4; 290.982; 290.983, Subdivision 1; 290.99; 291.33, Subdivision 2; 293.07, Subdivision 2; 297.13, Subdivision 1; 297A.14; 297A.25, Subdivision 1; 340.60, Subdivision 1; 376.424; 393.01, Subdivision 3; 393.08, Subdivision 1; 414.01, by adding a subdivision; and 477A.01, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, and 17; repealing Minnesota Statutes 1971, Sections 93.53; 93.54; 93.56; 93.57; 245.46; 261.01; 261.02; 261.03; 261.05; 261.06; 261.061; 261.064; 261.065; 261.066; 261.067; 261.07; 261.08; 261.10; 261.11; 261.123; 261.124; 261.125; 261.126; 261.14; 261.141; 261.142; 261.143; 261.26; 290.0607; 290.0617; 297.13; Subdivisions 2, 3, 4, 5, 6, 7, and 8; 297.15; 297.16; 297A.252; 340.60, Subdivisions 2, 3, 4, 5, 6, and 7; 393.08, Subdivision 2; and 477A.01, Subdivisions 12 and 15."**

The conferees on H. F. No. 2121 amended the Conference Committee Report as follows:

Page 57, lines 23 to 28, strike the new language

Page 58, lines 1 to 3, strike the new language

Page 58, line 6, after the word "exemption;" insert the following:

*"however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;"*

Page 94, line 10, strike "\$.50" and insert "\$.25"

Page 96, line 8, strike "\$.50" and insert "\$.25"

Page 140, after line 2, insert a new section 4 as follows:

*"Sec. 4. Notwithstanding any other provision of law to the contrary the limitation contained in section 1 and section 2 shall also apply to the authority of the local board of review as provided in section 274.01, the county board of equalization as provided in section 274.13, the state board of equalization and the commissioner of taxation as provided in section 270.11, 270.12 and 270.16, and any increase effected by these boards, the cumulative effect of which may increase property above the five percent permissible increase shall be invalid."*

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

House Conferees: (Signed) Martin O. Sabo, Irvin N. Anderson, Raymond Pavlak, Carl M. Johnson and Frank H. De Groat.

Senate Conferees: (Signed) A. J. Perpich, Nicholas D. Coleman, Alec G. Olson, George R. Conzemius and William McCutcheon.

Mr. Perpich, A. J. moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2121 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. 2121: A bill for an act relating to government; raising revenue; providing for the administration of public welfare and other public activities; appropriating money; providing penalties; amending Minnesota Statutes 1971, Chapters 272; 273; 275; and 290; by adding sections; Sections 93.52, Subdivision 2; 93.55; 93.58; 124.03, Subdivision 3; 245.77; 261.04, Subdivision 1; 261.063; 272.02, Subdivision 1; 272.03, Subdivision 1; 272.04, Subdivision 1; 273.11; 273.13, Subdivisions 4, 6, and 7, and by adding a subdivision; 273.134; 273.41; 275.09, Subdivision 3; 275.50, Subdivisions 2, 4, and 5; 275.51, Subdivisions 1, 2, 3, 4, and by adding a subdivision; 275.52, Subdivisions 2 and 3; 275.53, Subdivisions 1 and 3; 275.55; 287.12; 290.06, Subdivision 1; 290.0601, Subdivisions 6 and 9; 290.0604; 290.061; 290.081; 290.17; 290.19, Subdivision 1, and

by adding a subdivision; 290.361, Subdivisions 2 and 4; 290.982; 290.983, Subdivision 1; 290.99; 291.33, Subdivision 2; 293.07, Subdivision 2; 297.13, Subdivision 1; 297A.14; 297A.25, Subdivision 1; 340.60, Subdivision 1; 376.424; 393.01, Subdivision 3; 393.08, Subdivision 1; 414.01, by adding a subdivision; and 477A.01, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, and 17; repealing Minnesota Statutes 1971, Sections 93.53; 93.54; 93.56; 93.57; 245.46; 261.01; 261.02; 261.03; 261.05; 261.06; 261.061; 261.064; 261.065; 261.066; 261.067; 261.07; 261.08; 261.10; 261.11; 261.123; 261.124; 261.125; 261.126; 261.14; 261.141; 261.142; 261.143; 261.26; 290.0607; 290.0617; 297.13; Subdivisions 2, 3, 4, 5, 6, 7, and 8; 297.15; 297.16; 297A.252; 340.60, Subdivisions 2, 3, 4, 5, 6, and 7; 393.08, Subdivision 2; and 477A.01, Subdivisions 12 and 15.

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

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

And the roll being called, there were yeas 40 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Laufenburger	Olhoff	Schrom
Arnold	Geartry	Lewis	Olson, A. G.	Solon
Borden	Hansen, Baldy	Lord	Olson, H. D.	Spear
Chenoweth	Hansen, Mel	McCutcheon	Patton	Stokowski
Chmielewski	Hughes	Milton	Perpich, A. J.	Tennessen
Coleman	Humphrey	Moe	Perpich, G.	Thorup
Conzemius	Keefe, S.	North	Purfeerst	Wegener
Davies	Kleinbaum	Novak	Schaaf	Willet

Those who voted in the negative were:

Ashbach	Dunn	Josefson	Krieger	Pillsbury
Bang	Fitzsimons	Keefe, J.	Larson	Renneke
Berg	Frederick	Kirchner	Nelson	Sillers
Bernhagen	Hanson, R.	Knutson	Ogdahl	Stassen
Blatz	Jensen	Kowalczyk	O'Neill	Ueland
Brown				

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

## RECESS

Mr. Coleman moved that the Senate do now recess until 9:15 o'clock p.m. Which motion prevailed.

The hour of 9:15 o'clock p.m. having arrived, the President called the Senate to order.

## MEMBERS EXCUSED

Mr. Ashbach was excused from this evening's Session.

## MESSAGE 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. 377:



H. F. No. 377, A bill for an act relating to the department of human rights; unfair discriminatory practices; amending Minnesota Statutes 1971, Sections 363.01 by adding subdivisions; 363.02, Subdivisions 2 and 3 and by adding subdivisions; 363.03; 363.04, Subdivision 8; 363.05, Subdivision 1; 363.06, Subdivisions 2, 4 and 7; 363.071, Subdivision 2; 363.072, Subdivision 1; 363.091; 363.11; 363.115; 363.12, Subdivisions 1 and 2; 363.13; and Chapter 363, by adding sections.

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

Norton, Bell and Faricy have been appointed as such committee on the part of the House.

House File No. 377 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 19, 1973

Mr. Coleman moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 377 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.

#### 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.

#### 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.

#### 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 H. F. No. 377, pursuant to the request of the House,

Messrs. Coleman, Stokowski, Sillers.

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

#### CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate.

The following Senators answered to their names:

Anderson	Coleman	Humphrey	North	Solon
Arnold	Conzemius	Keefe, S.	Novak	Spear
Berg	Davies	Kleinbaum	Olhoft	Stokowski
Bernhagen	Doty	Laufenburger	Olson, A. G.	Tennessee
Borden	Gearty	Lewis	Olson, H. D.	
Brown	Hansen, Baldy	Lord	Renneke	
Chenoweth	Hansen, Mel	McCutcheon	Schaaf	
Chmielewski	Hughes	Moe	Schrom	

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, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

### MESSAGES FROM THE HOUSE—CONTINUED

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. 1626, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 1626: A bill for an act relating to education; school aids and levies; authorizing the issuance of bonds by independent school district No. 625; appropriating money; amending Minnesota Statutes 1971, Chapter 124, by adding sections; Sections 120.17, Subdivision 7, and by adding a subdivision; 124.17, by adding a subdivision; 124.212, Subdivision 8, and by adding Subdivisions; 124.32, Subdivisions 1 and 5, and by adding a subdivision; and 275.125, by adding subdivisions; repealing Minnesota Statutes 1971, Sections 120.17, Subdivision 8; 124.04; 124.17, Subdivision 1; 124.212, Subdivisions 3, 4, 6, and 7; 124.22, Subdivisions 1, 3, 4, and 6; 124.31; 124.32, Subdivision 3; and 275.125, Subdivisions 2 and 3.

Senate File No. 1626 is herewith returned to the Senate.

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

Returned May 19, 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. 2417, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 2417, A bill for an act relating to the organization and operation of state government; appropriating money therefor and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in

certain cases including conservation, parks, recreational lands and trails, wildlife and spawning areas, and historic sites; fixing and limiting the amount of fees to be collected in certain cases; making funds available for seaway trade promotion; providing penalties for misusing appropriated funds; amending Minnesota Statutes 1971, Sections 3.102, 15.50; repealing Laws 1965, Chapter 810, Section 23, Subdivision 3 as amended by Laws 1967, Chapter 867, Section 9.

Senate File No. 2417 is herewith returned to the Senate.

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

Returned May 19, 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. 2047, and repassed said bill in accordance with the report of the Committee, so adopted.

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 19, 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. 1964, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 1964: A bill for an act relating to watershed districts; prescribing additional powers and duties of managers thereof; authorizing the managers to institute works by resolution; providing procedures for consolidation of districts; amending Minnesota Statutes 1971, Sections 112.35, Subdivision 19; 112.38; 112.42, Subdivision 3; 112.44; 112.47; 112.48, Subdivisions 1 and 3 and by adding a subdivision; 112.52; 112.53, Subdivision 1; 112.54; 112.55; 112.64, Subdivision 4; 112.69, Subdivision 1; and Chapter 112, by adding a section; repealing Minnesota Statutes 1971, Section 112.75; and Laws 1965, Chapter 873, Section 2.

Senate File No. 1964 is herewith returned to the Senate.

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

Returned May 19, 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. 452, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 452: A bill for an act relating to city of St. Paul; providing for a change in the election of members of the council.

Senate File No. 452 is herewith returned to the Senate.

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

Returned May 19, 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. 1247, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

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

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

Returned May 19, 1973

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned:

S. F. Nos. 485, 582, 877 and 1633

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

Returned May 19, 1973

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate regarding House File No. 9 and that the bill has been returned to the Conference Committee as formerly constituted.

H. F. No. 9: A bill for an act relating to labor; creating a division of labor standards; providing for minimum wage and overtime standards; providing penalties for violations; repealing Minnesota Statutes 1971, Sections 175.38; 175.39; and 177.01 to 177.20.

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

Transmitted May 19, 1973

Mr. President:

I have the honor to announce that the House has acceded to

the request of the Senate regarding House File No. 835 and that the bill has been returned to the Conference Committee as formerly constituted.

H. F. No. 835: A bill for an act relating to divorce; abolishing the action and substituting proceedings for dissolution; amending Minnesota Statutes 1971, Sections 518.001; 518.01; 518.03; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.15; 518.16; 518.17; 518.175, Subdivision 1; 518.25; 518.27; 518.54; 518.55; 518.551; 518.57; 518.58; 518.59; 518.62; 518.63; 518.64 and 518.66; repealing Minnesota Statutes 1971, Sections 518.08; 518.26 and 518.28.

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

Transmitted May 19, 1973

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned:

S. F. No. 464.

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

Returned May 19, 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. 160, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 160: A bill for an act relating to food; requiring open dating of perishable food; directing the commissioner of agriculture to promulgate rules and regulations governing the dating, handling and labeling of perishable food; providing penalties.

Senate File No. 160 is herewith returned to the Senate.

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

Returned May 19, 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. 384, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 384: A bill for an act relating to 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; establishing certain boards and prescribing their powers and duties; requiring

reports of maltreatment of nursing home patients; prescribing penalties; amending Minnesota Statutes 1971, Chapters 144, by adding a section; 256B, by adding sections; 609, by adding a section; and 626, by adding a section.

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

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

Returned May 19, 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. 1302, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 1302: A bill for an act relating to health; organization of public health nursing services; amending Minnesota Statutes 1971, Sections 145.12, Subdivision 1; and 393.07, Subdivisions 2 and 3.

Senate File No. 1302 is herewith returned to the Senate.

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

Returned May 19, 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. 1824, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 1824: A bill for an act relating to motor carriers; permit carriers; providing that permits may be assigned or transferred under certain conditions; amending Minnesota Statutes 1971, Section 221.151, Subdivision 1; and repealing Minnesota Statutes 1971, Section 221.151, Subdivision 2.

Senate File No. 1824 is herewith returned to the Senate.

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

Returned May 19, 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. 2275, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2275: A bill for an act relating to the organization and operation of the state government; appropriating moneys therefor, permitting transfers in certain cases and limiting the use thereof, including appropriations for the departments of public welfare, corrections, health, commission on alcohol problems, board of examiners for nursing home administrators, public assistance programs, old age assistance, aid to dependent children, aid to the blind, aid to the disabled, and public relief.

H. F. No. 2275 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2275

A bill for an act relating to the organization and operation of the state government; appropriating moneys therefor, permitting transfers in certain cases and limiting the use thereof, including appropriations for the departments of public welfare, corrections, health, commission on alcohol problems, board of examiners for nursing home administrators, public assistance programs, old age assistance, aid to dependent children, aid to the blind, aid to the disabled, and public relief.

May 18, 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. 2275, 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. DEPARTMENTS OF PUBLIC WELFARE, CORRECTIONS, HEALTH, ALCOHOL AND DRUG PROBLEMS, OMBUDSMAN, AND BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS TO EXPEND MONEYS.

The sums hereinafter named, or so much thereof as may be necessary, are hereby appropriated from the general fund in the state treasury not otherwise appropriated, or any other fund herein designated, to be expended for the purposes specified in the following sections of this act, to be available for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975.

#### APPROPRIATIONS

Available for the Year

Ending June 30,

1973      1974      1975

\$                      \$                      \$

Sec. 2. TO THE COMMISSIONER OF PUBLIC WELFARE

	1973	1974	1975
	\$	\$	\$
Subdivision 1. Administration of the Department of Public Welfare — salaries . . . . .		2,200,000	2,200,000

Unless approved by the governor, after consulting the legislative advisory committee, any federal funds received in excess of \$1,915,000 in fiscal year 1974 and \$1,930,000 in fiscal year 1975 shall reduce the state appropriation by a like amount.

#### Approved Complement — 327

Subd. 2. Supplies and Expense	1,552,800	1,397,600
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Notwithstanding any other law to the contrary, not more than \$5,000 annually is appropriated from salary savings to be used for the payment of necessary travel expenses to and from interviews arranged by the department of public welfare, incurred by job applicants for professional, administrative, or highly technical positions recruited by the department of public welfare.

Notwithstanding any state law to the contrary, the commissioner of public welfare shall not adjust the budget standards for any categorical aid program in excess of the amount authorized by the legislature, unless federal law or regulation require such action.

The commissioner of public welfare may adopt a bloc grant system for the categorically aided recipients on or after October 1, 1973. In determining the amount of the public assistance grant, the commissioner shall effect a 12 percent increase over the historical average grant.



	1973	1974	1975
	\$	\$	\$

The commissioner of public welfare shall submit a specific comprehensive plan to the senate finance committee and the house appropriations committee by November 15, 1974, regarding state hospitals, local facilities, and development plans for regions. Such report shall be preceded by a systematic plan for closing and demolishing old or obsolete buildings in the state hospital system, however the preliminary report may be implemented prior to submission, but specific items which are objected to in writing shall not be commenced.

If the total caseload, as estimated, does not materialize in all of the categorical aid programs for which funds are appropriated, the surplus funds shall revert to the general fund.

Funds are provided in the above appropriation for expenses incurred in distributing surplus commodities furnished by the federal government to the counties.

Subd. 3. Mechanized Payment System for the Categorical Aids .....

1,000,000

Provided that these funds shall be available only if separate legislation passes the 1973 legislature which authorizes the department of public welfare to develop and implement such system.

Subd. 4. Mental Health Research .....

200,000

Approved Complement — 2

Subd. 5. Mental Health Training Program .....

93,000

\$	\$	\$
1973	1974	1975

Funds provided by this subdivision may be used for a psychiatric residency training program.

Of the amount appropriated by this subdivision, \$30,000 each year may be used for the employment of additional psychiatrists at state institutions and only such funds as are necessary shall be transferred to those institutions where the psychiatrists are employed.

Approved Complement — 0

Subd. 6. Community Mental Health Centers .....

5,200,000	5,500,000
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Notwithstanding any law to the contrary, no funds provided in this subdivision shall be used for matching that part of salaries paid above the class of persons in comparable positions in the state civil service nor shall any funds provided in this subdivision be used for matching that part of fringe benefits which exceed the fringe benefits provided to employees in the state civil service.

The above funds provide for a 50 percent matching, except for counties affected by subdivision 11, of local community mental health centers approved expenditures. Seventy-five percent of any federal funds received as reimbursement by the commissioner of public welfare shall be used to equally reduce local and state funding and surplus state funds resulting from federal funds shall cancel to the general fund. Twenty-five percent of the federal funds may be used for program expansion.

The community mental health

	1973	1974	1975
	\$	\$	\$
centers may accept cases from juvenile courts for diagnostic evaluation.			
Approved Complement — 4			
Subd. 7. Care and Support of Children Under Guardianship of the Commissioner of Public Welfare .....		716,000	790,000
Subd. 8. Care, Relief, and Support of Dependent Children, Aged, Blind, Disabled and the Medical Assistance to the Needy Program .....		86,400,000	97,700,000

Provided that \$3,000,000 of the funds appropriated by this subdivision shall be available only if separate legislation is passed by the legislature to provide supplemental payments in the adult categories.

Notwithstanding the provision of any other law, the commissioner of public welfare may utilize the funds, pursuant to the approval of the governor, provided in the above subdivision to pay a portion of the cost of day care and vocational training programs. The portion of the cost not paid by federal funds shall be paid equally from state and local funds. The cases selected by the commissioner for the new programs, on the average, shall not have a greater cost than if they remained in this program. The commissioner shall develop such criteria, selection principles, and other rules so as to carry out the intent of this provision.

Notwithstanding any other law to the contrary, when the expenditure made in the aid to families with dependent children program to meet special needs, as defined by the com-

	1973	1974	1975
	\$	\$	\$

missioner of public welfare, exceeds 3.1 percent of the total expenditure for the above program in a county, that portion of the expenditure in excess of the above percentage not paid from federal funds shall be paid entirely by county funds.

Notwithstanding any other law to the contrary, when the expenditure made in the aid to the blind program to meet special needs, as defined by the commissioner of public welfare, exceeds 3.2 percent of the total expenditure for the above program in a county, that portion of the expenditure in excess of the above percentage not paid from federal funds shall be paid entirely by county funds.

Notwithstanding any other law to the contrary, when the expenditure made in the old age assistance program to meet special needs, as defined by the commissioner of public welfare, exceeds 2.1 percent of the total expenditure for the above program in a county, that portion of the expenditure in excess of the above percentage not paid from federal funds shall be paid entirely by county funds.

Notwithstanding any other law to the contrary, when the expenditure made in the aid to the disabled program to meet special needs, as defined by the commissioner of public welfare, exceeds 1.8 percent of the total expenditure for the above program in a county, that portion of the expenditure in excess of the above percentage not paid from federal funds shall be paid entirely by county funds.

	1973	1974	1975
	\$	\$	\$

Provided that the amount appropriated for implementation of Minnesota Statutes 245.0313 shall be available only if matched by federal funds. Provided that if the cost of care in state institutions falls below the projections used for implementation of Minnesota Statutes 245.0313, any excess appropriation shall revert to the general fund.

The department of public welfare may promulgate rules and regulations, not inconsistent with federal law or regulation, allowing recipients of medical services to be charged a specified minimum amount toward cost of medical services provided. An amount sufficient to meet anticipated needs for this purpose shall be included as part of the recipient's public assistance grant.

Notwithstanding any law to the contrary, if, due to any court ruling or federal law or regulation, federal financial participation in the aid to families with dependent children program for children over the age of 18 is conditioned upon the provision of aid to all children otherwise eligible between the ages of 18 and 21, eligibility for children under the aid to families with dependent children program shall cease at the age of 18; provided, however, that if such federal funds become unavailable, aid to families with dependent children shall be provided for children over 18 and under the age of 19 attending high school on a full-time basis, to be paid from state and county funds.

Subd. 9. Administrative Expense on Aging . . . . .

125,000	125,000
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	1973	1974	1975
\$	\$	\$	

Provided that the funds appropriated by this subdivision may not be expended unless matched by federal funds.

The use of the funds appropriated herein may include the appropriate matching of federal funds provided programs for the aging for the payment to members of advisory committees required in these programs by federal law, for their actual expenses incurred in performance of their duties.

Subd. 10. Vocational Rehabilitation of the Blind .....

210,000	210,000
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The sum of \$2,500 each year out of the amount above appropriated shall be paid into the revolving fund established by Laws 1947, Chapter 535, for the purchase of equipment and supplies for establishing and operating of vending stands by blind persons. All income, receipts, earnings, and federal grants due to the operation thereof shall also be paid into said fund, and all equipment, supplies and expenses for the setting up of such stands to be so operated, shall be paid from said fund.

Subd. 11. Equalize the Cost of Welfare .....

1,075,000	1,075,000
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All payments from funds appropriated by this subdivision shall be based upon a formula which includes four factors: recipient rate, per capita income, per capita taxable value, and per capita expenditures for welfare as indicated in the work sheets of the conference committee which also specify the number of counties that may receive this aid.

	1973	1974	1975
	\$	\$	\$

Salary expenditures shall not be included for purposes of computing county per capita welfare costs or in county welfare costs.

Notwithstanding any law to the contrary, initial payments to counties shall be made on or before October 1, 1973, for fiscal year 1974 and on or before October 1, 1974, for fiscal year 1975. Final payments shall be made before October 1 of the following fiscal year.

For the purposes of this act, welfare costs shall be deemed to include all forms of public assistance and the administrative costs thereof, to-wit: old age assistance, medical assistance to the needy, aid to dependent children, aid to the permanently and totally disabled, aid to the blind, payments to the commissioner of public welfare for care and treatment of patients in state institutions, maintenance relief, medical relief, tuberculosis sanatoria care, hospital charges, maintenance of children not under state guardianship, cost of sundry poor, and all administrative costs except university hospitals care, care of children under state guardianships, and poor burials.

No county shall be entitled to the benefits of this act if it has transferred any moneys available for welfare purposes to any other county funds, except that a transfer of a surplus in the welfare fund may be made to the road and bridge fund of said county, and except that where funds are otherwise unavailable, a transfer may also be made to the general revenue

	1973	1974	1975
	\$	\$	\$

fund of said county for payment of rent of office space for the county welfare board. Such transfers shall be made only with the approval of the governor after consultation with the Minnesota public relief advisory committee. Provided further that such transfer of funds for payment for rent shall not be considered an expenditure for equalization aid reimbursement. Any federal funds received in lieu of taxes because of federal grants shall be available for welfare purposes.

Provided that no county shall receive in excess of 75 percent of its cost of welfare as defined in this subdivision from state funds.

Notwithstanding any law to the contrary, the formula used in this subdivision for equalizing welfare costs shall be used for computing distressed county aid for daytime activity centers and community mental health centers.

Subd. 12. Daytime Activity Centers for the Mentally Retarded .....

3,650,000

Approved Complement—1

The above funds provide for a 60 percent matching, except for counties affected by subdivision 11, of local daytime activity centers approved expenditures. Seventy-five percent of any federal funds received as reimbursement by the commissioner of public welfare shall be used to equally reduce local and state funding and surplus state funds resulting from federal funds shall cancel to the general fund. Twenty-five per-



	1973	1974	1975
	\$	\$	\$
cent of the federal funds may be used for program expansion.			
Subd. 13. Crippled Children Services .....		600,000	700,000
Subd. 14. Aid to Counties—Mentally Retarded .....		3,196,900	
Notwithstanding any law to the contrary, this appropriation provides for not more than 70 percent of the cost of care.			
Subd. 15. Red Lake Band of Chippewa Indians .....		130,000	130,000
Provided that any funds appropriated by this subdivision in excess of the county costs for this purpose shall cancel to the general fund.			
Subd. 16. General Relief—Indians .....		363,000	254,000
Provided further that reimbursements shall be prorated if the appropriation made in this subdivision is insufficient to provide full reimbursement.			
Subd. 17. Foster Grandparents Program .....		200,000	200,000
Five percent of this appropriation may be retained by the governor's council on aging as a fee for administrative services and expenses, pursuant to Minnesota Statutes 1971, Section 256.976.			
Subd. 18. Aid to Counties—Emotionally Disturbed .....		622,800	678,200
Subd. 19. Child Care Service Grants .....		800,000	
Subd. 20. State Hospitals			
(a) Current Expense .....		7,038,800	7,104,900

The above appropriation includes funds to provide temporary laundry service for Rice Memorial Hospital at a charge

	1973	1974	1975
	\$	\$	\$

to be determined by the commissioner of public welfare.

Provided that laundry service shall be furnished without charge to the Willow River camp.

Provided that when equipment expenditures are necessary at the prison laundry, laundry service shall be provided without charge for the prison after the transfer of four positions from the department of corrections to the department of welfare has been accomplished.

Notwithstanding any law to the contrary, the commissioner of public welfare may authorize any state hospital to enter into agreement with other governmental and non-profit health service organizations for participation in "shared service" agreements which would be of mutual benefit to the state, the health service organizations involved and the public. The charges for such services shall be on an actual cost basis and the receipts shall be deposited in the general fund.

So much of the above funds as necessary may be established in a special account in the department of public welfare to pay for special costs relating to the mental health commitment act.

(b) Salaries .....	46,958,600	46,315,900
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Approved Complement—

July 1, 1973—5,410

January 1, 1975—5,250

June 30, 1975—5,167

Provided that as the population decreases, the supportive staff complement shall be reduced in direct proportion.

	1973	1974	1975
	\$	\$	\$

Not more than 25 percent of the salary savings occurring as a result of efficiencies in operations may be used for supplies and expense expenditures upon the advance approval of the commissioner of administration.

(c) Special Equipment . . . . .		451,400	
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The commissioner of public welfare shall submit the budgets for the hospitals to the 1975 legislature on an individual hospital basis together with a summary budget.

Funds are provided in this appropriation for developing a self-injurious behavior program at the Faribault state hospital. Information obtained from other states shall be used in developing this program.

The hospitals enumerated by this subdivision are hereby granted authority to negotiate with sheltered workshops to provide services to the hospitals, provided salary savings are used to pay these costs.

(d) Hospital Care . . . . .		50,000	
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The amount appropriated by this item shall be used to cover the expense of hospital care for patients and inmates furnished in hospitals not under supervision of the commissioner of public welfare. All reimbursements received for such medical services shall be credited to this account and become a part thereof.

Subd. 21. Braille and Sight Saving School

(a) Current Expense . . . . .	52,100	53,100
(b) Salaries . . . . .	632,000	622,000

	1973	1974	1975
	\$	\$	\$
Approved Complement—73			
(c) Regional Library for the Blind .....		66,400	65,800
Approved Complement—6.5			
Subd. 22. School for the Deaf			
(a) Current Expense .....		164,200	167,700
(b) Salaries .....		1,364,300	1,364,300
Approved Complement—150.5			
As soon as feasible, the business office of the braille and sight saving school shall be combined with that of the school for the deaf and the complement reduced accordingly.			
(c) Gallaudet Students .....		800	800
Subd. 23. Gillette State Hospital			
(a) Current Expense .....		339,200	340,700
(b) Salaries .....		2,149,000	2,149,000
Approved Complement—245.16			
(c) Honorarium for Visiting Staff .....		78,300	78,300
Subd. 24. Ah-Gwah-Ching Nursing Home			
(a) Current Expense .....		382,900	392,800
(b) Salaries .....		2,087,700	2,087,700
Approved Complement—271			
Subd. 25. Glen Lake State Sanatorium and Oak Terrace Nursing Home			
(a) Current Expense .....		433,600	433,900
(b) Salaries .....		2,506,400	2,506,400
Approved Complement—297			
(c) Central Library Service ..		12,000	12,000
Subd. 26. Special Equipment for the Braille and Sight Saving			

	1973	1974	1975
	\$	\$	\$
School, School for the Deaf, Gillette State Hospital, Ah- Gwah-Ching Nursing Home, and Glen Lake State Sanatori- um and Oak Terrace Nursing Home .....		122,300	

Any unexpended balances in subdivisions 3, 4, 5, 6, 12, 13, 14, 18, 19, 20 (c), 20 (d) and 26 remaining in the first year shall not cancel but shall be available for the second year of the biennium.

### Sec. 3. TO THE COMMISSIONER OF CORRECTIONS

#### Subdivision 1. Administration

(a) Salaries, supplies and expense .....	3,385,000	3,374,000
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#### Approved Complement — 245

The commissioner of corrections is authorized to establish a select committee of 15 to 20 members whose purpose will be to review the roles of all Minnesota correctional institutions and to determine which of these institutions should be retained.

The commissioner of corrections is authorized to appoint to this select committee members of the legislature, law enforcement and private citizens or citizen's groups.

The commissioner of corrections is hereby authorized to pay members of the select committee \$25 per diem plus travel expenses pursuant to rules and regulations promulgated by the commissioner of administration and to pay publication expenses for the committee's report. Said report will be submitted to the 1974 legislature by January 2, 1974.

	1973	1974	1975
	\$	\$	\$

This appropriation includes funds for the operation of the transportation unit.

No new program may be implemented unless a statistical evaluation of its objectives and accomplishments accompanies the development of such program.

Provided that the parole agents shall reside in the various districts of the state in which they are employed during the period for which this appropriation is effective.

This appropriation includes personnel and funds for the expenses of providing supervision for county homes.

Provided that regional supervisors paid from this account may also supervise state parole agents as directed by the commissioner of corrections. Such duties shall not interfere with the supervisor's responsibility under the County Probation Act, Laws 1959, Chapter 698.

(b) County Reimbursement . .

700,000      700,000

Provided further that reimbursement to counties as provided by Minnesota Statutes 260.311, Subdivision 5, shall be computed on the basis of 50 percent of the probation officers salary costs only, including fringe benefits, however that part of fringe benefits in excess of those provided for state civil service employees shall not be reimbursable.

Notwithstanding any law to the contrary, no county shall be eligible for the reimbursement aforementioned unless its county probation officers are paid a salary commensurate

	1973	1974	1975
	\$	\$	\$

with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which the county probation officers shall be assigned shall be determined by the judge(s) of the juvenile court(s) who shall base the decision on length and performance of service of said officer(s). The judges of the juvenile courts shall annually assign their county probation officer(s) to a position on the aforementioned salary scale commensurate with the officer's experience, tenure, and responsibilities and said judges shall file with the county auditor an order setting said county probation officer's salary.

Provided further that reimbursement to counties shall be prorated if the appropriation made in this item is insufficient to pay the cost as provided by Minnesota Statutes 260.311, Subdivision 5.

Provided that time spent by the county probation officer as a court referee shall not qualify for reimbursement from this appropriation.

Subd. 2. Corrections Subsidy Act .....	1,500,000
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The commissioner of corrections shall select the counties which may participate under the Corrections Subsidy Act after consulting with the appropriate finance committees of the legislature. These funds shall not be expended unless separate legislation is passed by the 1973 legislature authorizing such expenditure.

Subd. 3. Medical and Psychiatric Services .....	1,500,000
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	1973	1974	1975
	\$	\$	\$

The amount appropriated by this item shall be used for psychiatric services and to cover the expense of providing secure hospital care for inmates and persons furnished in hospitals not under supervision of the commissioner of corrections. All reimbursements received for such medical services shall be credited to this account and become a part thereof.

The commissioner of corrections may contract with any other state department or agency to obtain psychiatric services for the department of corrections. This appropriation is in addition to funds for psychiatric services provided in the appropriations for the individual institutions.

#### Approved Complement—13

Subd. 4. Personnel Training . .	497,000
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This appropriation includes funds for training of group home parents in county homes.

Subd. 5. Vocational Training .	140,000
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The amount appropriated by this item shall be used for the purpose of providing vocational training of the inmates of institutions under the control of the commissioner of corrections. The commissioner of corrections is hereby authorized and empowered to employ skilled craftsmen to conduct a vocational training program and to instruct such inmates.

Subd. 6. Foster Group Care . .	1,000,000
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The amount appropriated by this item shall be used for foster group care facilities under the commissioner of corrections



	1973	1974	1975
	\$	\$	\$
and to reimburse counties pursuant to Minnesota Statutes 1971, Section 260.251, Subdivision 1a, provided, however, that such reimbursement to counties shall be prorated if the appropriation is insufficient.			

The amounts reimbursed to the counties shall be based upon 50 percent of cost to the counties after federal and state aids, grants or relief programs have been deducted from the costs of said group home operations.

Subd. 7. Work Release and Newgate Programs .....	360,000	
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This appropriation includes \$110,000 for the Newgate program.

Subd. 8. Community Corrections Centers .....	425,000	
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This appropriation includes \$50,000 for community corrections centers on Indian reservations. Rules and regulations shall be developed by the commissioner of corrections for operation of such programs.

Subd. 9. Correctional Institutions

This appropriation is for the Minnesota state prison, reformatory for men, Minnesota correctional institution for women, state training school for boys, the Willow River camp, Minnesota home school, the Minnesota reception and diagnostic center and Thistle-dew camp.

(a) Current Expense .....	2,541,900	2,547,800
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(b) Salaries .....	12,731,000	12,712,500
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Approved Complement—  
1,138.75

(c) Special Equipment .....	175,000	
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	1973	1974	1975
	\$	\$	\$

The academic school program at the state training school for boys and the Minnesota home school shall be conducted on a 12 month basis.

Provided that the appropriate committees on finance of the legislature shall receive a written report of the anticipated expenditures from the prison revolving fund for recreational or vocational equipment not less than 30 days prior to expenditure.

The reception and diagnostic center may be used for training and treatment of persons adjudicated delinquent and committed to the youth conservation commission. The commissioner may also set aside suitable space at other institutions under his control for the study, examination and diagnosis of persons committed to the youth conservation commission, and for temporary detention under the provisions of Minnesota Statutes 260.175.

Provided the youthful offender reception center shall be at the reformatory for men until June 30, 1975.

Subd. 10. Regional Jails, Area Lock-ups, and Detention Centers .....

550,000

It is the intention of the legislature that this shall be a final and non-recurring appropriation.

Of the sum of \$800,000 appropriated from the general fund by Laws 1971, Chapter 961, Section 3, Subdivision 12, for regional jails, area lock-ups, and detention centers, the sum of \$381,206 is hereby reappropriated to the commissioner of

	1973	1974	1975
	\$	\$	\$

corrections for the purposes of Laws 1971, Chapter 961, Section 3, Subdivision 12.

Subd. 11. Special Projects . . . .		50,000	
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This appropriation is intended as the state match for applications for federal grants.

The state auditor is hereby directed to establish whatever accounts the department of corrections deems necessary to expend the funds provided by this subdivision.

Any unexpended balances in subdivisions 1 (b), 2, 3, 4, 5, 6, 7, 8, 9 (c), 10 and 11 remaining in the first year shall not cancel but shall be available for the second year of the biennium.

#### Sec. 4. BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Subdivision 1. Salaries, supplies and expense . . . . .		54,600	54,900
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Provided that after July 1, 1974, the commissioner of administration shall not permit the allotment and encumbrance of any funds in excess of the anticipated revenues.

#### Sec. 5. ALCOHOL AND DRUG ABUSE

Subdivision 1. Administration.		330,200	
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Subd. 2. Community Grant Programs . . . . .		2,925,000	
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Any unexpended balances in subdivisions 1 and 2 remaining in the first year shall not cancel but shall be available for the second year of the biennium.

#### Sec. 6. BOARD OF HEALTH

Subdivision 1. Administration

	1973	1974	1975
	\$	\$	\$
(a) Salaries .....		2,592,200	2,607,000

Approved Complement—255

Of the amounts provided by this item, \$61,500 for the first year and \$61,500 for the second year are appropriated from the trunk highway fund for highway safety activities and preventive health services for state employees.

(b) Supplies and Expense ....		627,000	627,000
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Of the amounts provided by this item, \$27,000 for the first year and \$23,400 for the second year are appropriated from the trunk highway fund for highway safety activities and preventive health services for state employees.

Funds are provided in the above appropriation for expenses of the sanitarian advisory council and for the registration and inspection of x-ray and radium sources of ionizing radiations if separate legislation passes during the 1973 session which authorizes such.

All receipts received from the national office of vital statistics for microfilmed transcripts of vital statistics records shall be deposited in and for the benefit of the general fund.

Subd. 2. Mobile Health Clinic

(a) Salaries, supplies and expense .....		38,900	39,500
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Approved Complement—3

Sec. 7. CORRECTIONS OMBUDSMAN

Subdivision 1. Salaries, Supplies and Expense .....		15,600	93,400
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Sec. 8. COMMISSIONER OF PUBLIC WELFARE

	1973	1974	1975
	\$	\$	\$
Subdivision 1. Economic opportunity program . . . . .		300,000	

This appropriation shall be available to allocate and to finance operations formerly funded in whole or in part under the Economic Opportunity Act of 1964, Public Law 88-452, as amended; provided that the recipient municipality or other public body shall have expended all funds received under Title II, Section 221 of the Economic Opportunity Act of 1964, as amended, that no agency or program receiving funds hereunder shall receive more than 20 percent annually of the amount of money received under the last year of funding under the Economic Opportunity Act, and provided further that the recipient agency or program certifies that it has appropriated a sum of no less than 50 percent of the amount to be disbursed to the agency or program by the state. It is the intention of the legislature that this shall be a final and non-recurring appropriation.

Sec. 9. CONTINGENT FOR STATE INSTITUTIONS . . . . .	500,000
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The amount appropriated by this item or so much thereof as may be necessary, is to be used for emergency purposes, and for the purchase of food, clothing, drugs, and fuel for any of the institutions or work camps for which an appropriation is herein made. The expenditure of said contingent shall be under the control of the legislative advisory committee and no expenditure shall be made therefrom without the direction of the governor after consultation with the legislative advisory committee.

	1973	1974	1975
	\$	\$	\$

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

Provided that the allowance for food may be adjusted annually according to the United States department of labor, bureau of labor statistics publication wholesale price index, upon the approval of the governor. Such adjustments shall be based on the July, 1973, wholesale food price index, but such adjustment shall be prorated if the wholesale food price index adjustment would require funds in excess of this appropriation.

Sec. 10. EMPLOYEES COMPENSATION ..... 738,068.78

To be transferred by the state auditor to the department of labor and industry, compensation revolving fund, in payment of obligations incurred by the following state agencies in the amount as indicated:

Public Welfare	\$621,554.03
Corrections	\$116,514.65

Sec. 11. UNEMPLOYMENT COMPENSATION ..... 39,548.67

To unemployment compensation fund in reimbursement of unemployment compensation benefits paid for former employees of the following:

Department of Corrections	\$ 39,548.67
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Sec. 12. CERTAIN FUNDS USED FOR CERTAIN PURPOSES.

Upon the approval of the commissioner of public welfare or the commissioner of corrections as to the institutions under their respective control, the superintendent of any such institution for which an appropriation is made herein may pay out of the current expense appropriation of said institution to any employee thereof, the amount of any property damage sustained by such employee, not in excess of \$250 by reason, or as a result of action of any patient or inmate of such institution.

Except at the state prison and state reformatory, profits accrued by reason of operation of diversified labor accounts may be used at

the direction of the superintendent of the institution for the purchase of occupational therapy equipment.

**Sec. 13. APPROVED COMPLEMENT.** Except as otherwise provided herein, whenever an appropriation to any institution or agency for salaries discloses an approved complement, the institution or agency is limited in the employment of the number of full-time equivalent persons indicated by such approved complement. Part-time and summer student help may be employed with the advance approval of the commissioner of administration, and shall not be included in the approved complement. Such approved complement, however, does not include employees engaged in repair or construction projects who may be employed only with the advance approval of the commissioner of administration.

Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve such additional personnel until he has consulted with the legislative advisory committee. Any requests for increases in the approved complement shall be forwarded to the appropriate committees on finance of the legislature not less than 30 days prior to the legislative advisory committee meeting. The provisions hereof shall extend to any other agency to which the present authority of the legislative advisory committee may be transferred.

**Sec. 14. CERTAIN EMPLOYEES.** Provided that none of the moneys appropriated by this act or any other law shall be used to employ maids for personnel with similar domestic duties to work in the residences of any officer or employee of any institution, department, or agency of the state. This provision shall not apply to such persons who pay a fixed monthly fee for board and room and laundry and who obtain their meals from state operated dining rooms.

**Sec. 15. RECEIPTS.** All funds, sums of moneys, or other resources provided or to be received, including all receipts, collections, legislative allocations, transfers, and other income and receipts properly belonging to and to be used for financing activities, programs, and other projects other than the institutions now or hereafter under the supervision and jurisdiction of the commissioner of public welfare not otherwise specifically designated as income or credits to other state departments or funds by law, shall be credited to and become a part of the appropriations provided for in section 2, subdivisions 1, 2, 7, 8, 9, 10 and 11.

All receipts of said institutions and activities carried on under the direction of said commissioners of public welfare and corrections shall be deposited in and for the benefit of the general fund, provided, however, that this shall not apply to revolving funds now established in institutions under the control of said commissioner; and provided further that this shall not apply to receipts from the operation of patients' and inmates' stores and vending machines, which shall be deposited in the social welfare fund in each institution for the benefit of the patients and inmates; and provided further that this shall not apply to money received in payment for services of inmate labor employed in the industries carried on in the state reformatory for men,

state reformatory for women, and state prison, which receipts shall be credited to the current expense fund of said institutions.

**Sec. 16. COMMISSARY AND QUARTER ALLOWANCE.** No commissary privileges, including food, laundry service, and household supplies, shall be furnished to any person in staff residences or apartments from appropriations made by this act.

The director of civil service is hereby directed to increase the salaries of the adult correctional institutions heads \$150 per month, \$75 per month for correctional camps heads, and \$150 per month for physicians employed in institutions, above the normal adjustment to be made in salaries on or after July 1, 1973. The commissioner of administration is hereby directed to charge a fair rental rate which includes utility costs to any of the above persons who reside on the grounds.

Quarters and a stipend allowance of not to exceed \$150 per month may be authorized by the commissioner of welfare for medical students and physicians fellows.

Notwithstanding any provision in Minnesota Statutes, Section 246.02, to the contrary, maintenance including food, laundry service, and household supplies shall not be furnished to any officer including, but not limited to, the chief executive officers of the state prison and reformatories.

**Sec. 17. PROVISIONS.** Moneys appropriated under this act for the purchase of provisions within the item "current expense" shall be used solely for that purpose. The amounts appropriated for provisions are shown on the worksheets of the conferences of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of administration. Any money so provided and not used for purchase of provisions shall be cancelled into the fund from which appropriated. Except that money so provided and not used for the purchase of provisions because of population decreases may be transferred and used for the purchase of medical and hospital supplies after consultation with the legislative advisory committee, whose opinion shall be advisory only.

**Sec. 18. FEDERAL GRANTS.** Grants in aid now or hereafter received from the federal government for any welfare, assistance or relief program or for administration under the jurisdiction of the department of public welfare shall, in the first instance, be credited to a federal grant fund and shall be transferred therefrom to the credit of the commissioner of public welfare in the appropriate account upon certification of the commissioner of public welfare that the amounts so requested to be transferred have been earned or are required for the purposes and programs intended. Moneys received by such federal grant fund need not be budgeted as such, provided transfers from such fund are budgeted for allotment purposes in the appropriate appropriations.

The department of public welfare is authorized and directed to negotiate with the federal government, or any agency, bureau, or department thereof, for the purpose of securing or obtaining



any grants or aids. Any grants or aids thus secured or received are hereby appropriated to said department of public welfare and made available for the uses and purposes for which it was received but shall be used to reduce the appropriations herein before provided unless federal law prohibits such action or unless the commissioner of public welfare obtains approval of the governor who shall seek the advice of the legislative advisory committee.

Grants now or hereafter received from the federal government for any vocational training program or for administration under the jurisdiction of the department of corrections shall, in the first instance, be credited to a federal grant fund and shall be transferred therefrom to the credit of the commissioner of corrections in the appropriate account upon certification of the commissioner of corrections that the amounts so requested to be transferred have been earned or are required for the purposes and program intended. Moneys received by such federal grant fund need not be budgeted as such provided transfers from such fund are budgeted for allotment purposes in the appropriate appropriation.

Sec. 19. BUDGETARY CONTROL. The budgetary control as provided in Minnesota Statutes, Chapter 16, shall extend to and apply to all appropriations herein made available for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975.

All state departments, bureaus, agencies or divisions, operating under Minnesota Statutes, Chapter 16, financed by funds appropriated or receipts or fees of any nature whatsoever, when making requests or preparing budgets to be submitted to the federal government in support of or in request of funds, equipment, materials, or services, from the federal government shall, upon completion of such request or budget, first submit it to the commissioner of administration. The commissioner of administration shall have authority to approve, disapprove, modify, or amend any such request or budget before submitting it to the proper federal authority. When such federal authority has approved such request or budget, the state agency shall resubmit it to the commissioner of administration for recording before any allotment or encumbrance of the federal funds can be made.

Sec. 20. UNOBLIGATED BALANCES. The unobligated balances on hand as of June 30, 1973, June 30, 1974, and June 30, 1975, in the several appropriations and accounts for which an appropriation is herein made out of the general fund, or has heretofore been made, are hereby cancelled into the general fund as of June 30, 1973, June 30, 1974, and June 30, 1975, and the unobligated balances on hand as of June 30, 1973, June 30, 1974, and June 30, 1975, appropriated out of any other funds, shall be cancelled into the fund from which they are appropriated as of June 30, 1973, June 30, 1974, and June 30, 1975.

The provisions of this section shall not apply to aid, contributions, or reimbursements received from the federal government by the state or boxing tax receipts transferred to the depart-

ment of public welfare by the authority of Laws 1945, Chapter 245, and all such federal aid, contributions or reimbursements, and boxing tax receipts are hereby reappropriated for the purpose of supplementing the appropriation herein provided and shall be added to the maximums of the several accounts herein designated.

Sec. 21. TRANSFER OF FUNDS. (a) The commissioner of public welfare by direction of the governor after consulting with the legislative advisory committee may transfer unobligated appropriation balances between the various accounts appropriated under section 2, subdivisions 7, 8 and 10, and also between the various accounts appropriated under section 2, subdivisions 6, 12, 14, 18, 20a and 20b. Provided further that if the appropriation under section 2, subdivision 8 should be insufficient for either year, then the appropriation for the other year shall be available therefor by direction of the governor after consulting with the legislative advisory committee.

(b) Unless the 1973 legislature enacts legislation to the contrary, authority is hereby granted to the commissioner of corrections to transfer appropriations between all subdivisions of section 3, except for subdivision 1a in the best interest of the security and rehabilitation programs and for more efficient utilization of personnel and facilities. Of the appropriation provided by section 3, subdivision 1a, funds may be transferred from this appropriation to other appropriations in section 3, but in no case may transfers from the other appropriations in section 3 be made to section 3, subdivision 1a. Such transfers shall be made with the written approval of the governor after consulting with the legislative advisory committee.

Sec. 22. TRANSFER OF PERSONNEL. (a) Notwithstanding any other law to the contrary, the commissioner of public welfare shall transfer authorized positions between institutions under his control in order to properly staff the institutions, taking into account the differences between programs in each institution.

(b) Notwithstanding any other law to the contrary, the commissioner of corrections may transfer authorized positions between programs subject to the restrictions imposed by section 20b.

Sec. 23. [43.051, SUBDIVISION 3.] COMPULSORY RETIREMENT EXCLUSION. Notwithstanding any provision of laws to the contrary, a physician in the classified or unclassified state service may, upon reaching the age of 70 years continue to be employed in the department of health, subject to annual certification by the state board of health.

Sec. 24. Every group or individual policy of accident and sickness insurance issued or renewed after the effective date of this section regulated by Minnesota Statutes, Chapter 62A, and every group or individual service plan or subscriber contract issued or renewed after the effective date of this section regulated by

Minnesota Statutes, Chapter 62C, providing care or payment for care in this state, shall provide payments for services rendered by a hospital or medical facility owned or operated by, or on behalf of, the state or any unit of local government, or practitioners therein, on the same basis as are made for like care in other facilities. The unit of government concerned may maintain an action for recovery of such payments.

Sec. 25. Notwithstanding any law to the contrary, when institutions of the department of public welfare or the department of corrections are consolidated, the director of civil service and the commissioner of administration shall direct the department incorporating the consolidation and all other departments of the state of Minnesota to employ the affected employees at no loss in salary.

The director of civil service is hereby directed to temporarily suspend any rules, regulations, or laws to accommodate these provisions. Any department which employs any of the affected employees is authorized to temporarily exceed its approved complement. The commissioner of administration shall develop procedures to insure that the moving expenses are reimbursed for those employees who relocate pursuant to the consolidation."

Further amend H. F. No. 2275 by striking the title and inserting in lieu thereof the following:

"A bill for an act relating to the organization and operation of the state government; appropriating moneys therefor, permitting transfers in certain cases and limiting the use thereof, including appropriations for the departments of public welfare, corrections, health, alcohol and drug problems, ombudsman, board of examiners for nursing home administrators, public assistance programs, old age assistance, aid to dependent children, aid to the blind, aid to the disabled, and public relief."

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

House Conferees: (Signed) Donald B. Samuelson, James I. Rice, Walter R. Hanson, M. J. McCauley, Paul McCarron.

Senate Conferees: (Signed) Roger D. Moe, George Perpich, Harmon Ogdahl, William G. Kirchner, Robert J. Tennesen.

Mr. Moe moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2275 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. 2275: A bill for an act relating to the organization and operation of the state government; appropriating moneys therefor, permitting transfers in certain cases and limiting the use thereof, including appropriations for the departments of public welfare, corrections, health, alcohol and drug problems, ombudsman, board of examiners for nursing home administrators, public assistance programs, old age assistance, aid to dependent children, aid to the blind, aid to the disabled, and public relief.

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

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

And the roll being called, there were yeas 47 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kleinbaum	Olson, A. G.	Solon
Arnold	Dunn	Laufenburger	Olson, H. D.	Spear
Berg	Frederick	Lewis	O'Neill	Stassen
Bernhagen	Gearty	Lord	Perpich, A. J.	Tennessen
Borden	Hansen, Baldy	McCutcheon	Perpich, G.	Thorup
Chenoweth	Hansen, Mel	Milton	Pillsbury	Wegener
Chmielewski	Hughes	Moe	Purfeerst	Willet
Coleman	Humphrey	North	Renneke	
Conzemius	Josefson	Novak	Schaaf	
Davies	Keefe, S.	Olhoft	Schrom	

Mr. Brown voted in the negative.

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 2531, and repassed said bill in accordance with the report of the Committee, so adopted.

House File 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.

House File No. 2531 is herewith transmitted to the Senate.

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

Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT 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.

May 19, 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. 2531, report that we have agreed upon the items in dispute and recommend as follows:

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

“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 provisions 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 .....\$3,100,000

Provided that the expenditure of these funds shall be preceded by plans which are based on the 1973 legislative building commission's written recommendations 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. Such plan shall be developed in accordance with standards, criteria and priorities established by the department pursuant to this subdivision. First priority shall be given to the demolition of those buildings which are unsafe due to fire hazard or structural deterioration, and to those which are old or obsolete and superfluous to immediate needs. Such demolition projects shall be commenced and may be completed before development of the remainder of the program and may be commenced prior to legislative recommendation. Priorities shall then be established among buildings suitable for continued use but requiring rehabilitation or improvement, those requiring alteration for different use, and those which should be replaced because of obsolescence, inefficiency, or inadequacy for modern needs. Criteria in establishing priorities for construction shall be based on the degree of safety hazard, demand for use, obsolescence, and operating as well as capital cost involved in rehabilitation of existing facilities, the cost, delay, and need of constructing new facilities and additions, and other factors deemed relevant by the department of public

welfare. Notwithstanding any laws to the contrary, the commissioner of public welfare is hereby directed to cause to be demolished any old or obsolete buildings immediately.

(2) At Gillette State Hospital

For designing, rehabilitation and constructing . . . . . \$ 170,000

Provided that no more than \$170,000 may be expended for architectural planning of a project of which the state share shall not exceed \$3,530,000, however, these funds shall not be expended unless Ramsey county or an agency thereof provides its share.

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, Glen 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) Remodel minimum security building . . . . . 135,000

Sec. 3. To the commissioner of administration to improve grounds at certain junior colleges . . . . . 320,000

Sec. 4. To the commissioner of administration to construct and equip certain state college buildings . . . . . 3,769,578

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) Parking facilities . . . . . \$ 132,000

(b) Conduct a feasibility study to convert Deputy Hall to business classroom building . . . . . 10,000

(2) At Mankato State College:

(a) Install oil tanks . . . . . 35,000

(b) Assessment to Mankato State College on Cherry/Warren projects . . . . . 42,000

(c) Campus Study . . . . . 20,000

The commissioner of administration in consultation with the chairmen of the house appropriations and senate finance committees may conduct a study to determine the need for continuation of the lower campus facilities at Mankato state college. The study

shall also include a review of current and future enrollments and programs at Mankato and other public or private institutions of post secondary education in the Mankato service area. The higher education coordinating commission is requested to provide assistance where necessary. A report of the findings, alternatives and recommendations shall be submitted to the chairmen of the house appropriations and senate finance committees no later than January 1, 1974.

(3) At Moorhead State College:

- |                                  |            |
|----------------------------------|------------|
| (a) Install boiler .....         | \$ 235,000 |
| (b) City street assessment ..... | 6,400      |

(4) At St. Cloud State College:

- |  |           |
|--|-----------|
| (a) Construct and equip administration/orientation building .... | 2,242,178 |
| (b) Install and rehabilitate boiler ...                          | 200,000   |
| (c) Install city utilities .....                                 | 150,000   |
| (d) Complete and equip remodeling of Kiehle Hall .....           | 397,000   |
| (e) Rehabilitate Stewart Hall .....                              | 200,000   |

(5) At Southwest State College:

- |  |         |
|--|---------|
| (a) Complete site work and landscaping 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 authoriza-

tions 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 chairman of the house appropriations committee, and the chairman of the Senate finance committee and they have made their recommendations thereon. Such recommendations shall be advisory only. Failure or refusal to make recommendation promptly shall be deemed a negative recommendation.

#### Sec. 5. To the commissioner of administration

(1) For land acquisition in the state capitol area including improvements and preparation of sites for construction .....\$1,000,000

Sec. 6. Subdivision 1. To the commissioner of administration to be expended for the purposes and in accordance with the provisions of this act

(1) Remodel Capitol, east wing second and third floor, for Supreme Court and rent temporary quarters, phase I .....\$ 800,000

(2) Preliminary plans and cost estimates for Capitol building annex ..... 1,200,000

(3) Special improvements including remodeling 4th floor of State Office building ..... 410,000

(4) Building remodeling and rehabilitation and special projects ..... 1,760,000

(5) Supplemental for Centennial building parking facility ..... 829,000

(6) Improvements to Historical building ..... 100,000

(7) Expand and equip state archives and records center for the Minnesota historical society ..... 845,334

Provided that the funds shall not be expended without consulting with 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 Veterans administration—total cost to the state ..... 100,000

(9) In Capitol Area: Remodel and improve 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 Minne-



sota 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 . . . . .	360,000
(3) Construct and equip Home Economics building expansion, phase I . . . . .	5,800,000
(4) Remodel and rehabilitate to upgrade for the handicapped, phase I . . . . .	300,000
(5) Remodel Cooke Hall/Norris Gym . . . . .	781,800
(6) Land acquisition at Twin Cities 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
(12) Renovate Peik Hall to meet safety code, industrial education area . . . . .	100,000

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

Subd. 4. At University of Minnesota, Duluth Campus

(1) Facilities Study—Duluth . . . . .	150,000
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For a study of the existing buildings on the UMD campus for the purpose of facilitating the fullest practical utilization of space for present programs, and inclusion of additional space for the basic sciences medical program by means of construction of additions to existing structures to accomplish this purpose.

(2) Preliminary planning—Social Sciences building . \$	100,000
(3) Basic medical sciences building planning funds for a \$7,500,000 building. Not to be expended prior to July 1, 1974, and completion of facilities study . .	234,000
(4) Remodeling of Science building, phase III . . . .	411,000

(5) Health sciences library addition .....	1,893,000
(6) Boiler addition to heating plant .....	550,000
(7) Road and campus improvements, phase I .....	100,000

Subd. 5. At University of Minnesota, Morris Campus

(1) Remodel social science and Edson Hall .....	400,000
(2) Landscaping and campus development .....	10,000
(3) Paved parking lot (400 cars) to include lighting and relocation of Cyrus Road .....	170,000

Subd. 6. At Technical College, Crookston

(1) Construct plant service maintenance shop and vehicle storage building .....	50,000
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Subd. 7. At Northwest Experiment Station, Crookston

(1) Construct control for runoff from animal fa- cilities .....	30,000
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Subd. 8. At Technical College, Waseca

(1) Develop roadways and parking lots, phase II ...	50,000
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Subd. 9. At West Central Experiment Station, Morris

(1) Construct horticulture, soils, and agronomy building .....	35,000
(2) Road surfacing and improve drainage .....	15,000

Subd. 10. At Southwest Experiment Station, Lamber-  
ton

(1) Complete drainage system .....	12,356
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Subd. 11. 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. 12. At Cloquet Forest Research Center

(1) Improve campus roads, surfacing and lighting .. \$	15,000
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Subd. 13. At Lake Itasca Forestry and Biological  
Station

(1) Rehabilitate station facilities, phase II, kitchen- dining-meeting room facility .....	81,040
(2) Construct student cabin .....	13,845

Subd. 14. Horticultural Research Center, Excelsior

(1) Remodel superintendent house .....	10,000
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- (2) Connect sewer to new main sewer line . . . . . 20,000

Subd. 15. Landscape Arboretum, Excelsior

- (1) Construct greenhouse and head house facilities . 187,013

No buildings shall be constructed or erected on lands of the university until the regents have first consulted with the chairman of the senate finance committee and the chairman of the house appropriations committee and obtained their recommendations which shall be advisory only.

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.

In the planning, design and operation of state buildings, all state agencies and the university of Minnesota are requested to take necessary measures to conserve to the greatest extent possible the use of various sources of energy. All agencies are requested to submit a report to the legislature no later than January 1, 1974, outlining steps and recommendations resulting in savings of energy sources.

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 \$48,234.

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 chairman of the house appropriations committee and the chairman of the senate finance committee and they have made their recommendations thereon. Such recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

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 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 2 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 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 chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer 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 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 chairman of the house appropriations committee and the chairman of the senate finance committee, which shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

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 for all state buildings.

Sec. 13. There is appropriated to the commissioner of administration from the Minnesota state building fund the sum of \$300,000 which may be expended for plans, studies and surveys, and for the alterations, betterments, construction, reconstruction, improvements 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 chairman of the house appropriations committee and the chairman of the senate finance committee and received their recommendations thereon. Such recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 14. There is appropriated to the commissioner of adminis-

tration 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 with the chairman of the house appropriations committee and the chairman of the senate finance committee and received their recommendations thereon. Such recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 15. There is appropriated to the commissioner of administration from the Minnesota state building fund the sum of \$1,000,000 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 chairman of the house appropriations committee and the chairman of the senate finance committee, and has received their recommendations thereon. Such recommendations 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 \$46,470,000 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. The appropriation made by Section 6, Subdivision 1 (5) for the Centennial building parking facility is in addition to the amounts heretofore appropriated for the same purpose. The conditions imposed under prior laws for this facility are rescinded and in lieu thereof all appropriations made for such facility are subject to the following:

By July 1, 1973, or as soon thereafter as possible, the commissioner of administration, in accordance with the provisions of Minnesota Statutes, Section 16.72, shall fix and collect gross rents,

charges and fees in connection with and for the use of all parking lots and facilities now or hereafter owned and operated by the state and under the jurisdiction of the commissioner.

Such gross rents, charges and fees shall be fixed by the commissioner in such amount as will defray all costs of operating, maintaining and improving the parking lots and facilities under the jurisdiction of the commissioner and in addition provide the sum of \$4,064,000 which is hereby appropriated from such gross rents, charges and fees to the Minnesota State building bond account in the state bond fund, and which shall be credited to said account in the annual amount of \$203,200 on or before November 1 in each year, commencing in 1974 until the amount so appropriated has been credited to said account. The moneys received and on hand annually pursuant to this authorization 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. 22. This act becomes effective the day following final enactment."

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

House Conferees: (Signed) Fred C. Norton, Neil S. Haugerud, Howard E. Smith, Donald B. Samuelson and Delbert F. Anderson.

Senate Conferees: (Signed) Norbert Arnold, Edward G. Novak, John L. Olson, Richard W. Fitzsimons and Jack Davies.

Mr. Arnold moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2531 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. 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 third time, as amended by the Conference Committee, and placed on its repassage.

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

And the roll being called, there were yeas 59 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frederick	O'Neill	Perpich, G.	Pillsbury	Stassen
Josefson				

So the bill, as amended by the Conference Committee, 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. 2444.

H. F. No. 2444: A bill for an act relating to transportation; providing principal arterial highway funds for the appropriation of money to counties and municipalities of the state for the purposes of constructing and reconstructing the state's principal arterial highways, authorizing the issuance of state bonds for the purposes thereof and appropriating money in connection therewith; establishing the Minnesota State transportation fund for the appropriation of money to subdivisions of the state for public lands, buildings, and capital improvements needed for public transportation, authorizing the issuance of state bonds for the purposes of the transportation fund and appropriating money in connection therewith; amending Minnesota Statutes 1971, Sections 473A.065; and 473A.111, Subdivision 1.

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

Anderson, I., Salchert and Dirlam have been appointed as such committee on the part of the House.

House File No. 2444 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 19, 1973

Mr. Olson, A. G. moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2444 and that a Conference Committee of 3 members be appointed by the 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 has adopted the recommendation and report of the Conference Committee on House File No. 2530, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2530: A bill for an act relating to the organization and operation of state government; providing for public buildings of the state of Minnesota; authorizing the alteration, repair, rehabilitation of said buildings, the equipping and the replacement of equipment of certain of said buildings; appropriating money therefor.

House File No. 2530 is herewith transmitted to the Senate.

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

Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2530

A bill for an act relating to the organization and operation of state government; providing for public buildings of the state of Minnesota; authorizing the alteration, repair, rehabilitation of said buildings, the equipping and the replacement of equipment of certain of said buildings; appropriating money therefor.

May 19, 1973

Honorable Martin Sabo,  
Speaker of the House of Representatives

Honorable Alec 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. 2530, report that we have agreed upon the items in dispute and recommend as follows: Strike everything after the enacting clause, and substitute the following language:

"Section 1. Public buildings; appropriation. Except as otherwise provided in this act, the sums hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury or such other funds as designated, for the purposes specified in the following sections of this act.

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

Subd. 2. Department of Public Welfare:

(1) Demolition of Welfare Institution Buildings. . . \$ 250,000

Notwithstanding any laws to the contrary, the commissioner of public welfare is hereby directed to demolish any old or obsolete buildings immediately from any funds available to the department of public welfare.

**Subd. 3. At Minnesota State Prison:**

(1) Tuckpointing .....	\$ 36,000
(2) One incinerator (inside prison walls) .....	40,000
(3) Roof repairs, cordage warehouse .....	30,000
(4) Replace windows and frames and doors in industry buildings .....	20,000
(5) Storm sewers .....	20,000
(6) Fire prevention measures .....	50,000

**Subd. 4. At State Reformatory for Men:**

(1) New oven—Food Service .....	17,000
(2) Miscellaneous reroofing .....	20,000
(3) Plaster ceiling area in Food Service and laundry .....	5,250
(4) Tuckpointing—supplies and equipment .....	10,000
(5) Resurface institution roads .....	10,000

**Subd. 5. At Minnesota Correctional Institution for Women:**

(1) Install exit lights, sprinkler system for Anthony cottage, administration and security section, and provide second means of egress in basement and second floor of Administration building .....	50,000
(2) Install new steps and stoop of Sanford cottage ..	3,500

**Subd. 6. At State Training School for Boys:**

(1) Repair, replace and maintain physical plant....	45,000
(2) Separation of storm and sanitary sewers, complete repair of roads and parking lots .....	25,000
(3) Repair and remodel interior of volunteer center ..	7,500
(4) Install seven drinking fountains and demolish old kitchen .....	15,000

**Subd. 7. At Minnesota Home School:**

(1) Remodel and equip counseling building .....	15,000
(2) Provide climate control in Senator Popp Building ..	5,000
(3) Remodel zoned heating in Alcott, Stowe and .....	

Evers cottages and replace radiators in Alcott, Stowe, Evers, Richard and Lind cottages . . . . .	40,000
(4) Replace carpeting in Richard and Lind cottages . . . . .	3,200
(5) Add combination storms and screens to Alcott, Evers, Stowe, Richard, Lind cottages and Morse Hall . . . . .	15,000
(6) Demolish Sullivan cottage upon completion of new security facility . . . . .	—0—

Subd. 8. At Minnesota Reception and Diagnostic Center:

(1) Modification of Administration Building . . . . .	\$ 2,000
(2) Area lighting . . . . .	15,000
(3) Install automatic fire detectors . . . . .	8,000

Subd. 9. At Saint Croix Forestry Camp:

(1) Correct foundation water problem at gymnasium corner . . . . .	3,000
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Subd. 10. At Thistledew Forestry Camp:

(1) Construct Chapel addition and Challenge building from private donation of \$10,600 . . . . .	—0—
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Subd. 11. At Willow River Forestry Camp:

(1) Sewer system . . . . .	15,000
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Sec. 3. Subdivision 1. To the commissioner of public welfare to be expended for the purpose of repairs and replacements:

Subd. 2. At Anoka State Hospital . . . . .	88,672
Subd. 3. At Fergus Falls Hospital . . . . .	156,060
Subd. 4. At Hastings State Hospital . . . . .	71,000
Subd. 5. At Moose Lake State Hospital . . . . .	79,400
Subd. 6. At Rochester State Hospital . . . . .	145,650
Subd. 7. At St. Peter State Hospital . . . . .	134,900
Subd. 8. At Willmar State Hospital . . . . .	91,000
Subd. 9. At Faribault State Hospital . . . . .	164,575
Subd. 10. At Cambridge State Hospital . . . . .	129,800
Subd. 11. At Brainerd State Hospital . . . . .	96,200
Subd. 12. At Braille and Sight Saving State School . . . . .	22,875
Subd. 13. At School for the Deaf . . . . .	48,060
Subd. 14. At Gillette Children's Hospital . . . . .	35,790
Subd. 15. At Ah-Gwah-Ching Nursing Home . . . . .	45,000

Subd. 16. At Glen Lake State Sanatorium and Oak Terrace Nursing Home .....	72,500
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Sec. 4. Subdivision 1. To the commissioner of corrections for the purpose of repairs and replacements:

Subd. 2. At Minnesota State Prison .....	\$ 214,000
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Subd. 3. At Reformatory for Men .....	119,795
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Subd. 4. At Minnesota Correctional Institution for Women .....	10,100
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Subd. 5. At Training School for Boys .....	55,250
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Subd. 6. At Minnesota Home School .....	33,250
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Subd. 7. At Minnesota Reception and Diagnostic Center .....	33,990
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Subd. 8. At Correctional Camps .....	10,000
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Sec. 5. Subdivision 1. To the state college board for repairs and betterments at the state colleges including preventative maintenance .....	1,100,000
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Sec. 6. Subdivision 1. To the state junior college board for repairs and betterments at the state junior colleges .....	503,775
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Sec. 7. Subdivision 1. To the Minnesota Veterans Home Board for the purpose of repairs and replacements at Minnesota Veterans Home .....	15,000
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Sec. 8. To the Minnesota Historical Society:

(1) Improvements to historic sites .....	150,000
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(2) Archaeological construction .....	50,000
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(3) Contingent fund .....	30,000
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Sec. 9. Notwithstanding any provision of Minnesota Statutes, Section 16.17, all the money appropriated by section 2 shall be deemed for construction, repairs, or other building improvements and shall be available until the purposes for which the appropriation was made shall have been accomplished or abandoned. The moneys appropriated by sections 3, 4, 5, 6, and 7 not expended or encumbered shall cancel on June 30, 1975.

Sec. 10. If moneys are appropriated during the same or different sessions of the legislature for the same or related projects which appropriations do not lapse until the purposes for which the appropriations were made shall have been accomplished or abandoned, 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.

Sec. 11. In the case of appropriations 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 may dispense with periodic allotment and shall prescribe such regulations as will insure proper application and encumbrance of funds.

Sec. 12. Subdivision 1. Upon the awarding of final contracts for the completion of any projects enumerated in section 2 of this act, the commissioner of administration may transfer any unexpended funds in said project to any other project therein enumerated.

Subd. 2. The balance of each appropriation made by this and any prior act to the commissioner of administration from the general fund for construction, repairs, and other permanent improvements, remaining when the specific purpose of such appropriation is accomplished, as certified by the commissioner to the chairman of the senate finance committee, the chairman of the senate finance committee, and the state auditor, may be transferred to any other account for which such an appropriation 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 chairman of the senate finance committee and the chairman of the house appropriations committee, which shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 13. Subdivision 1. The city of Fairmont donated by conveyance to the state of Minnesota for a junior college to be located in Fairmont the following described land lying and being in Martin county:

Government Lot Two (2) and Government Lot Three (3) of Section Seven (7), Township One Hundred Two (102) North, of Range Thirty (30) West, excepting the South Thirty-three (33) feet of the West 578.24 feet of said Government Lot Three (3), and excepting the West Thirty-three (33) feet of said Government Lot Two (2) and said Government Lot Three (3), to be used for future street purposes.

Although such lands are not presently needed for such college purposes, they shall remain in their present status until directed by the legislature, except that if the council of the city of Fairmont by resolution requests transfer of the land to the city the commissioner of administration may convey the land to the city.

Subd. 2. The village of Cambridge donated by conveyance to the state of Minnesota for a junior college to be located in Cambridge the following described land lying and being in Isanti county:

The West 1,400 feet of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section Thirty-two (32) Township Thirty-six (36), Range Twenty-three (23), excepting therefrom the West 675 feet of the South 762 feet thereof, and also the East 700 feet of the East Half of the Northeast Quarter (E  $\frac{1}{2}$  of NE  $\frac{1}{4}$ ),

Section Thirty-one (31), Township Thirty-six (36), Range Twenty-three (23), excepting therefrom the South 762 feet thereof, and also excepting from the tracts herein conveyed all public roads and easements of record.

Although such lands are not presently needed for such college purposes, they shall remain in their present status until directed by the legislature, except that if the council of the village of Cambridge by resolution requests transfer of the land to the village the commissioner of administration may convey the land to the village.

Sec. 14. The unexpended balances of appropriations as certified by the commissioner of administration to the state auditor heretofore made by the legislature by Laws 1965, Chapter 882, Section 2, Subdivision 12 (1), Section 4, Subdivision 4 (2) and Subdivision 7 (2), and Section 7, Subdivision 2; Extra Session Laws 1967, Chapter 8, Section 2, Subdivision 4 (1), 8 (2), 10 (1), 11 (1), and 13 (1), and Section 4; Extra Session Laws 1967, Chapter 13, Section 2, Subdivision 2 (2), Subdivision 4 (1), Subdivision 6 (1), Subdivision 16 (1), Subdivision 18 (1) and (2), Subdivision 22 (1), and Subdivision 23 (1); Laws 1969, Chapter 1155, Section 2, Subdivision 15 (1) and Subdivision 25 (2); Laws 1969, Chapter 1159, Section 7, Subdivision 1 (5), Section 13 and 14; and Laws 1971, Chapter 963, Section 2, Subdivision 15 (4) and 19 (1), Section 3 (Cambridge and Fairmont State Junior Colleges), and Section 4 (2) (b) are hereby reappropriated to the commissioner of administration as follows:

Laws 1965, Chapter 882, as detailed above . . . . .	\$ 265,391.69
Extra Session Laws 1967, Chapter 8, as detailed above . . . . .	95,117.79
Extra Session Laws 1967, Chapter 13, as detailed above . . . . .	59,262.66
Laws 1969, Chapter 1155, as detailed above . . . . .	14,887.90
Laws 1969, Chapter 1159, as detailed above . . . . .	242,868.01
Laws 1971, Chapter 963, as detailed above . . . . .	5,217,000.00

to be used for the following purposes:

- a. to reimburse the general fund for the appropriation made therefrom by Laws 1973, Chapter 99, Section 1, to the university of Minnesota to equip unit A, health sciences. . . . . \$ 3,000,000.00
- b. to improve grounds at certain junior colleges. . . . . 1,680,000.00
- c. Capitol remodeling: toilet remodeling, east wing-tunnel, first, second, and third floors, \$150,000; remodel Capitol tunnel, \$81,000; replacement of mail chute, \$12,000; replacement of dock and outside freight elevator in Capitol, \$80,000; rewire and reset light standards front of Capitol, \$5,000; four additional fuel storage tanks for heating plant, \$100,000; additional amount needed . . . . . 308,000.00
- d. to supplement the appropriations made by Laws 1969, Chapter 1159, Section 7, Subdivision 1

(4) and Laws 1971, Chapter 963, Section 7,  
Subdivision 1 (11) for a parking facility, Capi-  
tol complex ..... 906,528.05

**Sec. 15. (CONVEYANCE OF STATE PROPERTY, COMMISSIONER OF ADMINISTRATION, CITY OF MINNEAPOLIS)**

The Commissioner of Administration is hereby authorized to convey by quitclaim deed to the City of Minneapolis, Minnesota, the following described state real property, to wit:

All of Lots 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, and 21, of Block 7 of the Washington Yale Addition to the City of Minneapolis, including that part of the Southeasterly one-half of the vacated alley adjoining the Northwesterly line of said Lot 7, and lying between the extensions across said Alley of the Southwesterly and Northeasterly line of said Lot 7; and

Lots 1, 2, 3, 4, 5, 6, 7, and 8 of the Gates Brothers Rearrangement of Block 7, Washington Yale Addition to the City of Minneapolis; and

The vacated alley lying South of Lot 11, Block 7, said Washington Yale Addition to the City of Minneapolis, being from a line parallel with and ten (10) feet Westerly of the Easterly line of said Lot 11, to the extension of the Westerly line of said Lot 11;

All according to the respective recorded plats or maps thereof, Hennepin County, Minnesota

In consideration of said transfer, the City of Minneapolis, Minnesota shall convey by warranty deed to the State of Minnesota the following described real property, to wit:

All of Block 2 of the Washington Yale Addition to the City of Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota.

**Sec. 16.** From the appropriation made in Chapter 963, Section 3, Laws 1971, the commissioner of administration is authorized to expend not more than \$1,000,000 for land acquisition, demolition, and site preparation at Metropolitan Junior College and such funds are appropriated for this purpose.

The junior college board and the state board of education shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee all plans for the proposed developments of this land prior to the implementation of said proposal.

**Sec. 17.** 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 commissioner of administration. Condemnation proceedings shall be pursuant to Minnesota Statutes, Chapter 117.

**Sec. 18.** The effective date of this act is July 1, 1973 except for section 14, items c. and d. which are immediately available."

Further, strike the title and substitute the following:

"A bill for an act relating to the organization and operation of

state government; providing for public buildings of the state of Minnesota; authorizing the alteration, repair, rehabilitation of said buildings, the equipping and the replacement of equipment of certain of said buildings; appropriating and reappropriating money therefor; authorizing reconveyance of real property."

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

House Conferees: (Signed) Fred C. Norton, Don B. Samuelson, Neil S. Haugerud, Howard E. Smith, Delbert Anderson.

Senate Conferees: (Signed) Edward G. Novak, Norbert Arnold, Jack Davies, Richard W. Fitzsimons, John L. Olson.

Mr. Arnold moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2530 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. 2530: A bill for an act relating to the organization and operation of state government; providing for public buildings of the state of Minnesota; authorizing the alteration, repair, rehabilitation of said buildings, the equipping and the replacement of equipment of certain of said buildings; appropriating and reappropriating money therefor; authorizing reconveyance of real property.

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

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

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate for the balance of this evening's Session. The following Senators answered to their names:



Anderson	Frederick	Kirchner	Nelson	Schaaf
Bernhagen	Gearty	Kleinbaum	North	Schrom
Berg	Hansen, Baldy	Kowalczyk	Olhoft	Solon
Borden	Hansen, Mel	Larson	Olson, A. G.	Stassen
Chmielewski	Hanson, R.	Laufenburger	Patton	Stokowski
Coleman	Hughes	Lord	Perpich, A. J.	Tennessee
Conzemius	Humphrey	McCutcheon	Perpich, G.	Ueland
Davies	Jensen	Milton	Pillsbury	Wegener
Dunn	Josefson	Moe	Renneke	

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 9, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 9: A bill for an act relating to labor; creating a division of labor standards; providing for minimum wage and overtime standards; providing penalties for violations; repealing Minnesota Statutes 1971, Sections 175.38; 175.39; and 177.01 to 177.20.

House File No. 9 is herewith transmitted to the Senate.

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

Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 9

A bill for an act relating to labor; creating a division of labor standards; providing for minimum wage and overtime standards; providing penalties for violations; repealing Minnesota Statutes 1971, Sections 175.38; 175.39; and 177.01 to 177.20.

May 19, 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. 9, report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 9 be amended as follows:

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

"Section 1. [CITATION.] This act may be cited as the Minnesota fair labor standards act.

Sec. 2. [STATEMENT OF POLICY.] It is declared to be the policy of the Minnesota fair labor standards act (1) to establish minimum wage and overtime compensation standards for workers at levels consistent with their health, efficiency, and general well-being; (2) to safeguard existing minimum wage and overtime compensation standards which are adequate to maintain the health, efficiency, and general well-being of workers against the unfair competition of wage and hour standards which do not provide such adequate standards of living; and (3) to sustain purchasing power and increase employment opportunities.

Sec. 3. [DEFINITIONS.] Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following terms, for the purposes of this act, shall have the meanings given to them in this section.

Subd. 2. "Department" means the Minnesota department of labor and industry.

Subd. 3. "Commissioner" means the commissioner of labor and industry of Minnesota or his authorized designee.

Subd. 4. "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or check on banks convertible into cash on demand at full face value, subject to such allowances as may be permitted by regulations of the department under section 8.

Subd. 5. "Employ" means to suffer or permit to work.

Subd. 6. "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

Subd. 7. "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause, equivalent of a full time worker means 40 weeks of employment in a calendar year;

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm;

(3) any individual employed as a counselor to work with programs and campers in an organized resident or day camp;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of Minnesota Statutes, Section 353.01, Subdivision 2, Paragraph (2), Clauses (a), (b), (d), and (h);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a part-time basis in a carnival, circus or fair;

(12) any individual under the age of 18 employed part-time by a municipality as part of a recreational program.

Subd. 8. "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Subd. 9. "Gratuities" means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.

Sec. 4. [PAYMENT OF MINIMUM WAGES.] Except as may otherwise be provided in this act, or by regulation issued pursuant thereto, every employer shall pay to each of his employees wages at a rate of not less than \$1.80 an hour.

Sec. 5. [OVERTIME.] Subdivision 1. No employer shall employ any of his employees for a workweek longer than 48 hours, unless such employee receives compensation for his employment in excess of 48 hours in a workweek at a rate of not less than one and one-half times the regular rate at which he is employed; provided, however, that an employer if it is the State of Minnesota or a political subdivision may grant time off at the rate of one and one-half hours for each hour worked in excess of 48 hours in any week in lieu of monetary compensation; and, provided, however, that no employer shall be deemed to have violated the overtime pay provisions of this section by employing any employees for a work week in excess of that specified in this section without paying the compensation for overtime employment prescribed herein if such employee is so employed under an agreement meeting the requirement of section 7 (b) (2) of the Fair Labor Standards Act of 1938, as amended.

Subd. 2. No employer engaged in the operation of a health care facility shall be deemed to have violated subdivision 1 if pursuant to an agreement or understanding arrived at between the employer and employee before performance of the work, a

work period of 14 consecutive days is accepted in lieu of the work week of 7 consecutive days for the purpose of overtime compensation and if for his employment in excess of 8 hours in any work day and in excess of 80 hours in such 14 day period the employee receives compensation at a rate not less than one and one half times the regular rate at which he is employed.

Subd. 3. The provisions of subdivision 1 shall not apply with respect to any salesman, parts man, or mechanic primarily engaged in selling or servicing automobiles, trailers, trucks, or farm implements and paid on a commission or incentive basis, if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers.

Sec. 6. [DIVISION OF LABOR STANDARDS IS CREATED.] Subdivision 1. A division of labor standards is hereby created in the department of labor and industry under the supervision and control of the commissioner of labor and industry.

Subd. 2. [POWERS AND DUTIES.] The powers, duties, and functions vested in, or imposed upon, the division of women and children of the department of labor and industry by Minnesota Statutes, Chapter 177, and other applicable laws relating to wages, hours, and working conditions, are transferred, vested in, and imposed upon the division of labor standards. In addition, the division of labor standards shall administer the provisions of this act and chapter 184.

Subd. 3. [EMPLOYEES; TRANSFER FROM DIVISION OF WOMEN AND CHILDREN.] All persons employed by the department of labor and industry in the division of women and children shall be transferred to the division of labor standards without loss to the person of any rights acquired by reason of his employment at the time of transfer.

Sec. 7. [POWERS AND DUTIES OF THE COMMISSIONER.] Subdivision 1. The commissioner or his authorized representative may enter during reasonable office hours or upon request and inspect the place of business or employment of any employer of employees in any occupation in the state, for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any such employees; transcribe any or all of such books, registers, payrolls, and other records as he or his authorized representative may deem necessary or appropriate; and question such employees for the purpose of ascertaining whether the provisions of this act and the regulations issued pursuant thereto have been and are being complied with.

Subd. 2. The commissioner or his authorized representative may require from any employer of employees in any occupation in the state full and correct statements in writing, including sworn statements, with respect to wages, hours, name, addresses,

and such other information pertaining to his employees and their employment as the commissioner or his authorized representative may deem necessary or appropriate.

Subd. 3. The commissioner or his authorized representative may issue any order requiring an employer to comply with the provisions of this act or with any regulation promulgated under the provisions of section 8. Any order shall be served by the department upon the employer or his authorized representative in person or by certified mail at the employer's place of business. If an employer wishes to contest the order for any reason, he shall file written notice of his objection to the order with the commissioner within 10 days after service of said order upon said employer. Thereafter, a public hearing shall be held in accordance with the provisions of Minnesota Statutes, Sections 15.0418 to 15.0426, and such regulations consistent therewith as the commissioner may make.

Subd. 4. The commissioner may investigate, mediate, and settle wage claims by an employee against an employer if the failure to pay any such wage may violate Minnesota laws or any order or regulation of the department thereunder,

Subd. 5. The commissioner may commence a civil action in any court of competent jurisdiction for the benefit of any employee for appropriate relief with respect to any wage claim which the commissioner deems to be valid, upon a written request being filed with the commissioner by such employee, provided: (1) the failure to pay such wage would constitute a violation of Minnesota laws or any order or regulation of the department thereunder, and (2) the wage claim does not exceed \$300. The employer shall pay all costs and disbursements as may be allowed by the court, and shall further pay an assessment of ten percent of the amount of any awarded wage claim to the treasurer of the state of Minnesota. In any action herein no security for payment of costs shall be required. Nothing herein shall be construed to prevent an employee from prosecuting his own claim for wages.

Subd. 6. Upon the written request of the commissioner, the attorney general of the state of Minnesota shall commence a civil action for appropriate relief against the employer as provided in subdivision 5.

Sec. 8. [POWER TO MAKE REGULATIONS.] Subdivision 1. The commissioner shall make and revise such regulations, including definitions of terms, as he shall deem appropriate to carry out the purposes of this act, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage and overtime rates established by sections 4 and 5.

Subd. 2. The commissioner shall appoint an advisory committee composed of an equal number of not more than three representatives each of employers and employees and of not more than three disinterested persons representing the public, which he shall consult concerning the making and revising of administrative regulations.

Subd. 3. The commissioner shall establish regulations which define and govern this act with respect to, salesmen who conduct no more

than 20 percent of their sales on the premises of the employer; allowances as part of the wage rates for board, lodging and other facilities or services furnished by the employer and used by the employees. Regulations issued by the department pursuant to this section shall include, but are not limited to, bonuses; special rates for employees under the age of 18, which rate shall not be more than 90 percent of the minimum wage established in section 4; part-time rates; special pay for special or extra work; procedures in contested cases; other facilities or services furnished by employers and used by employees; and other special items usual in a particular employer-employee relationship. Regulations required by this subdivision shall be established by November 1, 1973.

Subd. 4. An employee who receives \$20 or more per month in gratuities is a tipped employee. His employer is entitled to a credit in an amount up to 25 percent of the minimum wage which a tipped employee receives. Said credit against the wages due for gratuities received by a tipped employee may not be taken unless a signed statement from each tipped employee states that he did receive during the pay period an amount equal to or greater than the credit applied against the wages due by his employer. Such statements shall be maintained by the employer as a part of his business records.

Subd. 5. In order to prevent curtailment of opportunities for employment, avoid undue hardship, and safeguard the minimum wage rates under sections 4 and 5, the department shall also issue regulations providing for the employment of handicapped workers at wages lower than the wage rates applicable under sections 4 and 5, under permits and for such periods of time as specified therein; and providing for the employment of learners and apprentices at wages lower than the wage rates applicable under sections 4 and 5, under permits and subject to such limitations on number, proportion, length of learning period, occupations, and other conditions as the department may prescribe. The regulations issued by the department shall provide that where a handicapped person is now performing or is being considered for employment where he will perform work which is equal to work performed by a non-handicapped person, such handicapped person shall be paid the same wage as a non-handicapped person with similar experience and skill.

Subd. 6. Regulations shall be adopted by the department only after a public hearing held upon due publication of notice, at which any interested person may be heard and of which a record shall be made. Regulations shall be published by the department and shall take effect upon publication and filing with the secretary of state and the department of administration. Such regulations shall have the force and effect of law upon filing as provided herein.

Sec. 9. [JUDICIAL REVIEW.] Subdivision 1. Any person who may be aggrieved by any administrative regulation issued pursuant to section 8 may obtain a review thereof in the district court for Ramsey county, by filing in such court a written petition for declaratory judgment praying that the regulation be modified or set aside. A copy of such petition shall be served upon the department. The department's findings of fact, if any.

shall be conclusive upon the court if supported by substantial evidence. The court shall determine whether the regulation is in accordance with law.

If the court determines that such regulation is not in accordance with law, it shall remand the case to the department with directions to modify or revoke such regulation. If application is made to the court by any aggrieved party for leave to adduce additional evidence, such party shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence before the department. If the court finds that such evidence is material and that reasonable grounds exist for the failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the department with directions that such additional evidence be taken by the department. The department may modify its findings and conclusions, in whole or in part, by reason of such additional evidence.

Subd. 2. Hearings in the district court on all appeals taken under subdivision 1 shall be privileged and take precedence over all matters, except matters of the same character. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review on appeal to the supreme court.

Subd. 3. The commencement of proceedings under subdivision 1 shall not, unless specifically ordered by the court, operate as a stay of an administrative regulation issued pursuant to section 8. The court shall not grant any stay of an administrative regulation unless the person complaining of such regulation shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the regulation, in the event such regulation is affirmed, of the amount by which the compensation such employees are entitled to receive under the regulation exceeds the compensation they actually receive while such stay is in effect.

Sec. 10. [KEEPING RECORDS.] Every employer subject to any provision of this act or of any regulation issued pursuant thereto shall make and keep, for a period of not less than three years in or about the premises wherein any employee is employed, a record of the name, address and occupation of each of his employees, the rate of pay, and the amount paid each pay period to each such employee, the hours worked each day and each workweek by such employee, and such other information as the department shall prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this act or of the regulations issued pursuant thereto.

Sec. 11. [POSTING OF LAW AND REGULATIONS.] Every employer subject to any provision of this act shall keep a summary thereof, approved by the department, and copies of any applicable regulations issued pursuant thereto, or a summary of such regulations, posted in a conspicuous and accessible place in or about the premises

wherein any person subject thereto is employed. The department shall furnish copies of such summaries and regulations to employers without charge.

Sec. 12. [PENALTIES.] Subdivision 1. Any employer who hinders or delays the department or its authorized representatives in the performance of its duties under this act or refuses to admit the commissioner or his authorized representative to any place of employment as required by section 7, subdivision 1; or fails to make, keep, and preserve records as required by section 10; or falsifies any such record; or refuses to make any such record accessible, or to furnish a sworn statement of such record or any other information as required by section 7; or fails to post a summary of this act or a copy of any applicable regulation as required by section 11; or pays or agrees to pay wages at a rate less than the rate applicable under or pursuant to this act; or otherwise violates any provision of this act or of any regulation issued pursuant thereto; is guilty of a misdemeanor.

Subd. 2. Any employer who discharges or in any other manner discriminates against any employee because such employee has complained to his employer, to the department, or to an authorized representative of the department that he has not been paid wages in accordance with this act or regulations issued pursuant thereto or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act, or because such employee has testified or is about to testify in any such proceeding shall, upon conviction therefor, be fined not less than \$500 nor more than \$1000.

Sec. 13. [EMPLOYEES' REMEDIES.] Any employer who pays any employee less than the wages and overtime compensation to which such employee is entitled under this act and regulations issued pursuant thereto shall be liable to such employee for the full amount of such wages and overtime compensation, less any amount actually paid to such employee by the employer, for an additional equal amount as liquidated damages, and for costs and such reasonable attorney's fees as may be allowed by the court. Any agreement between such employee and the employer to work for less than the applicable wage rate shall be no defense to such action. Such action may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves.

Sec. 14. [RELATION TO OTHER LAWS.] Any standards relating to minimum wages, maximum hours, overtime compensation, or other working conditions in effect under any other law of this state on the effective date of this act which are more favorable to employees than those applicable hereunder shall not be deemed to be amended, rescinded, or otherwise affected by this act but shall continue in full force and effect until they are specifically superseded by standards more favorable to such employees by operation of or in accordance with this act or regulations issued pursuant thereto.

Sec. 15. [RIGHT OF COLLECTIVE BARGAINING.] Nothing in this act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work more favorable to the



employees than those required by this act and regulations issued pursuant thereto.

Sec. 16. Minnesota Statutes 1971, Sections 175.38, 175.39, 177.01, 177.02, 177.03, 177.04, 177.05, 177.06, 177.07, 177.075, 177.08, 177.09, 177.10, 177.11, 177.12, 177.121, 177.122, 177.13, 177.14, 177.15, 177.16, 177.17, 177.19, and 177.20, are repealed.

Sec. 17. [EFFECTIVE DATE.] This act shall become effective January 1, 1974."

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

House Conferees: (Signed) Ray W. Faricy, Robert J. Ferderer, Jack H. LaVoy.

Senate Conferees: (Signed) John Milton, Al Kowalczyk, Howard D. Olson.

Mr. Milton moved that the foregoing recommendations and Conference Committee Report on H. F. No. 9 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. 9: A bill for an act relating to labor; creating a division of labor standards; providing for minimum wage and overtime standards; providing penalties for violations; repealing Minnesota Statutes 1971, Sections 175.38; 175.39; and 177.01 to 177.20.

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

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

And the roll being called, there were yeas 51 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	North	Stassen
Arnold	Fitzsimons	Kleinbaum	Novak	Stokowski
Bang	Frederick	Knutson	Ogdahl	Tennessen
Berg	Gearty	Kowalczyk	Olhoft	Thorup
Blatz	Hansen, Mel	Laufenburger	Olson, H. D.	Ueland
Borden	Hanson, R.	Lewis	Perpich, A. J.	Wegener
Chenoweth	Hughes	Lord	Perpich, G.	Willet
Chmielewski	Humphrey	McCutcheon	Purfeerst	
Coleman	Josefson	Milton	SchAAF	
Conzemius	Keefe, J.	Moe	Solon	
Davies	Keefe, S.	Nelson	Spear	

Those who voted in the negative were:

Bernhagen	Jensen	Patton	Renneke	Schrom
Hansen, Baldy	Larson			

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

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 835, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 835: A bill for an act relating to divorce; abolishing the action and substituting proceedings for dissolution; amending Minnesota Statutes 1971, Sections 518.001; 518.01; 518.03; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.15; 518.16; 518.17; 518.175, Subdivision 1; 518.25; 518.27; 518.54; 518.55; 518.551; 518.57; 518.58; 518.59; 518.62; 518.63; 518.64 and 518.66; repealing Minnesota Statutes 1971, Sections 518.08; 518.26 and 518.28.

House File No. 835 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 835

A bill for an act relating to divorce; abolishing the action and substituting proceedings for dissolution; amending Minnesota Statutes 1971, Sections 518.001; 518.01; 518.03; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.15; 518.16; 518.17; 518.175, Subdivision 1; 518.25; 518.27; 518.54; 518.55; 518.551; 518.57; 518.58; 518.59; 518.62; 518.63; 518.64 and 518.66; repealing Minnesota Statutes 1971, Sections 518.08; 518.26 and 518.28.

May 19, 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. 835, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 835 be amended as follows:

Page 4, delete lines 19 and 20

Page 4, line 21, delete "(3)" and insert in lieu thereof "(1)"

Page 4, line 22, delete "*of the party seeking the dissolution*"

Page 4, line 23, delete "(4)" and insert in lieu thereof "(2)"

Page 4, delete lines 27 and 28, and insert in lieu thereof "(3) *Habitual alcoholism or chemical dependency;*"

Page 5, delete lines 1 and 2

Page 5, line 3, delete "(7) *Three years under*" and insert in lieu thereof "(4)"

Page 5, line 6, delete "*the*"

Page 5, line 7, delete "*three years need not be continuous; (c)*"

Page 5, line 15, delete "(d)" and insert in lieu thereof "(c)"

Page 5, line 17, delete "(e)" and insert in lieu thereof "(d)"

Page 5, line 20, delete "(f)" and insert in lieu thereof "(e)"

Page 5, line 22, delete "(g)" and insert in lieu thereof "(f)"

Page 5, delete lines 24 and 25

Page 5, line 26, delete "*commencement of the action, and*" and insert in lieu thereof "(5)"

Page 5, line 28, delete "*two years*" and insert in lieu thereof "*one year*"

Page 6, line 1, delete "*action*" and insert in lieu thereof "*proceeding*"

Page 6, line 4, delete "*aforementioned grounds*" and insert in lieu thereof "*foregoing*"

Page 8, line 18, delete "*without enumerating the*"

Page 8, line 19, delete "*amounts thereof*"

Page 8, line 25, delete "*and that the maintenance of the*" and insert in lieu thereof a period

Page 8, delete lines 26 and 27

Page 14, line 5, after "OF" insert "DISSOLUTION"

Page 14, line 20, insert before the stricken language "18", restore the stricken language, and delete "*the age of majority*"

Page 20, after line 15, insert a new section to read:

"Sec. 28. *Wherever the word "divorce" is used in the statutes, it has the same meaning as "dissolution" or "dissolution of marriage".*"

Page 20, line 16, after "518.08" delete the comma and insert in lieu thereof a semicolon

Page 20, line 17, after "518.26" delete the comma and insert in lieu thereof a semicolon and after "518.28" delete the semicolon

Renumber the remaining sections in sequence

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

House Conferees: (Signed) Phyllis Kahn, Charles R. Weaver and Robert C. Bell.

Senate Conferees: (Signed) Allan H. Spear, Robert J. Tennessen and John B. Keefe.

Mr. Spear moved that the foregoing recommendations and Conference Committee report on H. F. No. 835 be now adopted and that the bill be repassed as amended by the Conference Committee.

The question being taken on adoption of the motion,

And the roll being called, there were yeas 19 and nays 36, as follows:

Those who voted in the affirmative were:

Arnold	Humphrey	Lewis	Perpich, A. J.	Spear
Borden	Keefe, J.	Milton	Perpich, G.	Stokowski
Coleman	Keefe, S.	Moe	Pillsbury	Tennessen
Davies	Kleinbaum	North	Schaaf	

Those who voted in the negative were:

Anderson	Dunn	Kirchner	Ogdahl	Sillers
Bang	Fitzsimons	Knutson	Olhoff	Stassen
Berg	Frederick	Kowalczyk	Olson, H. D.	Wegener
Bernhagen	Gearty	Larson	O'Neill	Willet
Blatz	Hansen, Baldy	Laufenburger	Patton	
Brown	Hansen, Mel	McCutcheon	Purfeerst	
Chenoweth	Hanson, R.	Nelson	Renneke	
Chmielewski	Josefson	Novak	Schrom	

Which motion did not prevail. So the Conference Committee report was not adopted.

Mr. Davies moved that H. F. No. 835 be returned to the House of Representatives with the request that H. F. No. 835 be returned to the Conference Committee as formerly constituted for further consideration. 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.

### 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.

### 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 H. F. No. 2444 pursuant to the request of the House.

Messrs. Olson, A.G., Chenoweth, McCutcheon.

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Perpich, A. J. moved that H. F. No. 2484, No. 136 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 2484: 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.

Mr. Perpich, A. J. moved to amend H. F. No. 2484, the printed bill, as follows:

Page 1, line 9, strike "*residential*" and insert "*recreational*"

Which motion prevailed. So the amendment was adopted.

H. F. No. 2484 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 47 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kleinbaum	Olhoft	Solon
Arnold	Gearty	Knutson	O'Neill	Stassen
Berg	Hansen, Mel	Kowalczyk	Perpich, A. J.	Stokowski
Bernhagen	Hanson, R.	Larson	Perpich, G.	Thorup
Blatz	Hughes	Laufenburger	Pillsbury	Ueland
Coleman	Humphrey	Lewis	Purfeerst	Wegener
Conzemius	Jensen	Lord	Renneke	Willet
Davies	Keefe, J.	Moe	Schaaf	
Doty	Keefe, S.	Nelson	Schrom	
Dunn	Kirchner	North	Sillers	

Messrs. Brown; Frederick; Hansen, Baldy and Novak voted in the negative.

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Pursuant to Rule 21, Mr. Davies moved that the following members be excused for a Conference Committee on H. F. No. 2444:

Messrs. Olson, A. G.; Chenoweth and McCutcheon. Which motion prevailed.

#### 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.

#### MESSAGE FROM THE HOUSE—CONTINUED

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. 1436, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 1436: A bill for an act relating to the cities of Brooklyn Center, Robbinsdale and Brooklyn Park; creating a housing and redevelopment authority.

House File No. 1436 is herewith transmitted to the Senate.

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

Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1436

A bill for an act relating to the cities of Brooklyn Center, Robbinsdale and Brooklyn Park; creating a housing and redevelopment authority.

May 18, 1973

Honorable Martin Sabo, Speaker  
of the House of Representatives

Honorable Alec 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. 1436, report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that H. F. 1436 be amended as follows:

Page 1, delete lines 22 to 26 and insert in lieu thereof:

"Sec. 3. This act shall be effective for each of the cities of Brooklyn Center, Robbinsdale and Brooklyn Park, separately, upon its approval by the governing body of the particular city and upon compliance with Minnesota Statutes, Section 645.021."

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

House Conferees: (Signed) Richard J. Parish, Ernee M. McArthur, James R. Casserly.

Senate Conferees: (Signed) Al Kowalczyk, Hubert H. Humphrey, Eugene Stokowski.

Mr. Kowalczyk moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1436 be now adopted and that the bill be repassed as amended by the Conference Committee.

Mr. Nelson moved that the Conference Committee Report on H. F. No. 1436 be rejected and returned to the Conference Committee.

The question being taken on adoption of the motion,

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

And the roll being called, there were yeas 14 and nays 37, as follows:

Those who voted in the affirmative were:

Bang	Fitzsimons	Nelson	Perpich, G.	Sillers
Berg	Frederick	Ogdahl	Pillsbury	Stassen
Bernhagen	Hansen, Mel	Patton	Renneke	

Those who voted in the negative were:

Anderson	Hansen, Baldy	Knutson	Novak	Stokowski
Blatz	Hanson, R.	Kowalczyk	Olhoff	Tennessen
Borden	Hughes	Larson	Olson, H. D.	Thorup
Chmielewski	Humphrey	Laufenburger	Perpich, A. J.	Wegener
Coleman	Keefe, J.	Lord	Purfeerst	Willet
Conzemius	Keefe, S.	Milton	Schaaf	
Davies	Kirchner	Moe	Schrom	
Doty	Kleinbaum	North	Solon	

Which motion did not prevail.

The question recurred on the motion of Mr. Kowalczyk to adopt the Conference Committee Report on H. F. No. 1436. Which motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1436: A bill for an act relating to the cities of Brooklyn Center, Robbinsdale and Brooklyn Park; creating a housing and redevelopment authority.

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

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

And the roll being called, there were yeas 47 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearly	Knutson	Olhoff	Solon
Berg	Hansen, Baldy	Kowalczyk	Olson, H. D.	Spear
Bernhagen	Hansen, Mel	Laufenburger	O'Neill	Stokowski
Borden	Hanson, R.	Lewis	Perpich, A. J.	Tennessen
Chmielewski	Hughes	Lord	Perpich, G.	Thorup
Coleman	Humphrey	Milton	Pillsbury	Wegener
Conzemius	Keefe, J.	Moe	Purfeerst	Willet
Davies	Keefe, S.	North	Renneke	
Dunn	Kirchner	Novak	Schrom	
Fitzsimons	Kleinbaum	Ogdahl	Sillers	

Mr. Nelson voted in the negative.

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

**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Coleman moved that H. F. No. 2473, No. 144 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 2473: A bill for an act relating to retirement; interest assumptions for police and firemen's relief purposes; amending Minnesota Statutes 1971, Sections 69.73; 69.77, Subdivision 2; and 69.772, Subdivision 3.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Coleman moved that H. F. No. 2447, No. 146 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 2447: A bill for an act relating to the city of Minneapolis; disability, retirement, and survivor benefits for city employees; amending Laws 1973, Chapter 133, Sections 6, Subdivision 5; 8, Subdivision 2; 9, Subdivision 2; 15, Subdivisions 1, 2, and 3; 16, Subdivisions 2, 4, 7, 9, and by adding a subdivision; 18, Subdivision 3; 21, Subdivision 1; 22, by adding a subdivision; and 23, Subdivision 5.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Dunn	Hanson, R.	Keefe, S.
Bang	Coleman	Fitzsimons	Hughes	Kleinbaum
Berg	Conzemius	Gearty	Humphrey	Knutson
Bernhagen	Davies	Hansen, Baldy	Jensen	Kowalczyk
Brown	Doty	Hansen, Mel	Keefe, J.	Laufenburger



Lewis	Novak	Perpich, A. J.	Schrom	Tennessen
Lord	Ogdahl	Perpich, G.	Sillers	Thorup
Milton	Olhoft	Pillsbury	Solon	Wegener
Moe	Olson, H. D.	Purfeerst	Spear	Willet
Nelson	O'Neill	Renneke	Stassen	
North	Patton	Schaaf	Stokowski	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman moved that H. F. No. 1675, No. 100 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 1675: A bill for an act relating to courts; providing for uniform retirement and survivors' annuities for judges and establishing a judges' retirement fund; appropriating money.

Mr. Gearty moved to amend H. F. No. 1675, the typewritten bill, as amended by the Committee on Governmental Operations, as follows:

Page 15 of the amendment, before line 13, insert:

"Sec. 12. A judge of the Supreme Court, who holds office on or prior to January 1, 1974, is covered by the retirement provisions of Minnesota Statutes, Chapter 490, and shall continue to receive all the benefits thereunder unless he elects, in writing, to come under the provisions of this act by notifying the director of the State Retirement System thereof by January 1, 1974. None of the provisions of this act shall apply to a judge of the Supreme Court who does not make such election."

Renumber section 12 to section 13

Page 15 of the amendment, line 14, strike "10" and insert "12"

Which motion prevailed. So the amendment was adopted.

H. F. No. 1675 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 47 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kirchner	North	Sillers
Bang	Frederick	Kleinbaum	Ogdahl	Spear
Berg	Gearty	Knutson	Olhoft	Stassen
Bernhagen	Hansen, Mel	Kowalczyk	Olson, H. D.	Stokowski
Borden	Hanson, R.	Krieger	O'Neill	Thorup
Brown	Hughes	Laufenburger	Patton	Ueland
Chmielewski	Jensen	Lewis	Pillsbury	Wegener
Conzemius	Josefson	Lord	Purfeerst	
Davies	Keefe, J.	Milton	Renneke	
Doty	Keefe, S.	Nelson	Schrom	

Messrs. Coleman; Hansen, Baldy; Perpich, A. J.; Perpich, G. and Willet voted in the negative.

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman moved that H. F. No. 358, No. 126 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 358: A bill for an act relating to teachers retirement association; amending Minnesota Statutes 1971, Sections 136.80, Subdivision 1; 136.82, Subdivision 2; 354.05, Subdivision 25; 354.07, Subdivision 1; 354.09, Subdivision 3; 354.145; 354.31; 354.32; 354.33, Subdivisions 1, 5, 7, 8 and 9; 354.39; 354.41, Subdivision 3; 354.42, Subdivisions 2, 3 and 5; 354.44, Subdivisions 2, 6 and 7; 354.45, Subdivision 2; 354.48, Subdivision 3; 354.50, by adding a subdivision; 354.55, Subdivisions 3 and 8, and by adding subdivisions; 354.62, Subdivisions 2 and 5; 354.63, Subdivision 2; repealing Minnesota Statutes 1971, Section 354.09, Subdivision 5.

Mr. Ogdahl moved to amend H. F. No. 358, the printed bill, as amended by the Senate Governmental Operations Committee, as follows:

Page 18, line 28, delete "thirty" and insert in lieu thereof "twenty-five"

Page 18, after line 31, insert:

*"Subd. 15. Any member who ceased to render teaching service during the 1972-73 fiscal year whose application for retirement becomes effective after June 30, 1973, shall be eligible to receive the new retirement benefits provided in sections 9, 11, 12, 19, 20 and 21 of this act."*

Page 21, delete the Senate amendment striking Sec. 31 and insert in lieu thereof the following:

"Sec. 31. Minnesota Statutes 1971, Section 11.25, is amended by adding a subdivision to read:

*Subd. 14. All assets in the annuity stabilization reserve and suspense account shall be credited proportionately to the individual retirement funds' participation in the Minnesota adjustable fixed benefit fund, except that the share attributable to the municipal employees' retirement fund of Minneapolis shall be used to increase benefits or may at the discretion of its board of trustees be returned to such fund.*

*Effective January 1, 1974 each participating fund in the Minnesota adjustable fixed benefit fund, except the municipal employees retirement fund, shall increase the benefits in effect on June 30, 1973 by an amount that when added to the increase granted to such benefits effective July 1, 1973, equals 25 percent. The increase shall apply to the accrual of benefits commencing January 1, 1974 and shall be in lieu of the adjustment provided by section 11.25, subdivisions 12 and 13 scheduled to take effect January 1, 1974.*

*The actuary for each participating fund, except the municipal employees retirement fund of Minneapolis, shall calculate the reserve required to support the benefits in effect on June 30, 1973 as increased July 1, 1973 and herein. As of December 31, 1973, each participating fund shall transfer to or from the Minnesota adjustable fixed benefit fund assets so that its participation equals the total of such required reserves and the reserves for benefits authorized on or after July 1, 1973.*

*The increased benefits accruing as of January 1, 1974 shall be considered the "originally determined benefits" for the purpose of future adjustments."*

Further amend the title, line 6 after "354.63, Subdivision 2;" by inserting "and 11.25, by adding a subdivision".

Which motion prevailed. So the amendment was adopted.

H. F. No. 358 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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.

### MESSAGE FROM THE HOUSE—CONTINUED

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. 377, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 377: A bill for an act relating to the department of human rights; unfair discriminatory practices; amending Minnesota Statutes 1971, Sections 363.01 by adding subdivisions; 363.02, Subdivisions 2 and 3 and by adding subdivisions; 363.03; 363.04, Subdivision 8; 363.05, Subdivision 1; 363.06, Subdivisions 2, 4 and 7;

363.071, Subdivision 2; 363.072, Subdivision 1; 363.091; 363.11; 363.115; 363.12, Subdivisions 1 and 2; 363.13; and Chapter 363, by adding sections.

House File No. 377 is herewith transmitted to the Senate.

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

Transmitted May 19, 1973

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 377

A bill for an act relating to the department of human rights; unfair discriminatory practices; amending Minnesota Statutes 1971, Sections 363.01 by adding subdivisions; 363.02, Subdivisions 2 and 3 and by adding subdivisions; 363.03; 363.04, Subdivision 8; 363.05, Subdivision 1; 363.06, Subdivisions 2, 4 and 7; 363.071, Subdivision 2; 363.072, Subdivision 1; 363.091; 363.11; 363.115; 363.12, Subdivisions 1 and 2; 363.13; and Chapter 363, by adding sections.

May 19, 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. 377, report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 377 be amended as follows:

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

"Section 1. Minnesota Statutes 1971, Section 363.01, is amended by adding subdivisions to read:

*Subd. 24. [LOCAL COMMISSION.] "Local commission" means an agency of a city, village, or borough created pursuant to law, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, or status with regard to public assistance.*

*Subd. 25. [DISABILITY.] "Disability" means a mental or physical condition which constitutes a handicap.*

*Subd. 26. [DEPARTMENT.] "Department" means the department of human rights.*

*Subd. 27. [STATUS WITH REGARD TO PUBLIC ASSISTANCE.] "Status with regard to public assistance" means the condition of being a recipient of federal, state or local assistance, including medical assistance, or of being a tenant receiving federal, state or local subsidies, including rental assistance or rent supplements.*

Sec. 2. Minnesota Statutes 1971, Section 363.02, is amended to read:

363.02 [EXEMPTIONS.] Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by his parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person.

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment.

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice.

*It is not an unfair employment practice for an employer, employment agency or labor organization:*

*(i) to require a person to undergo physical examination for purpose of determining the person's capability to perform available employment; or*

*(ii) to conduct an investigation as to the person's medical history for the purpose of determining the person's capability to perform available employment.*

Subd. 2. [HOUSING.] The provisions of section 363.03, subdivision 2, shall not apply to :

~~(a) The rental of a portion of a dwelling containing accommodations for two families, one of which is occupied by the owner, rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex or (b) the rental by an owner or occupier of a one-family accommodation in which he resides of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this chapter shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract .~~

Subd. 3. [EDUCATION.] It is not an unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion. *The provisions of section 363.03, subdivision 5, relating to sex, shall not apply to a private educational institution, or branch or level of a private educational institution, in which students of only one sex are permitted to enroll. Nothing in this chapter shall be construed to require any educational institution to provide any special service to any person because of the disability of such person or to modify in any manner its buildings, grounds, facilities, or admis-*

sion procedures because of the disability of any such person. Nothing in this chapter shall prohibit an educational institution from discriminating on the basis of academic qualifications or achievements or requiring from applicant's information which relates to academic qualifications or achievements.

Subd. 4. [PUBLIC ACCOMMODATIONS.] The provisions of section 363.03, subdivision 3, relating to sex, shall not apply to such facilities as restrooms, lockerrooms, and other similar places.

Subd. 5. [DISABILITY.] Nothing in this chapter shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habilitate, rehabilitate or accommodate that person. It is a defense to a complaint or action brought under this chapter that the person bringing the complaint or action suffers from a mental disability which poses a serious threat to the safety of others. The burden of proving this defense is upon the respondent.

Sec. 3. Minnesota Statutes 1971, Section 363.03, is amended to read:

363.03 [UNFAIR DISCRIMINATORY PRACTICES.] Subdivision 1. [EMPLOYMENT.] Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, ~~or~~ sex, marital status, status with regard to public assistance or disability,

(a) to deny full and equal membership rights to ~~an applicant for~~ a person seeking membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against ~~an applicant for~~ a person seeking membership or a member with respect to his hire, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a ~~member; person or member.~~

(2) For an employer, because of race, color, creed, religion, national origin, ~~or~~ sex, marital status, status with regard to public assistance or disability,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes ~~an applicant for employment, or~~ a person seeking employment; or

(b) to discharge an employee; or

(c) to discriminate against ~~an employee~~ a person with respect to his hire, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment;

(3) For an employment agency, because of race, color, creed, religion, national origin, ~~or~~ sex, marital status, status with regard to public assistance or disability,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against ~~an individual, or a person;~~ or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter;

(4) For an employer, employment agency, or labor organization, before ~~an individual~~ *a person* is employed by an employer or admitted to membership in a labor organization, to

(a) require the ~~applicant person~~ *applicant person* to furnish information that pertains to the ~~applicant's~~ *applicant's* race, color, creed, religion, ~~or~~ national origin, ~~sex, marital status, status with regard to public assistance or disability,~~ unless, for the purpose of national security, information pertaining to the national origin of the ~~applicant~~ *applicant* is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the purpose of compliance with the public contracts act or any rule, regulation or laws of the United States or of this state requiring information pertaining to the race, color, creed, religion, ~~or~~ national origin, ~~of the applicant~~ *sex, marital status, status with regard to public assistance or disability* is required by the United States or a political subdivision or agency of the United States; or

(b) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, ~~or sex, marital status, status with regard to public assistance or disability.~~

Subd. 2. [REAL PROPERTY.] It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these

(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of the race, color, creed, religion, ~~or~~ national origin, ~~of such person or group of persons~~ *sex, marital status, status with regard to public assistance or disability*;

(b) to discriminate against any person or group of persons because of the race, color, creed, religion, ~~or~~ national origin, ~~of such person or group of persons~~ *sex, marital status, status with regard to public assistance or disability* in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith; or

(c) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real

property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, ~~or~~ national origin , *sex, marital status, status with regard to public assistance or disability*, or any intent to make any such limitation, specification, or discrimination.

(2) For a real estate broker, real estate salesman, or employee, or agent thereof

(a) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of the race, color, creed, religion , ~~or~~ national origin , ~~of such person or group of persons~~ *sex, marital status, status with regard to public assistance or disability* , or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of the race, color, creed, religion, ~~or~~ national origin , ~~of such person or group of persons~~ *sex, marital status, status with regard to public assistance or disability* ;

(b) to discriminate against any person because of his race, color, creed, religion, ~~or~~ national origin , *sex, marital status, status with regard to public assistance or disability* in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(c) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion , ~~or~~ national origin , *sex, marital status, status with regard to public assistance or disability* or any intent to make any such limitation, specification or discrimination;

(3) For a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof

(a) to discriminate against any person or group of persons because of the race, color, creed, religion, ~~or~~ national origin , *sex, marital status, status with regard to public assistance or disability* of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith;

(b) to use any form of application for such financial assistance or make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly,



any limitation, specification, or discrimination as to race, color, creed, religion, ~~or~~ national origin , *sex, marital status, status with regard to public assistance or disability* or any intent to make any such limitation, specification, or discrimination.

(4) For any real estate broker or real estate salesman, for the purpose of inducing a real property transaction from which such person , *his firm*, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, ~~or~~ national origin , *sex, marital status, status with regard to public assistance or disability* of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

Subd. 3. [PUBLIC ACCOMMODATIONS.] It is an unfair discriminatory practice:

To deny an individual ~~or group of individuals~~ *any person* the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, ~~or~~ national origin *or sex. It is an unfair discriminatory practice for a taxicab company to discriminate in the access to, full utilization of or benefit from service because of a person's disability .*

Subd. 4. [PUBLIC SERVICES.] It is an unfair discriminatory practice:

To discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of race, color, creed, religion, ~~or~~ national origin , *sex or status with regard to public assistance .*

Subd. 5. [EDUCATIONAL INSTITUTION.] It is an unfair discriminatory practice:

(1) To discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any individual *person* because of race, color, creed, religion, ~~or~~ national origin , *sex, marital status, status with regard to public assistance or disability .*

(2) To exclude, expel, ~~limit~~, or otherwise discriminate against ~~an individual~~ *a person* seeking admission as a student, or ~~an individual~~ *a person* enrolled as a student because of race, color, creed, religion ~~or~~ national origin , *sex, marital status, status with regard to public assistance or disability .*

(3) To make or use a written or oral inquiry, or form of application for admission that elicits or attempts to elicit information, or to make or keep a record, concerning the race, color, creed, religion, ~~or~~ national origin , *sex, marital status or disability* of ~~an applicant for a person seeking~~ *admission*, except as permitted by regulations of the department.

Subd. 6. [AIDING AND ABETTING AND OBSTRUCTION.] It is an unfair discriminatory practice for any person ; employer, labor organization, or employment agency :

(1) To intentionally engage in any economic or other reprisal against any person because that person has opposed any practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter;

(2) (1) Intentionally to aid, abet, incite, compel, or coerce a person to engage in any of the practices forbidden by this chapter;

(3) (2) Intentionally to attempt to aid, abet, incite, compel, or coerce a person to engage in any of the practices forbidden by this chapter;

(4) (3) To intentionally obstruct or prevent any person from complying with the provisions of this chapter, or any order issued thereunder, or to resist, prevent, impede, or interfere with the commissioner or any of his employees or representatives in the performance of duty under this chapter ; .

(5) To intentionally engage in any economic reprisal against any person because that person has associated with a person or group of persons of a different race, color, creed, religion or national origin.

Subd. 7. [REPRISALS.] *It is an unfair discriminatory practice for any employer, labor organization, employment agency, lessor, public accommodation, public service or educational institution to intentionally engage in any reprisal against any person because that person:*

(1) *Opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any matter in an investigation, proceeding or hearing under this chapter; or*

(2) *Associated with a person or group of persons of a different race, color, creed, religion or national origin.*

Sec. 4. Minnesota Statutes 1971, Section 363.04, Subdivision 8, is amended to read:

Subd. 8. [A D V I S O R Y C O M M I T T E E, M E M B E R S H I P, T E R M S.] There is hereby established within the department an advisory committee on women's affairs to advise and assist the commissioner. The committee shall consist of ~~15~~ 24 persons to be appointed by the commissioner. ~~Seven~~ Eight shall be appointed for terms expiring ~~March 1, 1968~~ the first Monday in January, 1974 , and every ~~two~~ three years thereafter, and eight shall be appointed for terms expiring ~~March 1, 1969~~ the first Monday in January, 1975 , and every ~~two~~ three years thereafter , and eight shall be appointed for terms expiring the first Monday in January, 1976, and every three years thereafter. The terms of all persons appointed to the committee prior to the effective date of this act shall remain in effect until their terms expire. Vacancies in unexpired terms shall be filled by appointment by the commissioner. Members may be removed by the commissioner for inefficiency, neglect

*of duty or malfeasance.* In addition to the ~~15~~ 24 members of the committee the following shall serve as ex officio, non-voting members of the committee: a member of the state senate to be appointed in January of each odd numbered year by the committee on committees of that body; a member of the house of representatives to be appointed in January of each odd numbered year by the speaker of that body; the commissioner of education, or his designee; the commissioner of public welfare, or his designee; and the executive secretary of the state board of health, or his designee. The committee shall elect, in January of each year, a chairman and such other officers as it may deem necessary. It shall meet at least twice in each year. Additional meetings may be called by the chairman, by the commissioner, or by a majority of the voting members. The chairman shall be an ex officio member of the state board of human rights. Each member of the committee shall be reimbursed for necessary expenses incurred in the performance of his duties in the same amount and in the same manner as provided by law for state officers and employees. *On the first Monday in January, 1974, and at all times thereafter, at least one appointee from each of the congressional districts of the state shall sit on the advisory committee on women's affairs.*

Sec. 5. Minnesota Statutes 1971, Section 363.05, Subdivision 1, is amended to read:

363.05 [DUTIES OF COMMISSIONER.] Subdivision 1. [FORMULATION OF POLICIES.] The commissioner shall formulate policies to effectuate the purposes of this chapter and shall:

(1) Exercise leadership under the direction of the governor in the development of human rights policies and programs, and make recommendations to the governor and the legislature for their consideration and implementation;

(2) cooperate and consult with the commissioners of education, labor and industry, public welfare, economic development, and natural resources, and with the secretary of the state board of health in developing plans and programs to most effectively serve the needs of Indians and to assist women in the areas designated in section 363.04, subdivision 7;

(3) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;

(4) meet and function at any place within the state;

(5) employ such hearing examiners, attorneys, clerks and other employees and agents as he may deem necessary and prescribe their duties;

(6) to the extent permitted by federal law and regulation, utilize the records of the department of manpower services of the state when necessary to effectuate the purposes of this chapter;

(7) obtain upon request and utilize the services of all state governmental departments and agencies;

(8) adopt suitable rules and regulations for effectuating the purposes of this chapter;

(9) issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing;

(10) subpoena witnesses, administer oaths, take testimony, and require the production for examination of any books or papers relative to any matter under investigation or in question; authorize hearing examiners to exercise the authority conferred by this clause;

(11) attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state;

(12) conduct research and study discriminatory practices;

(13) publish and distribute the results of research and study when in the judgment of the commissioner the purposes of chapter 363, will be served thereby;

(14) develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs he deems necessary;

(15) make a written report of the activities of the commissioner to the governor each year and to the legislature at each session;

(16) accept gifts, bequests, grants or other payments public and private to help finance the activities of the department;

(17) create such local and statewide advisory committees as will in his judgment aid in effectuating the purposes of the department of human rights;

(18) appoint a hearing examiner to preside at a public hearing on any complaint;

(19) develop such programs as will aid in determining the compliance throughout the state with the provisions of chapter 363, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, disability, marital status or status with regard to public assistance, or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life:

(20) develop and disseminate technical assistance to persons subject to the provisions of chapter 363, and to agencies and officers of governmental and private agencies;

(21) provide staff services to such advisory committees as may be created in aid of the functions of the department of human rights;

(22) make grants in aid, to the extent that appropriations are made available for such purpose in aid of carrying out his duties and responsibilities, but no grant in aid shall be made without first obtaining the advice and consent of the board;

(23) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for the benefit of those persons theretofore and hereafter subject to prejudice and discrimination; and

(24) provide information for and direction to a program designed to assist Indian citizens to assume all the rights, privileges, and duties of citizenship; and to coordinate and cooperate with local, state and national and private agencies providing services to the Indian people.

Sec. 6. Minnesota Statutes 1971, Section 363.06, Subdivision 2, is amended to read:

Subd. 2. [CHARGE, ISSUANCE BY COMMISSIONER.] Whenever the commissioner has reason to believe that a person is engaging in an unfair discriminatory practice, the commissioner may issue a ~~complaint~~ *charge stating in statutory language an alleged violation of a particular section of Minnesota Statutes, Section 366.03*.

Sec. 7. Minnesota Statutes 1971, Section 363.06, Subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] When a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations of the charge and shall make a determination as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(1) If the commissioner shall determine after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of such determination, serve upon the charging party and respondent written notice of such determination. This shall be a final decision of the department unless an appeal is taken as hereinafter provided in subdivision 7.

(2) If the commissioner shall determine after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner or *panel* at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party, the attorney general, and ~~members~~ *the chairman* of the board.

(3) At any time after the commissioner has determined that there is probable cause to believe that a respondent has engaged in an unfair discriminatory practice the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under

this chapter, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commissioner may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, but no such relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. The Minnesota rules of civil procedure shall apply to such application, and the district court shall have authority to grant or deny such relief sought on such conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(4) If any lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), shall lease or rent such dwelling unit to a person who has no knowledge of such practice or of the existence of any charge with respect thereto, such lessor shall be liable for actual damages sustained by such person by reason of any final order hereunder requiring such person to be evicted from such dwelling unit.

Sec. 8. Minnesota Statutes 1971, Section 363.06, Subdivision 7. is amended to read:

Subd. 7. [REVIEW PANEL APPEAL.] The chairman of the state board of human rights shall select three members of said state board, *at least one of whom shall be a lawyer*, to serve on a review board panel. *The chairman shall designate one of the three members selected as the presiding member of the panel.* Within 15 days after service of ~~written notice of an order dismissing a charge~~ following a determination of no probable cause a charging party aggrieved by the commissioner's determination may appeal to the review board panel by serving a written notice of appeal upon the commissioner and the respondent. The hearing on the appeal shall be held no later than 30 days after perfection of the appeal at a time and place specified by the review board panel. The charging party, the commissioner, and the respondent shall receive at least five days' written notice of the time and place of the hearing. The charging party and the commissioner shall be present at the hearing. The respondent may also attend the hearing. The charging party may be represented by counsel. An informal hearing shall be held at which time the commissioner shall make all the information relevant to the case and in his possession available to the review board panel. The charging party *and the respondent* may introduce any evidence relevant to the charge. *The members of the review board panel shall hear testimony, may examine any party or witness and shall review all the evidence, and issue a decision in writing with a statement of reasons therefor. The decision of the review board panel shall be final unless it finds that probable cause exists in which instance it shall may decide to either sustain the determination of no probable cause or remand the case to the commissioner for further proceedings investigation and a determination as to whether there is probable cause to believe that the respondent has engaged in an unfair discriminatory practice. A*

*decision to remand the case shall be submitted to the commissioner within 30 days after the date of the hearing.*

Sec. 9. Minnesota Statutes 1971, Section 363.071, Subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF DISCRIMINATORY PRACTICE.] If the panel or examiner finds that the respondent has engaged in an unfair discriminatory practice, the panel or examiner shall make findings of fact and conclusions of law, and shall issue a ~~preliminary~~ *an order* directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the panel or examiner will effectuate the purposes of this chapter. *Such order shall be a final decision of the department. In all cases the panel or examiner may order the respondent to pay the charging an aggrieved party, who has suffered discrimination, compensatory damages, except damages for mental anguish or suffering, and, in all cases, may also order the respondent to pay the charging an aggrieved party, who has suffered discrimination, punitive damages in an amount not less than \$25 nor more than \$100 \$500. In addition to the aforesaid remedies, in a case involving discrimination in*

(a) employment, the panel or examiner may order the hiring, reinstatement or upgrading of an ~~employee aggrieved party, who has suffered discrimination,~~ with or without back pay, admission or restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training program, on-the-job-training program, or other retraining program, or any other relief the panel or examiner deems just and equitable.

(b) housing, the panel or examiner may order the ~~sale lease, or rental of the housing accommodation or other real property to the charging an aggrieved party, who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker, or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the panel or examiner deems just and equitable.~~

The panel or examiner shall cause the findings of fact, conclusions of law, and ~~preliminary~~ order to be served on the respondent personally, the charging party by registered or certified mail, and shall furnish copies to the attorney general and the commissioner.

Sec. 10. Minnesota Statutes 1971, Section 363.072, Subdivision 1, is amended to read:

363.072 [DISTRICT COURT, REVIEW ORDERS OF PANEL OR EXAMINER.] Subdivision 1. ~~A respondent~~ *Any person aggrieved by a final decision of the board department reached after a hearing held pursuant to section 363.071 may seek judicial review in the district court for the judicial district in which the hearing of the board was held pursuant to section 15.0424.*

Sec. 11. Minnesota Statutes 1971, Section 363.091, is amended to read:

363.091 [ENFORCEMENT.] When ~~the order~~ *a respondent fails or refuses to comply with a final decision of the department*, ~~has become final~~ the commissioner may file with the clerk of district court in the judicial district in which the hearing was held a petition requesting the court to order the respondent to comply with the order of the department. Thereupon the court shall issue an order to show cause directed to the respondent why an order directing compliance should not be issued. Notwithstanding the provisions of any law or rule of civil procedure to the contrary, the court shall examine at the hearing on the order to show cause all the evidence in the record and may amend the order of the department in any way the court deems just and equitable. If the panel or examiner has ordered an award of damages pursuant to section 363.071 and if the court sustains or modifies the award, it shall enter judgment on the order or modified order in the same manner as in the case of an order of the district court, as provided in section 546.27.

Sec. 12. Minnesota Statutes 1971, Section 363.11, is amended to read:

363.11 [CONSTRUCTION.] The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, religion, *sex, disability, marital status, status with regard to public assistance* or national origin; but, as to acts declared unfair by ~~section sections~~ 363.03 and 363.123, the procedure herein provided shall, while pending, be exclusive.

Sec. 13. Minnesota Statutes 1971, Section 363.115, is amended to read:

363.115 [REFERRAL TO LOCAL COMMISSION.] The commissioner whether or not a charge has been filed under chapter 363 may refer a matter involving discrimination because of race, color, religion, sex, *creed, disability, marital status, status with regard to public assistance* or national origin to a local commission for investigation, study and report, and ~~may refer a complaint alleging a violation of chapter 363 to a local commission for investigation, determination whether there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, or assistance in eliminating a discriminatory practice by conference, conciliation or persuasion.~~

Upon referral by the commissioner, the local commission shall make a report and make recommendations to the commissioner and take other appropriate action within the scope of its powers.

The term "local commission" as used in this section means an agency of a city, village or borough created pursuant to law, city charter, or municipal ordinance, and conferring upon the agency powers, including but not limited to those which are conferred upon the commissioner by chapter 363.



Sec. 14. Minnesota Statutes 1971, Section 363.12, Subdivision 1, is amended to read:

363.12 [DECLARATION OF POLICY.] Subdivision 1. As a guide to the interpretation and application of this chapter, be it enacted that *It is the public policy of this state is to secure for individuals persons in this state, freedom from discrimination ; because of race, color, creed, religion, or national origin, in connection with employment, housing and real property, public accommodations, public services, and education. It is also the public policy of this state to secure for individuals of this state, freedom from discrimination because of sex in connection with employment.*

*(1) In employment because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance;*

*(2) In housing and real property because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance;*

*(3) In public accommodations because of race, color, creed, religion, national origin, sex and disability;*

*(4) In public services because of race, color, creed, religion, national origin, sex, marital status, disability, and status in regard to public assistance; and*

*(5) In education because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance. Such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy. It is also the public policy of this state to protect all persons from wholly unfounded charges of discrimination. Nothing in this chapter shall be interpreted as restricting the implementation of positive action programs to combat discrimination.*

Sec. 15. Minnesota Statutes 1971, Section 363.12, Subdivision 2, is amended to read:

Subd. 2. The opportunity to obtain employment, housing, and other real estate, and full and equal utilization of public accommodations, public services, and educational institutions without *such discrimination because of race, color, creed, religion, or national origin as is prohibited by this chapter* is hereby recognized as and declared to be a civil right. The opportunity to obtain employment without discrimination because of sex is also hereby recognized as and declared to be a civil right.

Sec. 16. Minnesota Statutes 1971, Chapter 363, is amended by adding a section to read:

[363.123] [VIOLATION OF ACT.] *It shall be a violation of this act for any person furnishing credit service to discriminate against any person who is the recipient of federal, state or local public assistance, including medical assistance, or who is a tenant receiving federal, state or local housing subsidies, including rental*

*assistance or rent supplements, solely because the individual is such a recipient.*

Sec. 17. Minnesota Statutes 1971, Section 363.13, is amended to read:

363.13 [CITATION.] This chapter shall be known as the Minnesota state act against ~~discrimination~~ *human rights act*.

Sec. 18. Minnesota Statutes 1971, Chapter 363, is amended by adding a section to read:

[363.14] [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION, DISTRICT COURT JURISDICTION, ATTORNEY'S FEES, AND COSTS.] *Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] If, after a charge has been filed with the department, the commissioner finds pursuant to section 363.06, subdivision 4, no probable cause to credit the allegations contained therein or if within 90 days from the filing of a charge, the commissioner has not issued a complaint pursuant to section 363.06 or the department has not entered into a conciliation agreement to which the charging party is a party, he shall so notify the charging party and within 90 days after the giving of such notice a civil action may be brought by the charging party against the respondent named in the charge.*

*Upon application by the complaining party to the district court at a special term thereof and in such circumstances as the court may deem just, the court may appoint an attorney for such person and may authorize the commencement of the action without payment of fees, costs, or security.*

*Upon timely application, the court may, in its discretion, permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.*

*Upon request, the court may, in its discretion, stay further proceedings for not more than 60 days pending further efforts of the department to obtain voluntary compliance.*

Subd. 2. [DISTRICT COURT JURISDICTION.] *Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has his principal place of business.*

*Any action brought pursuant to this chapter shall be heard and determined by a judge sitting without a jury.*

*If the court finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order directing such relief as it deems appropriate and which effectuates the purpose of this chapter. Such relief shall be limited to that permitted by section 363.071, subdivision 2.*

Subd. 3. [ATTORNEY'S FEES AND COSTS.] *In any action or proceeding brought pursuant to this section the court, in its dis-*

*cretion, may allow the prevailing party, other than the department, a reasonable attorney's fee as part of the costs."*

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

House Conferees: (Signed) Fred C. Norton, Robert C. Bell and Ray W. Faricy.

Senate Conferees: (Signed) Nicholas D. Coleman, Douglas H. Sillers and Eugene Stokowski.

Mr. Coleman moved that the foregoing recommendations and Conference Committee Report on H. F. No. 377 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. 377: A bill for an act relating to the department of human rights; unfair discriminatory practices; amending Minnesota Statutes 1971, Sections 363.01 by adding subdivisions; 363.02; 363.03; 363.04, Subdivision 8; 363.05, Subdivision 1; 363.06, Subdivisions 2, 4 and 7; 363.071, Subdivision 2; 363.072, Subdivision 1; 363.091; 363.11; 363.115; 363.12, Subdivisions 1 and 2; 363.13; and Chapter 363, by adding sections.

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

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

And the roll being called, there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gerty	Knutson	Ogdahl	Sillers
Berg	Hansen, Baldy	Kowalczyk	Olhoft	Solon
Borden	Hansen, Mel	Larson	Olson, H. D.	Stassen
Brown	Hanson, R.	Laufenburger	O'Neill	Stokowski
Coleman	Hughes	Lewis	Perpich, A. J.	Tennessee
Conzemius	Humphrey	Lord	Perpich, G.	Thorup
Davies	Jensen	Milton	Pillsbury	Ueland
Doty	Josefson	Moe	Purfeerst	Wegener
Dunn	Keefe, J.	Nelson	Renneke	Willett
Fitzsimons	Kirchner	North	Schaaf	
Frederick	Kleinbaum	Novak	Schrom	

Mr. Bernhagen voted in the negative.

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

### SUSPENSION OF RULES

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

**SPECIAL ORDER**

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

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 50 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, J.	Nelson	Schrom
Bernhagen	Frederick	Kirchner	North	Sillers
Borden	Gearty	Kleinbaum	Novak	Solon
Brown	Hansen, Baldy	Knutson	Olhoft	Spear
Chmielewski	Hansen, Mel	Kowalczyk	Olson, H. D.	Stassen
Coleman	Hanson, R.	Larson	O'Neill	Stokowski
Conzemius	Hughes	Lewis	Patton	Tennessen
Davies	Humphrey	Lord	Pillsbury	Thorup
Doty	Jensen	Milton	Renneke	Ueland
Dunn	Josefson	Moe	Schaaf	Wegener

Messrs. Berg; Perpich, A. J.; Purfeerst and Willet voted in the negative.

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

H. F. No. 1511: A bill for an act relating to mileage allowances of public officers and employees; amending Minnesota Statutes 1971, Sections 15A.20, Subdivisions 1 and 3; and 387.29, Subdivision 2; and repealing Minnesota Statutes 1971, Section 387.29, Subdivisions 1 and 3.

Mr. Chmielewski moved to amend H. F. No. 1511, the printed bill, as follows:

Page 1, line 6, strike "ten" and insert thereafter "15"

Which motion prevailed. So the amendment was adopted.

H. F. No. 1511 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 47 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Hanson, R.	Kleinbaum	Milton
Berg	Doty	Hughes	Knutson	Moe
Bernhagen	Fitzsimons	Humphrey	Kowalczyk	North
Borden	Gearty	Jensen	Larson	Novak
Chmielewski	Hansen, Baldy	Keefe, S.	Lewis	Olhoft
Coleman	Hansen, Mel	Kirchner	Lord	Olson, H. D.

O'Neill	Purfeerst	Sillers	Stokowski	Willet
Patton	Renneke	Solon	Tennessen	
Perpich, A. J.	Schaaf	Spear	Thorup	
Pillsbury	Schrom	Stassen	Ueland	

Mr. Keefe, J. voted in the negative.

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. 1945, No. 141 on the General Orders Calendar, be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 1945: A bill for an act relating to the Minnesota higher education facilities authority; amending Minnesota Statutes 1971, Sections 136A.26, 136A.27, 136A.29, 136A.32, Subdivision 3, and by adding a subdivision; 136A.34, Subdivision 4; 136A.40 and 136A.41.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 50 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, S.	North	Renneke
Berg	Frederick	Kirchner	Novak	Schaaf
Bernhagen	Gearty	Kleinbaum	Olhoft	Schrom
Brown	Hansen, Baldy	Knutson	Olson, H. D.	Sillers
Chmielewski	Hanson, R.	Kowalczyk	O'Neill	Solon
Coleman	Hughes	Larson	Patton	Spear
Conzemius	Humphrey	Lewis	Perpich, A. J.	Stassen
Davies	Jensen	Lord	Perpich, G.	Thorup
Doty	Josefson	Milton	Pillsbury	Wegener
Dunn	Keefe, J.	Nelson	Purfeerst	Willet

Mr. Moe voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1906: A bill for an act relating to the Minnesota highway patrolmen's retirement association; amending Minnesota Statutes 1971, Sections 352B.02; 352B.08, Subdivision 2; 352.10; 352B.11, Subdivision 2; and Chapter 352B, by adding sections.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 revert to Reports of Committees, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

### REPORTS OF COMMITTEES

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

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

H. F. No. 2442: A bill for an act relating to the legislature; creating a joint coordinating committee and prescribing its duties; establishing the office of legislative research.

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

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

**"Section 1. [JOINT COORDINATING COMMITTEE; CREATION AND ORGANIZATION.]** *Subdivision 1. A legislative committee is hereby created to be known as the joint coordinating committee, designated herein as the "committee", to coordinate the legislative activities of the senate and the house of representatives.*

*Subd. 2. The membership of the committee shall consist of the majority leader of the senate, the president of the senate, two senators appointed by the majority leader, the minority leader of the senate, and one senator appointed by the minority leader; and the majority leader of the house of representatives, the speaker of the house of representatives, two representatives appointed by the speaker, the minority leader of the house of representatives, and one representative appointed by the minority leader. Each member shall serve until a successor is named during a regular session following his appointment. A vacancy shall be filled for the unexpired term in the same manner as the original appointment.*

*Subd. 3. The president of the senate and the speaker of the house shall alternate annually as chairman of the committee.*

*Subd. 4. The members of the committee shall serve without*

*compensation but shall be reimbursed in the same manner as members of standing committees of the senate and the house of representatives.*

**Sec. 2. [OFFICE OF LEGISLATIVE RESEARCH.]** *Subdivision 1. An office of legislative research is established under the jurisdiction and control of the joint coordinating committee. The office shall consist of a director and such additional personnel as are needed and authorized by the committee to perform its assigned duties.*

*Subd. 2. Notwithstanding any other law to the contrary, all employees of the office of legislative research, including the revisor of statutes and all employees in the revisor of statutes office, are employees of the legislature, under the direction of the joint coordinating committee.*

*The committee may designate certain employees as permanent for the purpose of conferring employee benefits. Nothing in this act shall affect any employee benefits heretofore earned or accrued by any of the employees.*

*Subd. 3. Any appropriation heretofore or hereafter made to the revisor of statutes office is preserved and transferred to the legislature, to be expended for the purposes for which the appropriation was originally made.*

*Subd. 4. The office of legislative research may call upon any agency of the state or political subdivision thereof for such data as may be available, and such agencies shall cooperate with the office to the fullest possible extent.*

*Subd. 5. One half the cost of operating the office, as determined by the committee, shall be allocated from the legislative expense fund of each house of the legislature to a legislative research account. The compensation of the personnel of the office, and other expenses of the office as approved by the committee, shall be paid from the legislative research account upon vouchers signed by the director.*

**Sec. 3. Minnesota Statutes 1971, Section 15A.083, Subdivision 3, is amended to read:**

**Subd. 3. [RANGES FOR OTHER JUDICIAL POSITIONS.]** *Salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of each position shall fix individual salaries under the provisions of section 15A.081, subdivision 2.*

Public defender	\$18,000-27,500
Deputy public defender	14,000-21,000
Court administrator	18,000-26,500
Revisor of statutes	18,000-27,500
Assistant revisor of statutes	15,600-23,400
Special assistant to the revisor	

of statutes 12,000-22,000

Law librarian 10,500-15,500

Sec. 4. *Minnesota Statutes 1971, Sections 482.02; 482.03; 482.10; and 482.13 are repealed.*

Sec. 5. *This act is in effect the day following its final enactment."*

And further amend by striking the title and inserting in lieu thereof

"A bill for an act relating to the legislature; creating a joint coordinating committee and prescribing its duties; establishing the office of legislative research; amending Minnesota Statutes 1971, Section 15A.083, Subdivision 3; repealing Minnesota Statutes 1971, Sections 482.02; 482.03; 482.10; and 482.13."

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

### SUSPENSION OF RULES

Mr. Coleman 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. 2442 and that the rules of the Senate be so far suspended as to give H. F. No. 2442 its second and third reading and placed on final passage. Which motion prevailed.

H. F. No. 2442 was read the second time.

H. F. No. 2442: A bill for an act relating to the legislature; creating a joint coordinating committee and prescribing its duties; establishing the office of legislative research.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Perpich, A. J. moved that H. F. No.



991, No. 135 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 991: 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; and Chapter 270 by adding a section.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Olson, A. G.	Sillers
Berg	Fitzsimons	Kleinbaum	Olson, H. D.	Solon
Bernhagen	Frederick	Knutson	O'Neill	Spear
Borden	Gearty	Kowalczyk	Patton	Stassen
Brown	Hansen, Mel	Lewis	Perpich, A. J.	Stokowski
Chenoweth	Hanson, R.	Lord	Perpich, G.	Tenneseen
Chmielewski	Hughes	Milton	Pillsbury	Ueland
Conzemius	Humphrey	Nelson	Purfeerst	Wegener
Davies	Jensen	North	Renneke	Willet
Doty	Josefson	Olhoff	Schaaf	

So the bill passed and its title was agreed to.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Olson, A. G. moved that H. F. No. 1297 be taken from the table. Which motion prevailed.

#### SUSPENSION OF RULES

Mr. Olson, A. G. 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. 1297 and that the Rules of the Senate be so far suspended as to give H. F. No. 1297 its second and third reading and placed on final passage. Which motion prevailed.

H. F. No. 1297 was read the second time.

H. F. No. 1297: A bill for an act relating to taxation; excise tax on gasoline; certain unrefunded taxes; providing for the distribution and use of unrefunded taxes used for snowmobile purposes; appropriating money; amending Minnesota Statutes 1971, Sections 296.16, Subdivision 1; 296.18, Subdivision 1; and 296.421, by adding subdivisions.

Was read the third time, and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 47 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olson, A. G.	Sillers
Bang	Fitzsimons	Knutson	Olson, H. D.	Solon
Berg	Frederick	Kowalczyk	O'Neill	Stassen
Bernhagen	Gearty	Laufenburger	Patton	Stokowski
Borden	Hanson, R.	Lord	Perpich, A. J.	Ueland
Brown	Hughes	Milton	Perpich, G.	Wegener
Chenoweth	Humphrey	Moe	Pillsbury	Willet
Chmielewski	Jensen	Nelson	Purfeerst	
Conzemius	Josefson	North	Renneke	
Doty	Keefe, S.	Olhoft	Schaaf	

Messrs. Davies; Hansen, Mel; Lewis; Spear and Tennesen voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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.

Mr. North moved that the amendment made to H. F. No. 1837 by the Committee on Rules and Administration in the report adopted May 17, 1973 pursuant to Rule 49 be stricken. Which motion prevailed. So the amendment was stricken.

H. F. No. 1837 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, J.	Ogdahl	Schaaf
Bang	Dunn	Keefe, S.	Olhoft	Sillers
Berg	Fitzsimons	Kirchner	Olson, A. G.	Solon
Bernhagen	Frederick	Kleinbaum	O'Neill	Spear
Brown	Gearty	Knutson	Patton	Stassen
Chenoweth	Hansen, Mel	Laufenburger	Perpich, A. J.	Stokowski
Chmielewski	Hughes	Lord	Perpich, G.	Tennesen
Coleman	Humphrey	Moe	Pillsbury	Ueland
Conzemius	Jensen	Nelson	Purfeerst	Wegener
Davies	Josefson	North	Renneke	Willet

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 2093: A bill for an act relating to charitable organizations; solicitations; limitations and prohibitions; licensing and

bonding of professional fund raisers; disclosures required; amending Minnesota Statutes 1971, Sections 309.50, Subdivisions 2, 3, and 5, and by adding subdivisions; 309.52, Subdivision 1; 309.53, Subdivision 1; 309.54, Subdivision 1; 309.55, by adding subdivisions; 309.555; 309.56; 309.58; 309.60, and Chapter 309, by adding sections; repealing Minnesota Statutes 1971, Section 309.51.

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	Davies	Keefe, J.	Nelson	Schaaf
Bang	Doty	Keefe, S.	Olhoft	Solon
Berg	Fitzsimons	Kirchner	Olson, A. G.	Spear
Bernhagen	Gearty	Kleinbaum	Olson, H. D.	Stassen
Borden	Hansen, Mel	Kowalczyk	O'Neill	Stokowski
Brown	Hanson, R.	Laufenburger	Patton	Thorup
Chenoweth	Hughes	Lewis	Perpich, A. J.	Ueland
Chmielewski	Humphrey	Lord	Perpich, G.	Wegener
Coleman	Jensen	Milton	Pillsbury	Willet
Conzemius	Josefson	Moe	Purfeerst	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 877: A bill for an act relating to education; interscholastic athletics and other extracurricular activities; amending Minnesota Statutes 1971, Chapter 129 by adding a section; repealing Minnesota Statutes 1971, Section 129.12.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 45 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Kleinbaum	Olhoft	Schrom
Berg	Hansen, Mel	Kowalczyk	Olson, H. D.	Solon
Bernhagen	Hanson, R.	Lewis	O'Neill	Stassen
Borden	Hughes	Lord	Patton	Stokowski
Chenoweth	Humphrey	Milton	Perpich, A. J.	Tennessen
Coleman	Jensen	Moe	Perpich, G.	Thorup
Conzemius	Josefson	Nelson	Purfeerst	Ueland
Davies	Keefe, S.	North	Renneke	Wegener
Dunn	Kirchner	Ogdahl	Schaaf	Willet

Mr. Spear voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1944: A bill for an act relating to handicapped persons; establishing and prescribing duties of the Minnesota commission for the handicapped; transferring certain powers and duties to the com-

mission; appropriating money; repealing Minnesota Statutes 1971, Sections 4.08 and 121.34.

Mr. Milton moved that the amendment made to H. F. No. 1944 by the Committee on Rules and Administration in the report adopted May 17, 1973 pursuant to Rule 49 be stricken. Which motion prevailed. So the amendment was stricken.

H. F. No. 1944 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	Dunn	Kirchner	North	Schrom
Berg	Fitzsimons	Kleinbaum	Olhoft	Sillers
Bernhagen	Frederick	Knutson	Olson, H. D.	Solon
Borden	Gearty	Kowalczyk	O'Neill	Spear
Chenoweth	Hansen, Mel	Krieger	Patton	Stassen
Chmielewski	Hanson, R.	Lewis	Perpich, A. J.	Stokowski
Coleman	Hughes	Lord	Pillsbury	Tennessee
Conzemius	Humphrey	Milton	Purfeerst	Ueland
Davies	Keefe, J.	Moe	Renneke	Willet
Doty	Keefe, S.	Nelson	Schaaf	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman moved that H. F. No. 1779, No. 138 on the General Orders Calendar be designated as a Special Order to be heard immediately. Which motion prevailed.

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.

Mr. Hughes moved to amend H. F. No. 1779 as amended by the Senate Finance Committee May 16, 1973, as follows:

Page 1, line 20, of the Senate amendment, after the stricken "board" insert "*teacher standards and certification*" and on lines 20 and 20a strike "*but teacher standards and certification commission*"

Which motion prevailed. So the amendment was adopted.

H. F. No. 1779 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 53 and nays 0, as follows:

Those who vote in the affirmative were:

Anderson	Frederick	Knutson	Ogdahl	Sillers
Berg	Gearty	Kowalczyk	Olhoff	Solon
Bernhagen	Hansen, Mel	Krieger	Olson, A. G.	Spear
Borden	Hanson, R.	Laufenburger	O'Neill	Stassen
Chenoweth	Hughes	Lewis	Patton	Stokowski
Chmielewski	Humphrey	Lord	Perpich, A. J.	Tennessen
Coleman	Jensen	McCutcheon	Pillsbury	Thorup
Conzemius	Keefe, J.	Milton	Purfeerst	Ueland
Davies	Keefe, S.	Moe	Renneke	Willet
Doty	Kirchner	Nelson	Schaaf	
Dunn	Kleinbaum	North	Schrom	

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

### SPECIAL ORDER

H. F. No. 1897: A bill for an act relating to regulated industries; certain industries regulated by the department of public service; authorizing fees to defray costs of the department in giving notice in contested cases; defining terms; prescribing conditions for the granting of permits to certain carriers and prescribing conditions for the transfer thereof; specifying the form of license application for livestock buyers; amending Minnesota Statutes 1971, Sections 216.161; 221.011, Subdivision 12; 221.101; 221.121, Subdivision 1; 221.131; 221.141; 221.151, Subdivision 2; 221.281; 221.291; and 239.18, Subdivision 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Dunn moved that S. F. No. 1029 be taken from the table. Which motion prevailed.

### CONCURRENCE AND REPASSAGE

Mr. Dunn moved that the Senate do now concur in the amendments by the House to S. F. No. 1029 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1029: A bill for an act relating to local water and related land resources management; granting counties authority to undertake water and related land resource management programs; granting counties authority to establish lake improvement districts to finance water and related land resource management programs; granting authority to county boards to construct sewage systems in unincorporated areas; requiring municipalities and counties to recover the local share of the cost of constructing, operating and maintaining sewage disposal systems through an equitable system of user charges; amending Minnesota Statutes 1971, Sections 116A.01, by adding a subdivision; 361.25; 361.26, Subdivision 1, and by adding a subdivision; Chapter 378, by adding sections; 429.011, Subdivision 2a; 444.075; and Chapter 459, by adding a section; repealing Minnesota Statutes 1971, Sections 110.121 to 110.126; 440.33 to 440.36; 443.02; 444.09 to 444.14; 456.24 to 456.28; 457.03 to 457.08; 457.085; and Chapter 445.

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kirchner	Nelson	Renneke
Berg	Frederick	Kleinbaum	North	Schaaf
Bernhagen	Gearty	Knutson	Olhoft	Sillers
Chenoweth	Hansen, Mel	Kowalczyk	Olson, H. D.	Solon
Chmielewski	Hanson, R.	Krieger	O'Neill	Stassen
Coleman	Hughes	Laufenburger	Patton	Stokowski
Conzemius	Humphrey	Lewis	Perpich, A. J.	Ueland
Davies	Jensen	Lord	Perpich, G.	Wegener
Doty	Josefson	McCutcheon	Pillsbury	Willet
Dunn	Keefe, J.	Milton	Purfeerst	

Messrs. Borden and Moe voted in the negative.

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

#### SPECIAL ORDER

H. F. No. 976: A bill for an act relating to pharmacy and drugs; redefining certain terms; increasing the compensation of the members of the state board of pharmacy; revising the qualifications required of applicants for registration; providing for the training of interns; increasing the maximum fee for registration; revising exceptions allowed to registration requirements; regulating the introduction of distressed drugs into the state; amending Minnesota Statutes 1971, Sections 151.01, Subdivisions 5 and 14; 151.10; 151.101; 151.12; 151.211; 151.25; 151.26, Subdivision 1; 151.37, Subdivision 5 and 151.39, by adding a subdivision; repealing Minnesota Statutes 1971, Section 151.26, Subdivision 2.

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 52 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Olhoff	Solon
Bernhagen	Hansen, Mel	Kowalczyk	Olson, H. D.	Spear
Borden	Hanson, R.	Krieger	O'Neill	Stassen
Chenoweth	Hughes	Laufenburger	Patton	Stokowski
Chmielewski	Humphrey	Lewis	Perpich, A. J.	Thorup
Coleman	Jensen	Lord	Perpich, G.	Ueland
Conzemius	Josefson	Milton	Pillsbury	Wegener
Davies	Keefe, J.	Moe	Purfeerst	Willet
Doty	Keefe, S.	Nelson	Renneke	
Fitzsimons	Kirchner	North	Schaaf	
Frederick	Kleinbaum	Ogdahl	Sillers	

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

H. F. No. 1807: A bill for an act relating to agriculture, dairy promotion act; promotion of milk and milk products; voting on promotional orders by producer-members of a cooperative association; amending Minnesota Statutes 1971, Sections 32B.04, Subdivision 4; 32B.06, Subdivision 2; and 32B.09.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 46 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	Olhoff	Solon
Berg	Dunn	Kleinbaum	O'Neill	Stassen
Bernhagen	Fitzsimons	Knutson	Patton	Stokowski
Borden	Frederick	Krieger	Perpich, A. J.	Thorup
Brown	Gearty	Laufenburger	Perpich, G.	Wegener
Chenoweth	Hanson, R.	Lewis	Pillsbury	Willet
Chmielewski	Hughes	Lord	Purfeerst	
Coleman	Humphrey	Moe	Renneke	
Conzemius	Jensen	North	Schaaf	
Davies	Keefe, S.	Ogdahl	Sillers	

Messrs. Hansen, Mel; Keefe, J., and Kowalczyk voted in the negative.

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

H. F. No. 879: A bill for an act relating to education; authorizing school boards to pay insurance premiums for retired officers and employees between the ages of 60 and 65.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Ogdahl	Schrem
Berg	Fitzsimons	Kirchner	Olhfft	Sillers
Bernhagen	Frederick	Kleinbaum	Olson, H. D.	Solon
Borden	Gearly	Knutson	O'Neill	Spear
Brown	Hansen, Mel	Kowalczyk	Patton	Stassen
Chenoweth	Hanson, R.	Krieger	Perpich, A. J.	Stokowski
Chmielewski	Hughes	Laufenburger	Perpich, G.	Tennessen
Coleman	Humphrey	Lewis	Pillsbury	Thorup
Conzemius	Jensen	Lord	Purfeerst	Wegener
Davies	Josefson	Moe	Renneke	Willet
Doty	Keefe, J.	North	Schaaf	

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 revert to Messages From the House, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 328: A bill for an act relating to motor fuel; requiring display of octane rating; amending Minnesota Statutes 1971, Section 325.77, Subdivisions 1, 3, and 4, and by adding a subdivision.

Senate File No. 328 is herewith returned to the Senate.

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

Returned May 19, 1973

### CONCURRENCE AND REPASSAGE

Mr. North moved that the Senate do now concur in the amendments by the House to S. F. No. 328 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 328 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,

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

And the roll being called, there were yeas 40 and nays 19, as follows:



Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Olhoft	Soear
Borden	Hughes	Lewis	Olson, A. G.	Stassen
Chenoweth	Humphrey	Lord	Olson, H. D.	Stokowski
Chmielewski	Jensen	McCutcheon	Perpich, A. J.	Tennessee
Coleman	Keefe, J.	Milton	Perpich, G.	Thorup
Conzemius	Keefe, S.	Moe	Purfeerst	Ueland
Davies	Kleinbaum	Nelson	Schaaf	Wegener
Doty	Kowalczyk	North	Solon	Willet

Those who voted in the negative were:

Bang	Dunn	Josefson	Ogdahl	Renneke
Berg	Fitzsimons	Kirchner	O'Neill	Schrom
Bernhagen	Frederick	Knutson	Patton	Sillers
Blatz	Hanson, R.	Krieger	Pillsbury	

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

### SUSPENSION OF RULES

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

### SPECIAL ORDER

H. F. No. 972: A bill for an act relating to public welfare; selection of county board members; amending Minnesota Statutes 1971, Section 393.01, Subdivision 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Berg	Frederick	Knutson	O'Neill	Spear
Bernhagen	Gearty	Kowalczyk	Patton	Stassen
Borden	Hansen, Mel	Laufenburger	Perpich, A. J.	Stokowski
Brown	Hanson, R.	Lewis	Perpich, G.	Tennessee
Chmielewski	Hughes	Lord	Pillsbury	Thorup
Coleman	Humphrey	Milton	Purfeerst	Ueland
Conzemius	Jensen	Moe	Renneke	Wegener
Davies	Keefe, J.	Nelson	Schaaf	Willet
Doty	Keefe, S.	North	Schrom	
Dunn	Kirchner	Olhoft	Sillers	
Fitzsimons	Kleinbaum	Olson, A. G.	Solon	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1789: A bill for an act relating to workmen's compensation; liability of self-insured employers for benefits to employees and dependents; amending Minnesota Statutes 1971, Section 176.183, Subdivision 2, and 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Bernhagen	Frederick	Kleinbaum	O'Neill	Solon
Brown	Gearty	Krieger	Patton	Spear
Chmielewski	Hansen, Mel	Laufenburger	Perpich, A. J.	Stassen
Coleman	Hanson, R.	Lord	Perpich, G.	Stokowski
Conzemius	Hughes	Moe	Pillsbury	Tennessen
Davies	Humphrey	Nelson	Renneke	Thorup
Doty	Josefson	North	Schaaf	Ueland
Dunn	Keefe, S.	Olhoft	Schrom	Wegener
Fitzsimons	Kirchner	Olson, A. G.	Sillers	Willet

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 revert to Messages from the House, remaining on the Order of Business of Motions and Resolutions. 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. 1896: A bill for an act relating to courts, Ramsey county; providing for creation and the operation and functioning of the Ramsey county municipal court; abolishing certain courts and merging certain courts with the Ramsey county municipal courts; transferring certain duties, functions, and jurisdictions; amending Minnesota Statutes 1971, Sections 488A.18, Subdivisions 1, 7, 10, and by adding a subdivision; 488A.19, Subdivisions 1, 2, and 3; 488A.20, Subdivisions 1, 2, 4, 5, and 6; 488A.21, Subdivision 2; 488A.22, Subdivisions 1 and 3; 488A.24, Subdivision 6; 488A.25, Subdivisions 1 and 2; 488A.27, Subdivisions 6, 11, 12 and by adding a subdivision; 488A.28, by adding a subdivision; 488A.29, Subdivisions 1 and 2; 488A.30, Subdivisions 1, 2, and 4; and 488A.33, Subdivision 7; repealing Minnesota Statutes 1971, Sections 488A.18, Subdivision 5; 488A.19, Subdivision 4; and 488A.23, Subdivision 2.

Senate File No. 1896 is herewith returned to the Senate.

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

Returned May 19, 1973

### CONCURRENCE AND REPASSAGE

Mr. O'Neill moved that the Senate do now concur in the amendments by the House to S. F. No. 1896 and that the bill be placed on its repassage as amended. Which motion prevailed.

S. F. No. 1896 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 42 and nays 2, as follows:

Those who voted in the affirmative were:

Berg	Dunn	Keefe, S.	O'Neill	Stokowski
Bernhagen	Fitzsimons	Kirchner	Patton	Tennessen
Blatz	Frederick	Kleinbaum	Perpich, A. J.	Thorup
Brown	Gearty	Krieger	Pillsbury	Ueland
Chmielewski	Hansen, Mel	Lewis	Schaaf	Wegener
Coleman	Hanson, R.	Lord	Sillers	Willet
Conzemius	Humphrey	Moe	Solon	
Davies	Josefson	Nelson	Spear	
Doty	Keefe, J.	Olhoft	Stassen	

Messrs. Hughes and Perpich, G., voted in the negative.

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman moved that H. F. No. 2015, on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 2015: A bill for an act relating to aeronautics; increasing the number of intermediate system airports permitted; amending Minnesota Statutes 1971, Section 360.305, Subdivisions 2, 3 and 4.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 46 and nays 3, as follows:

Those who voted in the affirmative were:

Berg	Gearty	Kleinbaum	Olson, H. D.	Spear
Bernhagen	Hansen, Mel	Knutson	O'Neill	Stassen
Blatz	Hanson, R.	Krieger	Patton	Stokowski
Borden	Hughes	Laufenburger	Perpich, A. J.	Ueland
Brown	Humphrey	Lewis	Perpich, G.	Wegener
Chmielewski	Jensen	Lord	Pillsbury	Willet
Conzemius	Josefson	Moe	Schaaf	
Dunn	Keefe, J.	Nelson	Schrom	
Fitzsimons	Keefe, S.	North	Sillers	
Frederick	Kirchner	Olhoft	Solon	

Messrs. Davies, Doty and Tennessen voted in the negative.

So the bill passed and its title was agreed to.

### SUSPENSION OF RULES

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

### SPECIAL ORDER

H. F. No. 458: A bill for an act relating to education; reorganization of school districts; exempting certain unorganized territories from inclusion within independent or special districts; amending Minnesota Statutes 1971, Chapter 122, by adding a section.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 38 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	North	Spear
Berg	Doty	Kirchner	Ogdahl	Stokowski
Bernhagen	Fitzsimons	Kleinbaum	Olhoft	Tennessen
Borden	Gearty	Krieger	Olson, H. D.	Thorup
Brown	Hanson, R.	Laufenburger	Pillsbury	Wegener
Chmielewski	Hughes	Lewis	Schaaf	Willet
Coleman	Humphrey	Lord	Schrom	
Conzemius	Jensen	Moe	Solon	

Those who voted in the negative were:

Hansen, Mel	Knutson	O'Neill	Sillers	Ueland
Keefe, J.	Nelson	Perpich, A. J.		

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 designate the following bills Special Orders to be heard immediately, remaining on the Order of Business of Motions and Resolutions. Which motion prevailed.

H. F. Nos. 977, 954, 1399, 1702, 1416, 1172, 595, 2111.

### SPECIAL ORDER

H. F. No. 977: A bill for an act relating to the state junior college board; increasing membership of the state junior college board from five to seven members; amending Minnesota Statutes 1971, Section 136.61, Subdivisions 1 and 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 41 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Kleinbaum	Olhoft	Stokowski
Bernhagen	Hansen, Mel	Knutson	Olson, H. D.	Tennessen
Chmielewski	Hanson, R.	Kowalczyk	O'Neill	Ueland
Coleman	Hughes	Krieger	Perpich, A. J.	Wegener
Conzemius	Humphrey	Laufenburger	Pillsbury	Willet
Davies	Jensen	Lewis	Schaaf	
Doty	Keefe, J.	Lord	Sillers	
Dunn	Keefe, S.	Moe	Solon	
Fitzsimons	Kirchner	North	Spear	

Messrs. Brown and Stassen voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 954: A bill for an act relating to elections; providing for the reception and counting of absentee ballots; amending Minnesota Statutes 1971, Section 207.11.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson, R.	Krieger	O'Neill	Stokowski
Bernhagen	Hughes	Larson	Perpich, A. J.	Tennessee
Chmielewski	Humphrey	Laufenburger	Perpich, G.	Thorup
Coleman	Jensen	Lewis	Pillsbury	Ueland
Conzernius	Keefe, J.	Lord	Renneke	Wegener
Davies	Keefe, S.	Moe	Schaefer	Willet
Dunn	Kirchner	Nelson	Sillers	
Fitzsimons	Kleinbaum	North	Solon	
Gearty	Knutson	Olhoff	Spear	
Hansen, Mel	Kowalczyk	Olson, H. D.	Stassen	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

H. F. No. 1399: A bill for an act relating to occupations and professions; regulating registration renewals of pharmacists by requiring continuing education; prescribing the powers and duties of the Minnesota state board of pharmacy in relation thereto; amending Minnesota Statutes 1971, Sections 151.13 and 151.14.

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:

Anderson	Frederick	Kleinbaum	Olhoff	Spear
Bernhagen	Gearty	Knutson	O'Neill	Stassen
Borden	Hanson, R.	Kowalczyk	Patton	Stokowski
Brown	Hughes	Laufenburger	Perpich, A. J.	Tennessee
Chmielewski	Humphrey	Lewis	Perpich, G.	Ueland
Coleman	Jensen	Lord	Pillsbury	Wegener
Davies	Keefe, J.	Moe	Renneke	Willet
Dunn	Keefe, S.	Nelson	Sillers	
Fitzsimons	Kirchner	North	Solon	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

H. F. No. 1702: A bill for an act relating to agriculture; providing for the investigation of the complaints of food producers, processors, and handlers licensed by the state.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kleinbaum	North	Spear
Bernhagen	Frederick	Knutson	Olhoff	Stassen
Borden	Gearly	Kowalczyk	Olson, H. D.	Tennessee
Brown	Hanson, R.	Krieger	O'Neill	Ueland
Chmielewski	Hughes	Larson	Patton	Wegener
Coleman	Humphrey	Laufenburger	Perpich, A. J.	Willet
Conzemius	Jensen	Lewis	Perpich, G.	
Davies	Josefson	Lord	Renneke	
Doty	Keefe, J.	Moe	Sillers	
Dunn	Kirchner	Nelson	Solon	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1416: A bill for an act relating to mental health; hospitalization and commitment act; amending Minnesota Statutes 1971, Section 253A.08, Subdivision 1.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearly	Kleinbaum	North	Solon
Borden	Hansen, Mel	Knutson	Olhoff	Spear
Brown	Hanson, R.	Kowalczyk	Olson, H. D.	Stassen
Chmielewski	Hughes	Krieger	O'Neill	Stokowski
Coleman	Humphrey	Laufenburger	Patton	Tennessee
Conzemius	Jensen	Lewis	Perpich, A. J.	Ueland
Davies	Josefson	Lord	Perpich, G.	Wegener
Fitzsimons	Keefe, J.	Moe	Renneke	Willet
Frederick	Kirchner	Nelson	Sillers	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the vote whereby H. F. No. 2442 was passed on May 19, 1973 be now reconsidered. Which motion prevailed. So the vote was reconsidered.

With the unanimous consent of the Senate,

Mr. Coleman moved to amend H. F. No. 2442 as follows:

Strike the amendment of the Senate Committee on Rules and Administration and insert:

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

*"Section 1. [JOINT COORDINATING COMMITTEE; CREATION AND ORGANIZATION.] Subdivision 1. A legislative committee is hereby created to be known as the joint coordinating committee, designated herein as the "committee", to coordinate the legislative activities of the senate and the house of representatives.*

*Subd. 2. The membership of the committee shall consist of the majority leader of the senate, the president of the senate, two senators*

*appointed by the majority leader, the minority leader of the senate, and one senator appointed by the minority leader; and the majority leader of the house of representatives, the speaker of the house of representatives, two representatives appointed by the speaker, the minority leader of the house of representatives, and one representative appointed by the minority leader. Each member shall serve until a successor is named during a regular session following his appointment. A vacancy shall be filled for the unexpired term in the same manner as the original appointment.*

*Subd. 3. The president of the senate and the speaker of the house shall alternate annually as chairman of the committee.*

*Subd. 4. The members of the committee shall serve without compensation but shall be reimbursed in the same manner as members of standing committees of the senate and the house of representatives.*

**Sec. 2. [OFFICE OF LEGISLATIVE RESEARCH.]** *Subdivision 1. Notwithstanding any other law which may be to the contrary, an office of legislative research, including the office of revisor of statutes and the legislative reference library, is hereby established under the jurisdiction and control of the joint coordinating committee. The office shall consist of a director and such additional personnel as are needed to perform its assigned duties.*

*Subd. 2. All employees of the office of legislative research are employees of the legislature. The committee may designate certain employees of the office as permanent for the purpose of conferring employee benefits.*

*Subd. 3. The office of legislative research may call upon any agency of the state or political subdivision thereof for such data as may be available, and such agencies shall cooperate with the office to the fullest possible extent.*

*Subd. 4. The director of the office of legislative research shall supervise the activities of the staff of the office and perform such other duties as are prescribed by the committee.*

*Subd. 5. One-half the cost of operating the office, as determined by the committee, shall be allocated from the legislative expense fund of each house of the legislature to a legislative research account. The compensation of the personnel of the office, and other expenses of the office as approved by the committee, shall be paid from the legislative research account upon vouchers signed by the director.*

*Subd. 6. Any appropriation heretofore or hereafter made to the office of revisor of statutes is preserved and transferred to the legislative research account, to be expended for the purposes for which the appropriation was originally made.*

**Sec. 3. Minnesota Statutes 1971, Section 3.302, subdivision 1, is amended to read:**

**Subdivision 1.** *A legislative reference library is established under the jurisdiction and control of the ~~legislative services commission~~ joint coordinating committee.*

Sec. 4. Minnesota Statutes 1971, Section 15A.083, Subdivision 3, is amended to read:

Subd. 3. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of each position shall fix individual salaries under the provisions of section 15A.081, subdivision 2.

Public defender	\$18,000-27,500
Deputy public defender	14,000-21,000
Court administrator	18,000-26,500
Revisor of statutes	19,000-27,500
Assistant revisor of statutes	15,600-23,400
Special assistant to the revisor of statutes	12,000-22,000
Law librarian	10,500-15,500

Sec. 5. Minnesota Statutes 1971, Sections 3.301; 482.02; 482.03; 482.10; and 482.13 are repealed.

Sec. 6. *This act is in effect the day following its final enactment.*"

And further amend by striking the title and inserting in lieu thereof

"A bill for an act relating to the legislature; creating a joint coordinating committee and prescribing its duties; establishing the office of legislative research; amending Minnesota Statutes 1971, Sections 3.302, Subdivision 1, and 15A.083, Subdivision 3; repealing Minnesota Statutes 1971, Sections 3.301; 482.02; 482.03; 482.10; and 482.13."

Which motion prevailed. So the amendment was adopted.

H. F. No. 2442: A bill for an act relating to the legislature; creating a joint coordinating committee and prescribing its duties; establishing the office of legislative research.

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 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, J.	Moe	Solon
Bernhagen	Fitzsimons	Keefe, S.	North	Spear
Blatz	Gearty	Kirchner	Olthoff	Stassen
Borden	Hansen, Mel	Kleinbaum	Olson, H. D.	Stokowski
Brown	Hanson, R.	Knutson	O'Neill	Tennessen
Chmielewski	Hughes	Kowalczyk	Patton	Ueland
Coleman	Humphrey	Laufenburger	Perpich, A. J.	Wegener
Davies	Jensen	Lewis	Perpich, G.	Willet
Doty	Josefson	Lord	Sillers	

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

#### SPECIAL ORDER

H. F. No. 1172: A bill for an act relating to motor vehicles;



unauthorized use of certain vehicles; repealing Minnesota Statutes 1971, Section 168.83.

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:

Anderson	Fitzsimons	Keefe, J.	Moe	Solon
Bernhagen	Frederick	Keefe, S.	North	Spear
Blatz	Gearty	Kirchner	Olhoff	Stokowski
Brown	Hansen, Mel	Kleinbaum	Olson, H. D.	Tennessen
Chmielewski	Hanson, R.	Kowalczyk	O'Neill	Ueland
Coleman	Hughes	Krieger	Patton	Wegener
Conzemius	Humphrey	Laufenburger	Perpich, A. J.	Willet
Davies	Jensen	Lewis	Perpich, G.	
Doty	Josefson	Lord	Sillers	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

H. F. No. 595: A bill for an act relating to pollution, requiring the pollution control agency to hold public hearings before granting variances; amending Minnesota Statutes 1971, Section 116.07, Subdivision 5.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 37 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, J.	Olhoff	Spear
Bernhagen	Doty	Keefe, S.	Olson, A. G.	Tennessen
Blatz	Fitzsimons	Kleinbaum	O'Neill	Ueland
Borden	Gearty	Kowalczyk	Perpich, A. J.	Wegener
Brown	Hanson, R.	Lewis	Perpich, G.	Willet
Chmielewski	Hughes	Lord	Pillsbury	
Coleman	Humphrey	Moe	Purfeerst	
Conzemius	Josefson	North	Solon	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

H. F. No. 2111: A bill for an act relating to elections; permitting voting compartments when electronic voting systems are in use; amending Minnesota Statutes 1971, Sections 203.10, Subdivision 2; and 206.026, Subdivision 1.

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 36 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Olhoff	Spear
Bernhagen	Fitzsimons	Kleinbaum	O'Neill	Tennessen
Blatz	Frederick	Kowalczyk	Patton	Ueland
Borden	Gearty	Laufenburger	Perpich, A. J.	Willet
Chmielewski	Hanson, R.	Lewis	Perpich, G.	
Coleman	Humphrey	Lord	Pillsbury	
Conzernius	Josefson	Moe	Purfeerst	
Davies	Keefe, J.	North	Sillers	

So the bill passed and its title was agreed to.

### 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.

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Fitzsimons moved that Senate Resolution No. 26 be taken from the table. Which motion prevailed.

Senate Resolution No. 26: A Senate resolution requesting the United States Secretary of the Treasury to transfer the territory within the state of Minnesota from customs district No. 34, under the administration of the district office at the customs port of Pembina, North Dakota, to customs district No. 36, under the administration of the district office at the customs port of Duluth, Minnesota.

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

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

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

BE IT FURTHER RESOLVED, that the Secretary of the Senate transmit copies of this resolution to the United States Secretary of the Treasury, the United States Commissioner of Customs, the Regional Commissioner of the Ninth Region of the

Customs Bureau, the District Directors of Customs at Duluth and Minneapolis and the Minnesota senators and representatives in Congress.

Mr. Fitzsimons moved the adoption of the foregoing resolution. Which motion prevailed. So the resolution was adopted.

#### 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

Messrs. Nelson and Larson were excused from next Monday's Session.

#### 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—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned:

S. F. Nos. 224, 996, 813, 2050, 1702, 612, 1643, 968, 1047, 1623, 1654 and 1351.

Edward A. Burdick, Chief Clerk, House of Representatives.  
Returned May 19, 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. 2444, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2444: A bill for an act relating to transportation; providing principal arterial highway funds for the appropriation of money to counties and municipalities of the state for the purposes of constructing and reconstructing the state's principal arterial highways, authorizing the issuance of state bonds for the purposes thereof and appropriating money in connection therewith; establishing the Minnesota state transportation fund for the appropriation of money to subdivisions of the state for public lands, buildings, and capital improvements needed for public transportation, authorizing the issuance of state bonds for the purposes of the transportation fund and appropriating money in connection therewith; amending Minnesota Statutes 1971, Sections 473A.065; and 473A.111, Subdivision 1.

House File No. 2444 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted May 19, 1973

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 2444

A bill for an act relating to transportation; providing principal arterial highway funds for the appropriation of money to counties and municipalities of the state for the purposes of constructing and reconstructing the state's principal arterial highways, authorizing the issuance of state bonds for the purposes thereof and appropriating money in connection therewith; establishing the Minnesota state transportation fund for the appropriation of money to subdivisions of the state for public lands, buildings, and capital improvements needed for public transportation, authorizing the issuance of state bonds for the purposes of the transportation fund and appropriating money in connection therewith; amending Minnesota Statutes 1971, Sections 473A.065; and 473A.111, Subdivision 1.

May 19, 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. 2444, report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 2444 be amended as follows:

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

*"Section 1. [PURPOSE.] It is determined that there is a critical need to preserve and improve transportation facilities throughout the state which cannot be met by local effort without state financial assistance. The rate of completion of the interstate portion and upgrading of the remainder of the state's highway system has fallen behind the rate of traffic growth, resulting in serious traffic hazards and delays that affect the personal safety, quality of life, and economic welfare of citizens. The highway traffic problem is accentuated by the deficiency in the quality and quantity of public transportation available in urban areas, large and small. This deficiency is itself largely caused by the inability of public transportation to compete economically with private automobiles, without financial support comparable to that given highway construction. Its most serious effect is to limit severely the life and liberty of many persons who because of age, physical or mental characteristics, or economic circumstances are unable to use automobiles. For many more it compels the use of automobiles, often more than one per family, for daily attendance at work and school and for transportation in emergencies, notwithstanding cost that may reduce remaining living resources below poverty levels, and notwithstanding unacceptable safety hazards often resulting from physical handicaps or inexperience. And for many high cost makes it impossible to acquire and maintain vehicles that can operate at acceptable safety and pollution control levels, thus aggravating the*

traffic and pollution hazards created by sheer numbers of vehicles. Capital cost of the principal arterial highways of this state cannot be adequately met from existing sources of funds. Similar costs of adequate public transportation in urban areas cannot be met by user fees without subsidy, or even with subsidy to the extent this is possible from property taxes or other resources available to local units of government. It is determined that state financial assistance in meeting the capital cost of public transportation in urban areas and constructing and reconstructing the state's principal arterial highways is a proper function of state government and is necessary to protect the safety and the personal and economic welfare of the citizens of the state at large.

**Sec. 2. [PRINCIPAL ARTERIAL HIGHWAY BOND AUTHORIZATION AND APPROPRIATIONS.]** Subdivision 1. The state auditor is authorized and directed, upon request of the commissioner of highways, to issue and sell Minnesota state principal arterial bonds in accordance with the provisions of Section 3 of this act, and Article IX, Section 6, of the Constitution in an aggregate principal amount not to exceed \$80,000,000, which sum, or so much thereof as shall be required, is appropriated from the proceeds of such bonds to the commissioner of highways for grants to counties and municipalities for the acquisition and betterment of public land and other improvements of a capital nature needed to provide adequate principal arterial highways of this state. This appropriation shall not lapse or cancel until the purpose for which it is made has been accomplished or abandoned. The amount of each grant approved for disbursement shall be and remain appropriated for that purpose until the grant is fully disbursed or part or all thereof is revoked by the department of highways. Grants appropriated pursuant to this section shall not exceed \$20,000,000 in any one fiscal year of the state of Minnesota.

Subd. 2. The department of highways shall promulgate regulations, standards, and priorities for the administration of grants authorized in accordance with subdivision 1, and these regulations, standards, and priorities are to be developed in consultation with the regional development commissions and the metropolitan council established under the provisions of Minnesota Statutes, Sections 462.381 to 462.396 and Chapter 473B.

Subd. 3. Applications by counties and municipalities for grants for the funds provided for by subdivision 1 shall be made through regional development commissions and the metropolitan council established under the provisions of Minnesota Statutes, Section 462.381 to 462.396 and Chapter 473B referred to in this section as regional planning agencies to the department of highways on forms requiring information prescribed by the regulations of the department of highways. The regional planning agency shall certify to the department of highways those applications which appear to meet the standards and criteria set forth by the department of highways and the regulations promulgated hereunder, and the department of highways shall direct grants to be disbursed on the basis of the standards, criteria and priorities established in its regulations and in this section; provided that no disbursement shall be made until and unless the regional planning agency has by

resolution determined the total estimated cost of the project, and ascertained that its financing is assured by the appropriation of the proceeds of bonds or other funds of the counties and municipalities sufficient to pay the estimated cost in excess of the grant, including funds to be granted to it by the federal government if the department ascertains that such funds are then appropriated and allocated by the federal government to projects within the state and that the projects have complied with all conditions under federal law and regulations for a grant of the nature and in the amount involved.

Sec. 3. [PRINCIPAL ARTERIAL BONDS.] Subdivision 1. For the purpose of providing money appropriated to the counties and municipalities of the state from the principal arterial highway funds authorized by section 2 for the acquisition and betterment of public land and other improvement of a capital nature needed to provide adequate principal arterial highways, in accordance with section 2, when authorized by law and requested by the commissioner of highways, the state auditor shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended for this purpose. Any act authorizing the issuance of bonds for this purpose, together with this section, constitutes complete authority for such issue, and such bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. Upon request and authorization as provided in subdivision 1 the state auditor shall sell and issue Minnesota state principal arterial bonds in the aggregate amount requested, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks within or outside the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further regulations as the auditor shall determine, subject to the approval of the attorney general, but not subject to the provisions of sections 15.0411 to 15.0422. The bonds shall be executed by the state auditor and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any appurtenant interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The state auditor shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. All expenses incidental to the sale, printing, execution,

and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the state principal arterial funds, and the amounts necessary therefor are appropriated from those funds; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

Subd. 4. The state auditor shall maintain in the state bond fund a separate bookkeeping account which shall be designated as the ~~state principal arterial bond account, to record receipts and disbursements of money transferred to the fund to pay Minnesota state principal arterial bonds and income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.~~

Subd. 5. The premium and accrued interest received on each issue of Minnesota state principal arterial bonds shall be credited to the bond account. In order to reduce the amount of taxes otherwise required to be levied, there shall also be credited to the bond account from the general fund in the state treasury, on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand therein, to pay all Minnesota state principal arterial bonds and interest thereon due and to become due to and including July 1 in the second ensuing year. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4. The state auditor and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore credited to the bond account, to pay the entire amount of principal and interest then and theretofore due and principal and interest to become due on or before July 1 in the second year thereafter on Minnesota state principal arterial bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all such bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is insufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota state principal arterial bonds, such principal and interest shall be paid out of the general fund in

*the state treasury, and the amount necessary therefor is hereby appropriated.*

**Sec. 4. [TRANSPORTATION BOND AUTHORIZATION AND APPROPRIATION.]** *The state auditor is authorized and directed, upon request of the director of the state planning agency, to issue and sell Minnesota state transportation bonds in accordance with the provisions of section 6 of this act, and Article IX, Section 6 of the Constitution, in an aggregate principal amount not to exceed \$80,000,000 which sum, or so much thereof as shall be required, is appropriated from the proceeds of the bonds to the Minnesota state transportation fund created in section 5, and shall be used, with any other money in that fund, solely for the purpose of providing money which is hereby appropriated from that fund to the director of the state planning agency for grants to subdivisions of the state, according to the definition of "subdivision" in section 5, subdivision 1, for the acquisition and betterment of public land and buildings and other public improvements of a capital nature needed to provide adequate public transportation in urban areas, in accordance with the provisions of section 5. This appropriation shall not lapse until the purpose for which it is made has been accomplished or abandoned. The amount of each grant approved for disbursement from the Minnesota state transportation fund shall be and remain appropriated for that purpose until the grant is fully disbursed or part or all thereof is revoked by the state planning agency. Grants appropriated pursuant to this section shall not exceed \$14,000,000 in any one fiscal year of the state of Minnesota.*

**Sec. 5. [MINNESOTA STATE TRANSPORTATION FUND.]**  
**Subdivision 1.** *A Minnesota state transportation fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts of the proceeds of state bonds and any other money appropriated to the fund and grants disbursed from the fund to subdivisions of the state for the acquisition and betterment of public land and buildings and other public improvements of a capital nature needed to provide adequate public transportation in urban areas, in accordance with the long range state policies and purposes defined in subdivision 2, and in accordance with standards established in regulations to be adopted by the state planning agency pursuant to law, and to be prepared in consultation with the regional development commissions and the metropolitan council established under the provisions of Minnesota Statutes, Sections 462.381 to 462.396 and Chapter 473B, referred to in this section as "regional planning agencies", and in consultation with the "subdivisions" defined and referred to in this section. "Subdivisions" referred to in this section include the metropolitan transit commission created by Minnesota Statutes, Chapter 473A, and any other public body now or hereafter given power by law or a city charter to operate public transportation facilities in any defined area, and any city, village, or borough outside the area of operation of such a public body.*

**Subd. 2.** *It is the policy of the state to assist its subdivisions in providing, so far as possible, public transportation facilities in all*



urban areas within the state by providing state funding for public transportation capital improvements. The state planning agency and regional planning agencies are directed to prepare and revise annually a program of capital grants to subdivisions for specific projects which will implement this policy. Capital costs eligible to be paid from such grants shall include all expenses of the kinds enumerated in Minnesota Statutes, Section 475.65.

Subd. 3. The state planning agency shall promulgate regulations for the administration of grants authorized to be made from the fund.

Subd. 4. The regulations of the state planning agency shall provide that a high priority shall be given to applications from subdivisions which, because of limited tax base, excessive bonded indebtedness, or critical conditions of public transportation service, would face extreme financial hardship without assistance from the state transportation fund, and to applications for systems to serve more than one municipality.

Subd. 5. Applications by subdivisions for grants from the fund shall be made through regional planning agencies to the state planning agency, on forms requiring information prescribed by the regulations of the state planning agency. The regional agency shall certify to the state planning agency those applications which appear to meet the program of capital grants and the standards and criteria set forth by the state planning agency and the regulations promulgated hereunder, and the state planning agency shall direct grants to be disbursed from the fund on the basis of the standards, criteria and priorities established in its regulations and in this section; provided that no disbursement shall be made until and unless the regional planning agency has by resolution determined the total estimated cost of the project, and ascertained that its financing is assured by the appropriation of the proceeds of bonds or other funds of the subdivision sufficient to pay the estimated cost in excess of the grant, including funds to be granted to it by the federal government if the state planning agency ascertains that such funds are then appropriated and allocated by the federal government to projects within the state and that the subdivision has complied with all conditions under federal law and regulations for a grant of the nature and in the amount involved.

Sec. 6. [MINNESOTA STATE TRANSPORTATION BONDS.] Subdivision 1. For the purpose of providing money appropriated to subdivisions of the state from the Minnesota state transportation fund for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed to provide adequate public transportation in urban areas in accordance with the provisions of section 5, when authorized by law and requested by the director of the state planning agency, the state auditor shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended for this purpose. Any act authorizing the issuance of bonds for this pur-

pose, together with this section, constitutes complete authority for such issue, and such bonds shall not be subject to restrictions of limitations contained in any other law.

Subd. 2. Upon request and authorization as provided in subdivision 1 the state auditor shall sell and issue Minnesota state transportation bonds in the aggregate amount requested, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks within or outside this state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further regulations, as the auditor shall determine, subject to the approval of the attorney general, but not subject to the provisions of sections 15.0411 to 15.0422. The bonds shall be executed by the state auditor and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any appurtenant interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The state auditor shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the state transportation fund, and the amounts necessary therefor are appropriated from that fund; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

Subd. 4. The state auditor shall maintain in the state bond fund a separate bookkeeping account which shall be designated as the state transportation bond account, to record receipts and disbursements of money transferred to the fund to pay Minnesota state transportation bonds and income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. The premium and accrued interest received on each issue of Minnesota state transportation bonds shall be credited to the bond account. In order to reduce the amount of taxes otherwise required to be levied, there shall also be credited to the bond account from the general fund in the state treasury, on November 1 in each year, a sum of money sufficient in amount, when added

to the balance then on hand therein, to pay all Minnesota state transportation bonds and interest thereon due and to become due to and including July 1 in the second ensuing year. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4. The state auditor and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore credited to the bond account, to pay the entire amount of principal and interest then and theretofore due and principal and interest to become due on or before July 1 in the second year thereafter on Minnesota state transportation bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all such bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is insufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota state transportation bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

Sec. 7. [TRUNK HIGHWAY BONDS; ISSUANCE AND SALE.] The state auditor is authorized and directed, upon request of the commissioner of highways, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and of the Minnesota Constitution, Article IX, Section 6, and Article XVI, Section 12, at such times and in such amounts as may be requested by the commissioner of highways. Bonds issued pursuant to this section are authorized in an aggregate principal amount of \$40,000,000 provided that the total aggregate principal amount of the Minnesota trunk highway bonds issued under the authority of this section or under the authority of any other law, shall not at any time exceed \$150,000,000. The proceeds of such bonds shall be appropriated to the trunk highway fund and shall be used for the purposes specified in the Minnesota Constitution, Article XVI, Section 2.

Sec. 8. Minnesota Statutes 1971, Section 473A.111, Subdivision 1, is amended to read:

473A.111 [TRANSIT TAX LEVIES.] Subdivision 1. [AMOUNT.] For the purposes of chapter 473A, and the metropolitan transit system on or after August 1 of 1971 the metropolitan transit commission may levy upon all taxable property within the

metropolitan transit taxing district, defined herein, a transit tax shall not in any year exceed the sum of the following:

(a) An amount equal to ~~2-9~~ 1.4 mills times the assessed value of all such property some or all of the proceeds of which may be used to provide for the full and timely payment of its certificates of indebtedness and other obligations of the commission to which collections of the wheelage tax and replacement property tax under Minnesota Statutes 1969, Section 473A.14, have been pledged, plus any amount needed for compliance with any final judgment of a court of competent jurisdiction requiring payment of any amount of the wheelage tax levied by the commission for 1971 and prior years; plus

(b) such additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations to which property taxes under this section have been pledged, provided that the amount of principal and interest to come due on such obligations shall not exceed \$3,000,000 in any year.

Sec. 9. [SEVERABILITY.] *The invalidity of any provision of this act shall not affect the validity of the remainder of the act.*

Sec. 10. [EFFECTIVE DATE.] *This act is effective on the day following final enactment."*

Further, amend the title in line 20 after "therewith;" and before "amending" by inserting "and authorizing the issuance of Minnesota trunk highway bonds;"; in line 21 by deleting "Sections" and inserting "Section" and in line 22 by deleting "473A.065; and"

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

House Conferees: (Signed) Irvin N. Anderson, John J. Salchert and Aubrey W. Dirlam.

Senate Conferees: (Signed) Alec G. Olson, John C. Chenoweth and William McCutcheon.

Mr. Olson, A. G. moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2444 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. 2444: A bill for an act relating to transportation; providing principal arterial highway funds for the appropriation of money to counties and municipalities of the state for the purposes of constructing and reconstructing the state's principal arterial highways, authorizing the issuance of state bonds for the purposes thereof and appropriating money in connection therewith; establishing the Minnesota state transportation fund for the appropriation of money to subdivisions of the state for public lands, buildings, and capital improvements needed for public transportation, authorizing the issuance of state bonds for the purposes of the transportation fund and appropriating money in connection there-

with; and authorizing the issuance of Minnesota trunk highway bonds; amending Minnesota Statutes 1971, Section 473A.111, Subdivision 1.

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

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

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

Mr. Bang moved that those not voting be excused from voting.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 24 and nays 33, as follows:

Those who voted in the affirmative were:

Bang	Dunn	Josefson	Nelson	Renneke
Berg	Fitzsimons	Keefe, J.	Ogdahl	Sillers
Bernhagen	Hansen, Mel	Knutson	O'Neill	Stassen
Blatz	Hanson, R.	Kowalczyk	Patton	Ueland
Chmielewski	Jensen	Krieger	Pillsbury	

Those who voted in the negative were:

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

Which motion did not prevail.

Mr. Bang moved that those not voting be excused from voting.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 25 and nays 33, as follows:

Those who voted in the affirmative were:

Bang	Fitzsimons	Josefson	Larson	Pillsbury
Berg	Frederick	Keefe, J.	Nelson	Renneke
Bernhagen	Hansen, Mel	Knutson	Ogdahl	Sillers
Blatz	Hanson, R.	Kowalczyk	O'Neill	Stassen
Dunn	Jensen	Krieger	Patton	Ueland

Those who voted in the negative were:

Anderson	Doty	Laufenburger	Olson, A. G.	Stokowski
Arnold	Gearty	Lewis	Olson, H. D.	Tennessen
Borden	Hughes	Lord	Purfeerst	Thorup
Chenoweth	Humphrey	McCutcheon	Schaaf	Wegener
Coleman	Keefe, S.	Milton	Schrom	Willet
Conzemius	Kirchner	Moe	Solon	
Davies	Kleinbaum	Olhoff	Spear	

Which motion did not prevail.

Mr. Bang moved that those not voting be excused from voting.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 23 and nays 33, as follows:

Those who voted in the affirmative were:

Bang	Fitzsimons	Keefe, J.	Nelson	Sillers
Berg	Frederick	Knutson	Ogdahl	Stassen
Bernhagen	Hanson, R.	Kowalczyk	Patton	Ueland
Blatz	Jensen	Krieger	Pillsbury	
Dunn	Josefson	Larson	Renneke	

Those who voted in the negative were:

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

Which motion did not prevail.

Mr. Olson, A. G., moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 34 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Laufenburger	Olhoft	Solon
Arnold	Gearty	Lewis	Olson, A.G.	Spear
Borden	Hughes	Lord	Olson, H. D.	Stokowski
Chenoweth	Humphrey	McCutcheon	Perpich, A. J.	Tennessen
Coleman	Keefe, S.	Moe	Perpich, G.	Thorup
Conzemius	Kirchner	North	Purfeerst	Wegener
Davies	Kleinbaum	Novak	Schaaf	

Those who voted in the negative were:

Bang	Dunn	Josefson	Milton	Renneke
Berg	Frederick	Keefe, J.	Nelson	Schrom
Bernhagen	Hansen, Baldy	Knutson	Ogdahl	Sillers
Blatz	Hansen, Mel	Kowalczyk	O'Neill	Stassen
Brown	Hanson, R.	Krieger	Patton	Ueland
Chmielewski	Jensen	Larson	Pillsbury	Willet

So the bill failed to pass.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Milton moved that the vote whereby H. F. No. 2444 failed to pass the Senate on May 19, 1973 be now reconsidered.

Mr. Coleman moved that the Senate do now adjourn until 12:00 o'clock noon, Monday, May 21, 1973. Which motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.