

ONE HUNDRED FIFTEENTH DAY

St. Paul, Minnesota, Thursday, March 28, 1974.

The Senate met at 9:30 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Conzemius	Hughes	Milton	Spear
Arnold	Davies	Humphrey	North	Stassen
Ashbach	Doty	Jensen	Olhoff	Stokowski
Bang	Dunn	Josefson	Olson, A. G.	Tennessen
Berg	Fitzsimons	Keefe, S.	Olson, J. L.	Thorup
Bernhagen	Frederick	Kirchner	O'Neill	Willet
Blatz	Gearty	Kowalczyk	Perpich, A. J.	
Borden	Hansen, Baldy	Larson	Purfeerst	
Chenoweth	Hansen, Mel	Lewis	Schrom	
Coleman	Hanson, R.	McCutcheon	Sillers	

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

RECESS

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

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

Prayer by the Chaplain.

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

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

Quorum present.

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

MEMBERS EXCUSED

Messrs. Kleinbaum, Pillsbury and Patton were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 27, 1974

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. 2161, An act relating to mobile homes; providing for licensing and bonding of manufacturers and dealers and requirements for installation of mobile homes; providing penalties; amending Minnesota Statutes 1971.

S. F. No. 2177, An act relating to welfare; prohibiting restriction of foster homes by zoning; providing for notice to affected municipalities and political subdivisions; amending Minnesota Statutes 1971, Section 257.101, by adding subdivisions.

S. F. No. 2457, An act relating to pollution control; regulating the display and distribution of certain lists setting forth the phosphorous content of certain products; amending Minnesota Statutes 1971, Section 116.28, Subdivisions 1 and 2.

S. F. No. 2515, An act relating to chattel mortgages; satisfactions; destruction of records.

S. F. No. 2661, An act relating to the Gillette hospital authority, classification of employees continuing under the authority; transfer of bequests, endowments, gifts, and personal property; reappropriating money from the site determination study to the authority; amending Minnesota Statutes, 1973 Supplement, Section 250.05, Subdivision 3, and by adding a subdivision; and Laws 1973, Chapter 540, Section 2.

S. F. No. 2668, An act relating to tax forfeited land sales; place of conducting sales in St. Louis and Koochiching counties; amending Minnesota Statutes 1971, Sections 282.01, Subdivision 4; 282.02; 282.16, Subdivision 1; and 282.222, Subdivision 1.

S. F. No. 2716, An act relating to game and fish; seasons for taking of moose; amending Minnesota Statutes 1971, Section 100.271, by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Section 100.27, Subdivision 2.

S. F. No. 2814, An act relating to courts; establishing a contingency fund for district court, fourth judicial district; appropriating money.

Sincerely,

Wendell R. Anderson, Governor

March 27, 1974

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. 2820, An act relating to McLeod county; authorizing one additional on-sale intoxicating liquor license.

S. F. No. 2871, An act relating to Chisago county; authorizing the county board to use certain feasibility studies when establishing county water, sewer, or combined water and sewer systems.

S. F. No. 2878, An act relating to intoxicating liquor; authorizing wine research by higher educational institutions; amending Minnesota Statutes 1971, Section 340.11, Subdivision 1.

S. F. No. 2971, An act relating to health maintenance organizations, regulating the details of operation; amending Minnesota Statutes, 1973 Supplement, Sections 62D.02, Subdivision 7; 62D.06, Subdivision 1; 62D.08, Subdivision 2; 62D.10, Subdivisions 2 and 4; 62D.11, Subdivision 1; 62D.12, Subdivisions 4 and 9; 62D.22, Subdivision 8; and 62D.28, Subdivision 3.

S. F. No. 2977, An act relating to the city of Minneapolis; authorizing housing and rehabilitation loan and grant program; providing for the issuance of limited general obligation bonds.

S. F. No. 2984, An act relating to workmen's compensation; excluded employments, amending Minnesota Statutes, 1973 Supplement, Section 176.041, Subdivision 1.

S. F. No. 3017, An act relating to the trunk highway system; adding a new route in substitution of an existing route.

S. F. No. 3023, An act relating to municipal industrial development; definitions; issuance of bonds; amending Minnesota Statutes, 1973 Supplement, Section 474.02, by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Section 474.06.

S. F. No. 3033, An act relating to retirement, revising the law governing the teachers retirement association and fund; amending Minnesota Statutes 1971.

S. F. No. 3046, An act relating to weeds, notice to landowners of required eradication; amending Minnesota Statutes 1971, Section 18.271, Subdivision 2.

S. F. No. 3048, An act relating to crimes and criminals; contraband articles forbidden in state institutions and county jails; penalties; amending Minnesota Statutes 1971, Sections 243.55; and 641.165.

S. F. No. 3075, An act relating to public health, establishment of community residential facilities for mentally retarded and cerebral palsied persons; authorizing counties and cities to issue bonds and lease

facilities; amending Minnesota Statutes 1971, Chapter 447, by adding a section; and amending Section 447.45.

S. F. No. 3079, An act relating to the counties of Carver and Scott; authorizing each county to designate a human services board.

S. F. No. 3129, An act relating to the state arts council; providing the lieutenant governor shall be an ex-officio member of the governing board in lieu of the governor; amending Minnesota Statutes 1971, Section 139.02.

S. F. No. 3175, An act relating to health; providing for limitations on liability of review organizations; providing for confidentiality of records of review organizations, amending Minnesota Statutes 1971, Sections 145.61, Subdivision 5, and by adding a subdivision; 145.63; and 145.64.

S. F. No. 3176, An act relating to Dakota county, authorizing certain requirements for appointees to the Dakota county planning advisory commission.

S. F. No. 3208, An act relating to the administration of public welfare, amending Minnesota Statutes, 1973 Supplement, Sections 245A.01, Subdivision 1; 245A.05, Subdivision 1; 245A.18, and Laws 1973, Chapter 650, Article XXI, Section 32.

S. F. No. 3247, An act relating to licensing and public employment; ex-criminal offenders; providing that persons shall not be disqualified from certain occupations solely because of prior criminal convictions.

S. F. No. 3276, An act relating to animals; estrays; allowing the disposal of certain animals; amending Minnesota Statutes 1971, Sections 346.215; and 346.27.

S. F. No. 3325, An act relating to public health, requiring reporting of certain information by ambulance service operators; amending Minnesota Statutes 1971, Chapter 144, by adding a section.

S. F. No. 3408, An act relating to elections; providing for the single joint vote for the governor and lieutenant governor; amending Minnesota Statutes, 1973 Supplement, Section 206.07, Subdivision 1; and Minnesota Statutes 1971, Section 206.07, by adding a subdivision.

S. F. No. 3409, An act relating to the department of corrections, the select advisory committee on corrections; authorizing the committee to submit a report on January 2, 1975; amending Laws 1973; Chapter 765, Section 3, Subdivision 1.

S. F. No. 3417, An act relating to state lands; directing conveyance of a portion of the Gillette Children's Hospital property to the city of St. Paul.

S. F. No. 3422, An act relating to Ramsey county, authorizing the board of county commissioners to issue general obligation bonds for the costs of architectural and professional services in the construction of an adult detention, and juvenile center, and security treatment facility at St. Paul-Ramsey hospital.

S. F. No. 3467, An act relating to independent school district No. 381; providing for a seventh school board member.

S. F. No. 1253, An act relating to port authorities; authorizing segregation of tax increments in industrial development districts to pay the cost of redevelopment of marginal land therein; amending Minnesota Statutes 1971, Section 458.192, Subdivision 1, and by adding subdivisions.

S. F. No. 919, An act relating to intoxicating liquor; exclusive liquor stores; entertainment; providing for elections to authorize exceeding statutory limits on the number of liquor licenses; amending Minnesota Statutes 1971, Sections 340.07, Subdivision 13; 340.11, by adding subdivisions; and 340.353, Subdivisions 1 and 5.

S. F. No. 526, An act relating to aquatic vegetation; providing authority for the commissioner of natural resources to charge a fee for permits for the destruction of harmful or undesirable aquatic vegetation; amending Minnesota Statutes 1971, Section 98.48, Subdivision 9.

S. F. No. 423, An act relating to St. Louis county; revising the composition of the county welfare board; amending Laws 1907, Chapter 222, Section 1, Subdivisions 1, 2 and 3, as amended; amending Minnesota Statutes 1971, Section 393.01, Subdivision 5.

S. F. No. 1887, An act relating to juvenile court; providing for payment by parents of attorneys fees of court-appointed counsel; amending Minnesota Statutes 1971, Section 260.251, by adding a subdivision.

S. F. No. 2004, An act relating to municipalities; providing for reimbursement for expenses incurred in the prosecution of highway patrol traffic violations; amending Minnesota Statutes 1971, Section 299D.03, Subdivision 5.

S. F. No. 2084, An act relating to public utilities; regulating the filing by certain public utilities of mortgages or deeds of trust along with instruments already required to be filed under the provisions of the uniform commercial code; amending Minnesota Statutes 1971, Chapter 300, by adding a section.

Sincerely,
Wendell R. Anderson, Governor

March 27, 1974

Mr. Patrick E. Flahaven
Secretary of the Senate

Sir:

Upon your request dated March 27, 1974, I am hereby returning S. F. No. 3064 and S. F. No. 2477.

Sincerely,
Wendell R. Anderson, Governor

Mr. Solon moved that S. F. No. 3064 be laid on the table. The motion prevailed.

Pursuant to Mr. Arnold's motion on March 27, 1974, S. F. No. 2477 was returned to the House for further consideration.

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

The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1974 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 1974	Date Filed 1974
2558		238	March 26, 1974	March 26, 1974
2015		239	March 26, 1974	March 26, 1974
2136		240	March 26, 1974	March 26, 1974
2252		241	March 26, 1974	March 26, 1974
2264		242	March 26, 1974	March 26, 1974
2332		243	March 26, 1974	March 26, 1974
2875		244	March 26, 1974	March 26, 1974
3009		245	March 26, 1974	March 26, 1974
3115		246	March 26, 1974	March 26, 1974
3119		247	March 26, 1974	March 26, 1974
3212		248	March 26, 1974	March 26, 1974
3406		249	March 26, 1974	March 26, 1974
	818	250	March 26, 1974	March 26, 1974
	1409	251	March 26, 1974	March 26, 1974
	1489	252	March 26, 1974	March 26, 1974
	2517	253	March 26, 1974	March 26, 1974
	2554	254	March 26, 1974	March 26, 1974
	2588	255	March 26, 1974	March 26, 1974
	2699	256	March 26, 1974	March 26, 1974
	2883	257	March 26, 1974	March 26, 1974
	2967	258	March 26, 1974	March 26, 1974
	3276	259	March 26, 1974	March 26, 1974
	3279	260	March 26, 1974	March 26, 1974
	3289	261	March 26, 1974	March 26, 1974
	3321	262	March 26, 1974	March 26, 1974
	3328	263	March 26, 1974	March 26, 1974
	3395	264	March 26, 1974	March 26, 1974
	3422	265	March 26, 1974	March 26, 1974

Sincerely,
Arlen Erdahl
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 530:

H. F. No. 530: A bill for an act relating to wild animals; designating timber wolves as big game animals and prescribing powers and duties of the commissioner of natural resources in relation thereto; amending Minnesota Statutes 1971, Section 97.40, Subdivision 8; 98.46, Subdivisions 2, 4 and 14; 99.25, Subdivision 7; 100.26, Subdivision 1; 100.27, Subdivision 9; and 100.29, Subdivision 14.

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

Vento, Carlson, D. and Munger have been appointed as such committee on the part of the House.

House File No. 530 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 March 27, 1974

Mr. Chenoweth moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 530, 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. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2186:

H. F. No. 2186: A bill for an act relating to the city of Alexandria; and the townships of Alexandria, Carlos, Hudson, and La Grand in the county of Douglas; sanitary sewer board membership and operation in Alexandria Lake area sanitary district; amending Laws 1971, Chapter 869, Section 4, Subdivision 1.

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

Fjoslien, Larson and Patton have been appointed as such committee on the part of the House.

House File No. 2186 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 March 18, 1974

Mr. Olhoft moved that H. F. No. 2186 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended that S. F. No. 3342, No. 16 on General Orders, be made a Special Order for immediate consideration. The motion prevailed.

SPECIAL ORDER

S. F. No. 3342: A bill for an act relating to the joint coordinating committee; prescribing powers and duties; amending Minnesota Statutes, 1973 Supplement, Section 3.304, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1728

A bill for an act relating to garnishment, state employees; amending Minnesota Statutes 1971, Section 571.46.

March 27, 1974

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. 1728, 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. 1728 be amended as follows:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 1971, Chapter 550, is amended by adding a section to read:

[550.041] [EXECUTION OF SMALL MONEY JUDGMENTS ON DEBTS.] *When a judgment creditor proposes to make execution on a judgment debt of not more than \$2,500 from money owed to the judgment debtor by a third party, the execution may be made by the attorney for the judgment creditor or sheriff through a registered or certified letter to the third party containing the information prescribed by section 550.14. Upon receipt, the third party shall remit as much of the amount due under section 550.04 as his own debt equals to the sheriff or attorney who shall proceed in all other respects like the sheriff making a similar execution. The attorney shall be allowed no costs from any party other than the judgment creditor for execution in accordance with this section."*

Page 1, line 13, strike "*commissioner*"

Page 1, line 13, strike "*or other*"

Page 1, line 15, strike "*commissioner , or other*"

Page 1, line 21, strike "*commissioner*" and insert in lieu "*head of the department or agency*"

Renumber the remaining section.

Further, amend the title, line 2, after "*employees;*" insert "*and executions;*"

In line 3, after "*1971,*" insert "*Chapter 550, by adding a section; and*"

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

Senate Conferees: (Signed) Jack Davies, James Lord, Howard A. Knutson

House Conferees: (Signed) Ray W. Faricy, William R. Ojala, Robert W. Johnson

Mr. Davies moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1728 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 1728: A bill for an act relating to garnishment, state employees; amending Minnesota Statutes 1971, Section 571.46.

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

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

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3580

A bill for an act relating to the organization, operation, and financing of state government; establishing a learning center; authorizing the acquisition of certain lands by gift, purchase or condemnation; the making of certain parking contracts; the fixing of certain salaries; the purchase of supplies, materials and equipment on an emergency basis and the reimbursement, appropriating and reappropriating of certain funds; amending Minnesota Statutes 1971, Sections 16.07, by adding a subdivision; 176.611, by adding a subdivision; 271.01, Subdivision 4a; Chapters 4, by adding a section; 176, by adding sections; Minnesota Statutes, 1973 Supplement, Sections 15A.083, by adding a subdivision; 82.34, Subdivision 15; 176.131, Subdivision 10; 176.183, Subdivision 2; Extra Session Laws 1971, Chapter 32, Section 9, Subdivision 7; and Laws 1973, Chapters 595, Sections 1 and 2; 720, Section 31, Subdivision 2; repealing Minnesota Statutes 1971, Section 176.611, Subdivisions 5 and 6; Minnesota Statutes, 1973 Supplement, Section 176.601.

March 27, 1974

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. 3580, report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

“Section 1. The sum of \$177,360 appropriated from the general fund for the legislative service commission by Laws 1973, Chapter 720, Section 2, Subdivision 3, is cancelled.

Sec. 2. There is hereby transferred from the appropriation to the commissioner of administration made in Laws 1973, Chapter 778, Section 6, Subdivision 1, Clause (3) for capitol complex building and remodeling the sum of \$19,500 to the house of representatives, salaries, supplies and expense account for the fiscal year 1973-1974. Such sum is hereby appropriated.

Sec. 3. The appropriations made in Laws 1973, Chapter 720, Section 13, Subdivision 3, and in Laws 1973, Chapter 720, Section 20, Subdivision 3, shall not cancel on June 30, 1974, but shall be available for expenditure until June 30, 1975.

Sec. 4. There is appropriated to the state boxing commission from the general fund the sum of \$5,000, or so much thereof as may be required, for the purpose of carrying out the duties of the commission during the fiscal year commencing July 1, 1974 and ending June 30, 1975. Funds appropriated by this section are in addition to any other funds appropriated by law.

Sec. 5. Minnesota Statutes, 1973 Supplement, Section 82.34, Subdivision 15, is amended to read:

Subd. 15. Any sums received by the commissioner pursuant to any provisions of this section shall be deposited in the state treasury, and credited to the real estate education, research and recovery fund, and said sums shall be allocated exclusively for the purposes provided in this section. *All moneys in the fund are appropriated annually to the commissioner for the purposes of this section.*

Sec. 6. Notwithstanding the provisions of Laws 1973, Chapter 720, Section 43, Subdivision 14, or any other law to the contrary there is appropriated to the Arrowhead regional development commission from the natural resource federal reimbursement account the sum of \$50,000 for the development of a water quality management plan for the Lake Superior basin.

Sec. 7. There is appropriated from the general fund to the joint coordinating committee for the legislative reference library the sum of \$216,350 for the biennium ending June 30, 1975.

Sec. 8. [TRANSFER OF FUNDS, COMMISSIONER OF FINANCE.] The commissioner of finance shall transfer to the general fund the sum of \$32,285.47 from the state airports fund to reimburse the general fund for the appropriation made in Laws 1973, Chapter 300, Section 2, Subdivision 21.

Sec. 9. The appropriation to the department of natural resources made in Laws 1971, Extra Session Chapter 3, Section 48, Subdivision 6 (f) (4), Bonanza Valley deep water survey \$15,000 for the biennium 1971-1973, is hereby reappropriated to the department of natural resources for the same purpose for the biennium ending June 30, 1975.

Sec. 10. There is appropriated to the department of agriculture from the general fund \$35,000 for the fiscal year ending June 30, 1974 and \$35,000 for the fiscal year ending June 30, 1975 for crop and livestock statistical reporting. Such amounts to be added to the appropriations made by Laws 1973, Chapter 720, Section 33.

Publications resulting from the reporting of crop and livestock statistics and not required by the department for its own use and the use of public agencies shall be sold and distributed by the documents section of the department of administration.

Sec. 11. Any unexpected balance not to exceed \$5,000 remaining on June 30, 1974 from the appropriation made in Laws 1973, Chapter 720, Section 16, Subdivision 2, shall not cancel but shall be made available for expenditure in fiscal year 1974-1975.

Sec. 12. There is appropriated to the supreme court from the general fund the sum of \$70,000 for the biennium ending June 30, 1975 for the purchase of furniture and equipment for the remodeled supreme court quarters.

Sec. 13. There is appropriated from the general fund to the university of Minnesota for fiscal year 1974-1975 the sum of

\$62,000 which is to be added to the appropriation for that year made in Laws 1973, Chapter 768, Section 11, Subdivision 1.

Sec. 14. Minnesota Statutes 1971, Section 176.611, Subdivisions 5 and 6, are repealed.

Sec. 15. Minnesota Statutes 1971, Section 176.611, is amended by adding a subdivision to read:

Subd. 6a. There is hereby appropriated from the general fund in the state treasury to the state compensation revolving fund the sum of \$435,000 to be used to pay claims of employees of the state. This appropriation together with the sum of \$74,013.12 heretofore appropriated from the trunk highway fund and \$1,960,986.88 heretofore appropriated from the general fund totals \$2,470,000 and constitutes the revolving fund.

Sec. 16. There is appropriated from the general fund, the sum of \$98,000 to the state planning agency for fiscal year 1974-1975 to be added to the appropriation made in Laws 1973, Chapter 720, Section 4, Subdivision 1, for grant administration of Lawcon, Hud, and natural resources acceleration funds.

Sec. 17. There is appropriated from the general fund, the sum of \$300,000 to the department of agriculture, livestock and grain account for the fiscal year ending June 30, 1974 for grain inspection services. This appropriation shall be added to the appropriation for fiscal year 1974 made in Laws 1973, Chapter 720, Section 33.

Sec. 18. There is appropriated from the general fund the sum of \$100,000 to the general contingent account. This appropriation shall be added to the appropriation for fiscal year 1974 made in Laws 1973, Chapter 720, Section 2, Subdivision 9.

Sec. 19. There is appropriated from the general fund for fiscal year 1973-1974 the sum of \$180,224 to the attorney general for the Minnesota peace officers training board — reimbursements to local government. This is in addition to the appropriation of \$100,000 in fiscal year 1971-1972 made by Laws 1971, Extra Session Chapter 3, Section 12, Subdivision 4 (c). This appropriation and moneys heretofore appropriated shall cancel to the general fund on June 30, 1974.

Sec. 20. There is appropriated to the department of commerce from the general fund for fiscal year 1974-1975 the sum of \$20,000 for the administration of "no fault" insurance.

Sec. 21. Minnesota Statutes, 1973 Supplement, Section 176.131, Subdivision 10, is amended to read:

Subd. 10. The special compensation fund is created for the purposes provided in this chapter in the following manner:

(1) In every case of death of an employee resulting from personal injury arising out of and in the course of his employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the commissioner of the department of labor and industry the sum of \$5,000

for the benefit of the special compensation fund; in every case of death of an employee resulting from personal injury arising out of and in the course of his employment where there are no persons entitled to at least \$5,000 in monetary benefits of dependency compensation, the employer shall pay to the commissioner of the department of labor and industry for the benefit of the special compensation fund the difference between the amounts actually paid for such dependency benefits and \$5,000; but in no event shall the employer pay the commissioner of the department of labor and industry less than \$1,000;

(2) When an employee shall suffer personal injury which results in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability or death and which entitles him or dependents to compensation under sections 176.101 or 176.111, the employer shall in addition to compensation provided therein, pay to the commissioner of the department of labor and industry for the benefit of the special compensation fund a lump sum without interest deduction equal to seven percent of such total compensation, as soon as the amount payable for the particular injury is determined, or arrived at by agreement of the parties and such amount is approved by the commissioner of the department of labor and industry.

The provisions of clause (1) and clause (2) of this subdivision shall apply to all workmen's compensation payments, exclusive of medical costs, paid under sections 176.101 and 176.111 for all injuries or death occurring on or after June 1, 1971.

Personal injuries that occurred prior to June 1, 1971 shall be assessed at the rate in effect on the date of occurrence.

The seven percent of the total compensation required to be paid by the employer to the commissioner of the department of labor and industry for the benefit of the special compensation fund as provided in clause (2) of this subdivision shall remain fixed at said seven percent for the period from June 1, 1971, to June 1, 1972. Effective June 1, 1972, and thereafter on June 1, of each subsequent year, the rate shall be adjusted on the following basis: if the balance in the special compensation fund as of April 30 in any year is below \$1,000,000, the rate of payment shall be increased by two percent over the then prevailing rate. If the balance is at least \$1,000,000 but below \$1,500,000, the rate will be increased by one percent. If the balance is at least \$1,500,000 but below \$2,000,000, there shall be no change. If the balance is at least \$2,000,000 but less than \$2,500,000, the rate shall be decreased by one percent. If the balance is at least \$2,500,000, the rate shall be decreased by two percent.

Such sums as are paid to the commissioner of the department of labor and industry pursuant to the provisions hereof, shall be by it deposited with the state treasurer for the benefit of the special compensation fund and be used to pay the benefits provided by chapter 176. All money heretofore arising from the provisions of this section or similar law shall be transferred to this special compensation fund.

The state treasurer shall be the custodian of this special fund and the workmen's compensation division and the workmen's compensation commission in cases before it shall direct the distribution thereof, the same to be paid as other payments of compensation are paid. In case deposit is or has been made under the provisions of clause (1) and dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) by mistake or inadvertence, or under such circumstances that justice requires a refund thereof, the state treasurer is hereby authorized to refund such deposit under order of the workmen's compensation division or the workmen's compensation commission. There is appropriated to the persons entitled to such refunds from the fund an amount sufficient to make the refund and payment.

Costs within the department of labor and industry for the accounting and legal procedures necessary for administration of the programs financed by the special compensation fund shall ~~come from the fund during each biennium commencing July 1, 1971 with the special compensation fund being reimbursed from general fund in the next regular session of the legislature be paid from the moneys biennially appropriated to the department and not from the special compensation fund.~~

Sec. 22. Minnesota Statutes, 1973 Supplement, Section 176.183, Subdivision 2, is amended to read:

Subd. 2. Upon a warrant prepared by the commissioner of the department of labor and industry and approved by the commissioner of finance, and in accordance with the terms of the order awarding compensation, the state treasurer shall pay compensation to the employee or his dependent from the special compensation fund. The commissioner of the department of labor and industry shall certify to the state treasurer and to the legislature at the end of each biennium the total amount of compensation paid from the special compensation fund under subdivisions 1 and 1a ; ~~including the necessary expenses and salary which the attorney general incurs in investigating, defending and in maintaining any cause of action against any employer.~~ The state treasurer shall upon proper certification reimburse the special compensation fund from the general fund the total amount certified as paid under this section, and the funds required for the purpose of making such reimbursement are hereby annually appropriated.

Sec. 23. There is appropriated to the commissioner of labor and industry from the general fund for fiscal year 1974-1975 the sum of \$120,000 for administration of programs financed by the special compensation fund.

Sec. 24. There is appropriated to the commissioner of personnel for the job clarification program from the general fund for fiscal year 1974-1975, the sum of \$75,439 to be added to the appropriation made in Laws 1973, Chapter 720, Section 23, Subdivision 1, and the sum of \$7,500 to be added to the appropriation made in Laws 1973, Chapter 720, Section 23, Subdivision 2.

The complement of the department of personnel is increased in fiscal year 1974-1975 from 64 to 71.

Sec. 25. There is appropriated to the board of investment from the general fund the sum of \$21,000 for fiscal year 1973-1974 and the sum of \$140,000 for fiscal year 1974-1975. These are to be added to the appropriations made in Laws 1973, Chapter 720, Section 21, Subdivision 1.

The complement of the investment board is increased to 20 for fiscal year 1974 and 22 for fiscal year 1975.

Sec. 26. There is appropriated to the governor the sum of \$40,000 from the general fund for the biennium ending June 30, 1975, for the purpose of hosting the 1974 Midwest governor's conference.

Sec. 27. Laws 1973, Chapter 595, Section 1, is amended to read:

Section 1. [DOVER, EYOTA AND ST. CHARLES AREA SANITARY DISTRICT; ADVANCE OF STATE FUNDS.] At any time after the organization of the sanitary sewer board of the Dover, Eyota and St. Charles area sanitary district as may be provided for by law, the ~~state auditor~~ *commissioner of finance*, at the request of the board, shall advance to the board for its use in accordance with the purposes specified in section 2, the sum of \$100,000 from moneys on hand in the general fund of the state and not needed for use on or before January 1, ~~1975~~ 1976, and such amount is appropriated for this purpose.

Sec. 28. Laws 1973, Chapter 595, Section 2, is amended to read:

Sec. 2. [USE OF FUNDS; REPAYMENT.] The money so advanced shall be used by the sanitary sewer board to carry out its powers and duties to provide for the collection, treatment and disposal of sewage in the Dover, Eyota and St. Charles area sanitary sewer district. The board shall include all expenditures made or to be made from the moneys advanced under section 1 in its 1973 and 1974 budget. All moneys so advanced shall be repaid by the board to the ~~state auditor~~ *commissioner of finance* on or before January 1, ~~1975~~ 1976, with interest from the date of the advance to the date of repayment at the rate of six percent per annum, for deposit in the general fund.

Sec. 29. Extra Session Laws 1971, Chapter 32, Section 9, Subdivision 7, is amended to read:

Subd. 7. [APPROPRIATION.] There is annually appropriated to the ~~commissioner of administration~~ *personnel board* from the general fund \$10,000 per fiscal year to carry out the functions of the ~~compensation review~~ *personnel board under the provisions of section 9*. Funds not expended in the first year of a biennium shall not cancel but shall be available in the second year of the biennium. *This appropriation shall expire June 30, 1975.*

Sec. 30. Minnesota Statutes, 1973 Supplement, Section 176.601, is repealed.

Sec. 31. Minnesota Statutes 1971, Chapter 176, is amended by adding a section to read:

[176.602] *The state treasurer shall only pay from the state com-*

pensation revolving fund the awards of compensation and the expenses of other benefits to an employee or his dependent.

Sec. 32. Minnesota Statutes 1971, Chapter 176, is amended by adding a section to read:

[176.603] *The annual cost to the commissioner of the department of labor and industry of administering this chapter in relation to state employees and the necessary expenses which the department of labor and industry or the attorney general incurs in investigating and defending a claim against the state for compensation shall be paid from the moneys biennially appropriated to the department and not from the state compensation revolving fund.*

Sec. 33. There is appropriated to the commissioner of labor and industry from the general fund for fiscal year 1974-75 the sum of \$80,000 for administration of the program financed by the state compensation revolving fund. The complement of the department of labor and industry is increased by 17 positions.

Sec. 34. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.98] [FISCAL NOTES.] *Subdivision 1. The head or chief administrative officer of each department or agency of the state government shall prepare a fiscal note at the request of the chairman of the standing committee to which a bill has been referred, or the chairman of the house appropriations committee, or the chairman of the senate committee on finance.*

Subd. 2. The fiscal note, where possible, shall: (1) cite the effect in dollar amounts; (2) cite the statutory provisions affected; (3) estimate the increase or decrease in revenues or expenditures; (4) include the costs which may be absorbed without additional funds; and (5) specify the long range implication if any. The fiscal note may comment on technical or mechanical defects in the bill but shall express no opinions concerning the merits of the proposal.

Subd. 3. A copy of the fiscal note shall be delivered to the chairman of the committee of appropriations of the house of representatives, the chairman of the committee of finance of the senate, the chairman of the standing committee to which the bill has been referred, to the chief author of the bill and to the commissioner of administration.

Subd. 4. The commissioner of administration shall prescribe a uniform procedure to govern the departments and agencies of the state in complying with the requirements of this section.

Sec. 35. Minnesota Statutes, 1973 Supplement, Section 15A.083, is amended by adding a subdivision to read:

Subd. 4. Tax court

Salaries of members of the tax court \$10,500

Sec. 36. Minnesota Statutes 1971, Section 271.01, Subdivision 4a, is amended to read:

Subd. 4a. Each member of the tax court shall receive as full compensation for time spent in the performance of his duties ; the sum of \$9,000 per year. He shall also receive his actual and necessary expenses paid or incurred in the performance of his duties as provided in Minnesota Statutes, 1973 Supplement, Section 15A.211.

Sec. 37. There is appropriated from the general fund to the tax court for the period beginning April 1, 1974 and ending June 30, 1975, the sum of \$5,625. This sum is to be added to the appropriation provided in Laws 1973, Chapter 720, Section 12, Subdivision 1.

Sec. 38. The appropriation made in Laws 1973, Chapter 620, Section 7 shall not cancel on June 30, 1974, but shall be available for expenditure until June 30, 1975.

Sec. 39. The sum of \$440,000 is appropriated from the general fund to the department of administration for the purpose of preventive maintenance in the capitol complex. This appropriation shall be for the biennium ending June 30, 1975.

Sec. 40. The sum of \$110,000 is appropriated from the general fund to the department of administration for the purchase of fuel for the capitol complex. This appropriation shall be added to the appropriation for the period ending June 30, 1974 made in Laws 1973, Chapter 720, Section 20, Subdivision 1.

Sec. 41. The sum of \$200,000 is appropriated from the general fund to the department of finance for the fiscal year ending June 30, 1974 to complete the implementation of the statewide accounting system.

Sec. 42. Minnesota Statutes 1971, Section 16.07, is amended by adding a subdivision to read:

Subd. 15. In recognition of the state's current energy crisis, the commissioner of administration, until July 1, 1977, and with the approval of the executive council, may annually establish by regulation categories of supplies, materials, equipment or services which may be purchased in the open market, provided that the commissioner shall first conduct investigations and certify to the executive council that he cannot obtain competitive bids therefor. Regulations promulgated pursuant to this act shall not be subject to the administrative procedure act. The executive council may withdraw its approval of any such category or commodity therein at any time and thereupon purchases thereof shall be made in the manner otherwise provided by law.

Sec. 43. Minnesota Statutes, 1973 Supplement, Section 16.15, Subdivision 1, is amended to read:

16.15 [BUDGET SUBMITTED TO LEGISLATURE.] Subdivision 1. [WHEN TO BE SUBMITTED.] The governor shall, within three weeks after the first Monday in January in each odd-numbered year, submit the budget to the legislature. *It shall include recommendations as to capital expenditure.* The budget shall include two parts.

Sec. 44. [16.874] After July 30, 1974, the Fort Snelling Chapel,

located within the boundaries of Fort Snelling State Park, shall not be available for use except upon the payment of a rental fee. The commissioner of administration shall establish rental fees for both public and private use. The rental fee for private use by any organizations or individual shall reflect the reasonable value of equivalent rental space. Rental fees collected pursuant to this section shall be deposited in the general fund.

Sec. 45. [PUBLIC POLICY.] Subdivision 1. The legislature of the state of Minnesota hereby declares that it is an important purpose and function of state government to preserve the people's appreciation of the heritage of the state and to promote and enrich their knowledge and understanding of the government and political tradition of the state; and that there is an urgent need to further these goals by: supporting research; developing resource materials and workshops for public and nonpublic high school students, college interns, and teachers; and utilizing the unique talents and experience of the members of the legislative, executive and judicial branches of the state government.

Subd. 2. [MINNESOTA HISTORY AND GOVERNMENT LEARNING CENTER.] (a) There is hereby established a Minnesota history and government learning center.

(b) The center shall be co-sponsored by the Minnesota historical society, the Minnesota state college board and the Minnesota state board of education.

(c) The headquarters of the center shall be the Minnesota historical society.

(d) The director of the Minnesota historical society shall appoint the administrator of the center after consultation with the executive council of the Minnesota historical society, the chancellor of the state college board and the commissioner of education.

(e) High school and college students selected for workshops sponsored by the center shall be apportioned evenly among the legislative districts of the state.

Subd. 3. [APPROPRIATION.] There is hereby appropriated to the Minnesota historical society the sum of \$50,000 from the general fund to carry out the purposes of this section.

Sec. 46. Notwithstanding the provisions of Laws 1973, Chapter 718, Section 10 or any other law to the contrary, the commissioner of highways is authorized to acquire by gift, purchase or condemnation proceeding a building and land at Wells, Minnesota to be used for field maintenance. Moneys for the purchases shall come from the appropriation made in section 10 of the before mentioned laws.

Sec. 47. Notwithstanding any other law to the contrary, the commissioner of administration shall, effective July 1, 1974 or as soon thereafter as practicable, charge state employees for any parking facilities which are used by them and furnished for their use pursuant to any lease entered into between the state of Minnesota and the lessor of any privately owned property situated in the seven county metropolitan area.

Sec. 48. There is appropriated to the state planning agency from the general fund the sum of \$246,000 for the biennium ending June 30, 1975. This amount is to be added to the appropriation made in Laws 1973, Chapter 342, Section 9, for the operation of the environmental quality council.

Sec. 49. There is appropriated to the commissioner of agriculture from the general fund the sum of \$30,000 for the fiscal year ending June 30, 1974 and \$30,000 for the fiscal year ending June 30, 1975 for the purpose of paying rent. These amounts are to be added to the appropriations made in Laws 1973, Chapter 720, Section 33.

Sec. 50. There is appropriated to the traffic safety contingent account from the trunk highway fund the sum of \$250,000 for the biennium ending June 30, 1975. This amount is to be added to the appropriation made in Laws 1973, Chapter 720, Section 2, Subdivision 14.

Sec. 51. There is appropriated to the commissioner of highways from the trunk highway fund the sum of \$235,000. This amount is to be added to the appropriation made in Laws 1973, Chapter 718, Section 10, for buildings and improvements.

Sec. 52. Laws 1973, Chapter 720, Section 31, Subdivision 2, is amended to read:

Subd. 2. Advertising and publications.

1974.....	\$300,000.	1975.....	\$300,000.
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Not more than \$15,000 each year may be expended *through contract or by state employees* for promotional expense.

Sec. 53. There is appropriated to the criminal justice contingent account from the general fund the sum of \$133,068 for the biennium ending June 30, 1975. This amount is to be added to the appropriation made in Laws 1973, Chapter 720, Section 2.

Sec. 54. There is appropriated from the general fund to the university of Minnesota the sum of \$403,935 for maintenance and operations for the fiscal year ending June 30, 1974 and \$125,000 for general research for the fiscal year ending June 30, 1975. These appropriations are in addition to those made by Laws 1973, Chapter 768, Sections 4, Subdivision 1; and 11, Subdivision 6, respectively.

Sec. 55. All powers, duties, and responsibilities of the state auditor with respect to state bonds, except those conferred by the constitution, have been transferred to the commissioner of finance as successor to the state auditor by Laws 1973, Chapter 492. Whenever in any law adopted by the 68th legislature any such powers, duties, or responsibilities are stated to be conferred or imposed upon the state auditor, they shall be deemed to be conferred and imposed upon the commissioner of finance.

Sec. 56. Notwithstanding any provision of law to the contrary, the commissioner of administration shall not approve any contract for cleaning or food services in or for state buildings until June 30, 1975 which will result in the layoff or termination of employees in the classified service.

Sec. 57. Subdivision 1. The director of the state planning agency shall conduct or cause to be conducted within state government studies of the transportation of grain: (1) from northwestern Minnesota to Duluth, Minnesota and (2) from Minneapolis to the gulf of Mexico region. The studies shall examine the feasibility and advantages or disadvantages of all possible methods of transportation including barge transportation on the Mississippi river of such grain. The director shall report to the legislature the results of his study no later than December 31, 1974.

Subd. 2. [APPROPRIATION.] The sum of \$25,000 is appropriated from the general fund to the state planning agency for the biennium ending June 30, 1975 for the purposes of this act.

Sec. 58. Minnesota Statutes 1971, Section 268.071, is amended by adding a subdivision to read:

Subd. 7. If the Federal-State Extended Unemployment Compensation Act of 1970 is amended so as to authorize this state to pay benefits for an extended benefit period in a manner other than that currently provided by this section, then, and in such case, all the terms and conditions contained in the amended provisions of such federal law shall become a part of this section to the extent necessary to authorize the payment of benefits to eligible individuals as permitted under such amended provision.

Sec. 59. In order to reimburse the city of Staples for the loss of gross earnings aids for the year 1973 as a result of the use of an inadequate valuation formula, the sum of \$12,730 is appropriated to the city of Staples from the general fund in the state treasury.

Sec. 60. Minnesota Statutes 1971, Section 145.123, Subdivision 1, is amended to read:

145.123 [PUBLIC HEALTH AND HOME HEALTH SERVICES.] Subdivision 1. [CHARGING OF FEES.] The county board of any county providing public health and home health services under Minnesota Statutes, Sections 145.08 and 145.12, and the governing body of a nursing district formed under section 145.08, subdivision 3, may charge and collect fees for such health services furnished to ill or disabled persons within the county or the nursing district. Payment, in whole or in part, for such services may be accepted from any person. Payment of any charges due may be billed to and accepted either from a local, county, state or federal public assistance agency or any combination thereof; or from any individual, governmental agency, or corporation, public or private, when such services are provided any person, including but not limited to a recipient of any type of social security aids administered by the federal or state governments, or a recipient of direct relief.

Sec. 61. The state department of corrections, upon the request of the Reverend Francis J. Miller Memorial Foundation, Incorporated, is empowered and directed to return to said foundation the unexpended balance of moneys heretofore given to the state as a gift by said foundation for the purpose of constructing a memorial chapel at the Minnesota state prison, Stillwater, Minnesota. Such

moneys as are necessary to carry out the provisions of this section are hereby appropriated to the state department of corrections.

Sec. 62. The appropriation contained in Laws 1973, Chapter 778, Section 6, Subdivision 1, Clause (9) may also be expended by the commissioner of administration to remodel and improve the state owned property located at 671 North Robert Street, St. Paul, Minnesota.

Sec. 63. Minnesota Statutes, 1973 Supplement, Section 1.36, Subdivision 1, is amended to read:

1.36 [COMPENSATION AND REIMBURSEMENT FOR EXPENSES.] Subdivision 1. Members of the commission ~~and members of the advisory committee~~ shall serve without compensation, but the actual and necessary expenses incurred by any member thereof in the performance of his duties shall be reimbursed from the appropriations made for the support of the commission by the state of Minnesota.

Sec. 64. [WORTHINGTON, CITY OF; APPROPRIATION FOR SPECIAL ASSESSMENTS.] The sum of \$2,088.74 is appropriated from the general fund to the city of Worthington to pay special assessments levied against Worthington community college for street improvements on streets abutting its property.

Sec. 65. The sum of \$200,000 is appropriated from the general fund to the governor for the purpose of distributing to the Minnesota American revolution bicentennial commission to match federal funds to be given to the commission by the national bicentennial commission, for the biennium ending June 30, 1975.

Sec. 66. Subdivision 1. [SHADE TREE DISEASE CONTROL.] As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver. (b) "Commissioner" means the commissioner of agriculture. (c) "Municipality" means any city or any town exercising municipal powers pursuant to Minnesota Statutes, Section 368.01, or any general or special law, located in the metropolitan area or any special park district as organized under Minnesota Statutes, Chapter 398, or any special purpose park district organized under the city charter of a city of the first class located in the metropolitan area, or any portion of a county in such metropolitan area located outside the geographic boundaries of a city or town exercising municipal powers and any municipality located outside the metropolitan area which petitions to and has consent of the commissioner to come within the provisions of this section.

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt and from time to time may amend, rules and regulations relating to shade tree disease control in the metropolitan area in accordance with Minnesota Statutes, Sections 15.0411 to 15.0422.

Such rules and regulations shall prescribe control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) a definition of shade tree, (b) qualifications for tree inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the treatment and removal of any shade tree which may contribute to the spread of shade tree disease, and (f) such other matters as shall be determined to be necessary by the commissioner to prevent the spread of shade tree disease and enforce the provisions of this section. In accordance with the rules and regulations adopted by the commissioner, and reasonable notice of inspection having been given to the owner of the real property, diseased shade trees shall be removed or treated by the owner of the real property on which such diseased shade trees are located within a period of time as may be established by the commissioner. In the case of the expense of removing or treating diseased shade trees located on street terraces or boulevards, not more than 50 percent of such expense may be assessed to the abutting properties by the municipality which expense shall become a lien on the property. Trees which are not removed or treated shall be declared a public nuisance and removed by the municipality which may assess the total expense or any part thereof to the property which expense shall become a lien on the property.

Subd. 3. The rules and regulations of the commissioner shall apply in a municipality unless the municipality adopts an ordinance which is determined by the commissioner to be more stringent than the rules and regulations of the commissioner. The rules and regulations of the commissioner or the more stringent ordinance of the municipality shall be in effect 60 days from the effective date of this section.

Subd. 4. (a) A municipality may provide subsidies to private property owners for the treatment or removal of diseased shade trees provided, however, that the cost to the municipality for providing such subsidies shall be within the limitations set forth in Minnesota Statutes, 1973 Supplement, Sections 275.50 to 275.56.

(b) Notwithstanding any law to the contrary, an owner of property on which shade trees are located may contract with a municipality to provide protection against the cost of treatment or removal of diseased shade trees or shade trees that will contribute to the spread of shade tree diseases. Under such contracts, the municipality shall pay for the removal or treatment under such terms and conditions as may be determined by the governing body of the municipality.

Subd. 5. (a) [TREE INSPECTOR.] Within 75 days from the effective date of this act, the governing body of each municipality shall appoint a qualified person to administer the rules and regulations of the commissioner or the more stringent shade tree disease control ordinance who shall be known as the tree inspector. In accordance with the provisions of Minnesota Statutes, 1973 Supplement, Section 471.59, two or more municipalities may jointly appoint a tree inspector for the purpose of administering the regulations or ordinance within their communities. In those municipalities which have not appointed a tree inspector upon the expiration of 75 days from the effective date of this section, the commissioner may appoint a tree inspector to serve the municipality until the municipality has made an appointment. If

the commissioner is unable to make such appointment he may assign a qualified employee of the department of agriculture to perform the duties of the tree inspector. The expense of a tree inspector appointed by the commissioner shall be paid by the municipality. If an employee of the department of agriculture performs such duties the expense shall be billed to the municipality and paid into the state treasury and credited to the general fund.

(b) Upon a determination by the commissioner that a candidate for the position of the inspector is qualified, he shall issue a certificate to the tree inspector that he is so qualified. Any person certified as a tree inspector by the commissioner is authorized upon prior notification to enter and inspect any public or private property which might harbor diseased shade trees.

(c) [DECERTIFICATION.] The commissioner may upon notice and hearing, decertify any tree inspector when it appears to him that said tree inspector has failed to act competently or in the public interest in the performance of his duties. Such notice shall be provided and the hearing conducted in accordance with the provisions of Minnesota Statutes, Chapter 15, governing contested case proceedings. Nothing in this clause shall limit or otherwise affect the authority of a municipality to dismiss or suspend a tree inspector at its discretion; except as otherwise provided by law.

Subd. 6. [TAX LEVIES.] Except as provided in subdivision 4, the costs to a municipality implementing this act including removal or treatment of trees from municipally or privately owned property shall be deemed a "special levy" and may be outside all existing tax levy limitations including those contained in Minnesota Statutes, 1973 Supplement, Sections 275.50 to 275.56.

Subd. 7. [FINANCING.] (a) A municipality may collect the amount assessed against the property as a special assessment and may issue obligations as provided in Minnesota Statutes, 1973 Supplement, Section 429.101, Subdivision 1, provided that a municipality as its option make any assessment levied payable with interest in installments not to exceed five years from the date of the assessment.

(b) After a contract for the removal or treatment of trees on private property has been let, or the work commenced, the municipality may issue obligations to defray the expense of any such work financed by special assessments imposed upon private property. Minnesota Statutes, Section 429.091 shall apply to such obligations with the following modifications:

(1) Such obligations shall be payable not more than five years from the date of issuance; and

(2) No election shall be required.

Obligations issued under the provisions of this clause shall not be considered bonded indebtedness for the purposes of Minnesota Statutes, 1973 Supplement, Sections 273.13, Subdivisions 6 and 7. The certificates shall not be included in the net debt of the issuing municipality.

Subd. 8. [DEPOSIT OF PROCEEDS IN SEPARATE FUND.] The proceeds of any tax levied, assessments and interest collected, or any certificates of indebtedness issued under subdivisions 6 and 7 shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Subd. 9. [DIAGNOSTIC LABORATORY.] The commissioner of agriculture shall operate a diagnostic laboratory for culturing diseased trees for positive identification of diseased shade trees.

Subd. 10. [COOPERATION BY UNIVERSITY.] The university of Minnesota college of agriculture shall cooperate with the department of agriculture in control of shade tree disease. The college of agriculture shall also conduct research into means for identifying diseased shade trees, shall develop and evaluate control measures, shall develop means for disposing of and utilizing diseased shade trees.

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each succeeding year, the commissioner shall report to the legislature on the preceding year's plans and control programs which have been implemented for shade tree diseases in the metropolitan area.

Subd. 12. [APPROPRIATION.] There is appropriated to the regents of the university of Minnesota the sum of \$35,000 and to the commissioner of agriculture the sum of \$65,000 for the fiscal year ending June 30, 1975, from the general fund, for the purposes of this section.

Subd. 13. The provisions of Minnesota Statutes, Sections 18.021 to 18.022, which are inconsistent with this act are hereby superseded for any municipality as defined in subdivision 1, clause (c), of this section.

Sec. 67. The restriction imposed by Laws 1971, Chapter 864, Section 3, to the appropriation made to the Minneapolis library board by Laws 1973, Chapter 720, Section 43, Subdivision 2, Clause (j), is hereby rescinded. The appropriation referred to however shall not be used to collect or catalogue unpublished personal papers or manuscripts or records or other material properly in the scope of the duties of the Minnesota historical society or subject to the laws on archives.

Sec. 68. [ADVISORY COMMISSION ON FLUCTUATING SCHOOL ENROLLMENTS; CREATION.] Subdivision 1. There is hereby created an advisory commission to the legislature and the state board of education which shall be known as the advisory commission on fluctuating school enrollments, hereinafter referred to as the commission.

Subd. 2. (a) [MEMBERSHIP.] The commission shall be composed of 11 members to be appointed by the governor with the advice and consent of the senate, and shall consist of:

(1) One certified elementary or secondary education school teacher;

- (2) One certified special education school teacher;
- (3) One elementary or secondary school administrator;
- (4) One superintendent of schools;
- (5) One representative of the Minnesota state high school league;
- (6) One current member of a school board; and
- (7) Five public members, two of whom shall have demonstrated expertise in the field of school finance.

No two commission members shall reside in the same school district.

(b) [EX OFFICIO MEMBERS.] One designee of the chairman of the senate committee on education, one designee of the chairman of the house of representatives committee on education and one designee of the state board shall serve as nonvoting members of the commission.

(c) [TERMS.] All members shall serve a term of three years; however, every member shall continue in office until his successor has been duly named and qualified. When a vacancy occurs, it shall be filled within 30 days in the manner of the original appointment and all subsequent appointees must be qualified in the manner of the members they succeed.

(d) [COMPENSATION; EXPENSES.] Commission members shall be paid compensation of \$35 per day for each day spent in performance of their duties, plus ordinary and necessary expenses in the same amount and manner as state employees.

(e) [EXPIRATION.] Unless specifically renewed by the legislature, the authorization for this commission shall expire on June 30, 1977.

Subd. 3. [POWERS AND DUTIES OF THE COMMISSION.]

(a) The commission shall meet and organize within 30 days of its appointment. It shall elect from its membership a chairman and such other officers as it deems necessary.

(b) The commission shall examine, by whatever means it deems appropriate, the impact of fluctuating school enrollments and their consequential effect on the quality and cost of education.

(c) The commission shall make any investigations and conduct any hearings necessary to accomplish its purposes.

(d) The commission may employ such professional, clerical, and technical assistants as it deems necessary in order to accomplish its purposes.

(e) In carrying out its objectives, the commission shall have the right to confer with state officials and other governmental units, and to have access to such records as are necessary to obtain needed information. The commission shall also have the right

to call upon and receive from various state departments, agencies, and institutions such technical advice and service as are reasonably needed to fulfill the purposes of the commission.

(f) Before January 15, 1976, the commission shall present to the legislature and the state board its preliminary findings and recommendations regarding incentives for additional cooperation among school districts, the optimal size of regional units of cooperation and appropriate teacher-pupil ratios. The commission shall present its final report to the legislature and the state board before January 15, 1977.

(g) Recommendations of the commission shall be given to all school boards and school districts at the time they are presented to the legislature and the state board.

Subd. 4. The provisions of Minnesota Statutes, Section 363.01, Subdivision 10, shall not apply to separation, based on sex, of athletic programs of educational institutions. This section shall expire July 1, 1975.

Subd. 5. There is hereby appropriated from the general fund the sum of \$30,000 for use by the commission to carry out the purposes of this section. This appropriation shall be available until expended or until the purposes of this section are completed.

Subd. 6. Subdivisions 1 to 5 shall be effective on June 1, 1974.

Sec. 69. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.965] [COMMITTEE TO REVIEW ADMINISTRATIVE RULES.] *Subdivision 1. [COMPOSITION; MEETINGS.] A legislative joint committee for review of administrative rules defined pursuant to sections 15.0411 to 15.0422, consisting of five senators appointed by the committee on committees of the senate and five representatives appointed by the speaker of the house of representatives shall be appointed. The committee shall meet at the call of its chairman or upon a call signed by two of its members or signed by five members of the legislature. The joint committee chairmanship shall alternate between the two houses of the legislature every two years.*

Subd. 2. [REVIEW OF RULES BY COMMITTEE.] The committee shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them. It may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention and may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of subdivision 4 have been met. If any rule is suspended, the committee shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is defeated, or fails of enactment in that year's session, the rule shall stand and the committee may not suspend it again. If the bill becomes law, the rule is repealed and shall not be enacted again unless a law

specifically authorizes the adoption of that rule. The committee shall make a biennial report to the legislature and governor of its activities and include therein its recommendations.

Subd. 3. [PUBLIC HEARINGS BY STATE DEPARTMENTS.]

By a vote of a majority of its members, the committee may request any department issuing rules to hold a public hearing in respect to recommendations made pursuant to subdivision 2. The department shall give notice as provided in section 15.0412, subdivision 4 of a hearing thereon, to be conducted in accordance with section 15.0412. The hearing shall be held not more than 60 days after receipt of the request.

Subd. 4. [REVIEW BY STANDING COMMITTEES.] *Before the committee suspends any rule, it shall request the speaker of the house and the president of the senate to refer the question of suspension of the given rule or rules to the appropriate committee or committees of the respective houses for the committees' recommendation. No suspension shall take effect until the recommendation is received, or 60 days after referral. However, the recommendation shall be advisory only.*

Sec. 70. The city of Hanska may acquire, by purchase, gift, condemnation or otherwise, any real or personal property for the purpose of providing educational facilities to be leased to independent school districts Numbers 88, 837, and 840, or any combination thereof. The city council of the city of Hanska may provide for the acquisition of the property and for the construction, furnishing, and equipping of any buildings thereon in such manner and upon such terms and conditions as it deems appropriate. The city council may issue general obligation bonds of the city for the acquisition and betterment of any such property in accordance with Minnesota Statutes, Chapter 475; provided that, if the school districts agree to pay rentals to the city at the times and in the amounts required to provide funds sufficient to pay when due all principal and interest on the bonds, the bonds shall not be included in the net debt of the city for the purpose of any limitation on its indebtedness and except as otherwise provided herein an election shall not be required to authorize their issuance. The resolution of the city determining to issue the bonds shall be published in the official newspaper. If within 15 days after publication a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular city election is filed with the city clerk, the bonds shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. Any such agreement shall provide for payment of the required rentals by the school districts at least annually and the share of each district shall be based upon an equitable distribution formula agreed upon by the participating districts and approved by the commissioner of education.

Sec. 71. The sum of \$32,500 is appropriated from the general fund to the department of highways for the fiscal year ending June 30, 1974 to partially reimburse the department for costs incurred in the implementation of the metropolitan car pooling program.

This appropriation is to be added to the appropriation made in Laws 1973, Chapter 718, Section 8 for the fiscal year ending June 30, 1974.

Sec. 72. Laws 1973, Chapter 380, Sections 6, 7, 10, 11, and 12; Laws 1973, Chapter 556, Section 1; and Laws 1973, Chapter 717, Sections 22 and 24, are repealed.

Sec. 73. Except as may be otherwise provided for herein, this act is in effect the day following its final enactment."

Further, strike the title in its entirety and insert in lieu thereof:

"A bill for an act relating to the organization, operation, and financing of state government; establishing a learning center; creating an advisory commission on school enrollments; establishing a joint legislative committee; establishing a shade tree disease control program; authorizing the issuance of certain local bonds; the acquisition of certain lands by gift, purchase or condemnation; the making of certain parking contracts; the preparation of fiscal notes; the fixing of certain salaries; the purchase of supplies, materials and equipment on an emergency basis and the reimbursement, appropriating and reappropriating of certain funds; amending Minnesota Statutes 1971, Sections 16.07, by adding a subdivision; 145.123, Subdivision 1; 176.611, by adding a subdivision; 268.071, by adding a subdivision; 271.01, Subdivision 4a; Chapters 3, by adding sections; 176, by adding sections; Minnesota Statutes, 1973 Supplement, Sections 1.36, Subdivision 1; 15A.083, by adding a subdivision; 16.15, Subdivision 1; 82.34, Subdivision 15; 176.131, Subdivision 10; 176.183, Subdivision 2; Extra Session Laws 1971, Chapter 32, Section 9, Subdivision 7; and Laws 1973, Chapters 595, Sections 1 and 2; 720, Section 31, Subdivision 2; repealing Minnesota Statutes 1971, Section 176.611, Subdivisions 5 and 6; Minnesota Statutes, 1973 Supplement, Section 176.601; Laws 1973, Chapters 380, Sections 6, 7, 10, 11, and 12; 556, Section 1; and 717, Sections 22 and 24."

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

Senate Conferees: (Signed) Jerome M. Hughes, Gerald L. Willet, Richard W. Fitzsimons, J. A. Josefson, Jack Davies

House Conferees: (Signed) Fred C. Norton, Neil S. Haugerud, Gordon O. Voss, Delbert F. Anderson, Richard A. Andersen

Mr. Hughes moved that the foregoing recommendations and Conference Committee Report on S. F. No. 3580 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 3580: A bill for an act relating to the organization, operation, and financing of state government; establishing a learning center; authorizing the acquisition of certain lands by gift, purchase or condemnation; the making of certain parking contracts; the fixing of certain salaries; the purchase of supplies, materials and equipment on an emergency basis and the reimbursement,

appropriating and reappropriating of certain funds; amending Minnesota Statutes 1971, Sections 16.07, by adding a subdivision; 176.611, by adding a subdivision; 271.01, Subdivision 4a; Chapters 4, by adding a section; 176, by adding sections; Minnesota Statutes, 1973 Supplement, Sections 15A.083, by adding a subdivision; 82.34, Subdivision 15; 176.131, Subdivision 10; 176.183, Subdivision 2; Extra Session Laws 1971, Chapter 32, Section 9, Subdivision 7; and Laws 1973, Chapters 595, Sections 1 and 2; 720, Section 31, Subdivision 2; repealing Minnesota Statutes 1971, Section 176.611, Subdivisions 5 and 6; Minnesota Statutes, 1973 Supplement, Section 176.601.

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	Ogdahl	Solon
Bang	Fitzsimons	Knutson	Olhoft	Spear
Berg	Gearty	Kowalczyk	Olson, A. G.	Stassen
Bernhagen	Hansen, Baldy	Larson	Olson, H. D.	Stokowski
Blatz	Hansen, Mel	Laufenburger	Olson, J. L.	Tennessen
Borden	Hanson, R.	Lewis	O'Neill	Thorup
Chenoweth	Hughes	Lord	Perpich, A. J.	Ueland
Chmielewski	Humphrey	McCutcheon	Perpich, G.	Wegener
Coleman	Jensen	Milton	Purfeerst	Willet
Conzemius	Josefson	Moe	Renneke	
Davies	Keefe, J.	Nelson	Schaaf	
Doty	Keefe, S.	North	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. 3163

A bill for an act relating to the city of St. Paul; authorizing the issuance of licenses for the sale of intoxicating liquor at the old federal courts building.

March 25, 1974

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. 3163, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendments.

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

Senate Conferees: (Signed) Robert D. North, Edward G. Novak, Bill McCutcheon

House Conferees: (Signed) Walter R. Hanson, Tony Bennett, Ray W. Faricy

Mr. North moved that the foregoing recommendations and Conference Committee Report on S. F. No. 3163 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 3163: A bill for an act relating to the city of St. Paul; authorizing the issuance of licenses for the sale of intoxicating liquor at the old federal courts building.

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 29 and nays 27, as follows:

Those who voted in the affirmative were:

Arnold	Hanson, R.	Laufenburger	O'Neill	Spear
Blatz	Humphrey	Lewis	Perpich, G.	Stassen
Chenoweth	Keefe, S.	Milton	Purfeerst	Stokowski
Fitzsimons	Knutson	Nelson	Schrom	Thorup
Gearty	Kowalczyk	North	Sillers	Ueland
Hansen, Baldy	Larson	Ogdahl	Solon	

Those who voted in the negative were:

Bang	Conzemius	Hughes	Novak	Renneke
Berg	Davies	Josefson	Olhott	Tennessen
Bernhagen	Doty	Kirchner	Olson, A. G.	Willet
Borden	Dunn	Lord	Olson, H. D.	
Chmielewski	Frederick	McCutcheon	Olson, J. L.	
Coleman	Hansen, Mel	Moe	Perpich, A. J.	

So the bill, as amended by the Conference Committee, failed to pass.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved to revert to the Order of Business of Messages from the House, remaining on the Order of Business of Motions and Resolutions. The motion prevailed.

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. 3059, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 3059: A bill for an act relating to the counties of Hennepin, Ramsey and Dakota; providing for boards of seven members; providing for redistricting commissions; amending Minnesota Statutes 1971, Section 375.01; repealing Special Laws 1871, Chapter 73, Sections 1, 2, 3, 4, and 5; Special Laws 1891, Chapter 438, as amended; and Laws 1963, Chapter 789.

Senate File No. 3059 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1974

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. 2477: A bill for an act adding a new route to the trunk highway system.

Senate File No. 2477 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1974

CONCURRENCE AND REPASSAGE

Mr. Arnold moved that the Senate do now concur in the amendments by the House to S. F. No. 2477 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2477 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 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3310:

H. F. No. 3310: A bill for an act relating to retirement; miscellaneous amendments to the judges retirement act; amending Minnesota Statutes, 1973 Supplement, Sections 490.121, Subdivisions 2, 4, and 17; 490.124, Subdivisions 1, 2, 3, 6, 8, 9, 10, and by adding a subdivision; 490.125, Subdivision 2; and 490.128, by adding subdivisions.

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

Vento, Parish and Larson have been appointed as such committee on the part of the House.

House File No. 3310 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 March 28, 1974

Mr. Chenoweth moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 3310, 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. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Perpich, A. J., Chairman of the Committee on Taxes and Tax Laws, designated H. F. No. 3334, No. 14 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 3334: A bill for an act relating to taxation; providing for the assessment of certain attached machinery and equipment; amending Minnesota Statutes, 1973 Supplement, Sections 272.02, Subdivision 1; 272.03, Subdivision 1; and 273.13, Subdivision 4.

Mr. Sillers moved to amend H. F. No. 3334, the printed bill, as follows:

Page 3, line 23, after "machinery," strike "and"

Page 3, line 23, after "equipment" insert "*and any lattice containing no enclosed space*"

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

H. F. No. 3334 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 19, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Novak	Spear
Arnold	Dunn	Kirchner	Olhoft	Stokowski
Borden	Fitzsimons	Larson	Olson, A. G.	Thorup
Brown	Gearty	Laufenburger	Perpich, A. J.	Wegener
Chenoweth	Hanson, R.	Lewis	Perpich, G.	Willet
Chmielewski	Hughes	Lord	Purfeerst	
Coleman	Humphrey	McCutcheon	Schrom	
Conzemius	Josefson	Milton	Sillers	
Davies	Keefe, J.	Moe	Solon	

Those who voted in the negative were:

Ashbach	Blatz	Knutson	Ogdahl	Stassen
Bang	Frederick	Kowalczyk	Olson, J. L.	Tennessen
Berg	Hansen, Mel	Krieger	O'Neill	Ueland
Bernhagen	Jensen	Nelson	Renneke	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Perpich, G. moved that S. F. No. 3569, No. 13 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

SUSPENSION OF RULES

Mr. Coleman moved that the Rules of the Senate be so far suspended as to make the following bills Special Orders for immediate consideration:

H. F. Nos. 3400, 1991, 2338, 3347, 1524 and 3368. The motion prevailed.

SPECIAL ORDER

H. F. No. 1991: A bill for an act relating to county or municipal hospitals; permitting the use of certified public accountants to audit and examine their books in lieu of the public examiner.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Josefson voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 2338: A bill for an act relating to motor vehicle regulations; repealing Minnesota Statutes 1971, Sections 169.691 and 169.692.

Mr. Keefe, S. moved to amend H. F. No. 2338, the printed bill, as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1971, Chapter 169, is amended by adding a section to read:

[169.693] [MOTOR VEHICLE NOISE LIMITS.] *It is unlaw-*

ful to operate a motor vehicle in violation of motor vehicle noise regulations adopted by the pollution control agency.

Sec. 2. Minnesota Statutes 1971, Sections 169.691 and 169.692, are repealed.

Sec. 3. This act takes effect on October 1, 1974."

Further, strike the title and insert the following:

"A bill for an act relating to motor vehicle noise regulations; making it a petty misdemeanor to operate a motor vehicle in violation of noise regulations adopted by the pollution control agency; amending Minnesota Statutes 1971, Chapter 169, by adding a section; repealing Minnesota Statutes 1971, Sections 169.691 and 169.692."

The motion prevailed. So the amendment was adopted.

H. F. No. 2338 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 49 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Josefson	Nelson	Renneke
Berg	Fitzsimons	Keefe, J.	North	Solon
Bernhagen	Frederick	Keefe, S.	Novak	Spear
Blatz	Gearty	Kirchner	Ogdahl	Stassen
Borden	Hansen, Baldy	Kowalczyk	Olhoft	Tennessee
Brown	Hansen, Mel	Laufenburger	Olson, H. D.	Thorup
Chenoweth	Hanson, R.	Lewis	Olson, J. L.	Ueland
Coleman	Hughes	Lord	Perpich, A. J.	Wegener
Davies	Humphrey	Milton	Perpich, G.	Willet
Doty	Jensen	Moe	Purfeerst	

Mr. Ashbach voted in the negative.

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

RECESS

Mr. Coleman moved that the Senate do now recess until 11:50 o'clock a.m. The motion prevailed.

The hour of 11:50 o'clock a.m. having arrived, the President called Senate to order.

CALL OF THE SENATE

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

Anderson	Blatz	Conzemius	Gearty	Humphrey
Arnold	Borden	Davies	Hansen, Baldy	Jensen
Ashbach	Brown	Doty	Hansen, Mel	Josefson
Bang	Chenoweth	Dunn	Hanson, R.	Keefe, S.
Bernhagen	Coleman	Frederick	Hughes	Knutson

Kowalczyk	Nelson	O'Neill	Schrom	Ueland
Laufenburger	Novak	Perpich, A. J.	Spear	Wegener
Lewis	Ogdahl	Perpich, G.	Stassen	Willet
Lord	Olhoft	Purfeerst	Stokowski	
McCutcheon	Olson, H. D.	Renneke	Tennessen	
Moe	Olson, J. L.	Schaaf	Thorup	

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

APPOINTMENTS

Mr. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 530, pursuant to the request of the House:

Messrs. Chenoweth; Hanson, R.; Arnold.

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

MEMBERS EXCUSED

Mr. Knutson was excused from the Session of today, beginning at 1:30 o'clock p.m.

Without objection the Senate reverted to the Order of Business of Messages from the House.

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 House File No. 3707, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 3707: A bill for an act relating to taxation; providing for the taxation of oleomargarine and liquor; amending Minnesota Statutes 1971, Section 33.10, Subdivision 1 and by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Section 340.47, Subdivision 1.

House File No. 3707 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 28, 1974

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate for the balance of today's Session. The following Senators answered to their names:

Anderson	Dunn	Knutson	Olson, H. D.	Solon
Ashbach	Gearty	Laufenburger	Olson, J. L.	Spear
Bernhagen	Hansen, Baldy	Lord	O'Neill	Stassen
Blatz	Hansen, Mel	McCutcheon	Perpich, A. J.	Stokowski
Coleman	Hanson, R.	Moe	Purfeerst	Thorup
Conzemius	Hughes	Novak	Renneke	Ueland
Davies	Jensen	Olhoft	Schrom	Wegener
Doty	Keefe, S.	Olson, A. G.	Sillers	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3707

A bill for an act relating to taxation; providing for the taxation of oleomargarine and liquor; amending Minnesota Statutes 1971, Section 33.10, Subdivision 1 and by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Section 340.47, Subdivision 1.

March 27, 1974

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. 3707, 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 declared to be the public policy of the state of Minnesota that taxation of the income of individuals who do not earn enough to support themselves or their dependents adequately is unfair. To remedy this, a tax credit shall be granted to these individuals sufficient to offset their income tax liability.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 2 and 3, the terms defined in this section have the meanings given them unless the context clearly requires otherwise.

Subd. 2. "Claimant" means the individual taxpayer whose income, together with that of his spouse, if any, brings him within the provisions of sections 2 and 3.

Subd. 3. "Dependent" means an individual dependent upon and receiving his chief support from the claimant. Payments for support of minor children as provided in section 290.072, subdivision 3, shall be considered as payments by the claimant for the support of a dependent. For the purposes of section 3, a spouse except a divorced or separated spouse shall be considered to be a dependent.

Subd. 4. "Income" means the sum of gross income as defined in Minnesota Statutes, Section 290.01, Subdivision 20, net income from sources outside the state, alimony, support money, and relief, not including relief granted under unemployment compensation, the gross amount of any pension or annuity, including railroad retirement benefits, all payments received under the federal social security act, and veterans disability pensions, nontaxable interest received from the state or federal governments or any of their instrumentalities, the gross amount of "loss of time" insurance and cash public assistance and relief, not including relief granted under sections 290.0601 to 290.0618. It does not include gifts from nongovernmental sources, or surplus food or other relief in kind supplied by a governmental agent.

Sec. 3. Minnesota Statutes 1971, Section 290.06, is amended by adding a subdivision to read:

Subd. 3d. [CREDITS AGAINST TAX.] The taxes due as computed in accordance with section 290.06, subdivision 2c and 3c shall be credited with the following amounts:

(1) A credit equal to his tax liability in the case of:

(a) An unmarried claimant with an income of \$3,200 or less;

(b) A claimant with one dependent, with an income of \$3,800 or less;

(c) A claimant with two dependents, with an income of \$4,600 or less;

(d) A claimant with three dependents, with an income of \$5,400 or less;

(e) A claimant with four dependents, with an income of \$6,000 or less; and

(f) A claimant with five or more dependents, with an income of \$6,400 or less.

(2) In the case of a claimant with an income in excess of that set forth in the appropriate category of clause (1), he may pay a tax equal to 15 percent of that portion of his income that is in excess of the amount set forth in the appropriate category of clause (1), or his tax obligation as it would have been in the absence of sections 2 and 3, whichever is less.

(3) The total income of the claimant and his spouse, if any, shall be the figure employed for the purposes of this subdivision. No dependent may be a claimant under sections 2 and 3. The commissioner of revenue shall prescribe the additional forms or alterations in existing forms as necessary to comply with the provisions of sections 2 and 3. All claimants shall submit their returns on these forms.

Sec. 4. [EFFECTIVE DATE.] Sections 1 to 3 are effective for taxable years beginning January 1, 1975.

Sec. 5. Minnesota Statutes 1971, Section 33.10, Subdivision 1, is amended to read:

33.10 [TAX ON OLEOMARGARINE.] Subdivision 1. There is hereby imposed, levied, and assessed an inspection fee and excise tax of ~~ten cents~~ *in the amount specified in section 6* upon each pound of oleomargarine which: (1) is artificially colored to a shade of yellow which has a tint containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, as measured in terms of the Lovibond tintometer scale, and (2) is sold, offered or exposed for sale, or given or delivered to a consumer. Such fee and tax shall be paid to the commissioner of taxation prior to any such sale, gift, or delivery, except where otherwise provided in cases where tax metering devices are used.

Sec. 6. Minnesota Statutes 1971, Section 33.10, is amended by adding a subdivision to read:

Subd. 3. The inspection fee and excise tax on oleomargarine provided for in subdivisions 1 and 2 of this section shall be in the amounts and for the periods of time set out in the following schedule:

<i>Period of Time</i>	<i>Tax per pound</i>
<i>July 1, 1974 to June 30, 1975</i>	<i>5 cents</i>
<i>July 1, 1975 and thereafter</i>	<i>none</i>

Sec. 7. Minnesota Statutes 1971, Section 270.35, is amended to read:

270.35 [STUMPAGE VALUE, USE IN COMPUTING TAX.] The stumpage value for each species to be used in computing the tax in any county shall be computed in each even numbered year and shall be the average sale price received by the ~~county~~ *state* upon all of its sales of sound standing timber of the species during the previous two calendar years. In the event there have been no sales of the species or products within the county within the previous two calendar years, or less than 500 cords of the various products have been sold which is insufficient to estimate a fair and equitable stumpage price for the various products grown, ~~the county board,~~ *with the approval of the commissioner of natural resources* ; shall set a stumpage price for such species, with the right of appeal by any aggrieved persons to the commissioner of taxation as set forth in section 270.34 in the event any such person deems himself to be aggrieved by such determination.

Sec. 8. Minnesota Statutes 1971, Section 270.38, Subdivision 5, is amended to read:

Subd. 5. The owner of any timber lands made subject to sections 270.31 to 270.39 may at any time apply to withdraw any governmental subdivisions from taxation under sections 270.31 to 270.39. Such application made in writing and giving the reasons for withdrawal may be approved by the county board subject to the payment of all back taxes and penalties on the basis of ad valorem taxes in the area giving due credit for taxes paid under sections 270.31 to 270.39; provided that after an agreement has been in effect for more than ~~six~~ *ten* years, ~~no~~ *and* ad valorem taxes as above specified shall be assessed and the owner shall ~~not~~ be required to pay such penalties ~~or~~ *and* ad valorem taxes *only for the ten years prior to the date of withdrawal from the agreement* . If approved, the lands shall be deemed to be withdrawn from taxation under sections 270.31 to 270.39 and shall be returned to taxation under the general real property tax law beginning with the calendar year next immediately following the date upon which the withdrawal was approved by the county board.

Sec. 9. [EFFECTIVE DATE.] Sections 7 and 8 are effective for taxable years beginning January 1, 1974 and thereafter.

Sec. 10. Minnesota Statutes 1971, Section 273.02, is amended by adding a subdivision to read:

Subd. 4. [IRON ORE.] Newly discovered iron ore shall be entered on the assessment books for the six years immediately pre-

ceding the year of discovery and taxed as omitted property. The tax on such omitted property shall be determined by applying the rates of levy for the respective years in which the property was omitted. This subdivision shall not apply to any iron ore discovered in the course of mining operations, which has not been known to exist by drillings or operations in previous years, provided that the company that would otherwise be taxed therefor is not a company that would be disqualified from receiving discount credits pursuant to Minnesota Statutes, Section 298.031, Subdivision 3.

Sec. 11. Minnesota Statutes 1971, Section 273.02, is amended by adding a subdivision to read:

Subd. 5. Any taxpayer having paid real estate taxes on valuations of iron ore, considered to be commercially mineable, which was believed to have existed, and was subsequently determined not to exist, may apply to the commissioner of revenue for a refund of taxes paid thereon, as provided herein. Such application for refund shall be filed in the year in which it is determined that the iron ore does not exist. No refund shall be made for taxes paid or payable more than six years previous to the date of said application. The refunds shall be paid from the special fund established in subdivision 6 of this section, and so much as is needed to pay such refunds is hereby appropriated.

Sec. 12. Minnesota Statutes 1971, Section 273.02, is amended by adding a subdivision to read:

Subd. 6. The taxes collected in accordance with subdivision 4 of this section shall be transmitted by the county treasurer to the state treasurer and deposited in a special fund. There shall be paid from this special fund the amount of refunds determined in accordance with subdivision 5 of this section. In the event the amount in such fund is not sufficient to pay such refunds, the refunds shall be paid as soon as sufficient amounts are available in the fund.

The balance in such fund shall be distributed at the end of each fiscal year to the iron range resources and rehabilitation commission account.

Sec. 13. Sections 10 to 12 are effective for the calendar year 1974 and subsequent years.

Sec. 14. Minnesota Statutes, 1973 Supplement, Section 273.11, Subdivision 2, is amended to read:

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 one year 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 or the full amount of the excess if the property is no longer held by the same owner, by the surviving spouse of a deceased owner, or by a surviving joint tenant) may be entered in the following years assessment, notwithstanding the provisions of section 273.17.

Sec. 15. [EFFECTIVE DATE.] Section 14 is effective for the calendar year 1974 and thereafter.

Sec. 16. Minnesota Statutes, 1973 Supplement, 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 45 percent of the amount of such tax; provided that the amount of said reduction shall not exceed \$325. If the market value is in excess of the sum of \$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; or by any person who is permanently and totally disabled and who is receiving aid from any state as a result of that disability, or who is receiving Supplemental Security Income for the disabled, or who is receiving Workmen's Compensation based on a finding of total and permanent disability, or who is receiving Social Security Disability, which aid is at least 90 percent of the total income of such disabled person from all sources, shall constitute class 3cc and shall be valued and assessed at five percent of the market value thereof. *Permanently and totally disabled for the purpose of this subdivision means a condition which is permanent in nature and totally incapacitates the person from working at an occupation which brings him an income.* The property tax to be paid on class 3cc

property as otherwise determined by law, 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 45 percent of the amount of such tax; provided that the amount of said reduction shall not exceed \$325. If the market value is in excess of the sum of \$24,000, 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. 17. Section 16 is effective for taxes levied in 1974 and payable in 1975 and thereafter.

Sec. 18. Minnesota Statutes 1971, Section 290.02, is amended to read:

290.02 [INCOME TAX ON CORPORATIONS; IMPOSITION, MEASUREMENT.] An annual *excise income tax* is hereby imposed upon every domestic corporation, except those included within section 290.03, for the privilege of existing as a corporation during any part of its taxable year, and upon every foreign corporation *doing business within this state*, except those included within section 290.03, *including but not limited to railroad companies* for the grant to it of the privilege of transacting or for the actual transaction by it of any local business within this state during any part of its taxable year, in corporate or organized form.

The tax so imposed shall be measured by such corporations' taxable net income for the taxable year for which the tax is imposed, and computed in the manner and at the rates provided in this chapter.

The legislature finds that the income tax imposed by this section is not a tax or assessment upon real estate, roads, rolling stock, or other personal property of railroad companies within the contemplation of Article IV, Section 32(a) of the Minnesota Constitution.

Sec. 19. [EFFECTIVE DATE.] Section 18 is effective for taxable years beginning January 1, 1975.

Sec. 20. Minnesota Statutes 1971, Section 290.086, is amended by adding a subdivision to read:

Subd. 9. The commissioner shall not require reimbursement or restitution of any such credits or refunds previously granted, where such recipients were legally entitled thereto under laws in effect at the time such claim was filed by the applicant, or to seek recovery of any such amounts by legal action.

Sec. 21. [EFFECTIVE DATE.] Section 20 is effective on the day following final enactment.

Sec. 22. Minnesota Statutes 1971, Section 297.31, Subdivision 2, is amended to read:

Subd. 2. (a) "Tobacco products" means cigars; *little cigars as defined herein*; cheroots; stogies; periques; granulated, plug cut,

crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but shall not include cigarettes as defined in Minnesota Statutes, Section 297.01, Subdivision 2.

(b) "Little cigar" means any roll for smoking, made wholly or in part of tobacco, which has a factory list price not exceeding \$12 per thousand, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made wholly or in part of tobacco, and where such roll weighs not more than three pounds per thousand.

Sec. 23. Minnesota Statutes 1971, Section 297.32, Subdivision 1, is amended to read:

297.32 [TAX ON TOBACCO PRODUCTS.] Subdivision 1. A tax is hereby imposed upon all tobacco products in this state and upon any person engaged in business as a distributor thereof, at the rate of 20 percent of the wholesale sales price of such tobacco products *except little cigars as defined in section 297.31, subdivision 2, clause (b)*. *Little cigars shall be subject to the same rate of tax imposed on cigarettes in section 297.02, subdivision 1, clause (1), subject to the discount provided in section 297.35, subdivision 1.* Such tax shall be imposed at the time the distributor (1) brings, or causes to be brought, into this state from without the state tobacco products for sale; (2) makes, manufactures, or fabricates tobacco products in this state for sale in this state; or (3) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

Sec. 24. Minnesota Statutes 1971, Section 297.32, Subdivision 2, is amended to read:

Subd. 2. A tax is hereby imposed upon the use or storage by consumers of tobacco products in this state, and upon such consumers, at the rate of 20 percent of the cost of such tobacco products, *except little cigars as defined in section 297.31, subdivision 2, clause (b)*. *Little cigars shall be subject to the same rate of tax imposed on cigarettes in section 297.22, subdivision 1, clause (1).*

The tax imposed by this subdivision shall not apply if the tax imposed by subdivision 1 on such tobacco products has been paid.

This tax shall not apply to the use or storage of tobacco products in quantities of:

1. Not more than 50 cigars;
2. Not more than 10 oz. snuff or snuff powder;

3. Not more than 1 lb. smoking or chewing tobacco or other tobacco products not specifically mentioned herein, in the possession of any one consumer.

Sec. 25. [EFFECTIVE DATE.] *Sections 22 to 24 shall be effective on the day following final enactment, and shall apply to little cigars as defined in section 22, in the possession of distributors, as defined in Minnesota Statutes, Section 297.01, Subdivision 7, on the effective date.*

Sec. 26. Minnesota Statutes 1971, Section 297A.251, is amended to read:

297A.251 [TACONITE PLANT MATERIAL; EXEMPTIONS.] Notwithstanding the provisions of chapter 297A, there shall be exempt from the tax imposed therein, all materials and supplies or equipment consumed in constructing or incorporated into the construction of a new taconite plant or the expansion of an existing plant the construction of which is commenced prior to *July February 1, 1974 1975*, which are purchased and used or consumed in connection with such construction, or incorporated into such taconite plant prior to July 1, 1978, provided that in the case of the expansion of an existing plant, such construction results in an increase in productive capacity of at least 10 percent.

Sec. 27. Minnesota Statutes 1971, Section 298.03, is amended to read:

298.03 [VALUE OF ORE; HOW ASCERTAINED.] The valuation of iron or other ores for the purposes of determining the amount of tax to be paid under the provisions of section 298.01 shall be ascertained by subtracting from the value of such ore, at the place where the same is brought to the surface of the earth, such value to be determined by the commissioner of ~~taxation~~ *revenue*:

(1) The reasonable cost of supplies used and labor performed at the mine in separating the ore from the ore body, including hoisting, elevating, or conveying the same to the surface of the earth;

(2) If the ore is taken from an open pit mine, an amount for each ton of ore mined or produced during the year equal to the cost of removing the overburden, divided by the number of tons of ore uncovered, the number of tons of ore uncovered in each case to be determined by the commissioner of ~~taxation~~ *revenue*;

(3) If the ore is taken from an underground mine, an amount for each ton of ore mined or produced during the year equal to the cost of sinking and constructing shafts and running drifts, divided by the number of tons of ore than can be advantageously taken out through such shafts and drifts, the number of tons of ore than can be advantageously taken out in each case to be determined by the commissioner of ~~taxation~~ *revenue*;

(4) The amount of royalties paid on the ore mined or produced during the year;

(5) A percentage of the ad valorem taxes levied for such year against the realty in which the ore is deposited equal to the percentage that the tons mined or produced during such year bears to the total tonnage in the mine;

(6) In the case of taconite, semi-taconite and iron sulphide

operations, the tax payable under Minnesota Statutes, Sections 298.24 and 298.35, on the concentrates produced in said year and any taxes paid under Laws 1955, Chapters 391, 429, 514, 576 or 540, or any other law imposing on such taconite operations a specific tax for school or other governmental purposes;

(7) The amount or amounts of all the foregoing subtractions shall be ascertained and determined by the commissioner of ~~taxation~~ revenue. *Deductions for interest on plant investment shall not exceed the greater of (a) four percent of book value, or (b) the amount actually paid but not exceeding six percent of book value. No subtraction shall be allowed for shrinkage of iron ore, except that which can be measured in a manner determined by the commissioner of revenue. In no case shall the shrinkage subtraction exceed one fourth of one percent of the value of the ore.*

Sec. 28. [EFFECTIVE DATE.] Except as provided herein, the provisions of this act shall be effective on July 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 taxation; imposing certain credits on taxes measured by net income; eliminating the tax on oleomargarine; providing for stumpage values in computing certain taxes; providing for omitted taxes on iron ore; imposing an income tax on certain corporations; establishing the means for valuing certain real property and property owned by certain disabled persons; imposing taxes on certain tobacco products; providing for taconite taxes; and waiving the collection of credits or refunds of certain taxes; amending Minnesota Statutes 1971, Sections 33.10, Subdivision 1, and by adding a subdivision; 270.35; 270.38, Subdivision 5; 273.02, by adding subdivisions; 290.02; 290.06, by adding a subdivision; 290.086, by adding a subdivision; 297.31, Subdivision 2; 297.32, Subdivisions 1 and 2; 297A.251; 298.03; and Minnesota Statutes, 1973 Supplement, Sections 273.11, Subdivision 2; and 273.13, Subdivision 7."

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

House Conferees: (Signed) R. Pavlak, Martin Olav Sabo, Irvin N. Anderson, Douglas J. Johnson, Aubrey W. Dirlam

Senate Conferees: (Signed) Nicholas D. Coleman, George R. Conzemius, Winston W. Borden, Alec G. Olson, Mel Frederick

Mr. Coleman moved that the foregoing recommendations and Conference Committee Report on H. F. No. 3707 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 3707: A bill for an act relating to taxation; imposing certain credits on taxes measured by net income; eliminating the tax on oleomargarine; providing for stumpage values in computing certain taxes; providing for omitted taxes on iron ore; imposing an income tax on certain corporations; establishing the means for

valuing certain real property and property owned by certain disabled persons; imposing taxes on certain tobacco products; providing for taconite taxes; and waiving the collection of credits or refunds of certain taxes; amending Minnesota Statutes 1971, Sections 33.10, Subdivision 1, and by adding a subdivision; 270.35; 270.38, Subdivision 5; 273.02, by adding subdivisions; 290.02; 290.06, by adding a subdivision; 290.086, by adding a subdivision; 297.31, Subdivision 2; 297.32, Subdivisions 1 and 2; 297A.251; 298.03; and Minnesota Statutes, 1973 Supplement, Sections 273.11, Subdivision 2; and 273.13, Subdivision 7.

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. Coleman moved that those not voting be excused from voting.

And the roll being called, there were yeas 48 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	Olhoff	Solon
Arnold	Dunn	Kowalczyk	Olson, A. G.	Spear
Berg	Fitzsimons	Lewis	Olson, H. D.	Stassen
Borden	Gearty	Lord	Olson, J. L.	Stokowski
Brown	Hanson, R.	McCutcheon	O'Neill	Tennessen
Chenoweth	Hughes	Milton	Perpich, A. J.	Thorup
Chmielewski	Humphrey	Moe	Perpich, G.	Wegener
Coleman	Josefson	North	Purfeerst	Willet
Conzemius	Keefe, J.	Novak	Schaaf	
Davies	Keefe, S.	Ogdahl	Sillers	

Those who voted in the negative were:

Ashbach	Blatz	Hansen, Mel	Larson	Schrom
Bang	Frederick	Jensen	Nelson	Ueland
Bernhagen	Hansen, Baldy	Knutson	Renneke	

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Borden moved that H. F. No. 2785 be recalled from the House of Representatives for further consideration. The motion prevailed.

Mr. Keefe, J. moved that H. F. No. 1524, No. 12 on General Orders, be stricken and re-referred to the Committee on Metropolitan and Urban Affairs. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess until 2:15 o'clock p.m. The motion prevailed.

The hour of 2:15 o'clock p.m. having arrived, the President called the Senate to order.

MEMBERS EXCUSED

Mr. Perpich, A. J. was excused from the Session of today. Mr. Bang was excused from the Session of today from 3:15 to 5:30 o'clock p.m. Mr. Doty was excused from the Session of today, beginning at 4:30 o'clock p.m. Mr. Purfeerst was excused from the Session of today, beginning at 3:45 o'clock p.m.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Conzemius moved to revert to the Order of Business of Messages from the House, remaining on the Order of Business of Motions and Resolutions. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. Nos. 988 and 3342.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 1974

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. 2996, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2996: A bill for an act relating to government; aids to education; tax levies; distribution of tax revenues; appropriating money; amending Minnesota Statutes, 1973 Supplement, Sections 124.17, Subdivision 1; 124.20; 124.212, Subdivisions 7a and 10; 124.222, Subdivision 1; 124.30, Subdivision 2; 275.125, Subdivisions 2a and 3; Minnesota Statutes 1971, Sections 123.39, Subdivisions 1 and 5; 124.28, Subdivision 1; 270.11, Subdivision 2; 275.125, Subdivision 7; and repealing Minnesota Statutes 1971, Section 124.13.

House File No. 2996 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 27, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2996

A bill for an act relating to government; aids to education; tax levies; distribution of tax revenues; appropriating money; amending Minnesota Statutes, 1973 Supplement, Sections 124.17, Subdivision 1;

124.20; 124.212, Subdivisions 7a and 10; 124.222, Subdivision 1; 124.30, Subdivision 2; 275.125, Subdivisions 2a and 3; Minnesota Statutes 1971, Sections 123.39, Subdivisions 1 and 5; 124.28, Subdivision 1; 270.11, Subdivision 2; 275.125, Subdivision 7; and repealing Minnesota Statutes 1971, Section 124.13.

March 20, 1974

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. 2996, 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. 2996 be amended as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. [POST-SECONDARY VOCATIONAL-TECHNICAL EDUCATION FUNDING.] Subdivision 1. [PURPOSE.] The purpose of this section is to change the funding of post-secondary vocational-technical education from reimbursement of past expenditures to a current funding process.

Subd. 2. [CURRENT AID.] Beginning July 1, 1975, the state board for vocational education shall not enter into agreements to pay reimbursements but shall be obligated for reimbursement payments incurred in fiscal year 1975. Beginning July 1, 1976, all vocational aid payments to the extent funds are available shall be made based on the approved budget for the current fiscal year.

Subd. 3. [BUDGET.] Before January 1, 1976, and before January 1 of each year thereafter area vocational-technical institute budgets for the following fiscal year shall be submitted to the state board for vocational education. The commissioner, subject to the approval of the state board for vocational education, shall approve the state and federal portion of the budget for each district prior to May 15 of each year. The total amount of reimbursement payments approved for fiscal year 1975 payable in fiscal year 1976 shall not exceed by more than 14 percent the amount appropriated for post-secondary vocational-technical education for fiscal year 1975. Inflation and expansion occurring in fiscal year 1976 shall be incorporated into the fiscal year 1976 budget request. No district shall increase its indebtedness during fiscal year 1976 unless authorized by the state board for vocational education. The state board for vocational education shall before January 1, 1975 promulgate rules and regulations which establish the approval criteria of budgets including but not limited to the following: responsiveness to current and projected manpower needs of population groups to be served in the various geographic areas and communities of the state, particularly disadvantaged and handicapped persons; adequacy of evaluation of programs; other criteria set forth in the state plan for vocational education. The commissioner, in cooperation with the department of finance, shall establish program budget standards by which area vocational-technical institutes shall submit financial requests.

Subd. 4. [LOCAL DEFICITS.] The commissioner with the approval of the state board for vocational education shall establish a uniform auditing procedure for post-secondary vocational education. This procedure shall be used to determine the local deficit or surplus in each district as of July 1, 1974 and as of July 1 for each year thereafter. This deficit or surplus shall be certified to the commissioner before January 1, 1975 and January 1 of each year thereafter.

Sec. 2. [EARLY CHILDHOOD IDENTIFICATION AND EDUCATION PROGRAMS.] Subdivision 1. For the 1974-75 school year, the council on quality education shall make grants to no fewer than six pilot early childhood identification and education programs. Early childhood identification and education programs are programs for children before kindergarten and below age six which may include the following: identification of potential barriers to learning, education of parents on child development, libraries of educational materials, family services, education for parenthood programs in secondary schools, in-center activity, home-based programs, and referral services.

Notwithstanding section 3.926, subdivision 2, every early childhood identification and education program proposal shall be submitted to the council on quality education not less than six weeks before the planned commencement of the program. These programs shall be as equally distributed as possible among districts in cities of the first class, in suburbs, and outside the seven county metropolitan area. Each pilot program shall serve one elementary school attendance area in the local school district.

The council on quality education shall prescribe the form and manner of application and shall determine the participating pilot programs. In the determination of pilot programs, programs shall be given preference for their ability to coordinate their services with existing programs and other governmental agencies. The council on quality education shall report on the programs annually to the committees on education of the senate and house of representatives.

Subd. 2. Each district providing pilot programs shall establish and maintain an account separate from all other district accounts for the receipt and disbursement of all funds related to these early childhood identification and education programs.

Subd. 3. A school district providing early childhood identification and education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when such funds are available.

Subd. 4. A district may charge reasonable fees for early childhood identification and education services; however, a district shall waive the charge or fee if any pupil, his parent or guardian is unable to pay it.

Sec. 3. [ADVISORY COMMITTEE ON EARLY CHILDHOOD IDENTIFICATION AND EDUCATION PROGRAMS.] The council on quality education shall appoint an advisory committee on early childhood identification and education programs.

Sec. 4. [THE STATE BOARD OF EDUCATION.] The state board of education shall provide service to the pilot programs by:

(1) Applying for funds which are, or may become, available under federal programs pertaining to child development, including funds for administration, demonstration projects, training, technical assistance, planning, and evaluation;

(2) Making maximum use of existing information services to inform the public concerning comprehensive early childhood development;

(3) Providing professional and technical assistance.

Sec. 5. [ADVISORY COMMITTEES.] Each pilot program shall provide for an advisory committee selected from the attendance area by the local board of education. A majority of the members of this committee shall be parents participating in the program. The committee shall report to the council on quality education, the local school board, and the district community school advisory council if this council has been established in the district.

Sec. 6. [VOLUNTARY PARTICIPATION.] All participation by parents and children in these early childhood identification and education programs shall be voluntary, and shall not preclude participation in any other state or local program. All pilot programs shall provide services to all qualified children, regardless of race, religion or ethnic background, and no such programs shall be used in whole or in part for religious worship or instruction.

Sec. 7. [TRANSITIONAL YEAR.] Subdivision 1. Notwithstanding any law to the contrary, any secondary school student who has completed all required courses may, with the approval of the student, his parent or guardian, and local school officials, graduate prior to the completion of the school year. All aid which such student, had he not graduated, would have earned for the district pursuant to Minnesota Statutes, Section 124.212, plus that portion of the amount raised by the local tax levy which results from such transitional year students plus that portion of any excess levy allowable under Minnesota Statutes, Section 275.125, Subdivision 3 (5) shall continue to be earned by the district.

Subd. 2. The commissioner shall promulgate rules and regulations setting forth the standards for application for and approval of this early graduation procedure.

Sec. 8. [FUNDING AND REFUNDING BONDS.] Notwithstanding the provisions of any general or special law to the contrary, any school district, however organized, may issue its general obligation bonds to fund or refund outstanding bonds without an election to the extent and in the manner provided in Minnesota Statutes, Chapter 475, but without complying with the provisions of Minnesota Statutes, Section 124.43, Subdivision 6, and Minnesota Statutes, Section 475.54, Subdivision 2; and such refunding bonds may but need not be included for purposes of determining maturity schedules of any other bonds thereafter issued as otherwise required under Minnesota Statutes, Section 475.54, Subdivision 2.

Sec. 9. Notwithstanding any law to the contrary, in Independent School Districts No. 93 and No. 99 where the adjusted assessed valuation is under contest in a Minnesota court as of February 1, 1974, foundation aid payments for the 1972-73 and 1973-74 school years shall be made on the basis of the uncontested portion of the valuation of these districts. If as a result of the pending litigation these districts experience an increase in the adjusted assessed value as determined by the equalization aid review committee and recover tax revenues in excess of those which would have been raised on the uncontested adjusted assessed value as determined by the equalization aid review committee, any excess in foundation aid payments which resulted from the use of this uncontested adjusted assessed value in the aid determination shall be returned to the state by these districts.

Sec. 10. Laws 1969, Chapter 775, Section 4, Subdivision 3, is amended to read:

Subd. 3. [SPECIAL INTERMEDIATE SCHOOL DISTRICT NO. 916.] The intermediate school board, acting in its own behalf, may issue bonds for the acquisition and betterment of school facilities or equipment or for the funding or refunding of outstanding bonds, warrants, orders or certificates of indebtedness. Minnesota Statutes, Chapter 475, shall be applicable in all respects. The purpose and the amount of any borrowing shall first be approved by resolution of the school board of the intermediate school district. When such resolution has been adopted by the intermediate school board it shall be published once in a newspaper of general circulation in said district.

The intermediate school board shall not sell and issue such bonds *for acquisition or betterment purposes* until the question of their issuance has been submitted to the voters of the intermediate school district at a special election held in and for such intermediate district. The date of such election, the question to be submitted, and all other necessary conduct of such election shall be fixed by the intermediate school board and said election shall be conducted and canvassed under the direction of the intermediate school board in accordance with Minnesota Statutes, Section 123.32, insofar as the same may be deemed applicable.

If a majority of the total number of votes cast on the question within the intermediate school district is in favor of the question, the intermediate school board may thereupon proceed with the sale and the issuance of said bonds. The full faith, credit and unlimited taxing powers of the intermediate school district shall be pledged to the payment of all bonds and certificates of indebtedness and none of such obligations shall be included in the net debt of any participating school district as defined by Minnesota Statutes, Section 475.51, Subdivision 4, or any other law similar thereto. The intermediate school board upon awarding a contract for the sale of such bonds shall certify to the county auditor or county auditors the years and amounts of taxes required to be levied for the payment of such bonds as provided by Minnesota Statutes, Section 475.61. The county auditor shall cause such taxes to be spread in each year until bonds and interest have been paid upon

all of the assessable, taxable valuation of said intermediate school district. In all other respects Minnesota Statutes, Chapter 475, shall apply and said bonds shall be deemed authorized securities within the provisions of Minnesota Statutes, Section 50.14, and shall be deemed instruments of a public governmental agency and exempt from taxation under provisions of Minnesota Statutes, Chapter 290, or any other act similar thereto.

Sec. 11. Minnesota Statutes 1971, Section 121.21, Subdivision 5, is amended to read:

Subd. 5. The commissioner with the approval of the state board for vocational education is authorized to apportion and distribute funds to the local school districts under the provisions of this section, such apportionment and reimbursement to be on a cost basis for those trainees living outside of the local school districts; *provided however that in fiscal years 1975 and 1976 nonresident reimbursement shall be limited to: (1) expenditures approved by the state board for vocational education, (2) debt service, and (3) fixed costs; provided however further that those school districts enrolling more than the state average of resident students shall receive nonresident aids based on the average percentage of nonresident attendance for the preceding school year for the state in area vocational-technical schools.*

Sec. 12. Minnesota Statutes 1971, Chapter 121, is amended by adding a section to read:

[121.50] [EDUCATIONAL ASSESSMENT PROGRAM; APPROPRIATION.] *Subdivision 1. It is the policy of this state to provide assistance in measurement of the effectiveness of the public educational system.*

Subd. 2. The commissioner or his representative is authorized to select a sample of public school pupils for purposes of the educational assessment program funded pursuant to Laws 1973, Chapter 768, Section 2, Subdivision 4.

Subd. 3. The board of any district may, by resolution and consistent with this section, enter into a written agreement with the department, if the commissioner determines it to be in the best interests of the assessment program, to have statewide educational assessment instruments as developed by the department administered to its pupils in excess of any sample of its pupils previously selected by the commissioner and in addition thereto any related services.

Subd. 4. The department is authorized to enter into a written agreement with a district to provide the services described in subdivision 3 which will protect the interest of the state as determined by the commissioner provided that such services will be on an actual cost basis to the district and in no event at direct cost expense to the state and provided further that a district which fails to remit the amount due and payable within 60 days of the date of billing shall forfeit that portion of any subsequent state aids otherwise earned and payable to such district which are equal to the amount due and payable under such agreement.

Subd. 5. All amounts received by the department pursuant to this section, including any state aids forfeited as provided by subdivision 4, shall forthwith be deposited with the state treasurer to be credited to the general fund in the state treasury.

Subd. 6. There is hereby continuously appropriated from the general fund to the department of education any and all amounts deposited by the department pursuant to subdivision 5 to be used for the purposes set out in this section.

Sec. 13. Minnesota Statutes 1971, Section 123.37, Subdivision 1, is amended to read:

123.37 [INDEPENDENT SCHOOL DISTRICTS, CONTRACTS.] Subdivision 1. No contract for work or labor, or for the purchase of furniture, fixtures, or other property, except books registered under the copyright laws, or for the construction or repair of school houses, the estimated cost or value of which shall exceed: (a) \$3,000 for school districts with an enrollment of students in grades 1 to 12 of less than 10,000, or (b) \$5,000 for all other school districts, shall be made by the school board without first advertising for bids or proposals by two weeks' published notice in the official newspaper. Such notice shall state the time and place of receiving bids and contain a brief description of the subject matter.

Such additional publication in the official newspaper or elsewhere may be made as the board shall deem necessary.

After taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids, every such contract shall be awarded to the lowest responsible bidder, duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance, and otherwise conditioned as required by law. A record shall be kept of all bids, with names of bidders and amount of bids, and with the successful bid indicated thereon. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the lowest responsible bid shall be rejected unless the alteration or erasure is corrected as herein provided. An alteration or erasure may be crossed out and the correction thereof printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid. In the case of identical low bids from two or more bidders, the board may, at its discretion, utilize negotiated procurement methods with the tied low bidders for that particular transaction, so long as the price paid does not exceed the low tied bid price. In the case where only a single bid is received, the board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not exceed the original bid. If no satisfactory bid is received, the board may readvertise. Standard requirement price contracts established for supplies or services to be purchased by the district shall be established by competitive bids. Such standard requirement price contracts may contain escalation clauses and may provide for a negotiated price increase or decrease based upon a demonstrable industry-wide or regional increase or decrease in the vendor's costs. Either party to the contract may request that the other party demonstrate

such increase or decrease. The term of such contracts shall not exceed two years with an option on the part of the district to renew for an additional two years. Provided that in the case of purchase of perishable food items except milk for school lunches and vocational training programs a contract of any amount may be made by direct negotiation by obtaining two or more written quotations for the purchase or sale, when possible, without advertising for bids or otherwise complying with the requirements of this section or section 471.345, subdivision 3. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof.

Every contract made without compliance with the provisions of this section shall be void. Provided, that in case of the destruction of buildings or injury thereto, where the public interest would suffer by delay, contracts for repairs may be made without advertising for bids.

Firm bid contracts for the purchase of milk and ice cream renegotiated between August 25, 1973 and July 1, 1974 which provide for a price increase or decrease based upon a demonstrable industrywide or regional increase in the vendor's costs are valid and not void under this subdivision; provided that the adjustment shall not exceed the increase or decrease authorized in the applicable federal marketing order for raw milk; and provided further that a school district which did not renegotiate its contract before February 1, 1974, shall not adjust its contract to provide for price increases or decreases for purchases made before February 1, 1974.

Sec. 14. Minnesota Statutes 1971, Section 123.37, is amended by adding a subdivision to read:

Subd. 1a. [AUTHORITY TO PURCHASE.] The board may authorize its superintendent or business manager to lease, purchase, and contract for goods and services within the budget as approved by the board, provided that any transaction in an amount exceeding the minimum amount for which bids are required must first be specifically authorized by the board and must fulfill all other applicable requirements in section 123.37, subdivision 1.

Sec. 15. Minnesota Statutes 1971, Section 123.37, is amended by adding a subdivision to read:

Subd. 1b. Notwithstanding the provisions of subdivision 1, a contract for the transportation of school children may be made either by direct negotiation by obtaining two or more written quotations for the service, when possible, or upon sealed bids. At least 30 days before awarding a directly negotiated contract, the school district shall, by published notice, request quotations for the service to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. If a contract is made by direct negotiation, negotiations shall be carried on at a meeting of the school board open to the public. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of subdivision 1.

Sec. 16. Minnesota Statutes 1971, Section 123.39, Subdivision 1, is amended to read:

123.39 [INDEPENDENT SCHOOL DISTRICTS, TRANSPORTA-

TION.] Subdivision 1. The board may provide for the free transportation of pupils to and from school, and to schools, in other districts for grades and departments not maintained in the district, including high school, at the expense of the district, when funds are available therefor and if agreeable to the district to which it is proposed to transport the pupils, for the whole or a part of the school year as it may deem advisable, and subject to its rules. Every driver shall possess all the qualifications required by the rules of the state board of education. In any district which at the time of the adoption of this code was a consolidated district or enjoyed the privileges of a consolidated district, the board shall arrange for the attendance of all pupils living two miles or more from the school, through suitable provision for transportation or for the boarding and rooming of such pupils as may be more economically and conveniently provided for by such means. The district is authorized to provide for the transportation of pupils or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by such means *or who attend school in a building rented or leased by a district within the confines of an adjacent district*.

Sec. 17. Minnesota Statutes, 1973 Supplement, Section 124.04, is amended to read:

124.04 [CAPITAL EXPENDITURE TAXING AUTHORITY.] In addition to the tax levy prescribed by law for general and special school purposes, the board of any district may levy annually an amount not to exceed \$65 per pupil unit and not to exceed 10 mills on each dollar of assessed valuation of the taxable property in the district as adjusted for the preceding year by the equalization aid review committee notwithstanding the provisions of sections 272.64 and 275.49, provided that said levy may not exceed by more than two mills (three mills if the district adds units pursuant to section 124.17, subdivision 1, clause (7)) the levy under this section in the previous year *and provided further that any district which did not levy pursuant to this section in 1972 may certify a maximum levy of 6 mills not to exceed \$65 per pupil unit in 1974*. The tax so levied shall be collected in the manner provided by law for the collection of school taxes. The proceeds of the tax may be used only to acquire land, improve and repair school sites and to equip, re-equip, repair and improve buildings and permanent attached fixtures. Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

The proceeds of the tax shall not be used for custodial or other maintenance services.

Sec. 18. Minnesota Statutes, 1973 Supplement, Section 124.17, Subdivision 1, is amended to read:

124.17 [DEFINITION OF PUPIL UNITS.] Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school, for kindergarten and for handicapped pre-kindergarten pupils as defined in section 120.03, and enrolled in

one-half day sessions throughout the school year or the equivalent thereof, approved by the commissioner of education, one-half pupil unit and other elementary pupils, one pupil unit.

(2) In secondary schools, pupils in junior high school or a six-year school and all other pupils in secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of a middle school shall be counted as secondary pupils.

(3) In area vocational-technical schools one and one-half pupil units.

(4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil *in clauses (1) and (2)* from families receiving aid to families with dependent children or its successor program shall be counted as an additional five-tenths pupil unit. The department of public welfare is directed to furnish to the department of education that information concerning children from families with dependent children which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids may be paid concurrently with other foundation aids.

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds ~~ten~~ *nine* percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional 35/100 of a pupil unit; for those districts where the number of such pupils is more than eight percent but not more than ~~ten~~ *nine* percent of the total pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional two-tenths of a pupil unit and for those districts where the number of such pupils is at least five percent but not more than eight percent of the total pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit. Such weighing shall be in addition to the weighing provided in clauses (1), (2), (3), and (4) of this section. School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to primary grade programs and services, particularly to programs and services that involve participation of parents.

(6) Where the total pupil units of a district are used as a multiplier in determining foundation aids and spending and levy limitations and where the actual number of pupil units has decreased from the prior year, the number of pupil units for such district shall equal the average of actual pupil units for the prior and current years.

(7) Where the actual number of pupil units has increased from the prior year by more than ~~four~~ *three* percent, a number of pupil units equal to one fourth of the difference between the units as

computed in clauses (1) and (2) for the two years shall be added to the other units for the district.

(8) Only pupil units in clauses (1) ; *and* (2) ~~and (3)~~ shall be used in computing adjusted maintenance cost per pupil unit.

Sec. 19. Minnesota Statutes 1971, Section 124.17, Subdivision 2, is amended to read:

Subd. 2. Membership *for pupils in grades kindergarten through twelve, for pupils in area vocational-technical schools and for handicapped prekindergarten pupils* shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that the pupil has left or has been legally excused; provided that any pupil , *regardless of age*, who has been absent from school without a legally justifiable excuse for 15 consecutive school days shall be dropped from the roll and classified as withdrawn. Nothing in Extra Session Laws 1971, Chapter 31, shall be construed as waiving the compulsory attendance provisions cited in section 120.10. Average daily membership shall equal the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days said schools are in session. For districts operating 12 months schools, days schools are in session shall mean the number of session days required by section 124.19, subdivision 1. The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which such pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil. Foundation aid for each pupil in such shared time classes shall be paid at a rate proportionate to aid paid for other resident pupils of the district providing instruction. A district shall not be entitled to transportation aid under section 124.22 for pupils enrolled on a shared time basis unless the statutes specifically provide for transportation aid to such student.

Sec. 20. Minnesota Statutes 1971, Section 124.17, is amended by adding a subdivision to read:

Subd. 2a. Notwithstanding subdivision 2, pupils granted transitional year status shall continue to be counted as members on the current roll of the school for the remainder of the school year. For purposes of computing average daily membership transitional year pupils shall be considered to be enrolled every day school is in session for the remainder of the school year.

Sec. 21. Minnesota Statutes, 1973 Supplement, Section 124.20, is amended to read:

124.20 [AID COMPUTATION FOR SUMMER SCHOOL AND YEAR-ROUND CLASSES.] State aid for summer school classes which are not a part of the regular school term in hospitals, sanatoriums, home instruction programs, and inter-session classes of year-round programs in elementary and secondary schools, and summer school instruction in area vocational schools or teachers college labora-

tory schools or in the university laboratory school shall be paid at a proportionate rate for aids paid during the regular school term, *provided that no district shall receive aid for programs under this section in an amount greater than its actual expenditures for these programs.*

Sec. 22. Minnesota Statutes, 1973 Supplement, Section 124.212, Subdivision 7a, is amended to read:

Subd. 7a. For the 1974-1975 school year a district shall receive in foundation aid, the lesser of: (1) \$820 \$825 per pupil unit less 30 mills times the 1972 adjusted assessed valuation of the district, or (2) the amount that bears the same relation to the difference in (1) as the sum of the greater sum computed pursuant to section 124.212, subdivision 6a, clause (2), and the greater of (a) one-third of the difference that results when such greater sum is subtracted from \$820 \$825, or (b) \$32 \$37, bears to \$820 \$825. *This section shall not be construed as in any instance authorizing the levy of total amounts of taxes for school purposes in excess of the amount allowed by law on October 15, 1973.*

Sec. 23. Minnesota Statutes, 1973 Supplement, Section 124.212, Subdivision 10, is amended to read:

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

Sec. 24. Minnesota Statutes, 1973 Supplement, Section 124.222, Subdivision 1, is amended to read:

124.222 [TRANSPORTATION AID ENTITLEMENT.] Subdivision

1. [COMPUTATION.] For the 1974-1975 school year the state shall pay to each school district for all school transportation and related services for which the district is authorized by law to receive state aid: (1) The lesser product of either

(a) The actual net operating cost per eligible pupil transported during the 1975 fiscal year times the number of eligible pupils transported during the 1975 fiscal year; or

(b) ~~40~~ 115 percent of the actual net operating cost per eligible pupil transported during the year ending June 30, 1973, times the number of eligible pupils transported during the 1975 fiscal year;

(2) Minus the amount raised by a levy of one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy collected in calendar year 1974;

(3) Plus, the amount of depreciation for one year on the school bus fleet computed by the department of education on a straight line basis at the rate of ten percent per year of the net cost of the fleet.

Sec. 25. Minnesota Statutes, 1973 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.] For the 1974-1975 school year and thereafter, school transportation and related services for which state transportation aid is authorized are:

(1) Transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a private school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to private school pupils; provided that state transportation aid is authorized in an amount not to exceed \$700,000 annually for the transportation of any elementary pupil, if the commissioner determines that the transportation is necessary because of extraordinary traffic hazards;

(2) Transportation to or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to a district having a classified secondary school at the expense of the district of the pupil's residence.

(3) Transportation for residents to a state board approved secondary vocational center;

(4) Transportation or board and lodging of a handicapped pupil when he cannot be transported on a regular school bus, and the conveying of handicapped pupils between home and school and within the school plant;

(5) Transportation of resident handicapped ~~children~~ *persons who fulfill the eligibility requirements of Minnesota Statutes, Section 252.23 (1) to licensed daytime activity centers attended by the children these persons* ;

(6) When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(7) Services described in clauses (1) to (6) when provided in conjunction with a state board approved summer school program.

Sec. 26. Minnesota Statutes 1971, Section 124.28, Subdivision 1, is amended to read:

124.28 [GROSS EARNINGS REFUND.] Subdivision 1. When the properties of any district are made up, to the extent of at least 20 percent in value of property which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax law, *for the refund receivable in fiscal year 1974 and thereafter* such district shall receive annually a refund from such gross earnings taxes in the amount that would be produced by a tax on such exempt property at *three times* the current tax rate for school purposes in the district including the rate for nonresident high school children levied by the county provided that any district which has 15 percent in value of such exempt property and presently receiving gross earnings refund shall continue to receive it until June 30, 1963. For the purpose of determining the amount of this refund, the value of such exempt property shall be set at 30 percent of its full and true value except that in no case shall the assessed value of said exempt property for this purpose exceed such an amount as when added to the assessed value of all other property in the district exceed ~~\$3,000~~ \$9,000 per resident pupil unit. In the determination of the amounts to which districts shall be entitled in the distribution of any state aids that are based upon total valuation per pupil this valuation shall be included.

Sec. 27. Minnesota Statutes, 1973 Supplement, Section 124.30, Subdivision 2, is amended to read:

Subd. 2. *For fiscal year 1974 and thereafter*, no district with an assessed valuation of ~~\$1,300~~ \$3,900 or more per pupil unit in average daily membership shall receive any aid under the provisions of this section. This subdivision does not apply to any district formed in accordance with the provisions of the consolidation law, in which more than 85 percent of the lands are tax exempt nor to any district with more than 30 townships in which more than 50 percent of the land in such district is tax exempt.

Sec. 28. Minnesota Statutes 1971, Section 270.11, Subdivision 2, is amended to read:

Subd. 2. [COUNTY AUDITOR'S REPORTS OF ASSESSMENT FILED WITH COMMISSIONER.] The commissioner of ~~taxation~~ revenue shall require the auditor of each county in the state to file with him, on or before August 1, each year, complete abstracts of all real and personal property in the county, as equalized by the county board of equalization, and itemized by assessment districts, accompanied by a printed or typewritten copy of the proceedings of the county board of equalization, and it shall be the duty of the county auditor to so report to the commissioner of ~~taxation~~ revenue.

The final abstract of assessments after adjustments by the state board of equalization and inclusion of any omitted property shall be submitted to the commissioner of revenue on or before January 1 of each calendar year.

Sec. 29. Minnesota Statutes, 1973 Supplement, Section 275.125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In 1973, a school district may levy for all general and special school purposes, an amount equal to the amount raised by the 1972 adjusted assessed valuation of the district times the number of mills, not to exceed 30, that bears the same relation to 30, as the greater sum computed pursuant to section 124.212, subdivision 7a, clause (2), bears to \$820.

(2) In 1974, a school district may levy for all general and special school purposes, an amount equal to the amount raised by the 1973 adjusted assessed valuation of the district times the number of mills, not to exceed 30, that bears the same relation to 30, as the sum of the greater sum computed pursuant to section 124.212, subdivision 7a, clause (2), and the greater of (a) one-half of the difference that results when such greater sum is subtracted from ~~\$860~~ \$875, or (b) ~~\$40~~ \$50, bears to ~~\$960~~ \$875.

(3) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held in a single school year. The question on the ballot shall be whether a specific millage which will yield a specific amount based on the most recent assessed valuation may be added to that authorized by clauses (1) or (2). If approved, the amount provided by the millage applied to each year's assessed valuation shall be authorized for certification until revoked by the voters of the district at a subsequent referendum, which may be called by the school board and which shall be called by the school board upon the written petition of qualified voters of the district unless the petition for revocation is submitted in the same year in which a levy has been increased by the voters pursuant to this clause. A petition authorized by this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or 10 percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board unless the petition for revocation is submitted in the same year in which a levy has been increased by the voters pursuant to this clause. Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

Sec. 30. Minnesota Statutes, 1973 Supplement, Section 275.125, Subdivision 3, is amended to read:

Subd. 3. In addition to the levy authorized by section 275.125, subdivision 2a, a qualifying district may levy additional amounts as follows:

(1) The amounts necessary to make payments for bonds issued and for interest thereon, including the bonds and interest thereon, issued as authorized by clause (7) (C) of this subdivision, and for repayment of debt service loans and capital loans, the amount authorized for capital expenditures pursuant to section 124.04 and the amount authorized for liabilities of dissolved districts pursuant to section 122.45.

(2) For school transportation services, an amount not to exceed the amount raised by a levy of one mill times the adjusted assessed valuation of the taxable property of the district for the preceding year; provided that in 1973 and thereafter a district having boundaries coterminous with the boundaries of a city of the first class may levy an amount not to exceed 20 percent of its costs for transportation and related services for which state aid is authorized for the 1974-1975 school year and thereafter, and provided further that a district may levy under this clause for the annual cash payments to be made for the purchase of buses, but only for that portion of the payments not offset by state transportation aid received on account of depreciation ; and provided further that beginning with the levy certified in 1974, a district may levy for that portion of transportation costs approved by the commissioner as qualifying for aid because of extraordinary traffic hazards but for which no state aid is receivable for the current fiscal year pursuant to section 124.223, Clause (1).

(3) For purposes of the 1973 levy, collectible in 1974, any district which qualified for an extra levy under Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (4), shall be allowed to levy the same amount per pupil unit allowed by that clause. Provided, however, that a district having boundaries coterminous with the boundaries of a city of the first class which was affected by the limitation of an extra levy not to exceed 1.5 mills times the adjusted assessed valuation of the district shall be allowed to levy 1.9 mills. For purposes of the 1973 levy, collectible in 1974, any district which qualified for an extra levy in 1971, collectible in 1972, under Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (3) but did not qualify for an extra levy under Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (4) in 1972, collectible in 1973, shall be allowed to levy the amount per pupil unit it was qualified to levy under Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (3).

(4) In 1973 only, for a district which was authorized to levy pursuant to Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (3), but which was not authorized to levy pursuant to Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (4), an amount not to exceed the aggregate amount authorized by Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (3).

(5) ~~A district which qualified for a levy under clause (3) above shall be allowed to levy that same amount per pupil unit in 1974~~ For the 1974 levy, collectible in 1975, any district, in which the

1970-1971 adjusted maintenance cost per pupil unit in average daily membership was greater than \$663 per pupil unit, may levy an amount per pupil unit which is equal to or less than the difference between the 1970-1971 adjusted maintenance cost per pupil unit in average daily membership and \$663 per pupil unit, reduced by two and one-half percent. ~~The per pupil amount of the reduction shall be rounded down to the dollar.~~ No district may levy under this clause an amount which exceeds the sum of the levy permitted under Minnesota Statutes, 1973 Supplement, Section 275.125, Subdivision 3(3) and the amount raised by 2 mills times the adjusted assessed valuation of the taxable property of the district for the preceding year. Provided, however, that a district ~~within~~ with boundaries coterminous with the boundaries of a city of the first class which was affected by the limitation of an extra levy not to exceed 1.9 mills times the adjusted assessed valuation of the district shall be allowed to levy ~~the 1.9~~ 2.0 mills.

(6) For districts in cities of the first class, maintaining post secondary vocational schools, one half mills times the adjusted assessed valuation of the taxable property of the district for the preceding year; and for other districts maintaining post secondary vocational schools, three mills times the adjusted assessed valuation of the taxable property of the district for the preceding year, provided that districts formed pursuant to Laws 1967, Chapter 822, and Laws 1969, Chapters 775 and 1060, shall be subject to the levy limitations imposed by those laws, as amended.

(7) (A) In order that the transition from existing patterns of financing public schools to the system prescribed in Extra Session Laws 1971, Chapter 31, Article 20 may be made in an orderly fashion, a district may levy an additional levy under the terms of this section.

(B) If that part of the levy certified by the school district in 1970, received in 1971, plus so much of the levy, allowed under subdivisions 2 and 3, sections 1 to 5 of this act, to be certified in 1971, received in 1972, as will be received between July 1, 1971 and June 30, 1972, and when added to all other state aids, local funds available and net existing local debts, exclusive of bonded debt and existing capital loans will not be sufficient to allow a district to spend an amount per pupil unit sufficient to raise its 1970-1971 adjusted maintenance cost per pupil unit by \$42 it may petition the commissioner of education for authority to levy an additional levy. Before such a levy can be made, the commissioner must authorize such a levy. Such authorization shall specify the amount of the levy, provided that such levy may not exceed .5 mills in a city of the first class or 1.5 mills in any other district times the 1970 adjusted assessed valuation of the district as determined by the equalization aid review committee.

(C) If the additional levy allowed in (B) is insufficient to raise the adjusted maintenance cost of a district to \$42 above its costs in 1970-1971 it may petition the commissioner of education for authority to issue general obligation bonds of an amount sufficient to meet the deficiency. The commissioner must authorize such a bond issue. The authorization shall specify the amount of the bond issue provided that the levy authorization to pay the princi-

pal and interest on the bonds may not exceed .5 mills in a district within a city of the first class, or 1.5 mills in any other district, times in 1970 adjusted assessed valuation of the district as determined by the equalization aid review committee. The bonds authorized by this section shall be sold and issued pursuant to the provisions of chapter 475, except as otherwise provided herein. Such bonds shall not be included in computing any debt limitation for a district and no election shall be required for their sale and issuance.

A district may not be authorized an additional levy under both (B) and (C) of this section.

(8) In 1973, and each year thereafter, for a district which has established a community school advisory council pursuant to section 121.88, whether or not the district receives reimbursement from the state pursuant to section 121.89, an amount of money raised by the greater of (A) \$1 per capita, or (B) the number of mills not to exceed the number of mills necessary in 1973 to raise \$1 per capita in 1973 for community services including summer school, non vocational adult programs, recreation programs, and programs contemplated by sections 121.85 to 121.89.

The population of the district for purposes of this clause is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

(9) Districts which receive payments which result in deductions from foundation aid pursuant to section 124.212, subdivision 8a, shall reduce the permissible levies authorized by this subdivision by 25 percent in 1973, 50 percent in 1974, 75 percent in 1975, and 100 percent for each year thereafter of that portion of the previous year's payment not deducted from foundation aid on account of the payment, unless such a levy reduction is otherwise required by law. The levy reductions shall be made in the proportions that each permissible levy bears to the sum of the permissible levies.

(10) The commissioner shall certify to the county auditors ~~any errors made in 1971 and 1972 in general and special purpose levy amounts~~ *the levy limits for all school districts headquartered in the respective counties together with adjustments for errors in levies not penalized pursuant to subdivision 4 as well as adjustments to final pupil unit counts .*

A school district shall have the right to require the commissioner to review his certification and to present evidence in support of modification of his certification.

~~The county auditor is authorized to adjust the 1973 levy to correct for the errors~~ *shall reduce levies for any excess of levies over levy limitations pursuant to section 275.16. Such reduction in excess levies may at the discretion of the school district be spread over not to exceed two calendar years .*

(11) *The commissioner of education shall certify to the county auditors any underlevies made in 1971 and 1972 in the transportation levy amounts. The 1971 underlevies shall be determined to be*

(1) the actual net costs of reimbursable transportation as reported to the department of education for the 1972-1973 school year plus the amount expended by the district to acquire school buses in 1972-1973 used for reimbursable transportation, less (2) the 1971 certified transportation levy as amended and state aids received in 1972-1973 for transportation including depreciation. Underlevies in the 1972 transportation levy shall be computed in like manner using 1973-1974 costs and state aids received in the 1973-1974 school year. The 1974 levy shall be adjusted to correct for such underlevies, provided that upon written request of the affected school board to the commissioner, the adjustment shall be prorated in the 1974 and 1975 transportation levies. No district may levy under this clause in any year an amount which exceeds the amount raised by a levy of two mills times the previous year's adjusted assessed valuation of the taxable property of the district.

(12) When a district finds it economically advantageous to rent or lease existing school buildings for instructional purposes, and the proceeds of the levy permitted under section 124.04 are insufficient for this purpose, it may apply to the commissioner for permission to make an additional capital expenditure levy for this purpose. An application for permission to levy under this clause shall contain financial justification for the proposed levy, the terms and conditions of the proposed lease, and a description of the space to be leased and its proposed use. The criteria for approval of applications to levy under this clause shall include: the reasonableness of the price, the appropriateness of the space to the proposed activity, the feasibility of transporting pupils to the leased building, conformity of the lease to the laws and regulations of the state of Minnesota, and the appropriateness of the proposed lease to the space needs and the financial condition of the district. The commissioner shall not authorize a levy under this clause in an amount greater than the cost to the district of renting or leasing a school building for approved purposes.

Sec. 31. Minnesota Statutes 1971, Section 275.125, Subdivision 7, is amended to read:

Subd. 7. By November 1 of each year ~~(December 1, in 1971 only)~~ each district shall submit to the commissioner of education and the commissioner of taxation a certificate of compliance with the levy limitations of this section and of section 124.04. The commissioner of ~~taxation~~ education shall prescribe the form of this certificate.

Sec. 32. [APPROPRIATION.] There is appropriated from the general fund of the state treasury to the department of of education the following sums for the year ending June 30, 1975 and for the purposes indicated:

(1) Foundation aid\$5,549,000

This appropriation shall be added to the \$497,500,000 appropriated in Laws 1973, Chapter 683, Section 28, Clause (1).

(2) Transportation aid\$2,700,000

This appropriation shall be added to the \$51,000,000 appropriated in Laws 1973, Chapter 683, Section 28, Clause (2).

(3) Rights to read\$200,000

This appropriation shall be added to the \$1,751,440 appropriated in Laws 1973, Chapter 768, Section 2, Subdivision 1, and shall be used solely to supplement the \$100,000 designated for the right to read program for the fiscal year ending June 30, 1975.

(4) Educational assessment\$100,000

This appropriation shall be added to the \$796,800 appropriated in Laws 1973, Chapter 768, Section 2, Subdivision 4, and shall be used solely for the purposes of the educational assessment program.

(5) Council on quality education\$250,000

This appropriation shall be used for funding early childhood identification and education programs pursuant to sections 2 to 6 of this act. No more than \$10,000 may be expended for administration of these programs by the council on quality education and no more than \$10,000 may be expended for evaluation of these programs.

(6) Educational television\$100,000

Of this appropriation an amount not to exceed \$20,000 shall be made available by the commissioner to each Minnesota member station of Midwestern Educational Television, Incorporated upon the request of the director of the member station.

Sec. 33. Sections 1, 2, 3, 4, 5, 6, 8, 9, 11, 13, 14, 15, 17, 21, 26 and 27 of this act shall be effective the day following final enactment. Section 10 of this act shall be effective following final enactment and upon the approval of a majority of the governing body of special intermediate school district No. 916 and upon compliance with Minnesota Statutes, Section 645.021, except the last sentence of section 645.021, subdivision 1, shall not apply to section 10. Section 12 of this act shall be effective the day following final enactment for the biennium ending June 30, 1975 and shall expire June 30, 1975.

Sec. 34. Minnesota Statutes 1971, Section 124.13, is repealed."

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

"A bill for an act relating to operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; changing the funding of post-secondary vocational-technical education to a current funding basis; granting certain powers to school districts and the state board of education; establishing early childhood identification and education pilot programs and a transitional year procedure; school district contracts; educational assessment; appropriating money; amending Laws 1969, Chapter 775, Section 4, Subdivision 3; amending Minnesota Statutes 1971, Chapter 121, by adding a section; Sections 121.21, Subdivision 5; 123.37, Subdivision 1 and by adding subdivisions; 123.39, Subdivi-

sion 1; 124.17, Subdivision 2 and by adding a subdivision; 124.28, Subdivision 1; 270.11, Subdivision 2; 275.125, Subdivision 7; Minnesota Statutes, 1973 Supplement, Sections 124.04; 124.17, Subdivision 1; 124.20; 124.212, Subdivisions 7a and 10; 124.222, Subdivision 1; 124.223; 124.30, Subdivision 2; and 275.125, Subdivisions 2a and 3; repealing Minnesota Statutes 1971, Section 124.13."

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

House Conferees: (Signed) Joseph P. Graba, Carl M. Johnson, Tom Berg, Salisbury Adams, Gilbert Esau

Senate Conferees: (Signed) Jerald C. Anderson, Jerome M. Hughes, Douglas H. Sillers, Joseph T. O'Neill, Norbert Arnold

Mr. Anderson moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2996 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 2996: A bill for an act relating to operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; changing the funding of post-secondary vocational-technical education to a current funding basis; granting certain powers to school districts and the state board of education; establishing early childhood identification and education pilot programs and a transitional year procedure; school district contracts; educational assessment; appropriating money; amending Laws 1969, Chapter 775, Section 4, Subdivision 3; amending Minnesota Statutes 1971, Chapter 121, by adding a section; Sections 121.21, Subdivision 5; 123.37, Subdivision 1 and by adding subdivisions; 123.39, Subdivision 1; 124.17, Subdivision 2 and by adding a subdivision; 124.28, Subdivision 1; 270.11, Subdivision 2; 275.125, Subdivision 7; Minnesota Statutes, 1973 Supplement, Sections 124.04; 124.17, Subdivision 1; 124.20; 124.212, Subdivisions 7a and 10; 124.222, Subdivision 1; 124.223; 124.30, Subdivision 2; and 275.125, Subdivisions 2a and 3; repealing Minnesota Statutes 1971, Section 124.13.

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	Chenoweth	Gearty	Keefe, J.	Lord
Arnold	Chmielewski	Hansen, Baldy	Keefe, S.	McCutcheon
Ashbach	Conzemius	Hanson, R.	Kirchner	Milton
Bang	Davies	Hughes	Kowalczyk	Moe
Berg	Dunn	Humphrey	Krieger	Nelson
Bernhagen	Fitzsimons	Jensen	Larson	North
Borden	Frederick	Josefson	Lewis	Novak

Ogdahl	Olson, J. L.	Purfeerst	Spear	Thorup
Olhoft	O'Neill	Schrom	Stassen	Ueland
Olson, A. G.	Patton	Sillers	Stokowski	Willet
Olson, H. D.	Perpich, G.	Solon	Tennessee	

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

SPECIAL ORDER

H. F. No. 3347: A bill for an act relating to education; providing for biennial reports on the percentages of men, women and racial minorities in professional programs.

Mr. Lewis moved to amend H. F. No. 3347, the printed bill, as follows:

Page 2, strike lines 23 to 28

Renumber subsequent section

The motion prevailed. So the amendment was adopted.

Mr. Tennessee moved to amend H. F. No. 3347, the printed bill, as follows:

Page 2 strike lines 13 to 22

The motion prevailed. So the amendment was adopted.

H. F. No. 3347 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 49 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, J.	North	Purfeerst
Arnold	Fitzsimons	Keefe, S.	Novak	Renneke
Ashbach	Frederick	Kirchner	Ogdahl	Solon
Bang	Gearty	Kowalczyk	Olhoft	Spear
Berg	Hansen, Baldy	Krieger	Olson, A. G.	Stassen
Bernhagen	Hanson, R.	Lewis	Olson, H. D.	Stokowski
Borden	Hughes	Lord	Olson, J. L.	Thorup
Chenoweth	Humphrey	Milton	O'Neill	Ueland
Conzemius	Jensen	Moe	Patton	Willet
Davies	Josefson	Nelson	Perpich, G.	

Mr. Schrom voted in the negative.

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

SPECIAL ORDER

H. F. No. 3400: A bill for an act relating to retirement; the Minnesota state retirement system; legislators retirement; and highway patrolmen retirement; amending Minnesota Statutes 1971, Chapter 3A, by adding a section; 352B, by adding sections; Sections 352.01, Subdivision 17; 352.03, Subdivision 11; 352.113, Subdivisions 1, 5 and

12; 352.115, Subdivision 11; 352.12, Subdivisions 7, 8 and 11; 352.15; and 352.72, by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Sections 3A.02, Subdivisions 1 and 4; 3A.03, Subdivision 1; 352.03, Subdivision 4; 352.115, Subdivision 10; 352.12, Subdivisions 1, 2 and 6; 352.22, Subdivision 3; 352.72, Subdivision 2; 352.93, Subdivision 1; and 352D.02, Subdivisions 1 and 3; repealing Minnesota Statutes 1971, Sections 352.28; 352.32; 352.38; and 352.715.

Mr. Chenoweth moved that the amendment made to H F. No. 3400 by the Committee on Rules and Administration in the report adopted March 14, 1974, pursuant to Rule 49, be stricken. The motion prevailed. So the amended was stricken.

Mr. Chenoweth then moved to amend H. F. No. 3400, the printed bill, as follows:

Page 2, line 17, after "1973." insert "*Clause (2) shall also be applicable to any former legislator who applies for a deferred annuity after the effective date of this act.*"

Page 2, lines 31 and 32, strike "the state treasury and deposited in the general fund" and insert "*a special fund known as the "legislators' retirement fund" to be invested in accord with Minnesota Statutes, Section 352.061. Beginning with the effective date of this act, the fund shall be credited with all contributions, all interest and all other income authorized by law*"

Page 3, line 19, after "in" strike "*Minnesota Statutes, 1973 Supplement, Section 3A.11.*"

Page 3, following line 26, insert:

"Sec. 5. Minnesota Statutes, 1973 Supplement, Section 16.027, Subdivision 8, is amended to read:

Subd. 8. (1) At the request of an officer or employee of the state of Minnesota *or any political subdivision thereof*, the appointing authority shall, by payroll deduction, defer the payment of such part of the compensation of the officer or employee as provided in a written agreement between the officer or employee and the state of Minnesota *or political subdivision* in such a manner as will qualify the deferred amount for benefits afforded under federal and state tax laws, regulations, and rulings.

(2) The amount of compensation so deferred shall be used to purchase shares in the Minnesota supplemental retirement fund established in section 11.18. The shares so purchased shall stand in the name of the state of Minnesota for the officer or employee whose deferred compensation purchased said shares until distributed to said officer or employee in a manner agreed upon by the appointing authority and the employee. Nothing in this subdivision shall be construed as to authorize an employer contribution, nor shall the state be responsible for any loss which may result from investment of the deferred compensation.

(3) The provisions of this subdivision, except clause (2), shall be administered by the Minnesota state retirement system pursuant to the provisions of clause (4).

(4) The commissioner of administration shall establish rules, regulations, and procedures to carry out the provisions of this subdivision including allocation of administrative costs against the assets accumulated under this subdivision. Funds to pay such costs are hereby appropriated from the fund or account in which the assets accumulated under this subdivision are placed."

Page 5, after line 16, insert:

"Sec. 12. Minnesota Statutes 1971, Section 352.115, is amended by adding a subdivision to read:

Subd. 10a. Notwithstanding the provisions of subdivision 10, the retirement benefit being paid a retired employee who is appointed as a permanent employee of the legislature or legislative committee or commission shall cease at the end of the month in which he is employed. He shall again be covered by the system for such employment, except that the required reserves transferred to the Minnesota adjustable fixed benefit fund shall remain in that fund and he shall be entitled to any adjustment in benefit amount he otherwise would have received from such fund. He shall participate in the unclassified employees' retirement program unless he elects, as provided in chapter 352D, to be covered by the regular plan.

Upon subsequent termination he shall be entitled to an annuity as provided by this chapter or chapter 352D on this period of service. This shall be in addition to the annuity previously granted. If the employee elects the formula plan the formula percentage applied shall be that as would have been applied taking into account his previous allowable service.

His annuity, including the additional amount, shall begin to accrue at the beginning of the month following the month his service terminates."

Page 9, after line 24, insert:

"Sec. 23. Minnesota Statutes 1971, Chapter 352, is amended by adding a section to read:

[352.911] Covered correction service shall include service rendered prior to July 1, 1973, in a civil service classification of farmer or farm manager by an employee employed in a covered correctional position on July 1, 1973."

Page 11, line 27, after "program" strike "upon" and insert "after"

Page 11, after line 34, insert:

"Sec. 28. Minnesota Statutes, 1973 Supplement, Section 465.72, is amended to read:

~~465.72 [SEVERANCE PAY.] Except as may otherwise be provided in Laws 1959, Chapter 490, as amended, All counties, cities, villages, boroughs, townships and school districts are hereby authorized and empowered to pay severance pay to all of its employees and to establish, prescribe and promulgate provisions, rules and regulations for the payment of such severance pay upon~~

leaving employment prior to the normal retirement date. 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. In no event shall severance pay ~~provided exceed 100 working days' pay for an employee leaving employment exceed an amount equivalent to 100 days pay~~. *No limitations shall be imposed other than working days in determining maximum severance pay.*"

Page 12, following line 3, insert:

"Sec. 33. [BUILDING AUTHORIZATION.] The board of trustees of the public employees retirement association is authorized to construct or acquire a building and adequate parking facilities in the city of St. Paul to house the public employees retirement association, the teachers retirement association, the Minnesota state retirement system, and provide such other space as the board deems advisable.

Sec. 34. [PLANS AND SPECIFICATIONS.] The board shall obtain the services of a registered architect to prepare plans and specifications for said building.

Sec. 35. [CONTRACT AWARD.] The contract for the construction or expansion and refurbishing of the building shall be awarded by the board of trustees of the public employees retirement association in accord with the building and bonding procedures established in Minnesota Statutes 1971, Section 375.21, except that the board may publish bid notices in additional newspapers and professional publications.

Sec. 36. [LEASES.] Subdivision 1. Notwithstanding any other law to the contrary the organizations listed in section 33 are authorized to lease space in said building at rates established by the public employees retirement association; space not occupied by said organizations may be leased to public and private persons at rates established by the board of trustees.

Subd. 2. All rentals, including rent attributable to the public employees retirement association, shall be credited to the public employees retirement association fund and the rate of return on the investment in the building and parking facilities calculated in accord with accepted accounting principles.

Sec. 37. [MANAGEMENT AND MAINTENANCE.] The board shall hire the personnel necessary to manage and maintain the building and parking facilities, provided that all or any part of such management and maintenance may be provided by agreements between independent contractors and the board.

Sec. 38. [TAXATION.] The building and parking facilities authorized by sections 33 to 41 of this act shall not be immune or exempt from taxation by an authorized governmental subdivision.

Sec. 39. [LEASE, OPTION, OR AGREEMENT; SUBJECT TO APPROVAL.] Any lease, or option, or agreement to purchase real estate to carry out the purposes of sections 33 to 41 of this act shall be effective only after being approved by the legislative retirement study commission.

Sec. 40. [LEASE, OPTION, OR AGREEMENT; SUBJECT TO APPROVAL.] Any lease, or option, or agreement to purchase real estate to carry out the purposes of this act shall be effective only after being approved by the legislative retirement study commission.

Sec. 41. [APPROPRIATIONS.] Moneys necessary to carry out the provisions of sections 33 to 41 of this act are appropriated from the public employees retirement association fund. This appropriation shall not lapse."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 2, after "retirement;" insert "regulating severance pay; deferred compensation for political subdivision employees; building authorization for the public employees retirement association; appropriating money;"

Line 4, after "Subdivision 11" insert ", and by adding a subdivision"

Line 5, after "subdivision;" insert "Chapter 352, by adding a section"

Line 6, after "3A.03 Subdivision 1;" insert "16.027, Subdivision 8;"

Line 7, before "352D.02," strike "and"

Line 8, after "and 3;" insert "and 465.72;"

The motion prevailed. So the amendment was adopted.

Mr. Gearty moved to amend H. F. No. 3400, the printed bill, as follows:

Page 12, after line 3, insert:

"Sec. 42. Extra Session Laws 1971, Chapter 32, Section 22, Subdivision 1, is amended to read:

Sec. 22. Subdivision 1. [MEMBERS; COMPENSATION AND EXPENSES, FLEXIBLE SESSIONS.] The compensation of each member of the house of representatives of the legislature shall be ~~\$16,900 for the entire term to which he is elected, which shall be due on the first day of the regular legislative session of the term and payable as follows:~~

\$700 \$1,000 due on the first day of the regular legislative session, payable on the fifteenth day of January and \$1,000 payable on the first day of each month, February to December, inclusive, during the term for which he was elected.

The compensation of each senator of the legislature shall be ~~\$33,500 for the term to which he is elected, of which \$16,800 shall be due on the first day of each regular legislative session of the term and payable as follows:~~

\$700 \$1,000 due on the first day of the regular legislative session, payable on the fifteenth day of January and \$1,000 payable on the first day of each month February to December, inclusive, during the term for which he was elected.

Each member shall receive mileage for necessary travel in going to and returning from the place of meeting to his place of residence in such amount and for such trips as may be authorized by the senate as to senate members, and by the house of representatives as to house members.

Each member shall receive in addition to the foregoing, such per diem living expenses during a regular or special session of the legislature in such amounts and for such purposes as may be determined by the senate as to senate members and by the house of representatives as to house members.

On the fifteenth day of January and on the first day of each month, February to December, inclusive, the secretary of the senate and the chief clerk of the house of representatives, shall certify to the state auditor, in duplicate, the amount of compensation then payable to each member of their respective houses, and the aggregate thereof."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, second line, after "retirement;" insert "increasing compensation for members of the legislature;"

Eighth line, after "and 3;" insert "and Extra Session Laws 1971, Chapter 32, Section 22, Subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Brown moved to amend H. F. No. 3400, the printed bill, as follows:

Page 1, before line 1, insert:

"Section 1. Minnesota Statutes 1971, Section 2.021, is amended to read:

[2.021] [NUMBER OF MEMBERS.] For each legislature, until a new apportionment shall have been made, the senate is composed of ~~67~~ 50 members and the house of representatives is composed of ~~135~~ 100 members."

Renumber the remaining sections in sequence

Page 12, line 5, strike "This act is" and insert "Sections 2 to 30 are"

Page 12, line 5, strike "its"

Page 12, line 5, after "enactment." insert "Section 1 is effective for legislative terms commencing on the first Tuesday after the first Monday in January of 1977."

Further, amend the title as follows:

Line 1, strike "to retirement" and insert "the organization and operation of state government"

Line 1, after "retirement;" insert "the size of the legislature;"

Line 3, after "Sections" insert "2.021;"

And the roll being called, there were yeas 16 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Keefe, S.	Nelson	Purfeerst
Brown	Krieger	North	Schaaf
Dunn	Lord	Ogdahl	Stassen
Keefe, J.	Milton	O'Neill	Ueland

Those who voted in the negative were:

Arnold	Fitzsimons	Kirchner	Olhoft	Sillers
Ashbach	Frederick	Kowalczyk	Olson, A. G.	Solon
Berg	Gearty	Larson	Olson, H. D.	Spear
Bernhagen	Hansen, Baldy	Laufenburger	Olson, J. L.	Stokowski
Borden	Hanson, R.	Lewis	Patton	Tennessen
Chenoweth	Humphrey	McCutcheon	Perpich, G.	Wegener
Conzemius	Jensen	Moe	Renneke	Willet
Davies	Josefson	Novak	Schrom	

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

Mr. Stokowski moved to amend H. F. No. 3400, the printed bill as follows:

Page 12, after line 3, insert:

"Sec. 43. Notwithstanding the provisions of any general or special law to the contrary, all firemen first employed after January 1, 1974, shall be members of the public employees police and fire fund operated pursuant to Minnesota Statutes, Sections 353.63 to 353.68. All such firemen are not members of the fire relief association of the city of Columbia Heights and are not subject to any law relating thereto.

Sec. 44. State aid funds for fire relief associations received by the city of Columbia Heights pursuant to Minnesota Statutes, Sections 69.021 to 69.04 may be transferred to the fire relief association of the city of Columbia Heights in accordance with those sections, or retained in whole or in part by the city and allocated as a portion of the required employer's pension contribution for firemen who are members of the public employees police and fire fund.

Sec. 45. The governing body of such firemen's relief association shall consist of a board of trustees composed of six members to be elected by the active members of the association or by the retired members if there are no active members, based on the

present membership of ten men as of January 1, 1974. Any vacancy in the board shall be filled in the manner prescribed in this section. The affairs of the association shall be managed by the board of trustees in the manner prescribed by law or the articles of incorporation of the association. When every member of the fire relief association of the city of Columbia Heights is deceased, the funds of such association shall become a trust fund managed for the benefit of the recipients of such funds.

Sec. 46. Notwithstanding the provisions of Minnesota Statutes, Section 69.77, Subdivision 2, from and after January 1, 1974, the members of the association shall pay into the retirement funds of the association a contribution of not less than eight percent of the salary of a first grade fireman.

Sec. 47. From and after the effective date of this act each association shall, upon application of any member whose employment is terminated or who for any other reason ceases to be a member of the association before qualifying for a pension or disability benefits, refund to the member the total of his accumulated contributions to the association without interest.

Sec. 48. The minimum obligation of the city of Columbia Heights to the firemen's relief association shall be determined and provided by Minnesota Statutes, Sections 69.71 to 69.77, except that the normal cost shall be computed as a percentage of the salary paid only to members of the association.

Sec. 49. Commencing in the year 1982, in addition to the minimum obligation required by sections 69.71 to 69.77, the city of Columbia Heights will provide additional financing to the firemen's relief association sufficient to amortize by the year 2012 the fund deficits as determined in accordance with Minnesota Statutes, Section 69.73.

Sec. 50. Sections 43 to 51 of this act do specifically supersede those parts of Minnesota Session Laws 1965, Chapter 605, in conflict therewith in regards to membership in the public employees retirement association.

Sec. 51. No new firemen's relief association in the city of Columbia Heights to provide benefits to be paid firemen shall be established except by specific enactment of the legislature or by chartered amendment to the charter of the city of Columbia Heights.

Page 12, after line 4, insert:

"Sec. 53. Sections 43 to 51 are effective upon approval by the governing body of the city of Columbia Heights and upon compliance with Minnesota Statutes, Section 645.021."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 2, strike "and"

Line 2, after "retirement;" insert "and the firemen's relief associa-

tion in the city of Columbia Heights; membership of certain fire personnel in the public employees police and fire fund;"

The motion prevailed. So the amendment was adopted.

Mr. Brown moved to amend H. F. No. 3400, the printed bill, as follows:

Page 2, after line 34, insert:

"Sec. 4. Minnesota Statutes, 1973 Supplement, Section 43.051, Subdivision 3, is amended to read:

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 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 , *except that employees having completed five years of service as of July 1, 1973, shall have the option of retiring upon reaching the age of 65, or after 20 years of service, whichever is sooner:*

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"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, first line, after "legislators retirement;" insert "certain correctional personnel retirement;"

Sixth line, after "Subdivision 1;" insert "43.051, Subdivision 3;"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 25 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Fitzsimons	Kowalczyk	Novak	Patton
Berg	Frederick	Krieger	Ogdahl	Purfeerst
Bernhagen	Hansen, Baldy	Lord	Olson, A. G.	Renneke
Brown	Josefson	McCutcheon	Olson, J. L.	Stassen
Dunn	Keefe, J.	Milton	O'Neill	Ueland

Those who voted in the negative were:

Anderson	Gearly	Kirchner	Olson, H. D.	Tennessen
Arnold	Hanson, R.	Larson	Perpich, G.	Thorup
Borden	Hughes	Lewis	Schaaf	Wegener
Chenoweth	Humphrey	Moe	Sillers	Willet
Conzemius	Jensen	North	Solon	
Davies	Keefe, S.	Olhoft	Stokowski	

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

H. F. No. 3400 was read the third time, as amended, and placed on its final passage.

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

Mr. Chenoweth moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 38 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Olhoft	Stassen
Arnold	Hansen, Baldy	Lewis	Olson, A. G.	Stokowski
Ashbach	Hughes	Lord	Perpich, G.	Tennessen
Borden	Humphrey	Milton	Purfeerst	Thorup
Chenoweth	Keefe, S.	Moe	Schaaf	Wegener
Conzemius	Kirchner	North	Sillers	Willet
Davies	Krieger	Novak	Solon	
Fitzsimons	Larson	Ogdahl	Spear	

Those who voted in the negative were:

Berg	Frederick	Kowalczyk	Olson, J. L.	Renneke
Bernhagen	Hanson, R.	McCutcheon	O'Neill	Schrom
Brown	Josefson	Nelson	Patton	Ueland
Dunn	Keefe, J.	Olson, H. D.		

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

SPECIAL ORDER

H. F. No. 3368: A bill for an act relating to veterans; rewards and privileges; preference; removal; requiring a veteran to request in writing a hearing on removal; amending Minnesota Statutes 1971, Section 197.46.

Mr. Hansen, Baldy moved to amend the amendment placed on H. F. No. 3368, the printed bill, by the Committee on Transportation and General Legislation, adopted by the Senate March 18, 1974, as follows:

Paragraph 2, strike "60" in both instances where it appears, on the fourth and sixth lines, and insert "90"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 12 and nays 18, as follows:

Those who voted in the affirmative were:

Hansen, Baldy	Laufenburger	Olson, H. D.	Thorup
Jensen	McCutcheon	Renneke	Ueland
Larson	Novak	Solon	Willet

Those who voted in the negative were:

Bernhagen	Davies	Humphrey	North	Spear
Borden	Dunn	Keefe, S.	Olhoft	Tennessen
Brown	Gearty	Milton	Olson, J. L.	
Conzemius	Hansen, Mel	Moe	Perpich, G.	

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

H. F. No. 3368 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	Fitzsimons	Keefe, S.	North	Solon
Arnold	Gearty	Kirchner	Novak	Spear
Berg	Hansen, Baldy	Kowalczyk	Ogdahl	Stassen
Bernhagen	Hansen, Mel	Larson	Olhott	Stokowski
Borden	Hanson, R.	Laufenburger	Olson, H. D.	Tennessen
Brown	Hughes	Lewis	Olson, J. L.	Thorup
Chenoweth	Humphrey	Lord	Perpich, G.	Ueland
Conzemius	Jensen	McCutcheon	Purfeerst	Wegener
Davies	Josefson	Milton	Renneke	Willet
Dunn	Keefe, J.	Moe	Schaaf	

So the bill passed and its title was agreed to.

APPOINTMENTS

Mr. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 3310, pursuant to the request of the House:

Messrs. Chenoweth, Stokowski, Ogdahl.

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

Without objection, the Senate reverted to the Order of Business of Messages from the House, remaining on the Order of Business of Motions and Resolutions.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House accedes to the request of the Senate for the return of House File No. 2785 for further consideration.

H. F. No. 2785: A bill for an act relating to the operation of state government; revising statutory provisions concerning salary setting authority for unclassified positions in the executive branch by realigning portions of Chapters 15A and 43; defining certain terms; amending Minnesota Statutes 1971, Sections 15.61; 15A.083 by adding a subdivision; and 43.01, by adding subdivisions; Chapter 43 by adding sections; Minnesota Statutes, 1973 Supplement, Sections 15A.081, Subdivision 1; 43.06; 43.09, Subdivision 6; 43.128; and 43.324; repealing Minnesota Statutes, 1973 Supplement, Sections 15A.021, 15A.031, 15A.041, 15A.081; 15A.084, 15A.085 and 43.02; and Minnesota Statutes 1971, Section 15A.14.

House File No. 2785 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1974

RECONSIDERATION

Mr. Borden moved that the vote whereby H. F. No. 2785 was passed by the Senate on March 27, 1974, be now reconsidered. The motion prevailed. So the vote was reconsidered.

H. F. No. 2785: A bill for an act relating to the operation of state government; revising statutory provisions concerning salary setting authority for unclassified positions in the executive branch by realigning portions of Chapters 15A and 43; defining certain terms; amending Minnesota Statutes 1971, Sections 15.61; and 43.01, by adding subdivisions; Chapter 43 by adding sections; Minnesota Statutes, 1973 Supplement, Sections 43.06; 43.09, Subdivision 6; 43.128; and 43.324; repealing Minnesota Statutes, 1973 Supplement, Sections 15A.021, 15A.031, 15A.041, 15A.081, 15A.084, 15A.085 and 43.02; and Minnesota Statutes 1971, Section 15A.14.

Mr. Borden moved to amend H. F. No. 2785, the printed bill as amended by the Senate on March 26, 1974, as follows:

Page 1, line 4, strike "*section 8, subdivision 1*" and insert "*Minnesota Statutes, Section 15A.081*"

Page 2, line 16, strike "*section 8, subdivision 1*" and insert "*Minnesota Statutes, Section 15A.081*"

Page 2, line 35, strike "*section 8, subdivision 1*" and insert "*Minnesota Statutes, Section 15A.081*"

Page 3, line 8, strike "*section 8*" and insert "*Minnesota Statutes, Section 15A.081*"

Page 3, line 9, strike "*subdivision 1*"

Page 5, strike lines 3 to 36

Page 6, strike lines 1 to 36

Page 7, strike lines 1 to 27

Page 7, line 28, strike "*Subd. 2.*" and insert "[43.063] [SALARIES FOR MEMBERS OF MINNESOTA NATIONAL GUARD.]"

Pages 8, line 2, strike "*sec-*"

Page 8, line 3, strike "*tion*" and insert "*sections 15A.081 or*"

Page 8, line 5, after "*or*" strike "*section*" and insert "*sections 15A.081 or*"

Page 8, line 9, strike "*section 8, subdivision 1*" and insert "*Minnesota Statutes, Section 15A.081*"

Page 8, line 22, strike "*section 8*" and insert "*Minnesota Statutes, Section 15A.081*"

Page 9, line 22, strike "*8*" and reinstate the stricken "15A.081"

Page 10, line 15, after "15A.081," insert "Subdivisions 2 and 3;"

Further, amend the title in line 7, after "15A.081," by inserting "Subdivisions 2 and 3;"

The motion prevailed. So the amendment was adopted.

H. F. No. 2785 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Kowalczyk	Olson, A. G.	Stokowski
Arnold	Hansen, Baldy	Larson	Olson, H. D.	Tennessen
Ashbach	Hansen, Mel	Laufenburger	Olson, J. L.	Thorup
Berg	Hanson, R.	Lewis	Patton	Ueland
Bernhagen	Hughes	Lord	Perpich, G.	Wegener
Borden	Humphrey	Moe	Renneke	Willet
Conzemius	Jensen	North	Schaaf	
Davies	Josefson	Novak	Solon	
Dunn	Keefe, S.	Ogdahl	Spear	
Fitzsimon	Kirchner	Olhoff	Stassen	

So the bill, as amended, passed 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. 2349, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2349: A bill for an act relating to the city of Virginia; authorizing one additional on-sale intoxicating liquor license.

House File No. 2349 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2349

A bill for an act relating to the city of Virginia; authorizing one additional on-sale intoxicating liquor license.

March 27, 1974

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. 2349, 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. 2349 be amended as follows:

Page 1, line 6, after "Section 1." insert "Subdivision 1."

Page 1, line 10, strike "Sec. 2." and insert in lieu thereof "Subd. 2."

Page 1, line 10, delete "act" and insert in lieu thereof "section"

Page 1, after section 1 add a new section to read:

"Sec. 2. Minnesota Statutes, 1973 Supplement, Section 340.14, Subdivision 3, is amended to read:

Subd. 3. [SALES; WHERE FORBIDDEN.] No intoxicating liquors shall be sold in any of the following places:

(1) Within the capitol or upon the grounds thereof;

(2) Upon the state fairgrounds or at any place in a city of the first class within one half mile of such fairgrounds except as hereinafter otherwise provided by charter;

(3) Upon the campus of the school of agriculture of the University of Minnesota or at any place in a city of the first class within one half mile or such campus except as hereinafter otherwise provided by charter;

(4) Within 1,000 feet of any state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of public welfare or the commissioner of corrections. Whoever sells or otherwise disposes of intoxicating liquor at retail at a place prohibited by this clause is guilty of a gross misdemeanor;

(5) In any town or municipality in which a majority of votes at the last election at which the question of license was voted upon shall not have been in favor of license, or within one half mile of any such municipality, except that any intoxicating liquor, manufactured within any such district, may be sold to be consumed outside of such district;

(6) At any place on the east side of the Mississippi river within ~~one one tenth~~ mile of the main building of the University of Minnesota unless the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940 for and by former students of the University of Minnesota; ~~and within one mile of the Kirby student center building of the University of Minnesota, Duluth Branch;~~ a license may be issued under this clause notwithstanding any local law to the contrary;

(7) Within 1,500 feet of any state college, except as hereinafter provided, or, when the place of sale is not within a municipality, within 1,500 feet of any public school outside of a municipality; within 1,200 feet at Winona state college, and at Southwest state college and in determining the distance, the measurement shall be along the most direct line from the nearest corner of the administration building of the college to the main entrance of the licensed premises; as to the Valley campus of the Mankato state college in the city of Mankato when the place of sale is within 1,000 feet from the middle of the entrance into the main building which en-

trance is located on the easterly side of South 5th Street at a point where said street is intersected by East Jackson Street in the city of Mankato, or between the Valley campus and Highland campus or within 1,500 feet of the Highland campus;

(8) At more than five places on any one side of a block within and fronting upon the patrol limits of cities of the first class;

(9) The restrictions imposed by this subdivision shall not apply to any manufacturer or wholesaler of intoxicating liquors or to a drug store or to any person lawfully licensed to sell intoxicating liquor immediately prior to the enactment of this subdivision."

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

"A bill for an act relating to intoxicating liquor; authorizing the issuance of an additional license in Virginia and eliminating the prohibition of the sale of liquor in certain places; amending Minnesota Statutes, 1973 Supplement, Section 340.14, Subdivision 3."

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

House Conferees: (Signed) Peter X. Fugina, Thomas W. Newcome, John J. Salchert

Senate Conferees: (Signed) George F. Perpich, Sam G. Solon, Richard W. Fitzsimons

Mr. Perpich, G. moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2349 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 2349: A bill for an act relating to intoxicating liquor; authorizing the issuance of an additional license in Virginia and eliminating the prohibition of the sale of liquor in certain places; amending Minnesota Statutes, 1973 Supplement, Section 340.14, 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 35 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Krieger	North	Spear
Ashbach	Hansen, Baldy	Larson	Ogdahl	Stokowski
Borden	Hanson, R.	Laufenburger	Olson, A. G.	Tennessen
Chenoweth	Hughes	Lewis	Olson, H. D.	Thorup
Conzemius	Humphrey	Lord	Perpich, G.	Ueland
Davies	Keefe, S.	McCutcheon	Schaaf	Wegener
Fitzsimons	Kowalczyk	Moe	Solon	Willet

Those who voted in the negative were:

Berg	Chmielewski	Josefson	Olhoft	Patton
Bernhagen	Dunn	Kirchner	Olson, J. L.	Renneke
Brown	Hansen, Mel	Novak		

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

CONFERENCE COMMITTEE REPORT ON S. F. NO. 973

A bill for an act relating to peace officer training; regulating certain peace officer training; amending Minnesota Statutes 1971, Sections 626.846; 626.847; 626.852 and 626.853.

March 12, 1974

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. 973, 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. 973 be amended as follows:

Page 1, line 14, strike "1973" and insert in lieu thereof "1974"

Page 1, line 19, strike "1973" and insert in lieu thereof "1974"

Page 1, line 21, strike "650" and insert in lieu thereof "500"

Page 3, line 21, strike "650" and insert in lieu thereof "500"

Page 4, line 8, strike "1973" and insert in lieu thereof "1974"

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

Senate Conferees: (Signed) Winston Borden, Robert Brown, Eugene Stokowski.

House Conferees: (Signed) Paul McCarron, John Lindstrom, R. L. Pavlak.

Mr. Borden moved that the foregoing recommendations and Conference Committee Report on S. F. No. 973 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 973: A bill for an act relating to peace officer training; regulating certain peace officer training; amending Minnesota Statutes 1971, Sections 626.846; 626.847; 626.852 and 626.853.

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. Borden moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 28 and nays 26, as follows:

Those who voted in the affirmative were:

Borden	Hughes	Milton	Olson, A. G.	Stassen
Brown	Humphrey	Moe	O'Neill	Stokowski
Chenoweth	Keefe, S.	Nelson	Schaaf	Tennessee
Chmielewski	Lewis	North	Sillers	Thorup
Conzemius	Lord	Novak	Solon	
Gearty	McCutcheon	Olthoff	Spear	

Those who voted in the negative were:

Ashbach	Frederick	Kirchner	Olson, J. L.	Wegener
Berg	Hansen, Baldy	Kowalczyk	Patton	Willet
Bernhagen	Hansen, Mel	Krieger	Perpich, G.	
Davies	Hanson, R.	Larson	Renneke	
Dunn	Jensen	Ogdahl	Schrom	
Fitzsimons	Josefson	Olson, H. D.	Ueland	

So the bill, as amended by the Conference Committee, failed to pass.

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. 2928, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2928: A bill for an act reappropriating moneys for capital and related improvements for university and college purposes.

House File No. 2928 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 28, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2928

A bill for an act reappropriating moneys for capital and related improvements for university and college purposes.

March 26, 1974

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. 2928, 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. 2928 be amended as follows:

Page 1, line 15, strike "and II"

Page 1, line 16, strike "\$140,000" and insert in lieu thereof "\$30,000"

Page 1, line 18, within the blank insert "150,000"

Page 1, before line 19 insert:

"The board of regents, prior to legislative consideration of any request for new money for buildings or planning of buildings on the Minneapolis campus, shall complete a comprehensive and detailed study of present and future utilization of existing and proposed space and land use on the Minneapolis campus. A report of the findings, alternatives and recommendations of the comprehensive and detailed study shall be submitted to the house appropriations and senate finance committees no later than February 15, 1975."

Page 1, strike lines 19 and 20

Page 1, strike lines 24 and 25

ReNUMBER subdivisions in section 2

Page 1, line 29, strike "\$50,000" and insert "\$40,000"

Page 2, line 2, strike "January" and insert "February"

House Conferees: (Signed) Howard E. Smith, Rodney N. Searle, Ray W. Faricy

Senate Conferees: (Signed) Edward G. Novak, Robert O. Ashbach, Robert J. Tennesen

Mr. Novak moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2928 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 2928: A bill for an act reappropriating moneys for capital and related improvements for university and college purposes.

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 48 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kirchner	North	Sillers
Ashbach	Frederick	Kowalczyk	Novak	Spear
Berg	Gearty	Krieger	Olhoft	Stassen
Bernhagen	Hansen, Baldy	Larson	Olson, A. G.	Stokowski
Borden	Hansen, Mel	Laufenburger	Olson, H. D.	Tennessee
Chenoweth	Hanson, R.	Lewis	Olson, J. L.	Thorup
Chmielewski	Hughes	Lord	O'Neill	Ueland
Conzemius	Humphrey	Milton	Patton	Wegener
Davies	Jensen	Moe	Perpich, G.	
Dunn	Keefe, S.	Nelson	Renneke	

Messrs. Josefson and McCutcheon 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. 3512, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 3512: A bill for an act relating to the city of St. Paul; increasing the maximum amount of severance pay; increasing the authorized tax levy for severance pay; amending Laws 1959, Chapter 690, Sections 2 and 3, as amended.

House File No. 3512 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1974

Mr. Davies moved that H. F. No. 3512 and the Conference Committee Report thereon, be laid on the table. The 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. 2236, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2236: A bill for an act relating to courts; salaries of county court judges; amending Minnesota Statutes 1971, Section 487.05.

House File No. 2236 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2236

A bill for an act relating to courts; salaries of county court judges; amending Minnesota Statutes 1971, Section 487.05.

March 27, 1974

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. 2236, 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. 2236 be further amended as follows:

Page 1, line 11, delete "\$27,500" and insert "23,500"

Page 1, line 17, delete "*The*"

Page 1, delete all of lines 18 and 19 and insert in lieu thereof the following:

"Sec. 2. Nothing contained in section 1 shall be construed as requiring any reduction in the salary of any judge in office on the date of enactment of this act."

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

House Conferees: (Signed) R. Pavlak, Robert D. Culhane, John S. Biersdorf, Arthur M. Braun, Rodney N. Searle

Senate Conferees: (Signed) Stanley N. Thorup, Carl A. Jensen, Myrton O. Wegener, Roger D. Moe

Mr. Thorup moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2236 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 2236: A bill for an act relating to courts; salaries of county court judges; amending Minnesota Statutes 1971, Section 487.05.

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kirchner	North	Solon
Arnold	Frederick	Kowalczyk	Ogdahl	Spear
Ashbach	Gearly	Krieger	Olhoft	Stassen
Berg	Hansen, Mel	Larson	Olson, H. D.	Tennessen
Bernhagen	Hanson, R.	Laufenburger	Olson, J. L.	Thorup
Borden	Hughes	Lewis	O'Neill	Ueland
Chenoweth	Humphrey	Lord	Patton	Wegener
Chmielewski	Jensen	McCutcheon	Renneke	
Conzemius	Keefe, J.	Moe	Schrom	
Davies	Keefe, S.	Nelson	Sillers	

Messrs. Hansen, Baldy; and Willet 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. 452, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 452: A bill for an act relating to crimes and criminals; indemnification of victims of violent crimes for expenses; providing a penalty for fraudulent claims; appropriating money.

House File No. 452 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 452

A bill for an act relating to crimes and criminals; indemnification of victims of violent crimes for expenses; providing a penalty for fraudulent claims; appropriating money.

March 27, 1974

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. 452, 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. 452 be further amended as follows:

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

"Section 1. [TITLE.] This act shall be known as the Minnesota crime victims reparations act.

Sec. 2. [DEFINITIONS.] For the purposes of this act the following terms shall have the meanings given them:

(1) "Accomplice" means any person who would be held criminally liable for the crime of another pursuant to Minnesota Statutes, Section 609.05.

(2) "Board" means the crime victims reparation board established by section 5.

(3) "Claimant" means a person entitled to apply for reparations pursuant to this act.

(4) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to him, from:

(a) the offender;

(b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;

(c) social security, medicare, and medicaid;

(d) state required temporary non-occupational disability insurance;

(e) workmen's compensation;

(f) wage continuation programs of any employer;

(g) proceeds of a contract of insurance payable to the victim for economic loss which he sustained because of the crime;

(h) a contract providing prepaid hospital and other health care services, or benefits for disability; or

(i) any private source as a voluntary donation or gift. The term does not include a life insurance contract.

(5) (a) "Crime" means conduct that

(i) occurs or is attempted in this state,

(ii) poses a substantial threat of personal injury or death, and

(iii) is included within the definition of "crime" in Minnesota Statutes 1971, Section 609.02, Subdivision 1, or would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

(b) A crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise

to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or rehearing has been ordered.

(c) "Crime" does not include conduct arising out of the use of a motor vehicle, as defined in Minnesota Statutes, Section 169.01, Subdivision 2, an aircraft or watercraft unless

(i) the conduct was intended to cause personal injury or death, or

(ii) the use of the motor vehicle, aircraft or watercraft in the commission of a felony was a proximate cause of the victim's injury or death.

(6) "Dependent" means any person who was dependent upon a deceased victim for support at the time of the crime.

(7) "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(i) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances and prosthetic devices;

(ii) reasonable expenses incurred for psychological or psychiatric products, services or accommodations where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;

(iii) loss of income the victim would have earned had he not been injured; and

(iv) reasonable expenses incurred for substitute child care or household services to replace those the victim would have performed had he not been injured.

(b) In the case of death the term is limited to:

(i) reasonable expenses incurred for funeral, burial or cremation;

(ii) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;

(iii) loss of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to his dependents if he had lived; and

(iv) reasonable expenses incurred for substitute child care and household services to replace those which the victim would have performed for the benefit of his dependents if he had lived.

(8) "Injury" means actual bodily harm including pregnancy and mental or nervous shock.

(9) "Victim" means a person who suffers personal injury or death as a direct result of (a) a crime; (b) the good faith effort of any person to prevent a crime; or (c) the good faith effort of any person to apprehend a person suspected of engaging in a crime.

Sec. 3. [ELIGIBILITY FOR REPARATIONS.] Subdivision 1. Except as provided in subdivision 2, the following persons shall be entitled to reparations upon a showing by a preponderance of the evidence that the requirements for reparations have been met:

(a) a victim who has incurred economic loss;

(b) a dependent who has incurred economic loss;

(c) the estate of a deceased victim if the estate has incurred economic loss;

(d) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in section 2, clauses (a) (i) and (a) (ii) for a victim;

(e) the guardian, guardian ad litem, conservator or authorized agent of any of these persons.

Subd. 2. No reparations shall be awarded to a claimant otherwise eligible if

(a) the crime was not reported to the police within five days of its occurrence, or if it could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the victim is the spouse of or a person living in the same household with the offender or his accomplice or the parent, child, brother or sister of the offender or his accomplice unless the board determined that the interests of justice otherwise require in a particular case;

(d) the claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; or

(e) no claim was filed with the board within one year of victim's injury or death;

(f) the claim is less than \$100.

Sec. 4. [AMOUNT OF REPARATIONS.] Reparations shall equal economic loss except that:

(1) reparations shall be reduced to the extent that economic loss is recouped from a collateral source;

(2) reparations shall be reduced to the extent, if any, that the board deems reasonable because of the contributory misconduct of

the claimant or of a victim through whom he claims and by the first \$100 of economic loss; and

(3) reparations paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed \$10,000.

Sec. 5. [CRIME VICTIMS REPARATIONS BOARD.] Subdivision 1. There is created in the department of public safety, for budgetary and administrative purposes, the crime victims reparations board, which shall consist of three members appointed by the governor with the advice and consent of the senate. One of the members shall be designated as chairman by the governor and serve as such at his pleasure. At least one member shall be a person who is admitted to the bar of this state, and at least one member shall be a medical or osteopathic physician licensed to practice in this state.

Subd. 2. The term of office of each board member shall be six years except that of the members first appointed one each shall serve for terms of six, four, and two years. Any person appointed to fill a vacancy shall be appointed for the remainder of the unexpired term.

Subd. 3. Members of the board shall serve part time and receive \$35 per diem and be reimbursed for reasonable and necessary expenses incurred in performance of their duties in the same manner and amount as state employees.

Sec. 6. [POWERS AND DUTIES OF THE BOARD.] Subdivision 1. [DUTIES.] In addition to carrying out any duties specified elsewhere in this act or in other law, the board shall:

(a) provide all claimants with an opportunity for hearing pursuant to Minnesota Statutes, Chapter 15;

(b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;

(c) promulgate within 90 days following the effective date of this act rules to implement this act, including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings;

(d) publicize widely the availability of reparations and the method of making claims; and

(e) prepare and transmit annually to the governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied.

Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in this act or other law, the board upon its own motion or the motion of a claimant or the attorney general may:

(a) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;

(b) administer oaths and affirmations and cause to be taken affidavits and depositions within and without of this state;

(c) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;

(d) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;

(e) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;

(f) request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to perform its duties under this act;

(g) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; and

(h) reconsider any decision granting or denying reparations or determining their amount.

Sec. 7. [DETERMINATION OF CLAIMS.] Subdivision 1. A claim when accepted for filing, shall be assigned by the chairman to himself or to another member of the board.

Subd. 2. The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim.

Subd. 3. The board member to whom a claim is assigned may decide the claim in favor of a claimant in the amount claimed on the basis of the papers filed in support of it and the report of the investigation of such claim. If the board member is unable to decide such claim upon the basis of the papers and report, he shall order a hearing.

Subd. 4. After examining the papers filed in support of the claim and the report of investigation, and after a hearing, if any, the board member to whom the claim was assigned shall make a decision either granting an award or deny the claim.

Subd. 5. The board member making a decision shall file with the board a written report setting forth such decision and his reasons therefor. The board shall notify the claimant and furnish him a copy of the report.

Sec. 8. [CONSIDERATION OF DECISIONS BY FULL BOARD.] Subdivision 1. The claimant may, within 30 days after receipt of the report of the decision of the board member to whom his claim was assigned, make an application in writing to the board for consideration of the decision by the full board.

Subd. 2. Any member of the board may, within 30 days after the filing of the report, make an application in writing to the board for consideration of the decision by the full board.

Subd. 3. The board shall treat all claims considered pursuant to

this section as contested cases within the meaning of Minnesota Statutes, Chapter 15.

Sec. 9. [REPARATIONS; HOW PAID.] Reparations may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award shall be deducted from the final award, if a lump sum, or prorated over a period of time if the final award is made in installments. Reparations are exempt from execution or attachment except by persons who have supplied services, products or accommodations to the victim as a result of the injury or death which is the basis of the claim. The board, in its discretion may order that all or part of the reparations awarded be paid directly to these suppliers.

Sec. 10. [SUBROGATION.] The state shall be subrogated, to the extent of reparations awarded, to all the claimant's rights to recover benefits or advantages for economic loss from a source which is or, if readily available to the victim or claimant would be, a collateral source.

Sec. 11. [MEDICAL PRIVILEGE.] There is no privilege as to communication or records relevant to an issue of the physical, mental, or emotional condition of the claimant or victim in a proceeding under this act in which that condition is an issue. Nothing contained in this section shall be interpreted to abridge the attorney-client privilege.

Sec. 12. [ENFORCEMENT OF BOARD'S ORDERS.] If a person refuses to comply with an order of the board or asserts a privilege to withhold or suppress evidence relevant to a claim, the board may make any just order including denial of the claim, but may not find the person in contempt. If necessary to carry out any of its powers and duties, the board may petition the district court for an appropriate order, but the court may not find a person in contempt for refusal to submit to a mental or physical examination.

Sec. 13. [DEPARTMENT OF CORRECTIONS; RESTITUTION.] The department of corrections may, as a means of assisting in the rehabilitation of persons committed to their care, establish programs and procedures whereby such persons may contribute toward restitution of those persons injured as a consequence of their criminal acts.

Sec. 14. [USE OF RECORD OF CLAIM; EVIDENCE.] Neither a record of the proceedings on a claim, a decision of the board, nor the fact that an award has been made or denied shall be admissible as evidence in any criminal or civil action against the alleged offender, including an action by the state on its subrogation claim.

Sec. 15. [LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS OF RIGHT TO FILE CLAIM.] All law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to this act and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the board and maintain a supply of all forms necessary for the preparation and presentation of claims.

Sec. 16. [FRAUDULENT CLAIMS.] Any person who knowingly makes a false claim under this act shall be guilty of a gross misdemeanor.

Sec. 17. [EFFECTIVE DATE.] This act shall apply to claims arising as a result of crimes committed or attempted on or after July 1, 1974.

Sec. 18. [APPROPRIATIONS.] The sum of \$100,000 is hereby appropriated from the general fund in the state treasury to the department of public safety for the organization, operation, administration and staffing of the crime victim reparation board effective July 1, 1974."

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

House Conferees: (Signed) Bruce F. Vento, Ray W. Faricy, Mary N. Forsythe

Senate Conferees: (Signed) Joseph T. O'Neill, Ralph R. Doty, Hubert H. Humphrey, III

Mr. O'Neill moved that the foregoing recommendations and Conference Committee Report on H. F. No. 452 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 452: A bill for an act relating to crimes and criminals; indemnification of victims of violent crimes for expenses; providing a penalty for fraudulent claims; appropriating money.

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	Fitzsimons	Kowalczyk	Ogdahl	Solon
Arnold	Frederick	Krieger	Olhoft	Spear
Ashbach	Gearty	Larson	Olson, A. G.	Stassen
Berg	Hansen, Mel	Laufenburger	Olson, H. D.	Stokowski
Bernhagen	Hanson, R.	Lewis	Olson, J. L.	Tennessen
Borden	Hughes	Lord	O'Neill	Thorup
Chenoweth	Humphrey	McCutcheon	Patton	Ueland
Chmielewski	Jensen	Milton	Renneke	Willot
Conzemius	Keefe, J.	Moe	Schaaf	
Davies	Keefe, S.	Nelson	Schrom	
Dunn	Kirchner	Novak	Sillers	

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

H. F. No. 974: A bill for an act relating to public health; authorizing the state board of health to prescribe fees for permits, licenses, registrations and certifications issued by it; amending Minnesota Statutes 1971, Sections 144.169, Subdivision 1; 144.53; 144.60; 144.61; 144.802; 149.02; 149.03; 149.04; 149.08; 156A.03, Subdivision 2; 156A.07, Subdivisions 1 and 3; 157.03; 326.42; 326.60, Subdivision 3; 326.62; 327.15; 327.16, Subdivisions 1, 2 and 3; and Chapter 144, by adding a section.

House File No. 974 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 974

A bill for an act relating to public health; authorizing the state board of health to prescribe fees for permits, licenses, registrations and certifications issued by it; amending Minnesota Statutes 1971, Sections 144.169, Subdivision 1; 144.53; 144.60; 144.61; 144.802; 149.02; 149.03; 149.04; 149.08; 156A.03, Subdivision 2; 156A.07, Subdivisions 1 and 3; 157.03; 326.42; 326.60, Subdivision 3; 326.62; 327.15; 327.16, Subdivisions 1, 2 and 3; and Chapter 144, by adding a section.

March 27, 1974

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. 974, 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. 974, the typewritten bill, be amended as follows:

Page 4, line 4, strike "1971" and insert ", 1973 Supplement"

Page 4, line 4, after "144.60," insert "Subdivision 1,"

Page 4, line 17, strike "21" and insert "18"

Page 5, after line 5, insert:

"Sec. 5. Minnesota Statutes 1971, Section 144.60, Subdivisions 2 and 3 are amended to read:"

Page 6, line 15, strike "1971" and insert ", 1973 Supplement"

Page 6, line 24, strike "Upon request,"

Page 6, line 25, after "shall" insert "not"

Page 6, line 25, before "ambulance" insert "newly established"

Page 6, line 26, strike "of Minnesota if" and insert "unless"

Page 6, line 27, after "144.806" insert "and the applicant has demonstrated to the satisfaction of the state board of health at a public hearing that the public convenience and necessity require the proposed ambulance service"

Page 9, line 14, strike "1971" and insert ", 1973 Supplement"

Page 9, line 14, after "149.03," insert "Subdivision 1,"

Page 9, line 28, strike "21" and insert "18"

Page 10, after line 19, insert:

"Sec. 10. Minnesota Statutes 1971, Section 149.03, Subdivisions 2 and 3, are amended to read:"

Page 14, strike lines 3 through 10

Page 14, line 11, strike "1971" and insert ", 1973 Supplement"

Page 14, line 14, strike "desiring" and insert "not already licensed under sections 156A.01 to 156A.08 who desires"

Page 14, line 24, after "paid." insert "When the board has approved the application, the applicant shall take an examination given by the board."

Page 14, strike lines 25 through 28

Page 15, strike lines 1 through 11

Page 23, line 7, strike "1974" and insert "1975"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 8, after "144.60" insert ", Subdivisions 2 and 3"

Page 1, line 8, strike "144.802;"

Page 1, line 8, after "149.03" insert ", Subdivisions 2 and 3"

Page 1, line 9, strike "156A.03, Subdivision 2;"

Page 1, line 10, strike "156A.07, Subdivisions 1 and 3;"

Page 1, line 13, after "section" insert "; and Minnesota Statutes, 1973 Supplement, Section 144.60, Subdivision 1; 144.802; 149.03, Subdivision 1; and 156A.07, Subdivision 1"

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

House Conferees: (Signed) James C. Swanson, Lyndon R. Carlson, O. J. Heinitz

Senate Conferees: (Signed) B. Robert Lewis, George R. Conzemius, Robert J. Brown

Mr. Lewis moved that the foregoing recommendations and Con-

ference Committee Report on H. F. No. 974 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 974: A bill for an act relating to public health; authorizing the state board of health to prescribe fees for permits, licenses, registrations and certifications issued by it; amending Minnesota Statutes 1971, Sections 144.169, Subdivision 1; 144.53; 144.60, Subdivisions 2 and 3; 144.61; 149.02; 149.03, Subdivisions 2 and 3; 149.04; 149.08; 157.03; 326.42; 326.60, Subdivision 3; 326.62; 327.15; 327.16, Subdivisions 1, 2 and 3; and Chapter 144, by adding a section; and Minnesota Statutes, 1973 Supplement, Section 144.60, Subdivision 1; 144.802; 149.03, Subdivision 1; and 156A.07, 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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kowalczyk	North	Sillers
Arnold	Gearty	Krieger	Novak	Solon
Ashbach	Hansen, Mel	Larson	Ogdahl	Spear
Berg	Hanson, R.	Laufenburger	Olhoft	Stassen
Bernhagen	Hughes	Lewis	Olson, A. G.	Thorup
Chmielewski	Humphrey	Lord	Olson, H. D.	Ueland
Conzemius	Jensen	McCutcheon	Olson, J. L.	Willet
Davies	Josefson	Milton	O'Neill	
Dunn	Keefe, S.	Moe	Patton	
Fitzsimons	Kirchner	Nelson	Renneke	

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. 3090, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 3090: A bill for an act relating to towns; requiring a city to confer jointly with the governing body of a town and county planning commission before extending certain municipal services into the area governed by the town.

House File No. 3090 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 28, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3090

A bill for an act relating to towns; requiring a city to confer jointly with the governing body of a town and county planning commission

before extending certain municipal services into the area governed by the town.

March 27, 1974

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. 3090, 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. 3090 be amended as follows:

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

"Section 1. In the beginning stage of the planning process, and before preparation of any detailed technical plans for the extension of municipal services into an unincorporated area, a city shall meet at least once with the town board of the affected area and the county planning commission, in joint session, to review the plans and consider the comments of the town board and the county planning commission. The city may thereafter proceed to undertake the proposed extension in accordance with applicable law. Any duly organized sewer district or sanitary district created pursuant to special laws or pursuant to chapters 115, 116A, or 473C, or section 378.31, is not affected by this act.

Sec. 2. For the purposes of this act, "municipal service" means sewer, water, electrical, or other utility service.

Sec. 3. This act is effective on the day following final enactment."

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

"A bill for an act relating to local government; requiring a city to meet jointly with a town board and county planning commission before extending certain municipal services into the area governed by the town."

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

House Conferees: (Signed) Joe T. Niehaus, Al Patton, Jack H. LaVoy

Senate Conferees: (Signed) Robert G. Dunn, John J. Bernhagen, Gerald L. Willet

Mr. Dunn moved that the foregoing recommendations and Conference Committee Report on H. F. No. 3090 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 3090: A bill for an act relating to local government; requiring a city to meet jointly with a town board and county planning

commission before extending certain municipal services into the area governed by the town.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Nelson	Schrom
Arnold	Fitzsimons	Kowalczyk	North	Sillers
Ashbach	Gearty	Krieger	Ogdahl	Spear
Berg	Hansen, Mel	Larson	Olhoft	Stassen
Bernhagen	Hanson, R.	Laufenburger	Olson, A. G.	Stoltowski
Borden	Hughes	Lewis	Olson, H. D.	Tennessen
Chenoweth	Humphrey	Lord	Olson, J. L.	Thorup
Chmielewski	Jensen	McCutcheon	O'Neill	Ueland
Conzemius	Josefson	Milton	Patton	Wegener
Davies	Keefe, J.	Moe	Renneke	Willet

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

Mr. Chenoweth moved that H. F. No. 3512 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3512

A bill for an act relating to the city of St. Paul; increasing the maximum amount of severance pay; increasing the authorized tax levy for severance pay; amending Laws 1959, Chapter 690, Sections 2 and 3, as amended.

March 27, 1974

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. 3512, 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. 3512 be amended as follows:

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

"Section 1. Minnesota Statutes 1971, Section 360.101, is amended to read:

360.101 [DECLARATION OF PURPOSES.] It is the purpose of sections 360.101 to ~~360.123~~ 360.144 to promote the public welfare and national security; serve public interest, convenience, and

necessity; promote air navigation and transportation, international, national, state, and local, in and through this state; increase air commerce and promote the efficient, safe, and economical handling of such air commerce; assure the inclusion of this state in national and international programs of air transportation; and to those ends to develop the full potentialities of the metropolitan areas area in this state as an aviation center, and to correlate these areas that area with all aviation facilities in the entire state so as to provide for the most economical and effective use of aeronautic facilities and services in those areas that area; assure the residents of the metropolitan area of the minimum environmental impact from air navigation and transportation, and to that end provide for noise abatement, control of airport area land use, and other protective measures; and to this end the corporation shall cooperate with and assist the metropolitan council, the Federal government, the commissioner of aeronautics of this state and others engaged in aeronautics or the promotion and regulation of aeronautics and shall seek to coordinate its activities with the aeronautical activities of these bodies.

Sec. 2. Minnesota Statutes 1971, Section 360.102, Subdivision 2, is amended to read:

Subd. 2. "Commission" and "corporation;" each means a corporation created under Laws 1943, Chapter 500, as a metropolitan airports commission, organized and existing under the provisions of sections 360.101 to 360.144.

Sec. 3. Minnesota Statutes 1971, Section 360.102, Subdivision 3, is amended to read:

Subd. 3. "City council" or "council" means the governing body of a city, however designated by law or charter each of the cities of Minneapolis and St. Paul.

Sec. 4. Minnesota Statutes 1971, Section 360.102, Subdivision 4, is amended to read:

Subd. 4. "Commissioner" means a person appointed or otherwise selected as, and, after his qualification, acting as, a member of a the corporation created under Laws 1943, Chapter 500.

Sec. 5. Minnesota Statutes 1971, Section 360.102, Subdivision 5, is amended to read:

Subd. 5. "The commissioners" means a quorum of the members of a the corporation created under Laws 1943, Chapter 500, acting as the governing body of such the corporation.

Sec. 6. Minnesota Statutes 1971, Section 360.102, Subdivision 9, is amended to read:

Subd. 9. "City" or "each city" means one of the two contiguous cities of the first class in and for which a corporation shall be created under Laws 1943, Chapter 500 Minneapolis and St. Paul.

Sec. 7. Minnesota Statutes 1971, Section 360.102, is amended by adding a subdivision to read:

Subd. 11. "Metropolitan area" means the metropolitan area as defined in Minnesota Statutes 1971, Section 473B.02.

Sec. 8. Minnesota Statutes 1971, Section 360.103, Subdivision 1, is amended to read:

360.103 [METROPOLITAN AIRPORTS COMMISSION; CREATION.] Subdivision 1. For the purposes herein provided ~~there shall be in sections 360.101 to 360.144 the metropolitan airports commission has been created as a public corporation in and for any two contiguous cities of the first class in this state, to be known as the Metropolitan Airports Commission of those cities. Except as provided otherwise in this act, the existence and the powers, responsibilities, rights, and obligations of this corporation are confirmed and extended in accordance with the provisions of those sections, as they now exist and as they are now and may hereafter be amended and supplemented.~~

Sec. 9. Minnesota Statutes 1971, Section 360.103, Subdivision 2, is amended to read:

Subd. 2. ~~Laws 1943, Chapter 500, is expressly declared to be applicable to all such cities whether or not they are now or hereafter existing under a charter framed and adopted under section 36 of Article IV, of the State Constitution. The commission shall be organized, structured and administered as provided in this act.~~

Sec. 10. Minnesota Statutes 1971, Section 360.104, Subdivision 1, is amended to read:

360.104 [MEMBERSHIP, GOVERNMENT.] Subdivision 1. The following persons and their respective successors; ~~herein termed commissioners,~~ shall constitute the members and governing body of the corporation, namely:

(1) *All of the members and commissioners in office January 1, 1973, for the remainder of the terms for which they were appointed or otherwise selected, respectively;*

(2) The mayor of each of the ~~respective~~ cities, or a qualified voter appointed by him, *for his term of office as mayor;*

(3) A member of the council of each of the ~~respective~~ cities, appointed by ~~sueh~~ the council for a term of four years commencing in July, 1977;

(4) A member of the ~~park board of commissioners having jurisdiction at the time of the passage of Laws 1943, Chapter 500, of airports of each of the respective cities, Minneapolis appointed by sueh that board or commission, or, in case the council of either of sueh cities has jurisdiction of airports in said city, then and a second member of sueh the council of St. Paul, appointed by it, each for a term of two years commencing in July in 1979;~~

(5) One additional ~~commissioner~~ *from resident of each city, who is a freeholder, has resided in the city from which he is appointed at least ten years, and does not hold any office under the state or any of its political subdivisions except that of notary public, herein termed a "citizen commissioner," such member in a*

city having the commission form of government St. Paul to be appointed by the mayor, with the approval of the council, and in other cities Minneapolis by the council, with the approval of the mayor; one member appointed by the governor of the state, who shall be a qualified voter of a county not contiguous to either of the counties in which the respective cities are located, who shall be chairman of the corporation, each for a term of two years commencing in July 1979;

(6) Six additional members, each appointed by the governor on a non-partisan basis, and each holding no other office under the state or any of its political subdivisions except that of notary public; for terms and with residence qualifications as follows:

(a) (1) A resident of the area of the counties of Washington and Ramsey, outside of St. Paul, for a four year term commencing in July, 1974, and his successor for a term ending July 1, 1981;

(2) A resident of the county of Anoka, for a four year term commencing in July, 1974, and his successor for a term ending July 1, 1981;

(3) Three residents of the area of the counties of Carver, Scott and Hennepin, outside Minneapolis, for a two year term commencing in July, 1974, and their successors for a term ending July 1, 1981;

(4) A resident of the county of Dakota, for a four year term commencing in July, 1974, and his successor for a term ending July 1, 1981;

(b) As successors to all members referred to in paragraphs (3) to (6)(a), whose terms will expire in July, 1981, a number of members appointed from precincts equal or nearest to but not exceeding half the number of districts which are provided by law for the selection of members of the metropolitan council in Minnesota Statutes, Section 473B.02. Each member shall be a resident of the precinct which he represents. The members shall be appointed by the governor as follows: a number as near as possible to one fourth, for a term of one year; a similar number for a term of two years; a similar number for a term of three years; and a similar number for a term of four years, all of which terms shall commence on July 1, 1981. The successors of each member shall be appointed for four year terms commencing in July of each fourth year after the expiration of the original term;

(7) One member appointed by the governor of the state, who shall be chairman of the corporation, appointed for a six year term commencing in July, 1977 and his successors for six year terms commencing in July in each sixth year thereafter.

Sec. 11. Minnesota Statutes 1971, Section 360.104, Subdivision 2, is amended to read:

Subd. 2. Each mayor, or any voter appointed by him in his stead, shall serve as a commissioner for the term of office of such mayor ; or for the consecutive terms thereof if he be re-elected. Of the first commissioners, one appointed by each city council from

its members shall serve for a term of four years, and one for six years, or if one is appointed by a board or commission having jurisdiction of airports instead of by the council, he shall serve for six years. The commissioner appointed by the governor shall serve for four years, and each of the citizen commissioners for six years. Each of said terms shall date from the election or appointment and qualification of the commissioner. Thereafter the term of each commissioner, except that of a mayor, of an appointee of such mayor in his stead, and of one appointed to fill a vacancy, shall be for six years. Notwithstanding the foregoing provisions of this subdivision, the term . The office of any commissioner who is a member of a city council or board or commission having jurisdiction of airports shall terminate *become vacant* when for any reason he ceases to hold the city office to which he was elected, and a successor shall be immediately appointed to fill his unexpired term *the office of any commissioner shall become vacant upon the occurrence of any event referred to in section 351.02* . Except as provided in the ~~last sentence~~ *preceding sentences of this subdivision* , each commissioner shall serve until his successor is duly appointed and has qualified. Any vacancy in the office of a commissioner shall *immediately* be filled for the unexpired term , and in such case , or when the term of a commissioner expires , his successor shall be chosen in the same manner as was his predecessor, and his appointment shall be evidenced in the same manner.

Sec. 12. Minnesota Statutes 1971, Section 360.104, Subdivision 3, is amended to read:

Subd. 3. Within 30 days after the effective date of Laws 1943, Chapter 500, the commissioners shall be selected as provided in subdivision 1. The clerk, secretary, or other appropriate official of each appointing public body shall immediately thereafter file with the secretary of state a certified copy or copies of the *each* resolution or resolutions of such appointing body appointing commissioners from its own membership . At the same time The city clerk of each city , upon the election and qualification of each new mayor thereof, shall file with the secretary of state a certificate stating the *his* full name and address of the mayor of such city , and that such mayor has elected to act as a commissioner, or, in the event such mayor has appointed some other qualified voter in his place, shall file a certified copy of the order of the mayor appointing such commissioner. Such city clerk shall also file a certified copy of the record of appointment of the citizen commissioner. The governor shall file his appointment *appointments* in the same office. Each person selected as a commissioner shall thereupon file in the same office the oath of office prescribed by the State Constitution, Article V, Section 8, subscribed by him and certified by the officer administering the same.

Sec. 13. Minnesota Statutes 1971, Section 360.104, Subdivision 4, is amended to read:

Subd. 4. Should any of the said appointments not be made , or any certification of appointments or any certificate as to a mayor electing to act as a commissioner, or any oath of office, not be filed as required, all within the time limits specified herein *within 60*

days after the commencement of the term for which it is to be made, the governor shall ~~thereupon~~ upon the request of the chairman select and appoint such commissioners as have not been so designated. Any commissioner so appointed by the governor shall be a legal voter of the city, county, or precinct for which he was appointed. Upon his filing the oath of office required by subdivision 3, he shall have all the rights, privileges, and powers of a commissioner duly elected or appointed as provided herein in subdivision 2. If thereafter any vacancy in the office of a commissioner shall not be promptly filled, the governor may upon request of the chairman proceed as in this subdivision provided.

Sec. 14. Minnesota Statutes 1971, Section 360.106, Subdivision 5, is amended to read:

Subd. 5. The corporation shall have the power to appoint engineers and other consultants, attorneys, and such other officers, agents, and employees as it may see fit, who shall perform such duties and receive such compensation as the corporation may determine, and be removable at the pleasure of the corporation. *The corporation shall by July 1, 1974, adopt an affirmative action plan, which shall be submitted to the appropriate agency or office of the state for review and approval. The plan shall include a yearly progress report to the agency or office.* Officers and employees of the corporation who cannot qualify and participate in the municipal employees retirement fund under chapter 422, shall be separated from service at the retirement age applicable to officers or employees of the state of Minnesota in the classified service of the state civil service as provided in section 43.051, subdivision 1, or as the same may from time to time be amended, regardless of the provisions of the veteran's preference act. Whenever the corporation performs any work within the limits of a city of the first class, or establishes a minimum wage for skilled or unskilled labor in the specifications or any contract for work within one of the cities, the rate of pay to such skilled and unskilled labor shall be the prevailing rate of wage for such labor in that city.

Sec. 15. Minnesota Statutes 1971, Section 360.104, is amended by adding a subdivision to read:

Subd. 5a. [REGULAR AND SPECIAL MEETINGS.] *The commission shall meet regularly at least once each month, at such time and place as the commission shall by resolution designate. Special meetings may be held at any time upon the call of the chairman or any two other members, upon written notice sent by certified mail to each member at least three days prior to the meeting, or upon such other notice as the commission may by resolution provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Unless otherwise provided, any action within the authority of the commission may be taken by the affirmative vote of a majority of all the members. A majority of all of the members of the commission shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.*

Sec. 16. Minnesota Statutes 1971, Section 360.105, is amended by adding a subdivision to read:

Subd. 2a. [COMPENSATION.] Each commission member shall be paid a per diem compensation of \$35 for each meeting and for such other services as are specifically authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive such compensation as the commission shall determine and shall be reimbursed for reasonable expenses to the same extent as a member.

Sec. 17. Minnesota Statutes 1971, Section 360.105, Subdivision 4, is amended to read:

Subd. 4. The removal of residence of any commissioner from the city or area from which he was appointed or otherwise selected as a representative shall operate as a resignation of his office. Any commissioner may be removed from office by the body or person appointing him, or by the governor, for misfeasance, malfeasance, or nonfeasance in office, upon written charges and after an opportunity to be heard in his defense.

Sec. 18. Minnesota Statutes 1971, Section 360.107, Subdivision 2, is amended to read:

Subd. 2. It may acquire by lease, purchase, gift, devise, or condemnation proceedings all necessary right, title, and interest in and to lands and personal property required for airports and all other real or personal property required for the purposes contemplated by Laws 1943, Chapter 500, either within or without the limits of the cities in and for which it is created within the metropolitan area, pay therefor out of funds obtained as hereinafter provided, and hold and dispose of the same, subject to the limitations and conditions herein prescribed. Title to any such property acquired by condemnation or purchase shall be in fee simple, absolute, unqualified in any way, but any such real or personal property or interest therein otherwise acquired may be so acquired or accepted subject to any condition which may be imposed thereon by the grantor or donor and agreed to by the corporation, not inconsistent with the proper use of the property by the corporation for the purposes herein provided. Any properties, real or personal, acquired, owned, leased, controlled, used, and occupied by the corporation for any of the purposes of Laws 1943, Chapter 500, are declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any of its political subdivisions. Nothing contained in Laws 1943, Chapter 500, or sections 360.101 through 360.144, shall be construed as exempting properties, real or personal, leased from the metropolitan airports commission to a tenant or lessee who is a private person, association, or corporation from assessments or taxes.

Sec. 19. Minnesota Statutes 1971, Section 360.107, Subdivision 15, is amended to read:

Subd. 15. Without limitation upon any other powers in Laws

1943, Chapter 500, granted, whether general or special, it may contract with any person for the use by such person of any property and facilities under its control, for such purposes, and to such an extent as will, in the opinion of the commissioners, further the interests of aeronautics in this state and particularly in and about the cities in and for which the corporation has been created *within the metropolitan area*, including, but without limitation, the right to lease any such property or facilities, or any part thereof, for a term not to exceed 99 years, to any person, the national government, or any foreign government, or any department of either, or to the state or any municipality; provided, however, that said corporation shall not have the authority to lease, in its entirety, any municipal airport taken over by it under the provisions of this act. Without intending hereby to limit the generality of the purposes aforementioned, it may contract with any person for the use of any property and facilities under its control, or lease the same as aforementioned, for motel, hotel and garage purposes, and for such other purposes as, in the opinion of the commissioners, are desirable to furnish goods, wares, services and accommodations to or for the passengers and other users of airports under the control of the corporation, provided however that nothing herein shall be interpreted to permit the sale of intoxicating liquor upon such property or facilities.

Sec. 20. Minnesota Statutes 1971, Section 360.107, Subdivision 17, is amended to read:

Subd. 17. (1) It may from time to time make, adopt and enforce such rules, regulations, and ordinances as it may find expedient or necessary for carrying into effect the purposes of this act, including those relating to the internal operation of the corporation and to the management of airports and the operation thereof owned or operated by it, subject to the conditions and limitations hereinafter set forth. Any person violating any such rule, regulation or ordinance shall be guilty of a misdemeanor.

(2) The prosecution may be in any municipal court sitting within either city, or before a municipal court or justice of the peace having jurisdiction over the place where the violation occurs. Every sheriff, constable, policeman, and other peace officer shall see that all rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders. The fines collected shall be paid into the treasury of the corporation, provided, however, that the corporation shall pay and there shall be first deducted and paid over to the office of the clerk of any municipal court processing and prosecuting violations such portion of such fines as shall be necessary to cover all costs and disbursements incurred in the matter of the processing and prosecuting of such violations in such court. All persons committed shall be received into any penal institution in the county in which the offense was committed. All persons shall take notice of such rules, regulations, and ordinances without pleading or proof of the same.

(3) As to rules, regulations and ordinances relating to the internal operation of the commission or to the management of airports or operation thereof, owned or operated by it, unless such

rule, regulation or ordinance affects substantial rights thereon, a public hearing need not be held.

(4) As to all other rules, regulations or ordinances where deemed immediately necessary by the corporation, it may adopt and put the same into effect, but it shall within 30 days thereafter hold a public hearing thereon, after giving at least 15 days notice thereof by publication in a legal newspaper in each of the cities of Minneapolis and St. Paul, mailing a copy thereof at least 15 days prior to the hearing to all interested parties who have registered their names with the corporation for that purpose. As to all such other rules, regulations, or ordinances which the corporation does not deem immediately necessary, the corporation shall hold a public hearing thereon following the giving of at least 15 days notice thereof by publication and mailing as aforesaid, and such rules, regulations, or ordinances shall not be adopted and put into effect until after said hearing.

(5) ~~Not later than 90 days after the date on which this amendatory act becomes effective the corporation shall prepare and file with the secretary of state its rules, regulations, and ordinances in effect at the time of the passage of this amendatory act, not theretofore filed with the secretary of state, and as to rules, regulations and ordinances adopted hereafter, said~~ *From and after January 1, 1975, notice of the adoption of rules, regulations and ordinances ; before going into force and effect, shall, within 20 days as soon as possible after the adoption thereof, be published in a legal newspaper of general circulation in each of the cities of Minneapolis and St. Paul the metropolitan area and filed with proof of such publication shall be filed with the secretary of state . Upon such filing with the secretary of state , together with a copy of the rule, regulation , or ordinance, as the case may be, which shall thenceforth be in full force and effect.*

(6) Any person substantially interested or affected in his rights as to person or property by a rule, regulation or ordinance adopted by the corporation, may petition the corporation for a reconsideration of such rule, regulation or ordinance, or for an amendment, modification or waiver thereof. Such petition shall set forth a clear statement of the facts and grounds upon which reconsideration, amendment, modification or waiver is sought. The corporation shall grant the petitioner a public hearing within 30 days after the filing of said petition.

Sec. 21. Minnesota Statutes 1971, Section 360.108, Subdivision 5, is amended to read:

Subd. 5. Thirty days after the submission of the findings and proposed plans provided for in this section, public hearings, of which two weeks published notice shall be given by the corporation, shall be held in the cities involved, by the corporation. After such hearings the corporation shall adopt and file with the governor and the city councils and boards or commissions having jurisdiction of airports of the cities, a permanent plan of operation, which shall be subject to such additions, revisions and modifications as may from time to time seem to the corporation to be

proper and best calculated to carry out the purposes of Laws 1943, Chapter 500, as amended; provided that when a material change in such plan is proposed by the corporation, there shall be public hearings of which two weeks' published notice shall be given by the corporation. Any plans adopted by the commission pursuant to this section after January 1, 1975, shall be consistent with the development guide of the metropolitan council.

Sec. 22. Minnesota Statutes 1971, Section 360.109, Subdivision 1, is amended to read:

360.109 [EXERCISE OF POWERS.] Subdivision 1. Immediately after the adoption and filing of its permanent plan of operation, the corporation shall proceed to exercise the powers herein granted. These powers may be exercised at any place within 25 either 35 miles of the city hall of either city, or within the metropolitan area, except as limited by section 360.111 as amended.

Sec. 23. Minnesota Statutes 1971, Section 360.109, is amended by adding a subdivision to read:

Subd. 5. *The investment of the cities of Minneapolis and St. Paul in the metropolitan airports system, from the date of the original enactment of this section to January 1, 1973, includes the land comprising airports owned by them and taken over pursuant to subdivision 2, and taxes levied on property within the cities in the years 1944 to 1969, the proceeds of which, together with revenues of the system and federal funds, were expended for the operation, administration, maintenance, improvement, and extension of the system and the service of debt incurred for such improvement and extension, including improvement of the city lands. The aggregate amount of such taxes was \$19,816,873, of which \$7,294,022 would have been assessed and extended against property outside the cities if the entire metropolitan area, which will be taxable by the corporation in 1974 and subsequent years under section 360.114, as amended, had been within its taxing jurisdiction when those levies were made. If it should become necessary for the corporation to levy any such taxes for any purpose other than the payment of bonds and interest, they shall be extended and assessed exclusively against taxable property outside the cities until the total amount so assessed and extended equals \$7,294,022, with interest from April 1, 1974, at the rate of six percent per annum on the unpaid balance. In the event that the airport land owned by either city should no longer be used for airport purposes, the corporation's control thereof shall cease, and title to the land and all improvements shall be and remain in the city, but the city shall become liable to the corporation for the repayment, without interest, of an amount of the taxes so paid which is proportionate to its own share of the cities' original investment, being 60 percent for Minneapolis and 40 percent for St. Paul. In the event that any other land or improvements owned or controlled by the corporation should ever cease to be used for airport purposes, all income therefrom and all proceeds received upon disposal thereof shall continue to be used for purposes of the metropolitan airports system, subject to federal laws and regulations governing such disposal; or if the operation of the system should ever be terminated, all such*

income and proceeds shall be distributed to the seven counties in the metropolitan area, in amounts proportionate to the assessed valuation of taxable property in each county at the time of such distribution.

Sec. 24. Minnesota Statutes 1971, Section 360.109, is amended by adding a subdivision to read:

Subd. 6. All capital projects of the commission requiring the expenditure of more than \$2,000,000 shall be submitted to the metropolitan council for review. No such project which has a significant effect on the orderly and economic development of the metropolitan area may be commenced without the approval of the metropolitan council.

Sec. 25. Minnesota Statutes 1971, Section 360.111, is amended to read:

360.111 [EXISTING AIRPORTS; CONTROL, JURISDICTION.] ~~After taking over operation and maintenance of the municipally owned airports, in accordance with the provisions of section 360.109, subdivision 2:~~ The corporation shall exercise control and jurisdiction over any other airport within 25 miles ~~of the city hall of either city~~ either 35 miles of the city hall of either city or within the metropolitan area. Control and jurisdiction of the corporation over any such other privately or publicly owned airport, ~~whether licensed and operating at the time of the passage of this act or hereafter established,~~ shall be limited to control and jurisdiction of the flight and traffic patterns of such airport in the interests of safety of the operation of any airport owned or operated by the corporation. No airport shall be acquired or operated within the metropolitan area ~~above set forth~~ without first securing the approval of the corporation, provided, however, such approval shall not be withheld except after notice to all interested parties and a public hearing held thereon, as provided in Minnesota Statutes 1945, Section 360.018, Subdivision 7, as amended by this act, and then only upon a finding by the corporation that the acquisition or operation of such airport would create a flight hazard to any airport or airports owned or operated by it. As to any airport once licensed with the approval of the corporation, approval of the continued operation of such airport shall at no time be withdrawn by the corporation except after notice to all interested parties, a public hearing had, and a finding by the corporation based on substantial evidence that the operation of such airport is inconsistent with the safety of flight to and from an airport owned or operated or presently to be or being constructed to be operated by the corporation, and then only after payment of just compensation to cover the loss sustained by reason of such withdrawal, such just compensation, if not arrived at by agreement, to be ascertained in the condemnation of said airport by the corporation under the power of eminent domain, the commission to institute the condemnation proceedings promptly and to pay in connection with the prosecution thereof all reasonable and necessary expenses incurred not only by it but also by the owner of such airport.

Sec. 26. Minnesota Statutes 1971, Section 360.113, Subdivision 1, is amended to read:

360.113 [PUBLIC AND GOVERNMENTAL PURPOSES.] Subdivision 1. It is hereby determined and declared that the purposes of Laws 1943, Chapter 500, Sections 360.101 to 360.144 are public and governmental ; and ; that the establishment development of airport systems, in the state of Minnesota, including the airport metropolitan airports system to be established by the corporation created by Laws 1943, Chapter 500, will promote be consistent with the airport chapter of the metropolitan council's development guide and promote the public safety and welfare of the state; and that the acquisition, construction, development, extension, maintenance, and operation of such airport systems are the system in such a manner as to assure the residents of the metropolitan area of the minimum environmental impact from air navigation and transportation, with provision for noise abatement, control or airport area land use, and other protective measures, is essential to the development of air navigation and transportation in and through this state, and are is necessary in order to assure the inclusion of this state in national and international systems of air transportation new being planned; that the airport systems to be developed under Laws 1943, Chapter 500, will benefit , benefits the people of the state as a whole, and will render renders a general public service ; that the establishment of such airport systems as soon as practicable is essential in order to make adequate provision for state and national defense that the development of such airport systems will provide , and provides employment and will reduce unemployment after the war , and will thereby aid in other ways and be is of great public economic benefit in post war readjustment .

Sec. 27. Minnesota Statutes 1971, Section 360.114, Subdivision 1, is amended to read:

360.114 [BUDGET.] Subdivision 1. Thereafter, The commissioner shall, on or before the first day of July of each year, prepare a detailed budget of the needs of the corporation for the next fiscal year, specifying separately in said budget the amounts to be expended for acquisition of property, construction, payments on bonded indebtedness, if any, operation, and maintenance, respectively, and shall certify the same on said date to the council of each city, together with a statement of the proportion of the budget to be provided by each city, determined as provided in section 360.113, subdivision 5. The council of each such city shall review the budget, and the commissioners, upon notice from any such city, shall hear objections to the budget and may, after hearing, modify or amend it, and shall give due notice to the cities of such modification or amendment. It shall be the duty of the council of each city in and for which the corporation is created to provide the funds necessary to meet its proportion of the total cost for acquisition of property, payment on bonded indebtedness, if any, construction, operation, and maintenance as finally certified by the commissioners, such funds to be raised by the tax levies, bond sales, or by other means within the authority of said

cities, and to pay the same over to the treasurer of the corporation in such amounts and at such times as he may require. Each city is authorized to issue and sell such bonds as may be necessary to meet its obligations under this section irrespective of any limitation in any home rule charter or special or general law, without a vote upon said question by the electors of said city, and bonds so determined to be issued and sold shall be issued and sold in the manner provided by section 360.113 and section 360.121 subject only to such changes as the commissioners may from time to time approve.

Sec. 28. Minnesota Statutes 1971, Section 360.114, Subdivision 2, is amended to read:

Subd. 2. If any such city shall fail to take the necessary action to provide the funds required by the corporation as in section 360.113 and this section provided, The commissioners shall on or before October 10th of each calendar year, certify to the county auditor of the each county in which the city so failing to comply shall be located, the amount determined by the commissioners to be raised by that city, and the metropolitan area the total amount to be raised by the commissioners during the next calendar year through taxation, and each county auditor shall extend and assess against all property in his county which is then taxable by the corporation for the purpose for which the levy is made under the provisions of section 360.109, subdivision 5, that sum which bears the same proportion to the total amount as the assessed valuation of such taxable property bears to the assessed valuation of all property in the metropolitan area which is then taxable by the corporation for the purpose for which the levy is made. The county auditor shall extend, spread, and include the same with and as a part of the general taxes for state, county, and municipal purposes, to be collected and enforced therewith, together with penalties and interest and costs, and the county treasurer, upon collection of the same, shall transfer the same to the treasurer of the corporation.

Sec. 29. Minnesota Statutes 1971, Section 360.114, Subdivision 3, is amended to read:

Subd. 3. In any budget certified by the commissioners, pursuant to any of the provisions of this section or of section 360.113, the amount included for operation and maintenance shall not exceed an amount which, when apportioned to the cities affected extended against the assessed valuation of property then taxable therefor under the provisions of section 360.109, subdivision 5, will require the payment by either city for those items of an amount greater than would be produced by a levy at the rate of one third of one mill upon the such assessed valuation of such city. Taxes levied by the corporation shall not affect the amount or rate of taxes which may be levied by any other local government unit within the metropolitan area under the provisions of any law or charter.

Sec. 30. Minnesota Statutes 1971, Section 360.116, is amended to read:

360.116 [LIMIT OF TAX LEVY.] The taxes levied against the

property of ~~each city~~ the metropolitan area in any one year shall not exceed *one third* of one mill upon the assessed valuation thereof, exclusive of the taxes it may be necessary to levy to pay the principal or interest on any bonds or indebtedness of said city issued by it under the provisions of Laws 1943, Chapter 500, and exclusive of any amounts required to pay the share of such city for payments on bonded indebtedness of the corporation provided for in Laws 1943, Chapter 500. The levy of taxes authorized in Laws 1943, Chapter 500, shall be in addition to the maximum rate allowed to be levied to defray the cost of government under the provisions of the charter of any city affected by Laws 1943, Chapter 500.

Sec. 31. Minnesota Statutes 1971, Chapter 360, is amended by adding a section to read:

[360.1161] *Notwithstanding the provisions of section 360.116 or any other provision of chapter 360, any tax levy required to be made to pay debt service on any bonds heretofore or hereafter issued by the commission shall not be restricted to the cities of Minneapolis and Saint Paul but shall be levied against all the taxable property in the metropolitan area in accordance with the provisions of section 32 of this act.*

Sec. 32. [360.120] [GENERAL OBLIGATION REVENUE FINANCING.] Subdivision 1. [SCOPE.] The Metropolitan Airports Commission shall have all the powers and duties set forth in this section, in addition to the powers granted and the duties imposed and notwithstanding any limitations of such powers set forth in any other law or city charter provision. These powers and duties are likewise granted to and imposed upon any successor public corporation, agency, or subdivision of the state in which the commission's property, rights, powers, obligations, and duties, or any of them, may in the future be vested by law.

Subd. 2. [BORROWING AUTHORIZATION.] No additional bonds shall be issued under the provisions of section 360.117, over and above the amount outstanding April 1, 1974. Except for refunding bonds and certificates of indebtedness, the amount of borrowing authorized by this section, over and above the amount of bonds of the commission outstanding July 1, 1974, is limited to \$20,000,000 until and unless this limitation is increased by law. The pledge of revenues of the commission to its debt service fund in lieu of the taxes otherwise required by section 360.117 to be assessed and extended shall be and remain a first charge on all current revenues of the commission to the extent required annually to cancel such taxes.

Subd. 3. [GENERAL OBLIGATION REVENUE BONDS.] Subject to the provisions of subdivision 2 the commission may issue bonds for the acquisition and betterment of airports and air navigation facilities, and for the refunding of such bonds and of certificates of indebtedness issued under subdivision 10, in the same manner and with the same powers and duties as a municipality under the provisions of chapter 475 except as otherwise provided in this section. The bonds shall be designated as general obligation revenue bonds, and shall be payable primarily from and secured under resolutions of the commission by an irrevocable pledge and appropriation of the revenues

to be derived from rates, fees, charges, and rentals to be imposed, maintained, and collected for all use, service, and availability of airport and air navigation facilities owned and to be owned or operated by the commission. They shall be further secured by the pledge of the full faith and credit of the commission, which shall be obligated to levy upon all taxable property within the metropolitan area a tax at such times and in such amounts, if any, as may be required to provide funds sufficient to pay all of the bonds and interest thereon when due and to maintain a reserve securing such payments in the manner and to the extent provided in this section. This tax, if ever required to be levied, shall not be subject to any limitation of rate or amount. The security afforded by this section extends equally and ratably to all general obligation revenue bonds of the commission, except that nothing herein shall prevent the commission from pledging current revenues from a particular facility or group of facilities first to the payment and security of bonds issued to finance such facilities.

Subd. 4. [DEBT SERVICE FUND.] The commission shall maintain permanently on its official books and records an account or accounts referred to herein collectively as the debt service fund, separate from all other funds and accounts, to record all receipts and disbursements of money for principal and interest payments on its bonds, and on certificates of indebtedness issued pursuant to subdivision 10. At or before the due date of each principal and interest payment on said bonds and certificates the treasurer shall remit from the debt service fund to the payment agent for the issue an amount sufficient for such payment, without further order from the commission. At or before the time of delivery of any series of bonds the commission shall withdraw from the proceeds thereof, or from revenues then on hand and available for the purpose, and shall deposit in the debt service fund such amount, if any, as may be required to establish in the fund a balance of cash and investments at least equal to the total amount of principal and interest then due and to become due on bonds of the commission to the end of the following year. The commission shall also deposit in the fund as needed and available, from revenues received in excess of budgeted current expenses of operation and maintenance of its property and of carrying on its business and activities, and in excess of amounts required to cancel taxes under subdivision 2, such amounts as shall be required to reimburse the fund for bond and certificate payments and to produce a balance of cash and investments therein by October 10 in each year at least equal to the total amount of principal and interest due and to become due on general obligation revenue bonds of the commission to the end of the following year. If the revenues are insufficient in any year to produce the required balance, then unless provision is made for restoring the deficiency in accordance with the provisions of subdivision 8, the commission shall levy and appropriate to the debt service fund, and certify to the county auditors of all counties in the metropolitan area, a tax in accordance with subdivision 3 in an amount at least five percent in excess of the deficiency. For the purpose of determining the balance in the debt service fund at any time, investments held therein shall be valued at the principal amount payable at maturity if they mature in the following year, or otherwise at market value

plus the amount of interest receivable thereon to the end of the following year.

Subd. 5. [RATES, FEES, CHARGES, AND RENTALS.] The commission shall be obligated to the holders of its bonds, and to the owners of all property subject to taxation for the payment thereof, to establish, revise from time to time, and collect rates, fees, charges, and rentals for all airport and air navigation facilities and service used by and made available to any person, firm, association, or corporation according to schedules such as to produce revenues at all times sufficient for the requirements of the debt service fund as provided in subdivision 4, and sufficient also to pay when due all expenses of operation and maintenance of the commission's property and of carrying on its business and activities in accordance with law. The payment of such rates, charges, fees, and rentals by any party for the use of any facility or service for any period, other than use permitted to the public generally, shall be secured by a lease or other agreement requiring such party to pay each year an amount sufficient to provide for the payment of a share of the principal and interest due during this period on all bonds of the commission, proportionate to the amount of such bonds issued to provide the facility or service and to the amount of use thereof assured to such party in comparison with others. If a tax is ever required to be levied for a debt service fund deficiency under the provisions of subdivision 4, the commission shall immediately take all action permitted by law and under its leases and other agreements to enforce the payment of rates, fees, charges, and rentals then due, and to raise the amounts thereof payable in the future to the extent required for conformity with subdivision 4 and for repayment of the deficiency with interest at six percent per annum.

Subd. 6. [REIMBURSEMENT OF DEBT SERVICE FUND DEFICIENCIES.] If a debt service fund deficiency tax is ever certified in accordance with subdivision 4, each county auditor shall extend it on the tax roll of his county in that proportion which the assessed valuation of taxable property within his county then bears to the assessed valuation of all taxable property within the metropolitan area, and shall certify to the commission the amount so extended. Thereafter the commission shall be obligated to repay to the treasurer of each county the amount extended upon its tax roll with interest at six percent per annum from the dates of payment of the deficiency tax to the commission to the date or dates of repayment. The commission shall certify to each county auditor the principal amount to be so paid to the county before October 10 in each subsequent year, and the county auditor shall reduce by this amount the taxes levied by the county which are to be extended upon its tax rolls then in preparation.

Subd. 7. [CONDITIONS.] Bond of the commission shall not be conditioned upon an election, but no bonds shall be issued at any time, except for refunding in the cases described in subdivision 8, unless the required balance in the debt service fund is first established in accordance with subdivision 4, and the commission determines on one of the bases described in this subdivision that the revenues to be received by it each year during the term of the

proposed issue will be at least sufficient to pay when due all of the commission's bonds and interest thereon, including the new issue but excluding any bonds refunded thereby, and to establish the balance required in the debt service fund by October 10. Before the bonds are delivered to the purchaser, the commission shall secure either:

(a) A report of audit of the commission's financial records for the fiscal year most recently ended or, if this is not yet available, a report for the preceding year, prepared by a nationally recognized firm of certified public accountants, showing that the net revenues received that year, computed as the gross receipts less any refunds of rates, fees, charges, and rentals for airport and air navigation facilities and service, less the aggregate amount of current expenses, paid or accrued, of operation and maintenance of property and carrying on the commission's business and activities, equaled or exceeded the maximum amount of then outstanding bonds of the commission and interest thereon to become due in any future fiscal year; or

(b) A lease or other agreement or agreements for the operation or use by one or more airline corporations of the facility for which the bonds are proposed to be issued, requiring such corporation or corporations to pay all costs of operation and maintenance thereof and to pay additional rentals or charges at the times and in not less than the amounts required to pay all of the bonds and interest thereon when due and to establish the annual balance required in the debt service fund to secure such payments, together with a report of audit showing net revenues fulfilling the condition in clause (a) as to all other bonds then outstanding or then to be issued; or

(c) A written report prepared by a nationally recognized consultant on airport management and financing, projecting gross receipts, current expenses, and net revenues at least sufficient during each year of the term of the proposed bonds to pay all principal and interest due on all bonds and to establish and maintain the required annual debt service fund balance, and stating the estimates of air traffic, rate increases, inflation, and other factors on which the projection is based.

Subd. 8. [REFUNDING DEFICIENCIES.] If in any year the revenues available for transfer to the debt service fund are or will in the judgment of the commission be insufficient to produce the balance required thereon on October 10 under the provisions of subdivision 4, or to make any interest or principal payment due on certificates of indebtedness issued under the provisions of subdivision 10, the commission may, with the approval of the council, issue refunding bonds and appropriate the proceeds to the debt service fund in the amount needed to restore the deficiency, provided that the refunding bonds shall not mature earlier than the date or dates when the commission estimates that the revenues from enforced or increased rates, fees, charges, and rentals will be sufficient to pay them and to meet all other requirements of the debt service fund as stated in subdivision 4.

Subd. 9. [ADDITIONAL TAXES.] Nothing herein shall prevent the commission from levying a tax not to exceed in any year one twentieth of one mill on the assessed valuation of taxable property within its taxing jurisdiction, over and above any levies found necessary for the debt service fund as authorized by section 360.116. Nothing herein shall prevent the levy and appropriation for purposes of the commission of any other tax on property or on any income, transaction, or privilege, when and if authorized by law. All collections of any taxes so levied shall be included in the revenues appropriated for the purposes referred to in this section, unless otherwise provided in the law authorizing such levies; but no covenant as to the continuance or as to the rate and amount of any such levy shall be made with the holders of the commission's bonds unless specifically authorized by law.

Subd. 10. [EMERGENCY BORROWING.] If in any budget year revenue receipts should from any unforeseen cause become insufficient to pay budgeted current expenses, or if a public emergency should necessitate expenditures in excess of revenues anticipated to meet the current budget, the commission may make an emergency appropriation sufficient to meet the deficiency and may authorize the issuance and sale of general obligation certificates of indebtedness in this amount, maturing not later than October 10 in the following budget year, at public or private sale and upon such other terms and conditions as the commission may determine. The principal of and interest on such certificates of indebtedness, unless paid from other revenues, shall be payable from the debt service fund.

Sec. 33. Minnesota Statutes 1971, Section 360.124, is amended by adding a subdivision to read:

Subd. 4. The metropolitan airports commission shall not initiate land acquisition for a new major airport without explicit authorization from the legislature.

Sec. 34. Minnesota Statutes 1971, Sections 360.104, Subdivisions 5 and 6; 360.105, Subdivisions 2 and 3; and 360.113, Subdivisions 2, 3, and 5; and 360.119 are repealed.

Sec. 35. [EFFECTIVE DATE.] This act is effective on the day following final enactment."

Further, strike the title and insert in lieu thereof the following:

"A bill for an act relating to the metropolitan airports commission; purposes; jurisdiction; definitions; membership and organization; taxing powers; land acquisition; amending Minnesota Statutes 1971, Sections 360.101; 360.102, Subdivisions 2, 3, 4, 5, 9, and by adding a subdivision; 360.103, Subdivisions 1 and 2; 360.104, Subdivisions 1, 2, 3, 4, and by adding a subdivision; 360.105, Subdivision 4, and by adding a subdivision; 360.106, Subdivision 5; 360.107, Subdivisions 2, 15, and 17; 360.108, Subdivision 5; 360.109, Subdivision 1, and by adding subdivisions; 360.111; 360.113, Subdivision 1; 360.114, Subdivisions 1, 2, and 3; 360.116; 360.124, by adding a subdivision; and Chapter 360, by adding a section; repealing Minnesota Statutes 1971, Sections 360.104, Subdivisions 5 and 6; 360.105, Subdivisions 2 and 3; and 360.113, Subdivisions 2, 3, and 5; 360.119."

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

House Conferees: (Signed) Bruce F. Vento, John J. Salchert, Robert C. Bell

Senate Conferees: (Signed) John C. Chenoweth, William G. Kirchner, Edward J. Gearty

Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on H. F. No. 3512 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 3512: A bill for an act relating to the metropolitan airports commission; purposes; jurisdiction; definitions; membership and organization; taxing powers; land acquisition; amending Minnesota Statutes 1971, Sections 360.101; 360.102, Subdivisions 2, 3, 4, 5, 9, and by adding a subdivision; 360.103, Subdivisions 1 and 2; 360.104, Subdivisions 1, 2, 3, 4, and by adding a subdivision; 360.105, Subdivision 4, and by adding a subdivision; 360.106, Subdivision 5; 360.107, Subdivisions 2, 15, and 17; 360.108, Subdivision 5; 360.109, Subdivision 1, and by adding subdivisions; 360.111; 360.113, Subdivision 1; 360.114, Subdivisions 1, 2, and 3; 360.116; 360.124, by adding a subdivision; and Chapter 360, by adding a section; repealing Minnesota Statutes 1971, Sections 360.104, Subdivisions 5 and 6; 360.105, Subdivisions 2 and 3; and 360.113, Subdivisions 2, 3, and 5; 360.119.

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 4, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, S.	North	Sillers
Arnold	Frederick	Kirchner	Novak	Spear
Berg	Gearty	Krieger	Ogdahl	Stassen
Bernhagen	Hansen, Baldy	Larson	Olhoft	Stokowski
Borden	Hansen, Mel	Laufenburger	Olson, A. G.	Tennessen
Chenoweth	Hanson, R.	Lewis	Olson, J. L.	Thorup
Chmielewski	Hughes	Lord	O'Neill	Ueland
Conzemius	Humphrey	McCutcheon	Patton	Wegener
Davies	Jensen	Milton	Renneke	Willet
Dunn	Josefson	Moe	Schaaf	

Messrs. Ashbach; Keefe, J.; Kowalczyk and Nelson 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. North moved that the vote whereby S. F. No. 3163, as amended by the Conference Committee, failed to pass the Senate and the vote

whereby the Conference Committee Report was adopted on March 28, 1974 be now reconsidered. The motion prevailed. So the votes were reconsidered.

Mr. North moved that, the Senate having reconsidered the vote whereby S. F. No. 3163 failed to pass and the vote whereby the recommendations of the Conference Committee Report were adopted on March 28, 1974, that S. F. No. 3163 be re-referred to the Conference Committee for further consideration. The 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 House File No. 530, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 530: A bill for an act relating to wild animals; designating timber wolves as big game animals and prescribing powers and duties of the commissioner of natural resources in relation thereto; amending Minnesota Statutes 1971, Section 97.40, Subdivision 8; 98.46, Subdivisions 2, 4 and 14; 99.25, Subdivision 7; 100.26, Subdivision 1; 100.27, Subdivision 9; and 100.29, Subdivision 14.

House File No. 530 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 530

A bill for an act relating to wild animals; designating timber wolves as big game animals and prescribing powers and duties of the commissioner of natural resources in relation thereto; amending Minnesota Statutes 1971, Section 97.40, Subdivision 8; 98.46, Subdivisions 2, 4 and 14; 99.25, Subdivision 7; 100.26, Subdivision 1; 100.27, Subdivision 9; and 100.29, Subdivision 14.

March 28, 1974

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

That the House accede to the Senate amendments.

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

House Conferees: (Signed) Bruce F. Vento, Willard M. Munger

Senate Conferees: (Signed) John C. Chenoweth, Roger Hanson, Norbert Arnold

Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on H. F. No. 530 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 530: A bill for an act relating to wild animals; providing for the management of threatened and endangered species of wild animals and prescribing powers and duties of the commissioner of natural resources in relation thereto; providing a penalty; amending Minnesota Statutes 1971, Sections 97.488; 98.46, Subdivision 14; 99.25, Subdivision 7; 100.26, Subdivision 1; and 100.29, Subdivision 14.

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 43 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kirchner	North	Sillers
Arnold	Gearty	Kowalczyk	Ogdahl	Stassen
Ashbach	Hansen, Mel	Larson	Olhoft	Tennessen
Berg	Hanson, R.	Laufenburger	Olson, A. G.	Thorup
Bernhagen	Hughes	Lord	Olson, H. D.	Ueland
Borden	Humphrey	McCutcheon	O'Neill	Wegener
Chenoweth	Jensen	Milton	Patton	Willet
Davies	Josefson	Moe	Renneke	
Dunn	Keefe, J.	Nelson	Schrom	

Those who voted in the negative were:

Chmielewski	Keefe, S.	Lewis	Novak	Spear
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3163

A bill for an act relating to the city of St. Paul; authorizing the issuance of licenses for the sale of intoxicating liquor at the old federal courts building.

March 28, 1974

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. 3163, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: (Signed) Robert D. North, Edward G. Novak, Bill McCutcheon

House Conferees: (Signed) Walter R. Hanson, Tony Bennett, Ray W. Faricy

Mr. North moved that the foregoing recommendations and Conference Committee Report on S. F. No. 3163 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 3163: A bill for an act relating to the city of St. Paul; authorizing the issuance of licenses for the sale of intoxicating liquor at the old federal courts building.

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 37 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kowalczyk	Nelson	Tenneszen
Arnold	Gearty	Krieger	North	Thorup
Berg	Hansen, Baldy	Larson	Ogdahl	Ueland
Chenoweth	Hansen, Mel	Laufenburger	Olson, A. G.	Wegener
Chmielewski	Hanson, R.	Lewis	Olson, H. D.	Willet
Conzemius	Hughes	Lord	Schaaf	
Davies	Humphrey	McCutcheon	Spear	
Dunn	Keefe, S.	Milton	Stokowski	

Those who voted in the negative were:

Bernhagen	Josefson	Moe	Olhoft	Renneke
Borden	Kirchner	Novak	Olson, J. L.	Schrom

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 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. 3308: A bill for an act creating a legislative commission to study and propose legislation relating to the problem of organized crime; appropriating money therefor.

Senate File No. 3308 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 1974

CONCURRENCE AND REPASSAGE

Mr. Borden moved that the Senate do now concur in the amendments by the House to S. F. No. 3308 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 3308 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 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kirchner	North	Sillers
Arnold	Gearity	Kowalczyk	Novak	Spear
Bang	Hansen, Baldy	Krieger	Ogdahl	Stassen
Berg	Hansen, Mel	Larson	Olhoft	Stokowski
Bernhagen	Hanson, R.	Laufenburger	Olson, A. G.	Tennesen
Borden	Hughes	Lewis	Olson, H. D.	Thorup
Chenoweth	Humphrey	Lord	Olson, J. L.	Ueland
Chmielewski	Jensen	McCutcheon	O'Neill	Willet
Davies	Josefson	Milton	Patton	
Dunn	Keefe, J.	Moe	Renneke	
Fitzsimons	Keefe, S.	Nelson	Schrom	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 15: A house concurrent resolution relating to the delivery of bills to the governor after final adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 28, 1974

House Concurrent Resolution No. 15: A house concurrent resolution relating to the delivery of bills to the governor after final adjournment.

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that on adjournment sine die of the 68th regular session

of the Legislature, bills shall be presented to the Governor in conformity with the provisions of this resolution and as follows:

(a) That the Speaker of the House of Representatives, the Chief Clerk of the House of Representatives, the President of the Senate, and the Secretary of the Senate shall certify and sign each bill in the same manner and upon the same certification as each bill is signed for presentation to the Governor prior to adjournment sine die, and each of those officers shall continue in his designated capacity during the three days following the date of final adjournment;

(b) That the Chief Clerk of the House of Representatives and the Secretary of the Senate in accordance with the rules of the respective bodies and under the supervision and direction of the standing Committee on Rules and Legislative Administration and the standing Committee on Rules and Administration shall carefully engross and enroll each bill and make delivery thereof to the Governor in the same manner as each bill is engrossed and enrolled and delivered to the Governor prior to the adjournment of the Legislature sine die;

(c) That the Revisor of Statutes shall continue to assist in all of the functions relating to the engrossment and enrollment of bills of the House of Representatives and of the Senate under the supervision of the Chief Clerk of the House of Representatives and the Secretary of the Senate in the same manner that his assistance was rendered prior to the adjournment of the Legislature sine die;

(d) That this concurrent resolution is enacted in accordance with the requirements of the Constitution, Article IV, Section 11; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives deliver a copy of this Resolution to the Governor, and the Secretary of State.

Mr. Conzemius moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

RECESS

Mr. Conzemius moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Conzemius moved that the Senate do now adjourn until 10:00 o'clock a. m., Friday, March 29, 1974. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.